

ZONING ORDINANCE

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**ARTICLE I
PURPOSE AND INTENT**

SECTION 1 PURPOSE AND TITLE

The zoning regulations and districts herein set forth have been made in accordance with the goals and policies articulated in the *East Greenwich Comprehensive Community Plan* [as amended] for the purpose of promoting the public health, safety, and general welfare of the town. They are designed to lessen congestion in the streets; to secure safety from fire, flood, panic and other dangers; to control nuclear and toxic wastes; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They are made with reasonable consideration, among other things, of the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of property and encouraging the most appropriate use of land throughout the town.

SECTION 2 AUTHORITY AND EFFECTIVENESS

- 2.1 *Authority:* The Zoning Ordinance of the Town of East Greenwich is adopted pursuant to the authority conferred by Rhode Island General Law Section 45-24-27, *et seq.*

- 2.2 *Effectiveness:* This ordinance shall take effect immediately upon passage. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

- 2.3 *Applicability:* No structure or land shall be used, and no structure shall be erected, enlarged or relocated, unless it conforms to the provisions of this ordinance. No lot shall be created unless it conforms to the provisions of this ordinance. Uses and structures lawfully existing on the effective date of this ordinance, however, which are non-conforming to the provisions of this ordinance shall be permitted to continue in existence.

SECTION 3 INTERPRETATION AND CONFLICT

- 3.1 *Interpretation:* When the provisions of this ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.

3.2 *Conflict:* The provisions of this ordinance are not intended to interfere with or abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any provision of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of land or building, or ordinance not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant, or other agreement between parties, except when this ordinance imposes a greater restriction, this ordinance shall control.

SECTION 4 SOVEREIGNTY

Notwithstanding any section to the contrary, use of land or buildings constructed by or on behalf of the United States of America, the State of Rhode Island and the Town of East Greenwich shall be exempted from the regulations contained herein.

SECTION 5 SEVERABILITY

If any provision of this ordinance or of any rule, regulation or determination made thereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the ordinance, 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 of sections of this ordinance shall not affect the validity of the remainder of the ordinance.

ARTICLE II ZONING DEFINITIONS

Words and phrases used in this ordinance shall have their plain and ordinary meaning unless otherwise specifically defined below or in other sections within this Zoning Ordinance. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

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

ABANDONMENT: Abandonment of a non-conforming use shall consist of some overt act, or failure to act, which would lead one to believe that the owner of the non-conforming use neither claims nor retains any interest in continuing the non-conforming use unless the owner can demonstrate an intent not to abandon the use. An involuntary interruption of a non-conforming use, such as by fire and natural catastrophe, does not

establish the intent to abandon the non-conforming use. However, if any non-conforming use is halted for a period of one (1) year, the owner of the non-conforming use will be presumed to have abandoned the non-conforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.

ACCESSORY APARTMENT: A second dwelling unit either in or added to an existing single-family detached dwelling for use as a complete, independent living facility. The accessory apartment provides for separate cooking, eating, sanitation, and sleeping facilities with a separate means of egress from the primary dwelling unit.

ACCESSORY FAMILY DWELLING UNIT: An accessory dwelling unit for the sole use of one (1) 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. (Yearly certification by the Building Official is required).

ACCESSORY STRUCTURE: A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

ACCESSORY USE: A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. Such accessory use is 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 ordinance shall be:

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

ALTERATION: Any change, addition, or modification in construction or occupancy of an existing structure.

AMUSEMENT GAMES: See ELECTRONIC AMUSEMENT GAMES.

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 the Town of East Greenwich Planning Director for development review, approval, or permitting purposes.

ASSISTED LIVING: A residential facility for four or more elderly persons within which are provided living and sleeping facilities, meal preparation and laundry and room cleaning services. Such facilities may provide for the transitional residency of elderly persons progressing from independent living to assisted living, including the care of memory impaired individuals where residents share common meals and may also include the provision of other services such as transportation for routine services.

AUTOMOBILE SALES: The use of any building, land area and other premise for the display and sale of new or used automobiles, panel trucks, vans, trailers or recreation vehicles and including any warranty or repair work and other repair conducted as an accessory use.

AUTOMOBILE GAS/SERVICE STATION: Any building, land area or other premises, or portions thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories; automotive and truck repair, rental, leasing and parking service to the general public. Further accessory and clearly secondary activities may include minor automobile repair and maintenance, car wash service and the sale of food and other convenience items.

AUTOMOBILE REPAIR FACILITY: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and/or similar equipment including paint, body and fender, brake and muffler, engines, batteries, tires, and transmission provided the activities, are conducted within a completely enclosed building

BED AND BREAKFAST HOME: An owner-occupied single-family house where short-term lodging rooms (guest rooms) with or without breakfast are provided for compensation.

BED AND BREAKFAST USE: A portion of an owner-occupied single-family house dedicated solely to the Bed and Breakfast Home operation, including, but not limited to, short term lodging rooms (guest rooms), bathrooms and common areas.

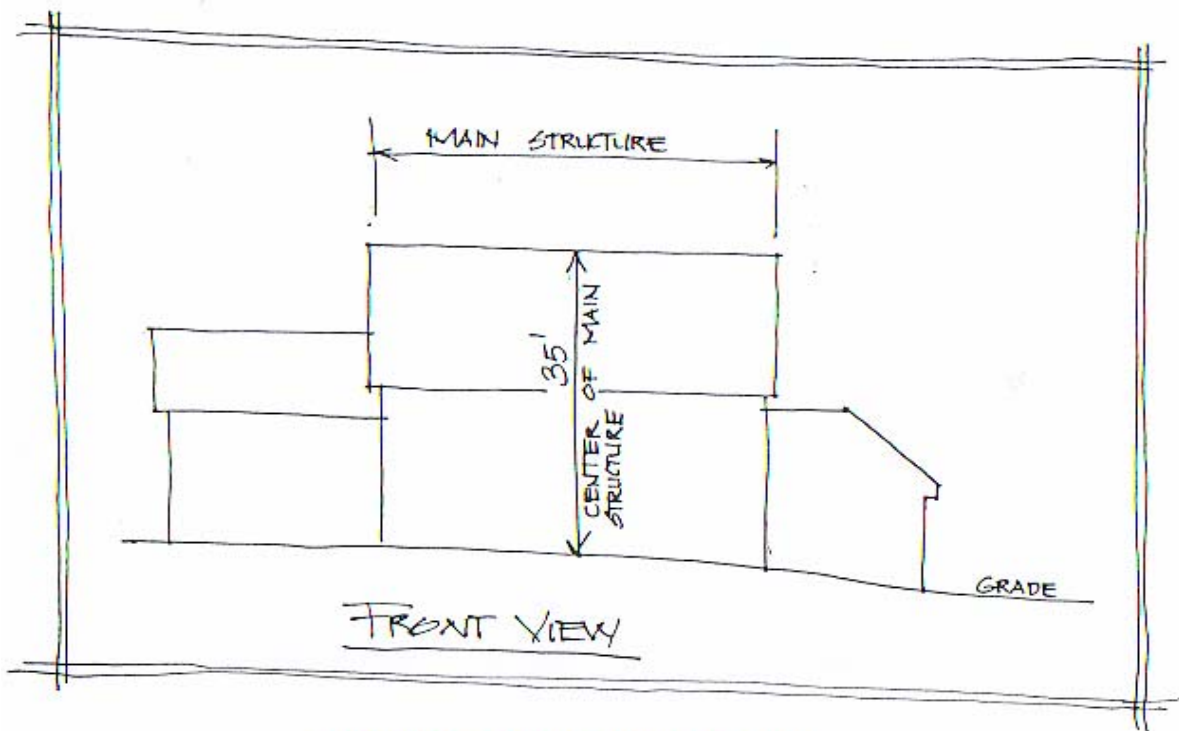
BUFFER: Land which is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way. A buffer may also include opaque fencing provided the fencing is adequate to prevent noise, glare and similar impacts from affecting surrounding property. Impervious or pervious areas used for parking shall not be considered buffers.

BOARDING: The keeping of animals other than your own for purposes of compensation.

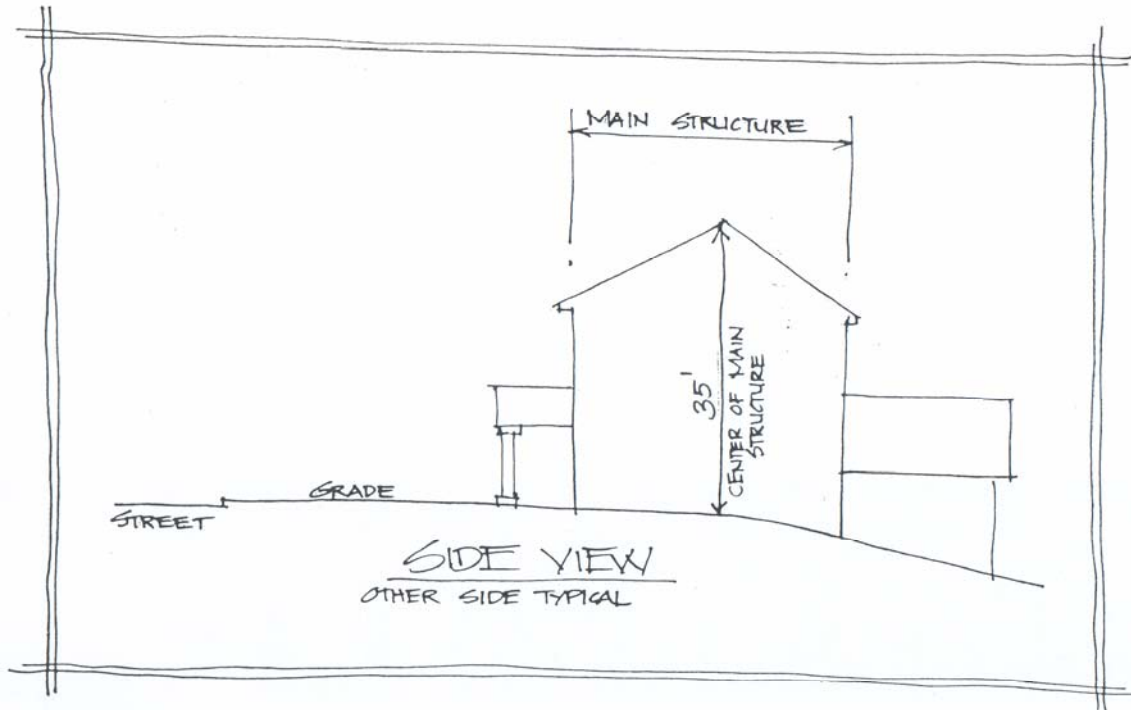
BUILDING: Any structure used or intended for supporting or sheltering any use or occupancy.

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. [See also buildable area].

BUILDING HEIGHT: The height of a building as measured from the average elevation of the finished grade at the foundation on the front and two sides of the structure to the highest point of the roof. On a lot where a property has two front setbacks, the height of a building shall be measured from the average elevation of the finished grade at the foundation on the two fronts and one side. The measurement shall be taken at the center of each elevation (refer to building height illustrations).



BUILDING HEIGHT ILLUSTRATION
To accompany the definition for Building Height



BUILDING HEIGHT ILLUSTRATION
To accompany the definition for Building Height

CAPACITY OF LAND: The ability of the land, as defined by geology, soil conditions, topography, and water resources, to support proposed development. Land capacity may be modified by provision of facilities and services.

CAPACITY OCCUPANCY: For places of public assembly, the following maximum capacities shall apply based on net floor area designated to the public:

Fixed Seats	1 person per 15 net square feet
Without Fixed Seats	1 person per 7 net square feet
Standing Room	1 person per 3 net square feet
Tables and Chairs	1 person per 15 square feet
Bars	1 person per 18 linear inches
Booths	1 person per 24 linear inches

CLUSTER: A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally, historically, or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the ordinance and may include, but are not limited to, reduction in lot areas, setback requirements and/or bulk

requirements with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development there is no increase in the number of lots that would be permitted under conventional development except where ordinance provisions include incentive bonuses for certain types or conditions of development.

COMMERCIAL PARKING LOT: A parking area privately owned and operated.

COMMERCIAL RECREATION: Amusement businesses including, but not limited to driving ranges, batting cages, go-carts and miniature golf.

COMMON OPEN SPACE: Land within or related to a cluster which is prohibited from development as identified in Article IX Section 5.4 of this ordinance. This land is designed and intended for the common use or enjoyment of the residents of the cluster subdivision of which it is a part. The common open space may include complementary structures that are necessary and/or appropriate as determined by this ordinance.

COMMON OWNERSHIP: Either (1) ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots, or (2) ownership by any association (such ownership may also include a municipality) of one or more lots under specific development techniques.

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:

- (a) Wherever six or fewer retarded children or adults reside in any type of residence in the community, as licensed by the State pursuant to Chapter 40.1-24 of Rhode Island General Laws. All requirements pertaining to local zoning are waived for these community residences by Rhode Island General Law.
- (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 Chapter 40.1-24.
- (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 Chapter 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 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.

COMPREHENSIVE PLAN: The comprehensive plan of East Greenwich, as may be amended, adopted and approved pursuant to Chapter 45-22.2 of the Rhode Island General Laws (RIGL) and to which any zoning adopted pursuant to chapter 45-24 shall be in compliance.

CONVENIENCE STORE: A retail operation for the sale of prepackaged goods, reading material, nonprescription drugs, and some food items.

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.

DENSITY, RESIDENTIAL: The number of dwelling units per unit of land.

DEVELOPMENT: The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure. This definition shall also include any mining, excavation, landfill or land disturbance activity, any change in use, or alteration or extension of the use of land.

DEVELOPMENT PLAN REVIEW: The process whereby authorized local officials review the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of the ordinance. [See also Subdivision and Land Development Ordinance.]

DISTRICT: See ZONING USE DISTRICT.

DRAINAGE SYSTEM: A system for 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 groundwaters and the prevention and/or alleviation of flooding.

DRIVE-THRU FACILITY: The provision of a service window where the customer remains in vehicle while being served. Typically found in conjunction with banks and restaurants.

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.

DUPLEX: A structure containing two [2] dwelling units, each of which is totally separated from the other by a single unpierced wall.

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owners of the property.

ELECTRIC POWER SUBSTATION: A structure designed to reduce the amount of volts of electricity passing through a particular conduit.

ELECTRONIC AMUSEMENT GAMES: Video games, arcade games and the like.

ENVIRONMENTAL DAMAGE: Any portion of land which has suffered damage due to the removal of vegetation, soil, wetlands and/or water bodies, or the existence of any hazardous materials underground.

EXTENDED CARE FACILITY: A long-term care facility or a distinct part of a facility licensed as a nursing home, infirmary unit of a home for the aged or a governmental medical institution. This shall include hospices.

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 part of the extractive activity.

FAMILY: See Household.

FARM, or FARMLAND: The legal production, keeping or maintenance, for sale, lease or personal use of plants and animals useful to people, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry

and poultry products; livestock, including any hooved animals and any animals not bred as household pets. Such animals may be kept and maintained for commercial production, sale or lease, and/or food education or recreation. Farm animals identified by these categories include: beef cattle, sheep, swine, horse, ponies, mules, chicken, turkeys chinchilla, or goats, or any mutations hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to soil conservation or forestry management program. This definition shall not be construed so as to prohibit the use of land for limited home gardening purposes. Farming does not include the boarding of animals.

FIXED ZONE: A land-use zone, the boundaries of which are clearly denoted on the zoning map and which serves as the underlying zone for any overlay zones or floating zones.

FLOATING ZONE: An unmapped zoning district adopted within the ordinance which is established on the zoning map only when an application for development, meeting the zone requirements is approved by the Town Council.

FLOODPLAINS or FLOOD HAZARD AREA: An area that has a one percent or greater chance of inundation in any given year, as delineated by federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L 90-448).

GOLF FACILITY: A recreation area/operation including a miniature golf course and/or a driving range but *not* including a traditional 9 or 18 hole golf course.

GROUNDWATER: Groundwater and associated terms as defined in section 46-13.1-3 of the Rhode Island General Laws.

HARDSHIP: See Article XIV, Administration and Procedures of the Zoning Board of Review.

HALFWAY HOUSES: 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 a functional member of society.

HEALTH/FITNESS CENTER: An indoor facility including uses such as game courts, exercise equipment, locker rooms, pool, Jacuzzi, sauna, and/or pro shop.

HEIGHT: See BUILDING HEIGHT.

HISTORIC DISTRICT: Specific divisions of the Town of East Greenwich as designated by the Historic Zoning Ordinance, Article XI, which shall act as overlay zones. An historic district may include one or more structures. [See also Article XI for definitions related to historic zoning.]

HOME OCCUPATION: Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

HOSPITAL: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

HOTEL: A structure designed, used or offered for residential occupancy for any period less than one (1) month, including motels, but not including hospitals or nursing homes. Such a structure may also include ancillary uses such as a restaurant, meeting rooms and theater/projection room[s].

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. An individual household shall consist of any one of the following:

- (a.) A family, which includes one or more persons related by blood, marriage or adoption and which may also include domestic employees living with the family.
- (b.) A person or group of no more than three unrelated persons living together.

HOUSEHOLD PETS: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include domestic dogs and domestic cats and may include other animals such as rabbits and caged birds. Such animals are to be kept for non-commercial family purposes. The keeping of all such pets shall comply with all relevant local laws pertaining to leashes and confinement, licensing, etc. and shall not constitute a public safety hazard or public nuisance.

HOUSE OF WORSHIP: An tax-exempt institution that people attend to participate in or hold religious services, meetings, and other activities related to the religion.

IMPROVEMENT: Any man-made, immovable item which becomes part of, place upon, or is affixed to, real estate.

IN-LAW APARTMENT: One bedroom apartment located within the principal structure for use by parent(s), in-law parent(s), or grandparent(s) of occupants(s) of principal residence. (Yearly certification by the building official is required.)

INFRASTRUCTURE: Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities including but not limited to sewer, gas, electric, cable, and water lines.

KENNEL: A shelter for or a place where four or more animals are bred, boarded and/or trained, whether for compensation or not.

LAND DEVELOPMENT AND SUBDIVISION ORDINANCE: A code requiring review and approval of subdivisions and site plans prior to construction and/or development.

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 planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as provided for in this ordinance.

LAUNDROMAT: A place where patrons wash, dry or dry-clean clothing and other fabrics in machines operated by the patron.

LIGHT INDUSTRY: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such projects, but excluding basic industrial processing which requires the use of 100% raw materials.

LIGHT INDUSTRIAL PARK: A park designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or covenants, conditions, and restrictions. The development may be on one parcel, may be subdivided, may have condominium ownerships, or a combination of these types.

LOT: Either (1) The basic development unit for determination of lot area, depth, and other dimensional regulations, or (2) 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.

CORNER LOT: Where a lot is abutted by two intersecting or intercepting streets. Such lots have two front yards, one at each street, two side yards, and no rear yard.

LOT AREA: The total area within the boundaries of a lot, excluding any street rights-of-way, usually reported in acres or square feet.

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 opposite lot line (typically the rear lot line). For lots where the front and opposite lot lines are not parallel, the lot depth is an average of the depth. Where the front lot line is a curved line, the distance measured from the midpoint of the curved radial to the opposite lot line shall constitute lot depth.

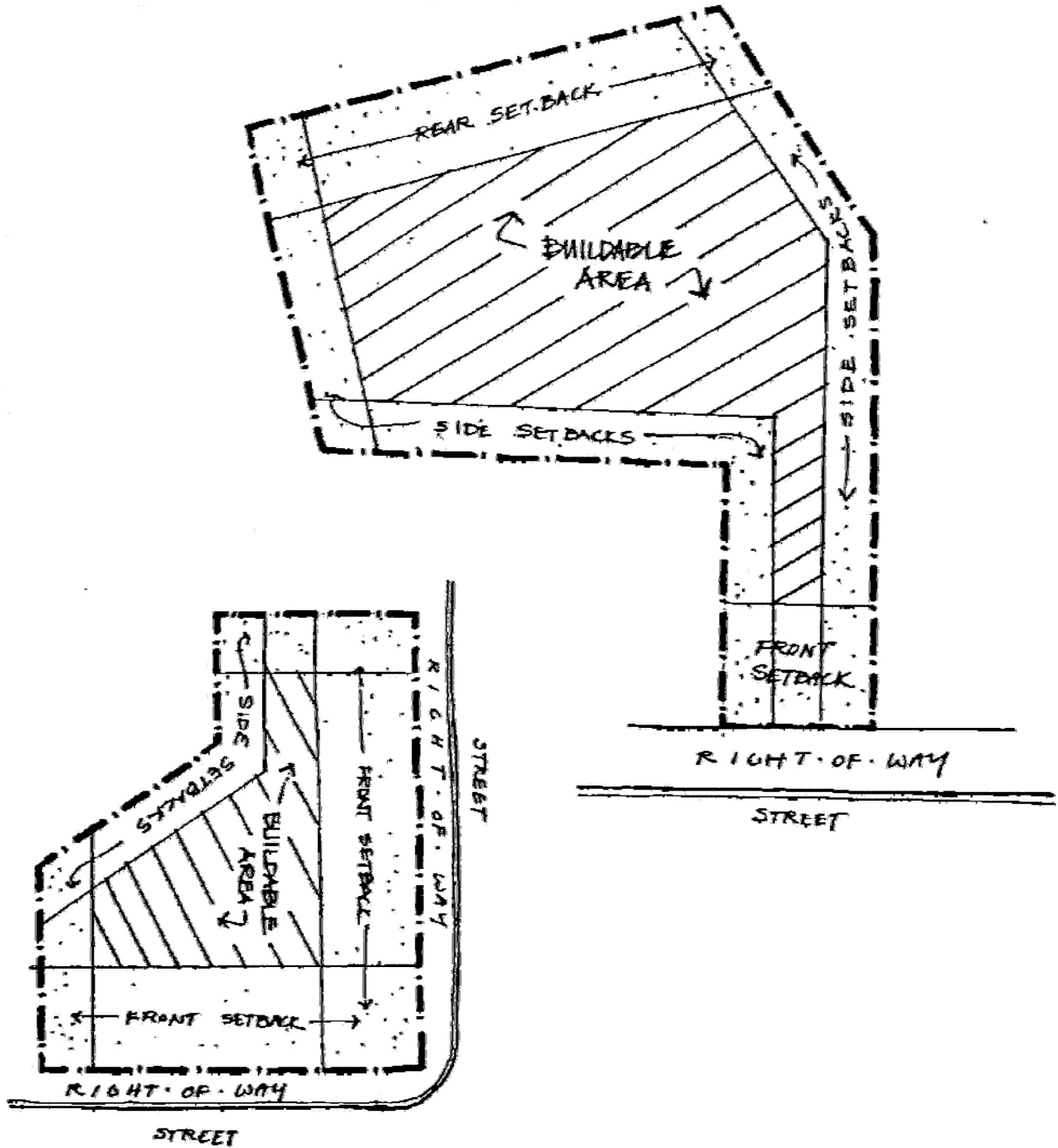
LOT FRONTAGE: That portion of a lot abutting a street that has been approved and accepted by the Town. Minimum frontage requirements shall be met by contiguous lot frontage.

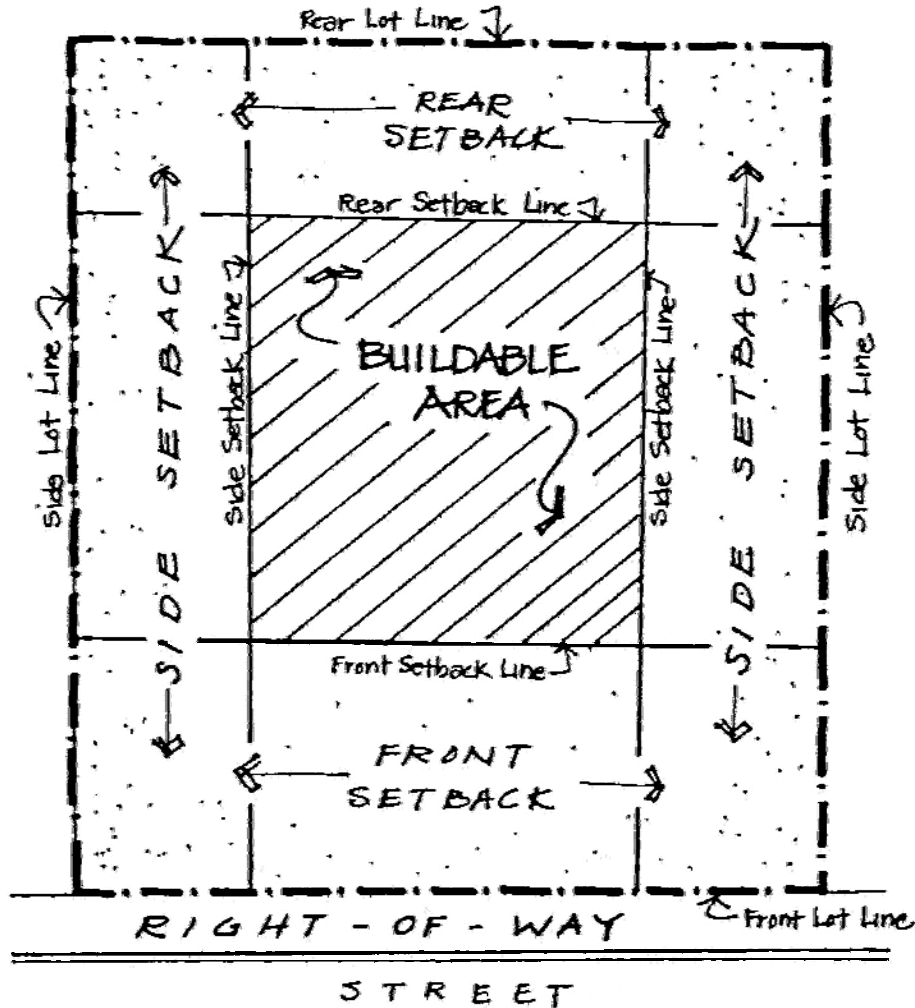
LOT LINE: A line of record, bounding a lot, which divides one lot from another lot or from a public or private street, or any other public or private space and shall include:

- (a.) Front: The lot line separating a lot from a street right-of-way. Lots fronting on more than one street right-of-way are considered to have more than one front lot line and no rear lot line.
- (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. Lots with more than one front lot line are considered to have no rear lot line.
- (c.) Side: Any lot line other than a front or rear lot line. A lot may have greater than two side lot lines.

LOT ILLUSTRATION

To accompany the definitions for Buildable Area,
Lot Lines and Setback Lines.





LOT, THROUGH: A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT, WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

MARINA: A facility for storing, servicing, fueling, berthing, and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews and guests.

MEDICAL WALK-IN FACILITY: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

MERE INCONVENIENCE: See Article XIV, Administration and Procedures of the

Zoning Board of Review.

MIXED USE: A mixture of land uses within a single development, building, or tract.

MORTUARY/FUNERAL HOME: Establishment in which the dead are prepared for burial or cremation. The facility may include a chapel for conduct of funeral services and space for funeral services, gatherings and/or display of funeral equipment.

MULTI-FAMILY DWELLING: A building intended and designed for residential occupancy by three or more families and not meeting the requirements for a multiple single family dwelling. The families shall live independently in separate dwelling units. And the number of families in occupancy shall not exceed the number of dwelling units provided.

MULTIPLE SINGLE FAMILY DWELLING: A building or portion thereof containing more than two dwellings units where each unit has an independent means of egress and is separated by a two hour fire separation assembly. Also called "attached single family dwellings"

NONCONFORMANCE: A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of a zoning 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 a zoning ordinance shall be nonconforming by use; or.
- (b) Nonconforming by Dimension: A building, structure or parcel of land not in compliance with the dimensional regulations of the zoning ordinance. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use; 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.

NUISANCE: A wrong arising from an unreasonable or unlawful use of property to the discomfort, annoyance, inconvenience or damage of another and usually consists of continuous or recurrent acts.

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

OFFICE PARK: A tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

OPEN SPACE: Land area not occupied by buildings, structures, parking areas, streets, alleys or required yards. May be devoted to landscape preservation of natural features, or recreation facilities and areas.

OVERLAY DISTRICT: A district established by this zoning ordinance that is superimposed on one or more districts or parts of districts and that imposes specified requirements in addition to but not less than those otherwise applicable for the underlying zone. These districts include, but are not limited to the Historic District, Aquifer/Wellhead District, Floodplain District and Cluster District.

PARKING LOT: Any outdoor space, plot, lot, parcel, yard or enclosure, or any portion thereof, where more than two (2) motor vehicles may be parked, stored, housed or kept. "Parking lot" includes but is not limited to the driving and parking areas of drive-thru restaurants, banks, gas stations, grocery stores, etc.. "Parking lot" shall also include town-owned and operated and/or leased off-street parking lots. [See also Article V Parking Ordinance.]

PERFORMANCE STANDARDS: A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

PERMITTED USE: A use by right which is specifically authorized in a particular zone.

PLANNED DEVELOPMENT: Land development project as defined elsewhere in this ordinance and developed according to plan(s) as a single entity and containing one or more structures and/or uses with appurtenant common areas.

PREAPPLICATION CONFERENCE: A review meeting of a proposed development held between applicants and reviewing agencies as permitted by law and municipal ordinance, before formal submission of an application for a permit or for development approval.

PRIVATE EDUCATION CENTER: A facility owned and operated by a federal and/or state approved not-for-profit organization or one which is operated for profit whose

purpose is systematic training and instruction designed to impart knowledge and develop skill. This facility may include schools operated by religious organizations.

RECREATION, COMMERCIAL: A place designed and equipped for the conduct of sports leisure time activities and other customary, usual recreational activities which is operated as a business and open to the public for a fee.

RESTAURANT: A retail establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises.

DRIVE-IN RESTAURANT: A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place outside the confines of the building, often in a motor vehicle on-site.

RETAIL COMMERCIAL: The sale of a product to the general public, not intended to be resold by others. May involve the sale of general retail goods and accessory services, and the storage of products for sale.

RIDING STABLE/HORSE BOARDING FACILITY: A building or land where horses are kept for remuneration, hire, or boarding. A minimum of one (1) acre of land per horse boarded on site is required.

RIGHT-OF-WAY: An area or strip of land, either public or private, occupied or intended to be occupied by a street, electric transmission line, gas line, water main, sanitary or storm sewer main, drainage course, or other special use.

ROOMING HOUSE: Any building which is used in whole or in part as a place where sleeping accommodations are furnished for hire or other consideration, with or without board, for not more than 20 guests or employees of the management, or where 10 or less sleeping rooms are maintained for such guests or employees. This term shall include tourist homes, lodging homes, convents, monasteries, and other non-profit and charitable institutions which have accommodations as stated, but shall not include private dwellings that accommodate habitational guests or employees, bed and breakfast establishments, apartment houses, hotels, convalescent homes, nursing homes, assisted living facilities, or homes for the aged.

SATELLITE DISH ANTENNA: A device or antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than four meters in diameter, while commercial dish antennas are usually those larger than four meters and typically used by broadcasting stations. The Town does not

exercise jurisdiction over the "mini-dishes" which are less than 39 inches in diameter except where they are to be installed within the Historic District or on an outlying historic property included in Article XI of this ordinance or where dish installation must be restricted based on safety issues.

SELF-STORAGE FACILITIES: Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property.

SETBACK LINE OR LINES: A line or lines parallel to a front, rear or side lot line[s] at the minimum distance prescribed within the zoning district in which the lot is located. Side setbacks will overlap with front and rear setbacks, [see Lot Illustration]. The area remaining represents the buildable area. [See also the definition for BUILDABLE AREA].

SIGN: See SIGN and other sign related terms defined in Article VII, Sign Ordinance.

SITE PLAN: A plan for one or more lots which shows the existing and/or the proposed conditions of the lot.

SPECIAL USE: A regulated use which is permitted pursuant to the approval of a Special-Use Permit issued by the Zoning Board of Review. Formerly referred to as a special exception.

STORAGE: Depositing articles (goods, wares, equipment or merchandise) for safekeeping or future use. Articles appurtenant for the residential use of a property are exempted from this definition. Also in order to constitute storage, articles must be left outdoors on a parcel for a period exceeding 30 days. Stored article shall not be permitted between the front lot line and the primary structure nor in any side or rear setback.

STREET: A public way established by or maintained under public authority.

STRUCTURE: Anything constructed or erected, whether requiring location on the ground or attachment having a location on the ground or any excavation for other than landscaping purposes or for installation of utilities or water lines, which excavation is done for the purpose of locating, erecting, or constructing anything.

SUBSTANDARD LOT OF RECORD: Any lot lawfully existing at the time of adoption or amendment of this zoning ordinance and not in conformance with the dimensional and/or area provisions of this ordinance. [See also Article IV Substandard Lots].

TEMPORARY SALES OR PROMOTION OFFICE: A use that is allowed until sale or completion of the final unit of an approved development.

TENT: A shelter of canvas or like material supported by poles and fastened to the ground. No tent exceeding 120 square feet shall be erected, operated, or used without permission from the Building Official and Fire Department. Permits for such tents shall be issued for a period not to exceed 30 days and shall be revocable for cause.

THEATER: A building or part of a building devoted to showing motion pictures or for dramatic, musical or live performances.

TOWNHOUSE: A single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two sides.

TRAILER STORAGE: Any portable structure or vehicle constructed on a chassis and self-propelled or designed to be drawn by vehicles which notwithstanding the removal of wheels or any other alteration shall remain a trailer for purposes expressed here. No person may locate a trailer for storage without first obtaining a permit from the Building Official. Such permit may be issued for a period not to exceed 30 days but may be renewed once provided there has been no violation of State Law or Town Ordinance. No more than one trailer shall be permitted on a lot and such trailers must meet the accessory structure setback requirements of the relevant zone. Such trailers shall be permitted in industrial zones only. Construction storage trailers used coincidental with on going permitted construction may be exempted from these requirements for the duration of the construction project only.

TRANSMISSION TOWERS: A structure designed to aid in the transmission of radio and/or electrical impulses for the purposes of communication (i.e. for mobile phones, radio, tv, etc.).

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.

USEABLE OPEN SPACE: Useable open space shall be defined as space which is effectively separated from automobile traffic and parking and is an integral part of the cluster development. The term shall not include:

- 1) Space devoted to streets, driveways, parking, walkways, sidewalks, accessory uses or structures, wetlands, wetland buffers, or water bodies;
- 2) Any land area required to be left unaltered by reason of a pre-existing

legally enforceable covenant, easement or restriction which runs with the land.

VARIANCE: Permission to depart from the literal requirements of this zoning ordinance as granted by the Zoning Board of Review. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by a zoning ordinance. There shall be only two categories of variance, a use variance or a dimensional variance. (See also Article XIV, Administration and Procedures of the Zoning Board of Review.)

- (a) Use Variance. Permission to depart from the use requirements of a zoning 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 the zoning ordinance.
- (b) Dimensional Variance. Permission to depart from the dimensional requirements of a zoning ordinance, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use 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.

WAREHOUSE: A building used primarily for the storage and/or distribution of goods and materials.

WATERS: As defined in section 46-12-1(v), Rhode Island General Laws, as may be amended.

WETLAND, COASTAL: A salt marsh bordering on the tidal waters of this state and contiguous uplands extending no more than fifty (50) yards inland there from as defined in Section 2-1-14, Rhode Island General Laws, as may be amended.

WETLAND, FRESHWATER: A marsh, swamp, bog, pond, river, river or stream flood plain or bank, area subject to flooding or storm flowage, emergent or submergent plant community in any body of fresh water, or area within fifty feet of the edge of a bog, marsh, swamp, or pond, as defined in Section 2-1-20, Rhode Island General Laws, as may be amended.

WHOLESALE COMMERCIAL: The sale of a product, in large quantities, from a

manufacturing or warehousing facility to be retained by others.

YARDS: See definitions for LOT LINE and SETBACK LINES.

ZONING ADMINISTRATOR: The department or individual designated to assist the Zoning Board of Review with the review and administration of applications for zoning ordinance relief and special use permits.

ZONING CERTIFICATE: A document signed by the zoning enforcement officer which states whether or not a use, structure, building or lot either complies with or is legally non-conforming to the provisions of this Zoning Ordinance or whether or not it is an authorized variance or modification therefrom.

ZONING ENFORCEMENT OFFICER: The individual designated by the Town Manager to interpret and enforce compliance with the Zoning Ordinance.

ZONING MAP: The map or maps which are a part of the zoning ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the town and adopted as part of this ordinance.

ZONING USE DISTRICTS: The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use.

ARTICLE III ZONING DISTRICTS

SECTION I DISTRICTS ESTABLISHED

For the purpose of this chapter, the Town of East Greenwich is divided into the following fixed zoning districts, as shown on the Zoning Maps filed in the office of the Town Clerk and entitled East Greenwich Zoning Map and dated (July 25, 2000) and further described below:

Residential District (R-4) 4,000 square feet. This district is designed to provide very high density residential multi-family and affordable housing development. A minimum of ten percent and a maximum of 20 percent of the units in an R-4 development shall be for low- and moderate-income persons as defined by the state or federal government providing the subsidy for the housing and shall meet the requirements of the Rhode Island Low- and Moderate-Income Housing Act, RIGL45-53, as amended.

Residential District (R-6) 6,000 square feet. This district is designed to provide for high density residential development within the town.

Residential District (R-10) 10,000 square feet. This district is designed to provide for medium-high density residential development within the town.

Residential District (R-20) 20,000 square feet. This district is designed to provide for medium density residential development within the town.

Residential District (R-30) 30,000 square feet. This district is designed to provide for medium-low density residential development within the Town.

Farming District (F/F-1) 1 acre. This district is designed to preserve existing farmland and provide low density residential development within the town.

Farming District (F-2) 2 acres. This district is designed to preserve farmland and open space, and provide for very low density residential development within the Town.

Commercial Downtown One District (CD/CD-1). This zone is designed to provide multiple uses on Main Street properties between Division Street and First Avenue/Rocky Hollow Road to promote active use of East Greenwich's downtown area by residents, shoppers and service use clients and to provide vehicle and pedestrian safety. This district emphasizes first floor (street level) uses which promote and encourage pedestrian activity and stops at more than one business.

Commercial Downtown Two District (CD-2). This zone is designed to provide multiple uses on Main Street properties between First Avenue/Rocky Hollow Road and Cedar Avenue/Forge Road to provide a transition between the high density Commercial Downtown (CD-1) District and the CH Districts.

Commercial Highway District (CH). The purpose of this district is to provide for those uses which generate a high amount of vehicular traffic in a manner that is safe and efficient.

Waterfront District (W). The purpose of this district is to provide for water dependent and water related uses along Greenwich Cove, and to limit other uses. The Town of East Greenwich has little waterfront land and only by recognizing this can the Town best utilize this limited resource.

Light Industry and Office District (M/LIO). The purpose of this district is to provide low density, low impact industrial and office park development primarily along the Route 2/South County Trail corridor and retain that district's farming and scenic qualities.

Planned Development (PD). A designation which allows for residential land uses through environmentally sensitive design. It would provide for residential development on a single parcel, for example, a townhouse design.

Mixed Use Planned Development (MUPD). A designation which allows for multiple uses on one parcel. It is offered as a development option as an encouragement to construct and develop low density commercial uses to off-set the tax burden of higher density residential units. Low and moderate income residential units are particularly encouraged in an MUPD.

Rocky Hill Fairgrounds (RHF). The purpose of this district is to provide low density, low impact, light industry, office park, multi-single family and multi-family park development located within 4,000 feet of an interstate highway having frontage on two or more public roads and having ingress and egress to a state highway, serviced by public sewer, gas, water, and electricity, containing not less than seventy (70) acres in the initial zone designation, which seventy (70) acres may be subsequently subdivided into parcels containing less than seventy (70) acres.

SECTION 2 GENERAL REGULATIONS

The following regulations shall be applicable to all zones unless otherwise indicated:

- 2.1 Where residential structures are permitted, only one residential structure shall be located on a lot.
- 2.2 For all new residential construction, the maximum bottom of the foundation elevation of the principal structure shall be two (2) feet above the proven wet season high water table. A site plan submitted as part of the building permit application shall note this relationship.
- 2.3 Ordinary projections of window sills, cornices and other structural features may not extend more than twelve (12) inches into the space above a required setback.

- 2.4 On a street in a residential zone in which 25 percent or more of the frontage is improved with buildings, the front setback for a building hereafter erected may extend to the average alignment of such existing buildings on the same side of the street instead of as provided for in Article III, Table 3-2 of this Ordinance except that no buildings shall have a front setback of less than 10 feet.
- 2.5 The Zoning Board of Review may by Special Use Permit grant relief from the dimensional and intensity regulations of this ordinance for any use it authorizes by Special Use Permit.
- 2.6 Accessory structures, swimming pools and/or tennis courts shall only be permitted in rear yards in the building envelope and shall not fall within any required side or front setbacks. Such structures may be no closer than 10 feet from the rear lot line in the R30, F1 and F2 zones, and no closer than 5 feet in the R20, R10, R6 and W zones. On corner lots where no rear yard or rear lot line is present, accessory structures may be permitted to be sited within the side setback subject to the limitations as noted above.
- 2.7 No wall, fence, structure, vehicle, tree, shrub or other growth on the property shall so obstruct the view as to cause a hazard to traffic in the street nor shall it cause pedestrians to walk in the street where a sidewalk or road shoulder would otherwise be available. At street intersections, no structure shall be erected and no vegetation shall be planted or maintained in the space between the heights of 2.5 feet and 10 feet above the triangle formed by the street lines and a third line joining points on the street lines 15 feet from the intersection.
- 2.8 Development of the lot shall provide no increase in stormwater runoff quantity, or reduce the quality of the runoff, from the lot. Where additional runoff cannot be retained on site, applicant shall demonstrate to the Department of Public Works that the existing public drainage Systems are capable of transporting the increased runoff
- 2.9 Where permitted, commercial uses shall be buffered from adjacent residential uses through landscaping and/or screening as further defined in Article VI. When a lot in an LI/O or CH Zone is situated on the opposite side of the street from, or is bounded by property zoned for residential use, a buffer strip not less than 100 feet in width shall be provided on each side of such lot which is situated on the opposite side of the street from, or which bounds, property zoned for residential use. Each such buffer strip

shall be maintained in its natural state, or shall be planted with evergreen trees, or shall be made to contain other opaque screening.

- 2.10 Where permitted, outside storage and dumpsters shall be enclosed and buffered from adjacent properties [including rights-of-way] as may be further defined in Article VI. The owner or operator of any commercial establishment which receives a license or permit from the Town Council and where swill, garbage or refuse accumulates shall provide at such establishment a covered container, which does not leak, for the deposit of all swill, garbage and refuse. The container shall have a cover, which shall be fully closed at all times except when refuse is deposited or removed. No excess refuse may protrude from said container. If deemed necessary and feasible by the Building Official, all containers shall be placed on either a concrete or asphalt pad with an adequate water supply and drainage available for washing the container and the pad.

Unless the Building Official determines that it is not feasible, any container which is visible from the street and which holds perishable food waste shall be located within an opaque fenced area which fence must be at least one foot higher than the highest point of the container on three sides. The fourth side shall have a properly hinged access door, which shall be kept closed at all times except for the depositing or removal of refuse. All containers holding perishable food waste shall be located more than thirty feet from the nearest residence unless the Building Official determines it is not feasible to do so.

- 2.11 Curb cuts shall require approval by the Director of Public Works. Only one curb cut for vehicle access to a parcel shall be provided from each street frontage. Gas stations shall be permitted two curb cuts along a single frontage and one curb cut along a second frontage, for a maximum of three curb cuts.
- 2.12 Where the rear of a property falls along Greenwich Cove, the rear setback shall be used for a combination of landscaping and boardwalk along waterfront properties. The rear setback shall not be covered with an impervious surface, but shall allow for natural infiltration in order to protect the water quality of the Cove.
- 2.13 Fences and walls not exceeding ten [10] feet in height in the LI/O zone and seven [7] feet in all remaining zones may be constructed. Fencing for tennis courts may exceed the seven foot maximum but must be no greater than 12

feet around the playing surface of the court.

- 2.14 It shall be the policy of the Town of East Greenwich that high voltage transmission lines should be sited so as to reduce the risk of electromagnetic field exposure to the lowest possible level obtainable by existing technology. Since the siting of such lines is within the jurisdiction of the Energy Facility Siting Board (EFSB), the Town shall actively participate in the EFSB review process and Town agencies rendering advisory opinions to the EFSB shall urge that said transmission lines be regulated in accordance with the Town's policy.
- 2.15 Private streets shall be prohibited.

SECTION 3 USES AND ZONES

- 3.1 The following uses shall be allowed as outright permitted uses and shall be allowed in all zones unless otherwise indicated:
- (a) Off- Street Parking
 - (b) Signs [as provided for in Article VII]
 - (c) Notwithstanding any other provision of this ordinance, the following uses are permitted uses within all residential zoning use districts of a municipality and all industrial and commercial zoning use districts except where residential use is prohibited for public health or safety reasons:
 - (1) Households;
 - (2) Community residences;
 - (3) Family day care homes.
 - (d) Any time a building or other structure used for residential purposes, or a portion of a building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated and otherwise made fit for occupancy. The property owner, or a properly designated agent of the owner, is only allowed

to cause the mobile and manufactured home or homes to remain temporarily upon the land by making timely application to the local building official for the purposes of obtaining the necessary permits to repair or rebuild the structure.

- (e) Notwithstanding any other provision of this chapter, appropriate access for people with disabilities to residential structures is allowed as a reasonable accommodation for any person(s) residing, or intending to reside, in the residential structure.

3.2 The following uses shall be permitted as accessory uses in all zones and within the provisions of this ordinance unless otherwise indicated:

- (a) The keeping of animals for pets for enjoyment associated with the following uses: residential or educational [as with a museum, learning center, environmental facility, etc.]. Such pets must be consistent with the definition in Article II of this Ordinance.
- (b) Licensed Family Day Care in the home.

A temporary sales or promotion office in connection with adjacent construction. Such office may be located in a trailer. For these purposes, "temporary" is considered to be one year. Renewal of this allowance shall be made by application to the Building Official and shall be granted in accordance with the original terms upon demonstrated need by the applicant.

The storage of building materials and equipment incidental to on-site construction.

The storage and/or parking of inspected, registered vehicles, owned or used by a person residing on the premises which are physically capable of being operated on a public roadway.

The storage and/or parking of a maximum of one inspected, commercially registered vehicle with a maximum capacity of two tons or gross vehicle weight of 10,000 pounds or less and has no more than two axles, owned or used by a person residing on the premises and which is physically capable of being operated on a public roadway. Storage of unregistered vehicles is not permitted.

(g) The parking and storage of major recreation equipment, which includes travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats, boat trailers and similar equipment, but does not include mobile homes or storage trailers, in residential districts must comply with the following regulations:

1. Not more than one travel trailer, pickup camper or coach, motorized dwelling, tent trailer, or boat trailer may be parked or stored.
2. Not more than one boat or other water craft may be stored.
3. No major recreation equipment, while parked or stored, shall be used for living, sleeping or housekeeping purposes.
4. Storage of major recreation equipment must meet all setback requirements for the district therein located.
5. No major recreation equipment shall be stored out of doors in residential districts unless it is condition for safe and effective performance of the function for which it was intended.

3.3 The following uses shall be "allowed by special use permit" in all districts provided such use is first approved of by the East Greenwich Zoning Board of Review as defined in Article XIV. Uses which may be permitted under the "special use" heading include:

Houses of Worship

Accessory Family Dwelling Units (In-Law Apartment)

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3.4 Table of permitted uses.

PERMITTED USES BY ZONE
Table #3-1

Y = The Use is Permitted **N = The Use is Not Permitted**
S = The Use is Permitted by a Special Use Permit Only
A = The Use is Permitted as an Accessory Use only

	R4 ¹	R6 ¹	R10 ¹	R20 ¹	R30 ¹	F/ F1 ¹	F2 ¹	W ⁷	M/ LIO ¹	RHF	CD/ CD1 ¹	CD2 ¹	CH ¹	PD ⁵	MUPD ⁵
RESIDENTIAL USES															
Single Family Dwelling	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N	Y	Y
Two Family Dwelling	Y	Y	N	N	N	N	N	Y	N	N	Y	Y	N	Y	Y
Multi-Family Dwelling	Y	Y	N	N	N	N	N	S	N	Y ¹¹	Y	N	N	Y	Y
Multi-Single Family Dwelling	Y	Y	N	N	N	N	N	S	N	Y ¹²	Y	N	N	Y	Y
Community Residence	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	N	N
Bed & Breakfast ⁶	S	S	S	S	S	S	S	S	N	N	S	S	N	S	S
Home Occupation	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y	Y
Accessory Apartment	N	N	N	N	N	S	S	N	N	N	N	N	N	S	S
FARMING USES															
Farming [Although permitted in some residential areas, farming is not permitted in recorded subdivisions]	N	N	N	N	N	Y	Y	N	Y	N	N	N	N	N	N
Kennel	N	N	N	N	N	S	S	N	S	N	N	N	S	N	N

	R4 ¹	R6 ¹	R10 ¹	R20 ¹	R30 ¹	F/ F1 ¹	F2 ¹	W ⁷	M/ LIO ¹	RHF	CD/ CD1 ¹	CD2 ¹	CH ¹	PD ⁵	MUPD ⁵
Storage of Materials and Equipment Incidental to Farming	N	N	N	N	N	A	A	N	A	N	N	N	N	N	N
Riding Stable/Horse Boarding	N	N	N	N	N	S	S	N	S	N	N	N	N	N	N
COMMERCIAL USES															
Retail	N	N	N	N	N	N	N	Y	N	A	Y	Y	Y	N	Y
Wholesale	N	N	N	N	N	N	N	S	S	N	Y	Y	Y	N	N
Theater	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N
Office	N	N	N	N	N	N	N	S	Y	Y	Y	Y	Y	N	Y
Personal/Specialty Services ⁴	N	N	N	N	N	N	N	N	N	A	Y	Y	Y	N	N
Motel	N	Y	N	N	N	N	N	S	Y	N	Y	N	Y	N	N
Hotel	N	Y	N	N	N	N	N	S	Y	Y	Y	N	Y	N	N
Rooming House	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N
Convenience Store	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y
Laundromat	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N
Dry Cleaner	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N
Restaurant	N	N	N	N	N	N	N	S	A	Y ¹³	Y	Y	Y	N	N
Sidewalk Café	N	N	N	N	N	N	N	S	N	A	Y	N	N	N	N
Drive Thru Uses ⁸	N	N	N	N	N	N	N	N	Y	S ¹⁰	N	S	S	N	N
Outdoor Storage	N	N	N	N	N	N	N	A	A	N	N	N	A	N	A
EDUCATION USES															
Private Education Center	S	S	S	S	S	S	S	N	Y	Y	Y	Y	Y	N	N
Day Care Center	S	S	S	S	S	S	S	S	S	Y	S	S	Y	N	Y

	R4 ¹	R6 ¹	R10 ¹	R20 ¹	R30 ¹	F/ F1 ¹	F2 ¹	W ⁷	M/ LIO ¹	RHF	CD/ CD1 ¹	CD2 ¹	CH ¹	PD ⁵	MUPD ⁵
TRANSPORTATION BASED USES															
Commercial Parking Lot	N	N	N	N	N	N	S	Y	Y	N	Y	Y	Y	N	N
Automobile Service Station	N	N	N	N	N	N	N	N	S	N	S	S	S	N	N
Auto Repair Facility	N	N	N	N	N	N	N	N	S	N	S	S	S	N	N
Car Washing Facility	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N
Marina	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N
Boat Repair	N	N	N	N	N	N	Y	Y	S	N	S	S	S	N	N
Mooring Repair and Replacement	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N
Docking Facilities	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N
Water Taxis	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N
Boat Launch	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N
Boat Storage	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N
PUBLIC AND SEMI- PUBLIC USES															
Social/Fraternal Organization	N	N	S	N	N	N	S	Y	S	S	S	Y	Y	N	N
Post Office	N	N	N	N	N	N	N	N	S	A	S	S	N	N	N
Library	N	S	S	S	S	S	N	N	S	N	S	Y	Y	N	N
Museum	N	S	S	S	S	S	Y	N	S	N	S	Y	Y	N	N
Funeral Home	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	N	N
Transmission Tower	N	N	N	N	N	N	N	S	S	S	N	N	S	N	N
RECREATION USES															
Billiard Room	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	N	N

	R4 ¹	R6 ¹	R10 ¹	R20 ¹	R30 ¹	F/ F1 ¹	F2 ¹	W ⁷	M/ LIO ¹	RHF	CD/ CD1 ¹	CD2 ¹	CH ¹	PD ⁵	MUPD ⁵
Indoor-Based Recreation [Including but not limited to bowling, arcades, and play facilities]	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N
Outdoor-Based Recreation [Including but not limited to batting cages and go-karts]	N	N	N	N	N	N	N	N	N	N	N	Y	S	N	N
Golf Course	N	N	N	N	S	S	S	N	N	N	N	N	N	N	N
Golf Facility	N	N	N	N	N	N	S	N	N	N	N	Y	N	N	N
Yacht Club	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N
HEALTH CARE USES															
Health/Fitness Center	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	Y
Long-Term Health Care Facility	N	N	N	N	N	N	N	N	S	S	N	Y	Y	N	Y
Assisted Living Complex	N	N	N	N	N	N	N	N	S	N	N	N	N	N	Y
Hospital	N	N	N	N	N	N	N	N	S	N	N	S	S	N	N
Walk-In Clinic	N	N	N	N	N	N	Y	N	Y	N	Y	Y	Y	N	Y
Veterinary Clinic	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	N	N
INDUSTRIAL USES															
Light Industry	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Office Park	N	N	N	N	N	N	N	N	Y	Y	N	N	Y	N	Y

	R4 ¹	R6 ¹	R10 ¹	R20 ¹	R30 ¹	F/ F1 ¹	F2 ¹	W ⁷	M/ LIO ¹	RHF	CD/ CD1 ¹	CD2 ¹	CH ¹	PD ⁵	MUPD ⁵
Warehousing Facility	N	N	N	N	N	N	S	Y	Y	N	N	Y	N	N	N
Research and Development Facility	N	N	N	N	N	N	S	N	Y	Y	N	N	N	N	N
Light Industrial Park	N	N	N	N	N	N	S	N	Y	Y	N	N	N	N	N
Extractive Industries including sand and gravel excavation and processing	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N
Self-Storage Facility	N	N	N	N	N	N	S	Y	Y	N	N	Y	S ⁹	N	N

NOTES:

1. All zones are abbreviated as represented in Article III Section 1.

This table does not include those uses, permitted, accessory or special, that are separately listed under Article III Sections 3.1, 3.2 and 3.3.

Uses not specifically listed in the table require Town Council approval.

4. Personal /Specialty Services would included but not be limited to salons/barber shops, shoe repair, tailor, print shop, photography studio, interior decorating shop, etc..
5. For additional information on uses allowed in the Planned Development Zone, please refer to Article VIII of this Ordinance.
6. Please see Article XIV section 8.5 for additional requirements regarding Bed and Breakfasts, to be permitted in single family residences only as an accessory use.
7. All commercial and industrial uses permitted with the Waterfront Zone shall be water related or water dependent.
8. One drive-thru use shall be permitted within shopping centers having greater than 100,000 square feet of gross floor area, provided that common curb cuts for the center are used. The drive-thru use shall not have dedicated curb cuts in addition to those utilized in the design of the center. The drive-thru use shall be limited to a restaurant, pharmacy, or financial institution only. The design of the drive thru use shall provide for safe vehicular and pedestrian circulation and function in a manner that complements the center in which it is located. The use shall not create traffic hazards interior to the site or in the surrounding street network and neighborhood. It shall be properly screened and buffered to minimize impacts on surrounding properties and other uses within the center. A drive-thru facility will be allowed in an M/LIO District for a financial institution only (i.e. bank), and the design shall provide for safe vehicular circulation and shall not create traffic hazards either interior to the site or in the surrounding streets/roads or the surrounding neighborhood. The dimensional standards for drive-thrus shall apply. All drive thru uses shall be reviewed by the Technical Review Committee.

9. The self-storage facility is allowed in a CH Zone only by Special Use Permit if a self-storage facility is already in existence on the property and is under the same ownership.
10. Drive-thru uses shall be permitted in a RHF Zone provided that the drive-thru use shall be limited to a financial institution only. The design of the drive-thru use shall provide for safe vehicular and pedestrian circulation and function. The use shall not create traffic hazards interior to the site or in the surrounding street network and neighborhood. It shall be properly screened and buffered to minimize impacts on surrounding properties and other uses within the center. All drive-thru uses shall be reviewed by the Technical Review Committee.
11. Not to exceed 80 two bedroom condominiums, 12 of which shall meet the definition of affordable.
12. Not to exceed 150 one bedroom affordable units for the elderly age 62 or older.
13. Not more than two free-standing restaurants shall be permitted in the RHF district. Restaurants are allowed as an accessory use.

3.5 Table of Dimensional Requirements for Permitted Uses.

DIMENSIONAL REGULATIONS BY ZONE
Table #3-2

Zone and Use	Min. Lot Size	Min. ¹ frontage	Max. Lot Coverage Structure ²	Max. Lot Coverage Pavement ³	Front Yard	Side Yard	Rear Yard	Height Main Structure ⁴	Height Accessory Structure ⁵
RESIDENTIAL R4									
All Uses	4,000 sq. ft.	100	30%	60%	10	10	20	35	15
RESIDENTIAL R6									
Single Family	6,000 sq. ft.	60	30%	60%	10	10	20	35	15
Two Family Dwelling	10,000 sq. ft.	80	30%	60%	10	10	20	35	15
Multi-Family Dwelling [not including two-family dwellings]	4,000 sq. ft. per dwelling unit	100	30%	60%	10	10	20	35	15
Community Residence	10,000 sq. ft.	80	30%	60%	10	10	20	35	15
RESIDENTIAL R10									
All uses	10,000 sq. ft.	100	25%	60%	30	15	30	35	15
RESIDENTIAL R20									
All uses	20,000 sq. ft.	125	25%	60%	35	25	35	35	15

Zone and Use	Min. Lot Size	Min. ¹ frontage	Max. Lot Coverage Structure ²	Max. Lot Coverage Pavement ³	Front Yard	Side Yard	Rear Yard	Height Main Structure ⁴	Height Accessory Structure ⁵
RESIDENTIAL R30									
All uses	30,000 sq. ft.	150	25%	60%	40	30	40	35	15
FARMING F1									
Single Family Dwelling	1 Acre	150	25%	60%	60 ⁸	30	45	35	15
Community Residence	1 Acre	150	25%	60%	60 ⁸	30	45	35	15
Farm	1 Acre	150	25%	60%	60 ⁸	30	45	35	35
FARMING F2									
Single Family Dwelling	2 Acre	150	25%	60%	60	30	45	35	15
Community Residence	2 Acre	150	25%	60%	60	30	45	35	15
Farm	2 Acre	150	25%	60%	60	30	45	35	35
COMMERCIAL CD/CD1									
Residential	5,000 sq. ft. per dwelling unit	50	50%	80%	0	10	10	35	15
Commercial	4,000 sq. ft.	50	50%	80%	0	10	10	35	30
COMMERCIAL CD2									

Zone and Use	Min. Lot Size	Min.¹ frontage	Max. Lot Coverage Structure²	Max. Lot Coverage Pavement³	Front Yard	Side Yard	Rear Yard	Height Main Structure⁴	Height Accessory Structure⁵
Residential	20,000 sq. ft.	100	35%	70%	20	10	20	35	15
Commercial	20,000 sq. ft.	100	35%	70%	20	10	20	35	15
Drive Thrus ⁶	40,000 sq. ft.	100	35%	70%	20	10	20	35	15
COMMERCIAL CH									
All uses	30,000 sq. ft.	150	25%	70%	50	40	40	35	35
Drive Thrus ⁶	40,000 sq. ft.	100	35%	70%	20	10	20	35	15
COMMERCIAL W									
All uses	20,000 sq. ft.	100	40%	50%	0	10	10	35	20
PLANNED DEVELOPEMNT PD									
All Uses ⁷	5 acres	150	30%	50%	50	40	40	35	15
ROCKY HILL FAIRGROUNDS RHF									
Multi-Family Dwellings	1 per 5,000 sq. ft.	50 ft per multi- family complex	50%	70%	20	40	50	45	45

Zone and Use	Min. Lot Size	Min. ¹ frontage	Max. Lot Coverage Structure ²	Max. Lot Coverage Pavement ³	Front Yard	Side Yard	Rear Yard	Height Main Structure ⁴	Height Accessory Structure ⁵
Multi Single Family Dwellings ⁸	1 per 5,000 sq. ft.	50 ft per multi-family complex	50%	70%	20	40	50	45	45
All Other Uses	2 acres	150	50%	70%	20	40	50	45	45
Parking Lots					20	10	15		
MIXED USE PLANNED DEVELOPMENT MUPD									
All Uses ⁷	10 acres	150	30%	70%	50	40	50	35	15
INDUSTRIAL M/LIO									
All uses	2 Acres	150	30%	66%	100	40	50	35	35

NOTES:

1. Minimum width at the front setback line must be 75% of the required minimum street frontage. Lot frontages on approved cul-de-sacs may be no less than 60 feet in all zones. Street frontage regulations in an R or F zone may be reduced to not less than seventy-five [75] percent of the minimum required street frontage for lots fronting the arc of a curve and each lot must have the minimum lot frontage at the front setback line.
2. Maximum lot coverage is defined here as structures, only.

3. Maximum lot coverage pavement is defined here as the total area of both structures and paved surfaces.
4. Height of main structure refers to a principal structure's average height. Church spires, towers and belfries, as well as towers erected by the Town, water towers, flagpoles, radio/television antenna, telecommunications towers, chimneys, elevator or air conditioning penthouse, weathervanes and silos are exempted from the height requirement.
5. Height of accessory structure refers to the average height of any/all structures on a site other than a principal structure.
6. Drive through uses, where permitted, shall meet the following development standards:
 - a) The minimum lot area shall be no less than forty thousand (40,000) square feet for a building proposed for a drive-thru window.
 - b) There shall be adequate off-street parking and loading spaces to serve the proposed use. There must be sufficient on-site stacking areas to accommodate at least ten (10) queued vehicles, entering the site waiting to park or approach the order window/order box, and at least three (3) queued vehicles exiting the site.
 - c) Any accessory drive-thru window(s) shall be properly located within the parking and circulation plan to avoid any effect on off-site vehicular or pedestrian traffic, and in no case shall a drive-thru window be located on any building façade which faces a public street.
 - d) Vehicular entrances and exits shall be controlled by curbing.
 - e) All other dimensional and parking requirements for the site and the use shall be met.
7. Please refer to Article VIII for additional information on PD's and MUPD's.
8. In a RHF Zone not more than 68 single family dwelling units or multi-family dwelling units shall be allowed on that portion of the parcel designated for multi-single family dwellings or multi-family dwellings.

SECTION 4 DISTRICTS BY ASSESSOR'S PLATS

Plat 1 – Residential R-6. Except:

Commercial Highway: lots 1, 2, 91, 387, 403 and portion of 3 not described as Light Industry/Office and as Residential R-6.

Commercial Downtown CD-1: lots 52, 53, 54, 56, 57, 58, 59, 61, 62, 66, 69, 94, 100, 160, 165, 166, 169, 170, 173, 174, 188, 193, 194, 195, 198, 199, 200, 201, 205, 206, 207, 208, 209, 211, 212, 213, 217, 218, 219, 222, 223, 224, 229, 230, 231, 239, 242, 335, 343, 352, 358, 359, 371, 374, 386, 390, 404, 406, 407, 408, 412, 417, portion of 50, 51, 55, 60, 63, 64, 65, 67, 97, 98, 99, 164, 167, 168, 175 and 180 not described as Residential R-6, and portion of 189, 225, 235, and 236 not described as Residential R-10.

Waterfront: lots 93, 397, 401.

Light Industry/Office: lots 137, 152, 342, 416.

Residential R-10: lots 92, 95, 190, 191, 192, 196, 197, 202, 203, 204, 205, 210, 214, 215, 216, 220, 221, 227, 228, 232, 233, 234, 237, 238, 240, 243, 244, 245, 246, 248, 249, 250, 251, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 333, 351, 354, 361, 375, 379, 380, 391, 393, 398, 399, 400, 402, 414, 418.

Plat 2 – Residential R-10. Except:

Residential R-30: lots 65, 67, 68, 69, 70, 71, 236, 237, 239, 240, 246.

Plat 3 – Commercial Downtown CD-1. Except:

Residential R-10: lots 1, 2, 3, 4, 5, 6, 12, 14, 16, 17, 19, 22, 43, 44, 45, 57, 58, 89, 91, 92, 238, 240, 243, 244, 245, 247, 254, 257, 258, 261, 269, 270, 271, 278, 279, and portion of 136 not described as Commercial Downtown CD-1.

Commercial Downtown CD-2: lots 65

Commercial Highway: lots 7, 9, 11, 23, 82, 87, 275.

Planned Development: lots 181, 241.

Residential R-6: lots 145, 146, 147, 148, 149, 152, 153, 158, 159, 164, 165, 168, 174, 176, 177, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 195, 204, 205, 206, 207, 208, 211, 212, 213, 214, 215, 216, 218, 221, 222, 225, 227, 229, 231, 232, 263, 266, 268, and portion of 98, 103, not described as Commercial Downtown CD-1 and portion of 3 not described as Light Industry/Office.

Light Industry/Office: lots 3, 172, 173, 237, 246, 276, 280, 294, 295.

Plat 4 – Residential R-10.

Plat 5 – Residential R-10. Except:

Commercial Highway: lots 149, and that portion of 157 not designated Light Industry/Office.

Light Industry Office: lots 3, 158, 227, 242, 243, and portion of 218 and 219 not described as Mixed Use Planned Development.

Commercial Downtown CD-2: lots 20, 63, 87, 91, 92, 94, 95, 98, 105, 106, 107, 108, 109, 111, 116, 118, 119, 128, 130, 135, 137, 138, 139, 140.

Commercial Downtown CD-1: lots 113, 115, 123, 124, 125, 127, 134.

Mixed Use Planned Development: portion of lots 218, 219 not described as Light Industry/Office.

Plat 6 – Residential R-10. Except:

Commercial Highway: lots 1, 111, 114, 115.

Planned Development: lots 112, 113

Light Industry/Office: lot 116.

Residential R-30: lots 118, 119.

Plat 7 – Residential R-10. Except:

Residential R-30: lots 161, 162, 163, 164, 165, 166, 167, 215, 270, 271, 322, 323, 324, and portion of 160, 320, and 321 not described as Residential R-10.

Plat 8 – Residential R-10. Except:

Residential R-20: lots 1, 74, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, portions of 56, 89 not described as Residential R-10.

Residential R-30: lots 49, 54, 55, 58, 59, 60, 61, 62, 63, 64, 65, 67, 68.

Plat 9 – Residential R-30. Except:

Farm F-1: lots 11, 23, 66, 348, 349, 355, 356, 363, 368.

Residential R-10: lots 25, 81, 85, 86, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 189, 192, 388.

Plat 10 – Residential R-30. Except:

Commercial Highway: lot 6.

Light Industry/Office: lots 8, 10, 11, 21, 23, 27, 235, 368, 377.

Planned Development R-6: lot 378.

Planned Development R-30: lots 24, 99, and portion of 28 not described as Farm F-1.

Residential R-4: lots 7, 9, 26.

Farm F-1: lots 12, 13, 30, 31, 85, 102, 107, 112, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 127, 128, 129, 130, 131, 132, 140, 178, 179, 272, 273, 274, and portion of 7, 16, 17, 77, 78, 94, 101, 104, 106, 124, 125, 126, 212, 342, 365, 366, 370, 371, 372, 373, 374, 375, 376 not described as Residential R-30.

Plat 11 – Residential R-30. Except:

Light Industry Office: lots 1, 5, 6, 8, 42, 262, 263, 499, 500, 586, 611, 612, 626, and portion of 11 not described as Farm F-1 and Residential R-30.

Farm F1: lots 2, 4, 15, 40, 48, 79, 86, 102, 191, 345, 411, 494, 604, 605, 606, 607, 608, 609, 613, and that portion of 625 not described as Light Industry/Office.

Mixed Use Planned Development: lot 105.

Commercial Highway: lots 10, 22, 23, 28, 29, 30, 32, 35, 38, 39, 45, 56, 57, 58, 62, 63, 64, 68, 70, 71, 72, 73, 74, 75, 77, 85, 87, 107, 111, 112, 113, 215, 582, 624, and portion of 7 not described as Residential R-4.

Residential R-10: lots 26, 31, 55, 60, 65, 69, 76, 78, 80, 83, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 104, 114, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 216, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 264, 265, 266, 267, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 407, 408, 409, 410, 568, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 584, and portion of 130, 131 not described as Residential R-30.

Plat 12 – Farm F-1. Except:

Farm F-2: lots 68, 110.

Planned Development R-30: lot 96

Light Industry Office: lots 18, 33, 34, 60, 61, 62, 63, 64, 69, 70, 71, 97, 107, 121, 122, 139 and portions of 99, 274 not described as Farm F-1.

Commercial Highway: lots 88, 211.

Commercial Limited: lots 67, 68.

Rocky Hill Fairgrounds: lots 76, 119, and portion of lot 75 not described as Farm F-1.

Plat 13 – Farm F-2. Except:

Commercial Highway: lots 7, 8, 57, 67, 69, and portion of lot 5 not described as Farm F-2.

Farm F-1: lot 20.

Plat 14 – Farm F-2.

Plat 15 – Farm F-2. Except:

Planned Development: lots 8, 226, 406, 407, 408, 410, 411, 412, 413, 414, 423, 424, 425, 426, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 517, 518.

Farm F-1: lots 12, 13, 14, 15, 16, 17, 18, 36, 40, 42, 47, 53, 61, 62, 63, 64, 66, 78, 89, 90, 91, 92, 93, 94, 95, 96, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 224, 227, 228, 229, 230, 231, 256, 259, 261, 262, 266, 267, 268, 273, 274, 275, 276, 289, 290, 291, 292, 293, 294, 295, 296, 312, 313, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 409, 428, 501, 507, 513, 514, 515, 516, and portions of 338, and 342 not described as Farm F-2.

Plat 16 – Farm F-1. Except:

Light Industry/Office: That portion of 36 not described as Farm F-1.
Commercial Highway: lots 51, 202.

Planned Development: lots 180, 181, 182, 183, 184, 185, 186, 187, 188, 189,

190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200.

Plat 17 – Residential R-10. Except:

Commercial Highway: lots 1, 27, 40, 41, 43, 46, 49, 50, 51, 54,55, 60, 61, 62, 67, 71, 72, 82, 84, 271, and portion of 48 not described as Residential R-10.

Residential R-30: lots 26, 28, 29, 30, 31, 32, 34, 36, 37, 38, 39, 44, 47, 106, 145, 225, 226, 246, 247, 248, 249, 250, 251, 252, 253, and portion of 2 not described as Commercial Highway.

Light Industry/Office: lots 9, 270.

Farm F-1: lots 10, 11,12, 16, 17, 18, 19, 20, 21, 22, 23, 45, 52, 53, 107, 110, 111, 135, 142, 143, 189, 190, 239, 244, 245, 256, 257, 258, 259, 261, 262, 269, 272, 274, 275.

Planned Development: lots 24, 25.

Plat 18 – Farm F-1. Except:

Commercial Highway: lots 8, 19, 21, 40, 41, 49, 85, 88, 115, 129, 134, 135, 139 and portion of 9, 44, 45 not described as Farm F-1, and portion of 10, 52, 65, 93, 95, 136, and 137 not described as Light Industry/Office.

Light Industry/Office: lots 22, 53, 58, 116, 138, and portions of lots 11, 16, 63, not described as Farm F-1.

Plat 19 – Farm F-2. Except:

Farm F-1: lots 26, 42, 43, 44, 45, 46, 53, 54, 58, 59, 77, 78, 80, 83, 84, 113, 159, 160, 164, 176, 182, 236, 286.

**ARTICLE IV
SUBSTANDARD LOTS OF RECORD**

SECTION 1 CREATION OF SUBSTANDARD LOTS

No lot of record shall be reduced in area or subdivided so that yards, other open spaces, total area, and/or frontage shall be less than prescribed for the zone in which the lot is located.

SECTION 2 EXISTING SUBSTANDARD LOTS OF RECORD

- 2.1 Minimum Lot Size. A single substandard lot of record located in any zone may be used for permitted and accessory uses as allowed in the respective zoning district provided that the parcel has a minimum of 35 feet of frontage on a public road and a minimum lot area equal to at least 3,500 square feet where municipal sewer is available.

If a substandard lot does *not* have municipal sewers, the minimum lot area shall be at least 20,000 square feet and an approved individual sewage disposal system [ISDS] shall be required.

- 2.2 Merger Provision. If two or more contiguous substandard lots are under common ownership on or after the effective date of the ordinance codified herein, such lots shall be considered to be an undivided parcel of land for the purpose of this chapter, and no single lot or portion thereof shall be used in violation of the requirements of this ordinance as to lot lines and area.
- 2.3 Reduction of Yards. Where substandard lots of record exist per the provisions of this article, the dimensional requirements for the rear and side yard setback requirements may be reduced in the proportion that the area of the substandard lot is reduced from the minimum area requirements.

**ARTICLE V
NONCONFORMING DEVELOPMENT**

SECTION 1 PURPOSE

Nonconforming uses are incompatible with and detrimental to permitted uses in the zoning districts in which they are located, cause disruption of the comprehensive land use pattern of the town, inhibit present and future development of nearby properties and

confer upon their owners and uses a position of unfair advantage.

It is a fundamental principal of this Article that non-conformities may be continued until abandoned, but shall not be increased and shall be reduced to conformity according to the fair interests of the parties involved.

SECTION 2 NONCONFORMING BY DIMENSION

- 2.1 Any structure, building, sign or other improvement lawfully existing at the time of adoption or amendment of this ordinance but which is nonconforming by dimension shall be permitted to continue in the same manner. If said legally nonconforming structure, building, sign or other improvement is intentionally destroyed, relocated or altered, it shall lose its nonconforming status. However, if such destruction, relocation or alteration is the result of fire or a natural catastrophe, the legal nonconforming improvement may be rebuilt in its previous configuration.
- 2.2 Any extension, addition or enlargement of a nonconforming structure shall comply with the dimensional regulations and parking requirements of this ordinance. Additionally, the whole structure must comply with the zone's maximum lot coverage requirement.

SECTION 3 NONCONFORMING BY USE

- 3.1 Any use or activity lawfully existing at the time of adoption or amendment of this ordinance but which is nonconforming by use shall be permitted to continue in the same manner until said use or activity is abandoned, relocated or changed. Abandoned uses shall not be reestablished.
- 3.2 Abandonment of a nonconforming use shall consist of either an owner's [or legal tenant if applicable] overt act or a failure to act which demonstrates that there is neither a claim nor any interest in continuing the nonconforming use. If any nonconforming use is discontinued for a period of one [1] year, the nonconforming use will be presumed to have been abandoned unless determined otherwise by the Zoning Enforcement Officer.
- 3.3 A nonconforming use in any zone shall not be enlarged, expanded, intensified or changed from one nonconforming use to another nonconforming use.

SECTION 4 CHANGE OF USE

- 4.1 A nonconforming residential use may change only to a use that conforms to the provisions of this ordinance.
- 4.2 A nonconforming agricultural, commercial or industrial use may be changed only to a use that conforms to the provisions of this ordinance or to an equal or less intense use in the same category.
- 4.3 Notwithstanding any other provision herein to the contrary, property nonconforming by use and dimension may be expanded by special use permit without the necessity of a dimensional variance.

SECTION 5 NUISANCES

The interpretation of this article shall not prohibit the regulation of nuisances.

ARTICLE VI PARKING ORDINANCE OFF-STREET PARKING REGULATIONS

SECTION 1 PURPOSE AND INTENT

The purpose of this article is to ensure that all structures and land uses are provided with off-street parking spaces that adequately meet the parking demands that are generated.

Therefore, this Ordinance has been set forth with the intent of providing free movement of public and private traffic at all times, reducing congestion in the streets, permitting the efficient and safe passage of emergency vehicles, facilitating the maneuvering of public emergency equipment in the streets and on site, facilitating the removal and/or storage of snow, and for all related purposes.

SECTION 2 APPLICABILITY

- 2.1 **EXISTING STRUCTURES AND USES.** Off-street parking spaces associated with any existing building or use shall be maintained so long as the existing building or use remains.
- 2.2 **ALTERATIONS, ADDITIONS, CHANGES OF USE.** All new vehicular use areas, those altered or improved subsequent to the adoption of these

regulations, and structures that are enlarged or whose use is changed such that an increase in required off-street parking results [per Section 3 Table of Required Off-Street Parking Spaces] shall be subject to the provisions of this article and shall be required to submit a Parking Plan as described under Section 4 of this article.

- 2.3 NONCONFORMING PARKING. Where parking spaces are provided and maintained in connection with a building or use legally existing at the time this ordinance became effective and are insufficient to meet the requirements for the use as now set forth by this ordinance, such lots will be considered legally nonconforming.

Where extensions, additions or enlargements to the building or use are contemplated, no such extension may be made unless the applicant can demonstrate compliance with the provisions of this article through the submission of a Parking plan as detailed under Section 4 of this article.

- 2.4 EXEMPTIONS. Any property which provides at least fifty [50%] percent of the required parking for the building or use and is destroyed by fire or natural causes may be restored to its original use provided the floor area is not increased without conforming to the parking requirements of this article.

SECTION 3 REQUIRED OFF-STREET PARKING SPACES

For every building or structure [or part thereof] constructed or converted or altered as defined in Section 2 of this article, off-street parking shall be provided on the premises as tabulated in this section. All fractions of spaces shall be calculated as an entire parking space required. For the purpose of calculating the required number of spaces, net floor area shall be used.

TABLE OF REQUIRED PARKING

Table #6-1

TYPE OF USE	REQUIRED PARKING SPACES
RESIDENTIAL	
Dwelling Units [Single Family Homes, Duplexes, Multi-Family Homes, etc.]	1.5 per dwelling unit
Housing for the Elderly	1 per dwelling unit
Community Residence/Rooming House	.5 per unit
Upper story housing over first floor commercial uses in the CD zone	1.25 per dwelling unit
Assisted Living Complex	One for every four units designated independent or congregate living plus one per employee on the largest shift
Other Residential Uses Not Listed	1.5 per unit
PROFESSIONAL SERVICE AND BUSINESS	
Bank, Financial Institutions	1 per 200 square feet of floor area
Barber Shops, Beauty Parlors	2.5 per operator station
Dry cleaner, Full Service Laundries	1 per 200 square feet
Meeting Hall, Conference Center	1 per 4 persons rated capacity
Funeral Homes, Mortuaries	1 per 4 seats of rated capacity
Gas Stations/Automobile Service Stations (Such facilities must also comply with additional standards for convenience stores, etc. if such ancillary uses --- i.e. a mini-mart etc. -- are present)	3 spaces per gas island + 2 spaces per service bay + 1 per employee on largest shift with a minimum of two employee spaces provided (Island areas and bays may not be counted toward satisfying this requirement.
Hospital	1 for every 2 beds of capacity + 1 for each employee on the largest shift
Long Term Health Care Facility including Nursing Homes and Hospices	1 for every 3 beds of capacity + 10 percent for employees
Offices, Public and Professional, Services/Administration	1 per 200 square feet of net floor area
Medical Offices including Dentist, Doctor, Chiropractor and Veterinary Offices and Outpatient Clinics	1 per 200 square feet of floor area
Self-Serve Laundries	1 per every 3 washers or dryers
Other Professional Services or Business Oriented Uses not Listed	1 per 200 square feet

INSTITUTIONS, PUBLIC ASSEMBLY	
Museums	1 per 500 square feet
Day Care Centers and Private Education Centers	1 per 500 square feet + 1 per employee on the largest shift [Day Care Centers shall have dedicated drop-off areas]
Houses of Worship	1 per 4 seats of rated capacity
Libraries	1 per 500 square feet
COMMERCIAL USES	
Auto Sales [If service is also provided, additional standards as dictated under "gas/service stations" shall apply in addition.]	1 per 500 square feet of showroom
Retail Use in Zone other than CD1 Zone	1 per 90 square feet of floor area
Commercial Use CD1 Zone	1 per 270 square feet of floor area
Nurseries/Plant Material Sales	1 per 500 square feet total sales area
Lumberyards	1 per 500 square feet display area + 1 per company vehicle
Hotels	1 per unit + the parking requirement for accessory uses like conference center, restaurant, etc.
Restaurants	1 space for every 2 persons of rated capacity
Furniture Stores	1 per 1000 square feet
Shopping Center Use in the CH zone	1 space for every 90 square feet of floor area for the first 15,000 square feet. 1 space per 150 square feet of floor area between 15,001 and 100,000 square feet. 1 space per 185 square feet of floor area greater than 100,000 square feet.
Wholesale Commercial	1 per 500 square feet
Other Commercial Uses Not Listed outside the CD1 Zone	1 per 200 square feet
INDUSTRIAL USES	
Light Industries and Research and Development Facilities	1 per 500 square feet for the first 20,000 square feet of floor area. 1 per 650 square feet for the portion of building exceeding 20,000 square feet.
Warehousing and Distribution Facilities	1 per company truck or van + 1 per 500

	square feet for first 20,000 square feet, then 1 per 650 square feet for portion of building exceeding 20,000 square feet
Self Storage Facilities	1 per 5 units of storage
RECREATION AND LEISURE USES	
Billiard Rooms [Ancillary uses--i.e. taverns, restaurants, etc.--will require additional parking per the standards for each respective use.]	1.25 per table
Bowling Alleys [Ancillary uses--i.e. taverns, restaurants, etc.--will require additional parking per the standards for each respective use.]	2 per alley
Fair Grounds	1 per 1500 square feet of land area devoted to the fair, open-air market, arcade, concessions, etc.
Golf Courses	3 per green + 1 per employee on the largest shift
Golf Facility	1.25 per tee + 1 per employee on the largest shift
Health and Fitness Centers where not integrated into shopping center development	1 per 90 square feet of exercise area + 3 per court + 1 per 200 square feet of the remaining area
Riding and Boarding Stables	1 per 3 stalls
Gymnasium	1 per 4 seats of capacity
Skating and Roller Rinks	1 per 150 square feet of gross floor area
Social and Fraternal Organizations	1 per 4 persons of rated capacity
Swimming Pools and Water Parks	1 per 100 square feet of water surface area
Theaters/Cinema	1 per 4 seats of rated capacity
Water Related Uses	
Boat Launches	10 per ramp for cars plus 5 per ramp for trailer storage
Boat Repair\Boat Storage	1 per 5 slips and/or boats
Docking Facilities	1 per 3 berths, moorings or slips
Marinas	1 per 1.5 berths, moorings or slips plus 1 per 1.2 employees
Mooring Repair Facilities	2 + 1 per employee on the largest shift
Other Recreation and Leisure Uses Not Listed	1 per 250 square feet + 1 per employee maximum shift on largest shift or 1 per 3

	rated capacity, whichever is greater
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NOTE: All dimensions given in square feet are to be calculated based on total net floor area unless otherwise specified.

SECTION 4 GENERAL REGULATIONS

4.1 SUBMISSION OF PARKING PLAN. Designs and specifications for the required parking lot, shall include, but not be limited to, information about the proposed parking spaces, access drives, circulation patterns, bicycle storage, dedicated areas for pedestrians, areas for snow storage, loading areas, landscaping and maintenance plans. All such plans and specifications shall be submitted at the time of application for a building permit for work described in Section 2 of this article.

Such plans shall be reviewed by the Building Official/Zoning Enforcement Officer and the Director of Planning or his/her designee to determine compliance with the provisions of this article.

4.2 LOCATION AND OWNERSHIP OF PARKING SPACES. Required off-street parking spaces shall be provided on the same lot or premises as the generating use which they are intended to serve or on a contiguous lot under the same ownership unless otherwise permitted by this article. Where parking spaces are not provided on premises or on a commonly owned contiguous parcel, parking may be provided on another lot located not more than 500 feet radially from the subject lot within the same or a less restrictive zoning district. The exclusive use of such parking must be dedicated to the use via lease or other agreement.

4.3 REDUCTION OF EXISTING SPACES. If a property owner wishes to reduce the number of existing parking on his/her lot such that the resulting number of parking spaces falls below the number required by this article, such reduction may be done only with approvals as prescribed elsewhere in this ordinance.

4.4 PARKING SPACES NOT COUNTED TOWARD MEETING THE REQUIREMENT: No part of a minimum front yard setback or any land physically inaccessible for the actual parking of a car (because of structures or for any other reason) shall be used to satisfy the above off-street parking requirements.

SECTION 5 PARKING LOTS IN OR NEAR RESIDENTIAL AREAS

Parking lots located in an R or F zone, on a lot adjacent to an R or F zone, or across the street from an R or F zone shall conform with the following

The area shall be paved and striped and provided with bumper guard where needed; and, a solid wall or opaque fence, not less than 5 feet nor more than 7 feet in height, or a compact evergreen screen, not less than five feet in height, shall be erected and maintained between the parking area and the adjoining property or between such area and the street.

SECTION 6 DESIGN STANDARDS

6.1 DIMENSIONAL REQUIREMENTS. All commercial parking lots must be paved and striped. All parking spaces [except handicap spaces] shall have a minimum width of nine [9] feet and a minimum length of eighteen [18] feet so as to accommodate a vehicle. Spaces for a handicap use shall have a minimum width of 14 feet which includes a designated transfer zone of at least five [5] feet. Where parallel parking is provided, stall length shall not be less than 20 feet. The following minimum dimensions affecting the width of aisles shall apply in all districts, exclusive of necessary drive and access ways. These dimensions apply to one way aisles only. For two way aisles, the minimum width shall be 20 feet or the required width listed, whichever is greater:

Parking Angle	Aisle Width
90 degree angle	25 feet
80 degree angle	25 feet
70 degree angle	20 feet
60 degree angle	16 feet
45 degree angle	13 feet
30 degree angle	12 feet
Parallel (0 degrees)	12 feet

Access driveways serving required parking lots as a direct access drive from a street shall not be less than 12 feet for one-way traffic and not more than 25 feet for two-way traffic.

6.2 EXITS. The parking lot shall be designed so that no vehicle existing the lot shall be required to back out in reverse from the parking area into any sidewalk or street.

6.3 DRAINAGE, SURFACING AND CURBS. All parking areas shall be improved and maintained to the standards of the Department of Public Works with regard

to grading and drainage, surfacing, installation of bollards to protect utility or mechanical devices, and curbs, barriers and wheel stops.

- 6.4 LIGHTING. All artificial lighting shall be arranged to reflect the light away from an adjoining property and adjacent streets so as to prevent glare onto other property. Lighting should be of an intensity to satisfy the minimum requirements of the American Society of Illuminating Engineers standards for parking lot security.

SECTION 7 OFF STREET STORAGE AND LOADING

- 7.1 LOADING AREAS. Loading areas shall be required to serve commercial, business and/or industrial uses throughout the Town in accordance with the following standards:

7.1.1 For commercial and industrial uses of 1000 square feet or greater of gross floor or ground area in which commodities are sold, displayed, serviced, repaired, altered or fabricated as the principal use of the enterprise, off-street loading spaces shall be provided. For the first 1000 square foot floor/area as described, one [1] off-street loading space shall be required. Thereafter, one [1] off-street loading space shall be required for every five thousand [5000] square feet of gross floor area. Each space shall have a minimum length of 60 feet by a width of 14 feet with a clearance of 15 feet.

7.1.2 No loading space that is provided in an approved parking plan shall be eliminated, reduced, enlarged or converted unless equivalent facilities are provided elsewhere.

7.1.3 All loading areas shall be surfaced and maintained in accordance with the standards of the Department of Public Works.

7.1.4 No part of a public right-of-way shall be used for loading except as permitted by the Town Council.

7.1.5 The Building Official shall have the right to require additional off-street loading spaces when deemed necessary to provide adequate area for off-street loading.

- 7.2 SUBMISSION OF LOADING FACILITY PLAN: All commercial and industrial storage and loading structures constructed prior to the adoption

of this title shall be considered lawfully conforming. For all new construction or changes of use, plans and specifications shall be submitted in conjunction with the overall parking plan as addressed in Section 4.1 of this article.

- 7.3 SCREENING STORAGE AND LOADING AREA: Where an open storage or outdoor loading area is located on a lot adjacent to an R or F zone or across the street from an R or F zone, a solid wall or opaque fence, not less than five feet in height shall be erected and maintained between such area and the adjoining property or between such area and the street.

SECTION 8 PARKING LOT LANDSCAPING

APPLICABILITY AND GENERAL REQUIREMENTS

Parking lot landscaping required by this Section is intended to promote the public health, safety and general welfare by providing minimum requirements for the installation and maintenance of landscaped areas in connection with parking lots and other vehicular use areas; to protect the character and stability of residential, business, institutional and industrial areas; to provide visual relief from expanses of unbroken blacktop and vehicles, and to conserve the value of land and buildings on surrounding properties and neighborhoods.

Those parking lots as determined applicable under Section 2.2 of this article shall comply with the following provisions set forth below in Section 8.2 Single-family Residential lots are exempted. For the relevant parking lots, a landscaping plan must be submitted which shows the following: A plant list specifying materials and numbers and sizes of plants; location and spacing of plants and ground covers. Additionally, the plan must show property and setback lines, existing and proposed structures, vehicle and pedestrian use areas and the location of proposed land alterations. The plan must also show the name of the person or agency who prepared the plan and it must be approved by the Planning Director or his/her designee. Landscape installations must be completed within one year of plan approval.

8.2 AMOUNT OF LANDSCAPING

- 8.2.1 For parking lots of greater than ten [10] parking spaces but less than fifty [50], a minimum of ten [10%] percent of the area designated for

parking shall be landscaped per this section.

- 8.2.2 For parking lots of fifty [50] or more parking spaces but not exceeding one hundred [100] parking spaces, a minimum of fifteen [15%] percent of the area designated for parking shall be landscaped per this section.
- 8.2.3 For parking lots of greater than one hundred [100] parking spaces but less than or equal to five hundred [500] parking spaces, a minimum of twenty [20%] percent of the area designated for parking shall be landscaped per this section.
- 8.2.4 For parking lots of greater than five hundred [500] parking spaces, a minimum of twenty-five [25%] percent of the area designated for parking shall be landscaped per this section.
- 8.2.5 For parking lots of any size located within an RHF Zone, a minimum of twenty percent (20%) of the area designated for parking shall be landscaped per this section.

8.3 ISLANDS

- 8.3.1 Rows of parking spaces shall be provided a terminal island to protect parked vehicles, confine moving traffic to aisles and driveways, and provide space for landscaping.
- 8.3.2 There shall be at least one tree-planted for each 15 parking stalls. Such islands containing trees shall be at least six [6] feet in width in parking facilities of 100 or less parking spaces. In facilities of greater than 100 parking spaces, tree planted islands shall be at least 12 feet in width and shall also be planted with a minimum of ten [10] shrubs that will grown between two and four feet in height.

8.4 REQUIRED SETBACKS/BUFFERS

- 8.4.1 No unenclosed parking area shall be allowed within five [5] feet of a front lot line for lots of less than or equal to 50 parking spaces, within ten [10] feet of a front lot line for lots greater than 50 but less than 100 parking spaces and within twenty-five [25] feet of a front lot line for parking lots with 100 parking spaces or greater, except, however, in a RHF Zone no unenclosed parking area shall be

allowed within twenty [20] feet of a front lot line.

- 8.4.2 Parking lot side and rear setbacks shall meet the minimum setback requirements of Article III Section 3.5 Table 3-2. Setback areas shall serve as buffers between the parking lot and abutting properties, and shall consist entirely of planting materials. Opaque fencing may be required to screen abutting properties from the effects of light and noise.

8.5 TREE STANDARDS

- 8.5.1 Trees shall be provided within or around all parking facilities at the rate of one [1] tree for each 2,000 square feet of gross paved lot area. Such trees may already exist on the site or may be cultivated and counted toward this requirement.
- 8.5.2 At least half of the trees required shall be of a species characterized by moderate growth and expected to reach a mature height of greater than thirty [30] feet.
- 8.5.3 When planted, trees shall be a minimum of six [6] feet in height in parking lots containing fewer than fifty [50] parking spaces. In parking lots containing fifty [50] or greater parking spaces, cultivated trees shall be a minimum of ten [10] feet in height when planted and shall have a trunk diameter of at least two [2] inches at a height of four [4] feet above grade.
- 8.5.4 No one species may account for greater than half of all the trees planted within a parking lot.
- 8.5.5 The Planting Standards in Appendix A of the town of East Greenwich Land Development and Subdivision Review Regulations including the "recommended varieties" shall apply to "all projects regulated by this section."

8.6 MAINTENANCE

All parking plans as required by this article must include a maintenance plan or provisions that insure compliance with the following:

- 8.6.1 All plant growth in landscaped areas shall be controlled by pruning,

trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access or otherwise constitute a traffic or safety hazard.

8.6.2 All plantings shall be maintained in a manner so as to promote optimum growth of plant materials.

8.6.3 All trees, shrubs, ground covers and other plant materials must be replaced if they die or become unhealthy because of accidents, drainage problems, disease or other causes. All such replacements shall conform to all standards that governed the original installation of plantings. Where no such standards exist, new plantings shall match the replaced materials in type, species and quantity.

8.6.4 All plantings, surfacing, lighting, barriers, markings and other materials shall be repaired or replaced with new materials to insure continued compliance with the provisions of this article. Failure to maintain these features shall be considered a violation of the Zoning Ordinance and shall be handled in conformance with Article VIII Procedures for General Administration.

8.6.5 All planting and maintenance plans as required by this Article shall be recorded as a deed restriction on the subject property to insure the long-term care of plantings.

ARTICLE VII SIGN ORDINANCE

SECTION 1 AUTHORITY, PURPOSE AND INTENT

Authority for this Article is granted under the Rhode Island Zoning Enabling Act, Chapter 45-24. Additional Authority for this Article is granted by Rhode Island General Laws Title 24 Chapter 7 Section 24-7-1 (Power of towns to establish and regulate sidewalks).

The purpose of this ordinance is to regulate the installation and/or replacement and/or alteration of signs for the purpose of providing information and advertising in an orderly, effective, legible, aesthetic, and safe manner. Restrictions on number, type, location, size, material and illumination of signs protect the public from hazardous and distracting displays, protect property values, enhance the traditional qualities and characteristics of the Town, and create an attractive environment which is conducive to business, industry

and tourism. The minimum criteria for review for signs regulated by the Historic District Commission shall be as described in the Historic District Commission's Guidelines for Review.

SECTION 2 DEFINITIONS, COMPUTATIONS AND ZONES

- 2.1 **DEFINITIONS:** Words and phrases used in this ordinance shall have their plain and ordinary meaning unless otherwise specifically defined below or in Article XII of this Zoning Ordinance. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

ALTERATION, SIGN: Any change to the sign display.

ANIMATED SIGN: Any sign that uses movement the visual impression of movement, sound or change of lighting to depict action or create a special effect and/or scene. Such signs include but are not limited to those that give the impression of flashing, running, blinking, oscillating, twinkling, scintillating, expanding or contracting.

AWNING: Any temporary or retractable covering or shelter which is supported entirely by the exterior wall of a building (see also **CANOPY SIGN**).

AWNING SIGN: See **CANOPY SIGN**.

BACK-LIT SIGN: See **INTERNALLY ILLUMINATED SIGN**.

BALLOON: Any object and/or sign filled with helium or other gas used to expand its shape and/or form.

BANNER: Any sign of fabric or similar material that is mounted to a pole, building, or other structural support. Street banners are those banners installed so as to hang across a public road or thoroughfare for governmental sponsored and non-profit purposes may be installed for a period not to exceed thirty (30) days within a six (6) month period per organization. Such installation may only be made following written notification to the building inspector and planning department. Storefront banners are any kind of banner installed on private property.

BILLBOARDS: Any off-premises sign exceeding fifteen (15) square feet in

area.

BRACKET: The device used to attach and support a sign face to a building or freestanding structure.

BUILDING MARKER: Any sign indicating the name of a building and/or date and/or incidental information about its history or construction, which sign is incombustible material and is attached parallel to the surface of the building. Building markers may not exceed four (4) square feet in area.

BULLETIN BOARD: A board or wall area on which bulletins, notices, or displays are temporarily posted. Such signs may not exceed five (5) square feet in area for public, charitable or religious institutions when located upon the premises of said institutions.

CANOPY: A roof-like projection, or portico, over a door, entrance, window, or outdoor service area, including, but not limited to, industry standard gas station roofs independent of an enclosed structure. Such projections shall provide at least 8 feet clearance to grade from the bottom edge of the canopy

CANOPY SIGN: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. (A marquee is not a canopy sign). Where canopy signs are permitted, they shall be allowed in lieu of wall signs. The maximum width of the area of sign display shall be seventy (70) percent of the linear frontage associated with the business. The maximum height of the sign display shall be thirty-six (36) inches. A canopy sign shall not be lit from underneath or behind. A canopy sign shall provide at least 8 feet clearance to grade from the bottom edge of the canopy.

COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

CONSTRUCTION SIGN: Any sign whose purpose is to display the name of the contractor and/or subcontractors employed on a work site, and/or the consultants and/or financial institutions participating in the project. Such signs shall be either freestanding or attached to the structure and shall not exceed twelve (12) square feet in residential zones or thirty (30) square

feet in all other zones. Such signs shall be temporary in nature and shall be removed upon completion of construction. Such signs shall not be erected until building permits for the relevant project are pulled. This definition does not include signs located on the premises of the general offices of a contractor.

DIRECTIONAL SIGN: Any sign whose purpose is to direct vehicles and/or pedestrians onto, around, and off of a premises. Such signs shall be limited to four (4) square feet in area including any attached corporate logos or other symbols. Such signs shall be limited to three (3) feet in height from the top of the sign to grade. These signs may contain the name or logo of an establishment but no advertising copy. Such logos shall not comprise greater than 20 percent of the total sign area.

DIRECTORY SIGN: A sign which provides dedicated space for listings of two (2) or more professional, service, business and/or commercial activities and is designed and constructed with provision to allow changes of occupancy to be reflected on the sign. One such sign shall be permitted per building, either as a wall directory sign or as a freestanding directory sign. Wall sign directories are permitted in lieu of individual wall signs and sign areas shall not exceed forty (40) square feet. Freestanding directory signs are permitted in lieu of freestanding signs or monument signs and shall not exceed fifteen (15) in height or sixty (60) square feet in sign area.

EXTERNALLY ILLUMINATED SIGN: Any sign whose light source is located outside of the sign. This includes, but is not limited to spotlights.

FINANCING SIGN: See CONSTRUCTION SIGN.

FLAG: Any fabric, banner, or bunting containing distinctive colors, patterns, words and/or symbols. One flag shall be permitted for every 150 feet of frontage associated with the property with a maximum of three (3) flags permitted per business or residence. Flags attached to a building shall be displayed at a height where the lowest portion of flag material is a minimum of seven (7) feet off the ground if hanging over a public right-of-way. Flags containing a commercial message or business name shall not exceed 12 square feet in area. Standing flags shall be allowed in existing flag holes in the sidewalk within the Commercial Downtown (CD) Zone without a minimum clearance restriction.

FLASHING SIGN: See ANIMATED SIGN.

FREESTANDING SIGN: Any sign supported by a structural device or devices that is placed on, or anchored into, the ground and that is independent from any building. One freestanding sign shall be permitted per lot with a maximum visible sign area of forty (40) square feet (See also Section 2.2 Computations for multi-faced signs). Where more than one business is located on a lot, up to three (3) freestanding signs shall be permitted provided that the total square footage of visible sign area does not exceed forty (40) square feet. A minimum sign clearance of eight (8) feet is required between the grade and the base of the lowest part of the sign to insure adequate site clearance for pedestrians and vehicles. Maximum sign height shall be fifteen (15) feet. The area immediately underneath and around the base of the sign shall be landscaped per the Landscaping Article requirements found elsewhere in this Ordinance. (See also MONUMENT SIGN.)

GAS FILLED SIGN: Any sign internally colored by gases not specifically prohibited in SECTION 4.3 of this ordinance.

GAS STATION SIGNS: Signs necessary to the operation of filling and service stations limited to the following:

- a) Lettering on buildings displayed over individual entrance doors consisting of the words "washing," "lubrication," "repairing," and/or words of similar relevance, provided that there shall not be more than one such sign centered over each entrance, and that the sign area shall not exceed twelve (12) inches in height
- b) Lettering or other insignia which are part of a gasoline pump, consisting only of a brand name, lead warning sign, price and other signs as required by law
- c) A credit card sign not exceeding one (1) square foot in area, affixed to the building or window
- d) Other signs as permitted by this Ordinance

GOVERNMENT SIGNS: Signs erected by or on behalf of the United States of America, the State of Rhode Island and the Town of East Greenwich, traffic controls, legal notices, or other signs required by law

including all signs erected under the authority of the Town of East Greenwich on Town owned or controlled land. The Town shall have the ability to erect such signs without sign approval.

INTERNALLY ILLUMINATED SIGN: Any sign, exclusive of gas filled signs, whose light source is located behind and/or within the sign itself or behind and/or within any individual element(s) of a sign.

INCIDENTAL SIGN: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "loading zone," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

LEGAL NONCONFORMING SIGN: (1) A sign which was erected legally prior to the enactment of this ordinance; (2) A sign which does not conform to the sign code requirements, for which zoning relief has been granted through the Zoning Board of Review.

LOT FRONTAGE: Roadway frontage on a local access road. Frontage along limited access highways such as Routes 4 and I-95 shall not be considered as lot frontage.

MARQUEE: Any permanent roof-like structure projecting beyond a building which is used as a theater.

MARQUEE SIGN: Any sign attached to, in any manner, or made a part of a marquee.

MONUMENT SIGN: Any freestanding sign whose base is in contact with or within one (1) foot of the ground. Where permitted, only one (1) monument sign shall be allowed per lot in lieu of a freestanding sign and shall have a maximum sign area of fifty (50) square feet and shall be set back a minimum of ten (10) feet from all property lines. Maximum sign height shall be eight (8) feet. The area immediately underneath and around the base of the sign shall be landscaped per the Landscaping Article requirements found elsewhere in this Ordinance.

MOVING SIGN: Any sign moved by mechanical or natural means, such as wind.

MURALS: A picture or painting applied directly to a wall or roof of a structure containing no written copy or text.

NAMEPLATE: Material on which a name and/or professional designation is inscribed or painted. Professional nameplates shall indicate a name and/or professional designation and/or affiliation and shall not exceed one (1) square foot per professional occupant. Residential nameplates shall display the name and address of resident and shall not exceed one (1) square foot in area. All such nameplates shall be affixed either to a door, an adjacent wall of the premises or a lamp post/mail box.

NEON: See GAS FILLED SIGN.

NONCONFORMING SIGN: Any sign that does not conform to the requirements of this ordinance.

OFF-PREMISES SIGN: Any sign advertising or calling attention to an activity, product or service not available within a building or upon the parcel of land where it is located. Temporary off-premises signs for non-profit events are permitted for a period of seven (7) days prior to the scheduled event and shall be removed within two (2) days following the event. Such signs are prohibited from public property including rights-of-ways and may not exceed six (6) square feet in total sign area. Written notification shall be made to the building official and planning department prior to installation of the signs. Such notification shall include, but not be limited to, written permission of private property owner(s), location of signs, size of signs, dates of display and removal.

PEDDLER'S SIGNS: Any wall sign or perpendicular sign which is a part of and affixed to a permitted peddler's vehicle.

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or line usually in series, designed to move in the wind.

POLITICAL SIGN: Any sign displayed so as to advise voters of a candidate or position in a forthcoming election. Political signs may be no greater than four (4) square feet in area. Freestanding political signs may be no greater than four (4) feet in height overall and they may not be placed closer than five (5) from any property line. Such signs are prohibited from public rights of way, municipal buildings and properties and may not be

affixed to trees, traffic signs or utility poles.

PORTABLE SIGN: Any mobile sign not permanently attached to the ground or permanent structure, or a sign which may be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Sandwich board signs as described and regulated elsewhere in this ordinance shall not be considered portable.

PRINCIPAL BUILDING: The building in which the principal use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that it extends more than ten inches beyond the surface of such building or wall. Such signs shall be permitted in lieu of freestanding signs or monument signs. Only one (1) projecting sign shall be permitted per business and shall be perpendicular to the wall to which it is attached, its nearest edge being no less than three (3) inches and its furthest edge projecting no greater than forty-eight (48) inches from the wall. The projecting sign shall have a maximum sign area of ten (10) square feet and its lowest edge shall be a minimum of eight (8) feet from the ground.

REAL ESTATE SIGN: Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale. Residential real estate signs shall be permitted for individual residential properties and shall not exceed six (6) square feet in area. Only one residential real estate sign per lot shall be permitted. Commercial and industrial real estate signs shall be permitted for industrial and commercial properties and shall not exceed thirty-two (32) square feet in area. All residential, commercial and industrial signs shall be removed within two (2) weeks of the sale or lease of the property or unit. Subdivision real estate signs shall be permitted for subdivisions of five (5) or more lots. One common sign with a maximum sign area of thirty-two (32) square feet per side shall be permitted in lieu of individual real estate signs and shall not be in place for greater than two (2) years.

RESIDENTIAL SIGN: Any single faced wall sign or freestanding sign in a

residential zone including, but not limited to, preservation plaques, bed and breakfast signs, permitted home occupations and political signs. Freestanding signs of this nature shall have an area not exceeding four [4] square feet, shall be no greater than four [4] feet in height overall and shall be located a minimum of 5 feet from all property lines.

RESIDENTIAL ZONE USE SIGN: A wall sign or freestanding sign whose sign display is not to exceed twelve (12) square feet and is used on premises for church, hospital, library, museum, art gallery or charitable purposes.

ROOF SIGN: Any sign erected over or on the roof of a building and which is supported by the roof structure.

SANDWICH BOARD SIGN: Any double-sided portable sign designed as an "A" or "T" frame, typically hinged or joined at one or more points. One such sign shall be permitted per business and shall be located so as to provide a public passage of a minimum of three (3) feet on any public right-of-way. Each face of the double-sided sign shall not exceed six (6) square feet in area. No driveways, doorways, walkways or handicap ramps may be blocked by the sign. Sandwich board signs shall not be attached to any public structure or street furniture.

SEARCHLIGHT: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

SEASON'S GREETINGS SIGN: Any temporary sign which promotes holiday greetings. Signs promoting businesses, products, services, or sales do not constitute season's greetings.

SIGN: Any device, fixture, display, placard, or structure that uses any color, form, graphic, illumination, symbol, and/or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. A wall sign shall consist of both a sign face and a bracket. A freestanding sign shall consist of the sign face(s), bracket(s) post(s) and frame. A monument sign shall consist of the sign face(s) and support base.

STOREFRONT BANNER: Any sign of fabric or similar material mounted to a pole, building, or other structural support installed on private

property.

STREET BANNER: A temporary sign installed so as to hang across a public road or thoroughfare. They are solely of a decorative/festive/or informative nature and announce activities, promotions or events with seasonal or traditional themes having broad community interest and which are government sponsored or for non-profit purposes. Such signs may be installed for a period not to exceed 30 days within a six month period per organization and may only be installed following notification and approval of the Building Official, Planning Department and Rhode Island Department of Transportation as applicable. Advertising including symbols, insignias or lettering for a product or corporation sponsoring the event may not exceed 15 per cent of sign area.

SUBDIVISION IDENTIFICATION SIGNS: One (1) freestanding permanent sign may be installed at all exclusive entrances to a development. Each sign shall have a maximum sign area of sixteen (16) square feet. These signs shall not be located within the public right-of-way or on Town owned or controlled land.

TEMPORARY SIGN: Any sign that is used for a limited time and is not permanently installed or erected. Such signs shall not remain in place greater than 30 days.

TOWN: Shall refer to all governmental entities of the Town of East Greenwich including, but not limited to, Town municipal offices and the school department.

TRADEMARK: Any trademark that is registered with the U.S. Patent Office under 15 US CA Section 1051.

WALL SIGN: Any sign attached parallel to, but within 10 inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building, and which displays only one sign surface and is supported by such wall or building. One such sign shall be permitted per business per building face. With a maximum of three (3) per business. The maximum width of the sign display shall not exceed seventy percent of the linear frontage associated with the business unit. In the CD1 and CD 2 (Commercial Downtown 1 and 2) and W (Waterfront) Zones, such signs may be either a total of 30 square feet in area or a maximum of 36 inches in height and no

greater than 6 inches from the wall. In the Route 2 Corridor, CH (Commercial Highway) and LI/O (Industrial) Zones, wall signs may either total 30 square feet in area or be a maximum of 48 inches in height and no greater than 10 inches from the wall.

WINDOW SIGN: Any sign that is placed inside a window, upon the window panes or glass, or within twelve inches of the window (exclusive of merchandise display). Permanent window signs may be applied to, painted on or attached to the inside of each window associated with a business. Temporary interior paper signs advertising business openings, specials, sales, events and greetings shall be permitted for a period not to exceed thirty (30) days. All window signs shall not exceed twenty-five (25) percent of the total window area. Each window shall be counted separately.

2.2 **COMPUTATIONS:** The following principles shall control the computation of sign area and sign height.

2.2.1 **SIGN DISPLAY:** The sign display is a portion of the permitted sign area. The area of a sign display shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display.

2.2.2 **SIGN AREA, SINGLE-FACED SIGNS:** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed as the area of SIGN DISPLAY together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

2.2.3 **SIGN HEIGHT:** The height of a freestanding sign shall be computed as the distance from the base of the sign pole at normal grade to the top of the sign area. The height of a monument sign shall be computed as the distance from the base of the sign at normal grade to the top of the sign area. Normal grade shall be construed to be the lower of (1) existing grade prior to the construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

SECTION 3 GENERAL PROVISIONS

- 3.1 **MAXIMUM SIGNS AREA:** The maximum visible sign area associated with any business shall not exceed 100 square feet for properties in the CD1 or CD2 and Waterfront districts and shall not exceed 140 square feet for properties in the Rt2 corridor and CH and LI/O zones. This provision applies to all sign types requiring approval including wall signs, freestanding and projecting signs. Directional signage is not included.
- 3.2 **SIGNS OTHER THAN THOSE AFFECTING HISTORIC PROPERTIES:** The installation, enlargement, reduction or relocation of (permitted) signs in all zones are allowed as indicated in the Table of Signs, (Table #7-1) following approval and the issuance of a building permit from the Building Official unless otherwise indicated in Table #7-1.
- 3.3 **SIGNS AFFECTING HISTORIC PROPERTIES:** All signs proposed on properties included in the Historic Zoning Article either as part of a district or individually, or on properties individually listed on the National Register of Historic Places shall require sign approval from the Historic District Commission in addition to a building permit unless otherwise indicated in Table #7-1. All requests shall be submitted for review as part of an overall sign proposal for the business and/or property.
- 3.4 **CHANGES TO NONCONFORMING SIGNS:** Enlargement or relocation of legal non-conforming signs require additional approval from the Zoning Board of Review as described elsewhere in this Zoning Ordinance.
- 3.5 **RI BUILDING CODE:** Within all zones and districts, all signs shall comply with applicable provision(s) of the Rhode Island State Building Code and the National Electric Code.
- 3.6 **SIGN MAINTENANCE:** Within all zones and districts, all signs shall be maintained in good structural condition, in compliance with Section 3.4 and in conformance with this article (unless otherwise allowed through the Zoning Board of Review) at all times.
- 3.7 **LANDSCAPING REQUIREMENTS:**

For the purposes of the East Greenwich Sign Ordinance (Article VII of the Zoning Ordinance) "Landscaping" shall include any combination of living plants such as grass, ground cover, shrubs, vines or hedges and non-living landscape materials such as rocks, pebbles, sand mulch or decorative paving

material. In the case of freestanding or monument signs, the requirement shall be that the area immediately underneath the sign and the entirety of an area extending 2 feet radially from the sign base or supports shall be landscaped. Landscape materials may not obstruct the view of the sign message.

3.8 ILLUMINATION: Within all zones, except as provided elsewhere in this article, all signs may be illuminated under the following criteria:

3.8.1 Internal illumination or back lighting of signs is prohibited in the Commercial Downtown (CD) and Waterfront (W) Districts.

3.8.2 Internal illumination or back lighting of signs is permitted in other zones only where:

(a) The background is darker than the letters placed against it.

(b) The background is opaqued.

(c) The background is ivory or a similar shade to give the impression of opaquing.

3.8.3 Signs may be illuminated by a stationary white or off-white steady light, only. These lights shall not provide glare, nor shall they direct light or shine off the premises.

3.9 ALTERATION OF SIGN FACES: Any legally existing sign faces (including legal nonconforming sign faces) may be altered either to update the sign content or to reflect new information provided the alteration does not result in any change in the sign's size, extent, location or illumination.

3.10 CRITERIA FOR REVIEW: All sign proposals shall be evaluated under the following guidelines:

3.10.1 Compliance with ordinances

3.10.2 Clarity of design and message

3.10.3 In addition to the criteria listed in Sections 3.8.1 and 3.8.2, all proposals reviewed by the Historic District Commission shall conform with the Historic District Commission's Guidelines for

Review.

SIGN TABLE
Table #7-1

TYPE	CD	CH	W	RTE 2	LI/O-RHF	R
ADDRESSES**	Y	Y	Y	Y	Y	Y
ANIMATED SIGNS	N	N	N	N	N	N
BANNERS: Street	Y	Y	Y	N	N	N
Storefront	N	N	N	N	N	N
BILLBOARDS	N	N	N	N	N	N
BUILDING MARKERS**	Y	Y	Y	Y	Y	N
CANOPY SIGNS	Y	Y	Y	Y	N	N
CONSTRUCTION SIGNS*	Y	Y	Y	Y	Y	Y
DIRECTIONAL SIGNS**	Y	Y	Y	Y	Y	Y
DIRECTORY SIGNS	Y	Y	Y	Y	N	N
FLAGS**	Y	Y	Y	Y	Y	Y
FREESTANDING SIGNS	Y	Y	Y	N	N	N
GAS STATION SIGNS*	Y	Y	Y	Y	Y	N
GOVERNMENT SIGNS*	Y	Y	Y	Y	Y	Y
INCIDENTAL SIGN	Y	Y	Y	Y	N	N
MARQUEE SIGNS	N	N	N	N	N	N
MONUMENT SIGNS	Y	Y	Y	Y	Y	N
MOVING SIGNS	N	N	N	N	N	N
MURALS*	Y	Y	Y	Y	Y	Y
NAMEPLATES:**	Y	Y	Y	Y	Y	Y
Professional						
Residential	Y	Y	Y	Y	Y	Y
OFF-PREMISES SIGNS:	N	N	N	N	N	N
Temporary for non-profit	Y	Y	Y	N	N	N
PEDDLER SIGNS**	Y	Y	Y	Y	Y	N
POLITICAL SIGNS	N	N	Y	Y	Y	Y
PORTABLE SIGNS	N	N	N	N	N	N
PRIVATE PARKING LOT SIGNS**	Y	Y	Y	Y	Y	N
PROJECTING SIGNS	Y	Y	Y	N	N	N
REAL ESTATE SIGNS:	Y	Y	Y	Y	Y	Y
Residential*						

TYPE	CD	CH	W	RTE 2	LI/O-RHF	R
Commercial/Industrial*	Y	Y	Y	Y	Y	Y
Subdivision*	N	N	N	Y	Y	Y
RESIDENTIAL SIGNS**	N	N	N	N	N	Y
RESIDENTIAL ZONE USE SIGNS*	N	N	N	N	N	Y
ROOF SIGNS	N	N	N	N	N	N
SANDWICH BOARD SIGNS**	Y	Y	Y	N	N	N
SUBDIVISION IDENTIFICATION SIGNS*	N	N	N	Y	Y	Y
WALL SIGNS	Y	Y	Y	Y	Y	N
WINDOW SIGNS***; Permanent Signs**	Y	Y	Y	N	N	N
Temporary Interior Paper Signs**	Y	Y	Y	N	N	N

NOTES

* Sign approval not required

Y = Yes; signs permitted

** Sign approval and building permit not required

N = No; signs prohibited

*** Neon prohibited inside windows in the Historic District and Residential Districts.

R = Residential and Farm Zones

LI/O-RHF = Light Industry/Office & Rocky Hill Fairgrounds Zones

Rte 2 = South County Trail

W = Waterfront Zone

CH = Commercial Highway Zone

CD = Commercial Downtown CD1 and CD 2 Zones

SECTION 4 PROHIBITIONS

In addition to the signs described as prohibited under the Table of Signs in Section 3, the following signs and sign materials are also expressly prohibited by this article:

4.1 Types of Signs Prohibited

4.1.1 Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. No such sign shall remain in place in or on vacated premises for more than 90 days from the date the vacancy commenced.

- 4.1.2 Signs which are attached to natural features, stone walls, utility poles, utility boxes, traffic signs, fences, or highway structures.
- 4.1.3 Signs attached to or placed on or against trailers or vehicles, whether registered or unregistered. This does not include signs adhered or painted onto vehicles.
- 4.1.4 Signs in the public right-of-way, except for those installed by the government.
- 4.1.5 Signs which imitate, and may be confused with, an official traffic control sign or signal, or an emergency or road equipment vehicle.
- 4.1.6 All other signs which have not been expressly permitted within this article.
- 4.1.7 All existing signs erected without the necessary approvals and/or permits.
- 4.1.8 Billboards

4.2 Additional Signs Prohibited

The total number of permitted exterior signs at any business shall not exceed four (4). This number shall include any combination of wall signs, freestanding signs, monument signs, projecting signs, canopy signs, marquee signs, and sandwich board signs.

4.3 Prohibited Materials

- 4.3.1 Pennants, ribbons, streamers, spinners, other moving devices.
- 4.3.2 Internal illumination or back lighting of signs is prohibited in the Commercial Downtown CD and Waterfront W zones. Internal illumination or back lighting of signs in all other zones is prohibited, except

as permitted Section 3.8 of this Ordinance.

- 4.3.3 Exposed fluorescent and phosphorescent signs are prohibited in all zones. (Traditional "neon" signs shall be permitted in all zones and districts except the Historic District and residential zones).

SECTION 5 NONCONFORMING SIGNS

- 5.1 A sign shall immediately lose its legal nonconforming status when:
 - 5.1.1 The sign is enlarged or reduced without approvals (see also Sections 3 and 4 of this ordinance).
 - 5.1.2 The sign is relocated without approvals (see Section 4.1).
 - 5.1.3 The sign advertises or calls attention to any products, businesses or activities which have not been carried on or sold at the premises for the past ninety (90) days.
 - 5.1.4 The sign shall not have been repaired or properly maintained within thirty (30) days after written notice to the effect has been given by the Building Official and/or Director of Planning, or their designees.
 - 5.1.5 The sign is removed and replaced with another nonconforming sign, regardless of its size.
- 5.2 A sign shall not lose its legal nonconforming status when:
 - 5.2.1 A wall sign is removed for construction, painting and/or restoration of the building provided that the sign is returned to its location within thirty (30) days of completion of the building work.
 - 5.2.2 The sign is removed to facilitate repair, maintenance and/or repainting and replaced immediately upon completion of such work.
- 5.3 No sign that had been erected in violation of any previously existing sign ordinance shall, by virtue of adoption of this ordinance, become legal nonconforming.

SECTION 6 OWNER, PERMITTEE INDEMNIFICATION

Any permit granted or permission given pursuant to this Article shall be upon the express condition that the permittee and/or grantee and every owner, person or entity maintaining any such sign shall be liable for and save the Town harmless from and indemnify said Town against any and all liability, costs and expenses incurred and any damages sustained by persons or property caused by the construction, existence or maintenance of any such sign.

SECTION 7 ADMINISTRATION AND ENFORCEMENT

- 7.1 A permit shall be applied for and received from the Building Department prior to erecting, (re)placing, (re)building, (re)constructing, or (re)locating any sign. A permit is not necessary for sign repair and maintenance provided the work is done in conformity with this article.
- 8.2 The application for a sign permit shall be accompanied by a sketch plan of site and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application and consistent with this article as determined by the Building Official and/or Director of Planning.

ARTICLE VIII PLANNED DEVELOPMENT AND MIXED USE PLANNED DEVELOPMENT ORDINANCE

SECTION 1 PURPOSE AND INTENT

The purpose of this ordinance is to govern the erection, design, use and reuse of buildings and land approved as either Planned Developments [PD] or as Mixed Use Planned Developments [MUPD]. These districts are intended to provide the following:

- 1.1 Planned Development: A designation which allows for residential land uses through environmentally sensitive design. It would provide for residential development on a single parcel [as in a townhouse design, etc.].
- 1.2 Mixed Use Planned Development: A designation which allows for multiple uses on one parcel. It is offered as a development option as an encouragement to construct and develop low density commercial [retail and/or office] uses so as to off-set the tax burden of higher density residential units. Low and moderate income residential units would be particularly encouraged in an MUPD.

SECTION 2 APPLICABILITY

- 2.1 Designation of either of these districts requires an amendment to the Zoning Ordinance and Zoning Map for the Town of East Greenwich. These districts may be allowed where general impacts and environmental constraints are minimal and there is a proper fit with existing uses.
- 2.2 Development of a parcel under either of these use designations additionally requires approval under the tenets of the Development and Subdivision Review Regulations.

The standards of this article shall also be applied to projects that are developed in phases.

SECTION 3 PERMITTED USES

- 3.1 The following are permitted uses within the PD Zone:
 - (a) Single family attached dwellings including, but not limited to, duplexes and quadraplexes
 - (b) Off street parking
 - (c) Signs [As provided for in Article VII]
- 3.2 The following are permitted uses within the MUPD Zone:
 - (a) Single family attached dwellings
 - (b) Multi-family dwellings and Duplexes
 - (c) Offices
 - (d) Health and fitness facilities
 - (e) Medical walk-in facilities/out patient care
 - (f) Day care, day care centers

- (g) Off street parking
- (h) Signs [As provided for in Article VII]
- (i) Assisted living and long term health care

SECTION 4 ACCESSORY USES

4.1 The following uses are permitted as accessory uses to legally-existing principal uses in both the PD and the MUPD zones:

- (a) The keeping of household pets for residential or educational uses.
- (b) Family day care in the home.
- (c) A temporary sales or promotion office in connection with adjacent construction. Such office may be located in a trailer. "Temporary" is considered to be one year but renewal for good cause may be allowed with application to the Building Official.
- (d) Storage of building materials and equipment incidental to on-site construction.
- (e) Storage of inspected, registered vehicles, owned or used by a person residing on the premises which are physically capable of being operated on a public roadway.
- (f) Storage of a maximum of one inspected, commercially registered vehicle, owned or used by a person residing on the premises, that have a maximum of one ton capacity, which are physically capable of being operated on a public roadway. Storage of unregistered vehicles shall not be permitted.
- (g) In-law apartments.
- (h) Bed and Breakfasts by special use permit only.

SECTION 5 GENERAL REQUIREMENTS

5.1 The following requirements shall apply to both the PD and MUPD zones:

- (a) No accessory structure, swimming pool and/or tennis court shall be located in any part of the required front and side setbacks.
- (b) Proposals for Planned Developments and Mixed Use Planned Developments are required to follow review procedure spelled out in the Land Development and Subdivision Review Regulation.
- (c) Planned Developments and Mixed Use Planned Developments are required to participate in any impact program required for such uses.
- (d) All such developments shall be serviced by town sewer and public water.
- (e) All such developments shall be oriented to the Town's principal arterials.
- (f) All roads within a PD or MUPD shall be constructed to the Town's standards and may be dedicated as public streets.
- (g) The total number of residential dwelling units to be permitted shall be computed by using the following formula:

$$D = (GA-NA)/UZ$$

D = density (maximum number of residential units, this number shall be rounded to the nearest whole number to establish the total number of allowed units in this development)

GA = gross acreage (gross area of the proposed development in acres and tenths of acres)

NA = not allowed (the area, in acres and tenth acres, of all wetlands or other natural areas protected under this ordinance; all wetland areas shall be defined by the Department of Environmental Management; the NA total shall include the total land area allowed for streets)

UZ = underlying zone (gross development density in units per acre permitted in the underlying zoning district).

- (h) A minimum of 30 percent common open space shall be provided.

Common open space shall comply with the following criteria:

- (1) Wetland areas, as delineated by the State, shall not be counted toward the 30% required open space. Perimeter wetlands may be included to meet this requirement;
- (2) Up to 20% of the common open space may be devoted to paved areas or structures used to provide recreational or cultural facilities for residents of the development, consistent with the intended use of the common open space and approved by the Planning Board;
- (3) The location, size and shape of common open space shall be reviewed and approved by the Planning Board. Strips of common open space are not permitted unless they provide access to a larger portion of common open space, serve as natural drainage areas, or serve as buffers;
- (4) Access to common open space shall be provided to every owner of the common open space; access points shall be marked by stone bounds to distinguish between the edge of the access and private property;
- (5) Land which has suffered environmental damage, either on the surface or below the surface, prior to the final approval of the planned development by the Planning Board shall not be counted toward common open space requirements; should the land be restored to a condition acceptable to the Planning Board, this condition may be waived;
- (6) The developer shall provide for the permanent preservation and maintenance of the common open space by, at the option of the Planning Board, either conveying the same to the Town for use by it for park, open space, agricultural, or other specified use or uses, or by conveying the same to a non-profit organization, the principal purpose of which is the conservation of open space, or by conveying the same to a corporation or trust owned or to be owned by the owners of the units with the planned development. If such a corporation or trust is used, ownership shall pass with conveyance of the lots or units. In any case, where the land is

not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that the land shall be kept in the authorized condition and not be built upon or developed for accessory uses such as parking or roadway.

The following requirements shall apply to the Planned Development District:

- (a) The density within the development shall not exceed that otherwise permitted in the underlying district.

6.3 The following requirements shall apply to the Mixed Use Planned Development District:

- (a) A maximum of six units may be permitted per acre, provided at least 10 percent of the total residential units within the development are affordable based on HUD Guidelines. Density shall be determined based on the land used for residential purposes.
- (b) Except for the development of an Assisted Living Facility together with any complimentary or accessory use consistent with this section, but excluding any additional commercial development on site, the district shall apply only to parcels where both residential and commercial development are provided. Total commercial development shall not constitute greater than 50% and less than 25% of the total gross floor area of the development overall.

The maximum number of units to be permitted in an Assisted Living development shall not exceed one bedroom, or other space designed or allocated for sleeping purposes such as a “studio or efficiency apartment,” for each 4,000 square feet of land area for the given site.

The Town Council may permit the density of an Assisted Living development to be increased to one bedroom or other space designed or allocated for sleeping purposes such as a studio or efficiency apartment for each 2,700 square feet of land area, when it is determined that the increase will serve the public welfare by the inclusion of an increase of the following amenities:

An increase in internal space for the purposes of recreation, art, and education or other enrichment purposes compatible with the intended occupancy;

An increase in open space for garden plots or passive recreation for the intended occupants, or the dedication of open space for general public use; and

Provision of increased landscaping within the setbacks and around the buildings and parking areas.

SECTION 7 PROCEDURAL

All applications for either PD or MUPDs made under the provisions of this ordinance shall be filed per the requirements of the Development and Subdivision Review Regulations.

ARTICLE IX CLUSTER ORDINANCE

SECTION 1 PURPOSE AND INTENT

The purpose of this ordinance is to regulate the establishment of single family detached cluster subdivisions while maintaining the rural, natural and scenic character of the Town of East Greenwich. These regulations have been designed to achieve the following purposes and objectives so as to contribute to the safety, health and welfare of the residents of East Greenwich:

- 1.1 To promote the efficient and economical use of land in harmony with its natural features and surrounding areas.
- 1.2 To encourage the preservation of valuable open space and protection of the water supply, water bodies, wetlands, floodplains, agricultural lands, wildlife and other natural resources.
- 1.3 To promote diverse and efficient housing through creative and environmentally responsible site design.
- 1.4 To preserve the rural, natural and scenic character of the Town through the protection of site amenities, natural and cultural features and historic resources.

SECTION 2 APPLICABILITY

- 2.1 This Article may be applicable to any single family housing development located in any residential zone throughout the Town.
- 2.2 Compliance with the requirements as described herein shall not be construed to relieve the applicant of any obligations to obtain additional local, state or federal permits.

SECTION 3 PERMITTED USES

The following are permitted uses within a cluster development:

- 3.1 Any use permitted in the underlying zone.
- 3.2 Single family detached dwelling structures.
- 3.3 Accessory uses to residential dwellings as permitted in the underlying zone.
- 3.4 Maintenance, storage and utility buildings accessory to single family dwellings or to non-commercial recreational uses approved as part of the cluster subdivision.
- 3.5 Parking areas designed specifically to accommodate residents of the cluster subdivision.
- 3.6 Non-commercial recreational uses subject to the provisions set forth in the Development and Subdivision Review Regulations.
- 3.7 Agriculture, horticulture and silviculture, and any accessory uses or structures appurtenant thereto.

SECTION 4 GENERAL REQUIREMENTS

- 4.1 The cluster development shall have a minimum of 30% common open space, exclusive of utility easements, roads, parcels in individual ownership and wetlands.
- 4.2 Open space shall comply with the criteria for common open space under Section 5.4 of this Article.

SECTION 5 MINIMUM REQUIREMENTS

5.1 DENSITY REQUIREMENTS

- (a) The total number of residential dwelling units to be permitted on any site proposed for a cluster development shall be computed by using the following formula:

$$D = (GA - NA) / UZ$$

D = Density: Permissible number of residential lots. This number shall be rounded to the nearest whole number to establish the total number of allowed lots in the cluster development.

GA = Gross Acreage: Gross area of the proposed subdivision in acres and tenths of acres.

NA = Not Allowed: The area, in acres and tenth acres, of all wetlands or other natural area protected under this ordinance. All wetland areas shall be defined by the Department of Environmental Management (DEM) with respect to freshwater wetlands. Also, the NA total shall include the total land area allowed for streets.

UZ = Underlying Zone: Gross development density in units per acre permitted in the underlying zoning district.

- (b) The total number of lots in a cluster shall not exceed the total otherwise attainable in a conventional development.

5.2 DIMENSIONAL REQUIREMENTS

- 5.2.1 The following table sets forth the minimum lot requirements under the cluster development ordinance.

DIMENSIONAL REGULATIONS FOR CLUSTER SUBDIVISIONS¹

Table #9-1

UNDERLYING ZONE	MINIMUM LOT AREA	MINIMUM ² FRONTAGE	FRONT YARD	SIDE YARD	REAR YARD
F-2	43,560	150	50	30	45

F-1	30,000	150	40	30	40
F	30,000	150	40	30	40
R-30	20,000	125	35	25	35
R-20	10,000	100	30	15	30
R-10	6,000	60	10	10	20
R-6	4,000	65	10	10	20

NOTES:

¹Allowable lot coverage and maximum structure heights are the same as noted in the underlying zoning designation under Dimensional Regulations by Zone, Table #3-2 in Article III Dimensional Regulations.

²Lots fronting on a "cul-de-sac" shall have a minimum frontage of 60 feet.

5.3 DESIGN GUIDELINES AND REQUIREMENTS

5.3.1 Preserve and maintain existing fields, pastures, and other land for agricultural use wherever possible.

5.3.2 Maintain or create a vegetated buffer between the cluster subdivision and any abutting use.

5.3.3 Preserve unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads or scenic roads.

5.3.4 Protect habitat areas of endangered or threatened species.

5.3.5 Preserve historic and/or archaeological sites and their environs insofar as needed in order to protect the historic character of the site.

5.3.6 Maintain the visual integrity of hilltops and ridge lines by siting development so that building silhouettes will be below the hilltop or ridge line; if the area is heavily wooded, the buildings' silhouettes shall be lower than the average canopy height of trees on the ridge or hill.

Retain and preserve field stone walls wherever possible and minimize cuts into the walls. If removal is necessary, a matching length of dry

stone wall or hidden mortar wall shall be rebuilt on the site.

Old growth trees shall be retained or replaced per the Subdivision Regulations.

5.4 COMMON OPEN SPACE CRITERIA

- 5.4.1 Up to 20% of the common open space may be devoted to paved areas or structures used to provide recreational or cultural facilities for the residents of the cluster development, consistent with the intended use of the common open space.
- 5.4.2 Wetland areas as delineated by the State of Rhode Island, shall not be counted toward the 30% required open space for cluster developments. Wetland buffers may be included to meet this requirement.
- 5.4.3 The location, size and shape of common open space shall be reviewed and approved by the Planning Board. Strips of common open space are not permitted unless they provide access to a larger portion of common open space, serve as natural drainage areas, or serve as buffers.
- 5.4.4 Access to common open space shall be provided to every owner of the common open space. Access points shall be marked by stone bounds to distinguish between the edge of the access and private property.
- 5.4.5 Land which has suffered environmental damage, either on the surface or below the surface, prior to the final approval of the cluster development by the Board shall not be counted toward common open space requirements. Should the land be restored to a condition acceptable to the Planning Board, this condition may be waived upon approval by the Zoning Board of Review.
- 5.4.6 As per the requirements of the Development and Subdivision Review Regulations a conveyance of land or fee may be accepted by the Town to meet anticipated recreational needs generated by the cluster development proposal. In the event that land is conveyed such area shall not be counted toward meeting the requirements for common open space under this article.
- 5.4.7 The developer shall, by appropriate legal instrument, provide for the permanent preservation and maintenance of the common open space

within the development per the requirements of the Subdivision Regulations.

5.5 STREETS

5.5.1 All streets within a cluster subdivision shall be improved in accordance with the requirements and specifications set forth in the Development and Subdivision Review Regulations.

5.5.2 All streets within cluster developments shall be dedicated to the Town of East Greenwich as public roads.

SECTION 6 PROCEDURAL

All applications for cluster developments made under the provisions of this ordinance shall be filed and reviewed in accordance with the requirements of the Development and Subdivision Review Regulations.

ARTICLE X AQUIFER/WELLHEAD ORDINANCE

Reserved.

ARTICLE XI HISTORIC ORDINANCE (Amended February 11, 2008)

SECTION 1 PURPOSE AND INTENT

The purpose of this ordinance is to regulate construction, alteration, repair, removal or demolition of historic properties and stone walls through an overlay zone so as to maintain the historic character of the Town of East Greenwich. These regulations have been designed to achieve the following purposes and objectives:

- 1.2 To preserve historic districts, outlying properties and stone walls which define and reflect elements of the Town's cultural, social, economic, political and architectural history.
- 1.3 To protect and improve property values within designated historic districts,

of designated outlying properties and of scenic roads.

- 1.4 To enhance the traditional qualities and characteristics of the Town and create an attractive environment which is conducive to residential, commercial and industrial uses, and tourism.
- 1.5 To strengthen the local economy by promoting the use of such districts and outlying properties for the pleasure, education and welfare of the residents of East Greenwich.

SECTION 2 AUTHORITY

This ordinance is adopted in accordance with the provisions of Rhode Island General Laws, Chapter 45-24.1 "Historic Enabling Act" as may be amended.

SECTION 3 DEFINITIONS

Words and phrases used in this ordinance shall have their plain and ordinary meaning unless otherwise specifically defined in this section or in Article XII of this Zoning Ordinance. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

ACCESSORIES: Features other than primary structures which contribute to the exterior appearance of a property including but not limited to signage, doors, windows, materials, decorative features, fences and trim detail, whether or not a building permit is required for the alteration. Landscape features considered as accessories shall be limited to stonewalls.

ALTERATION: Any act that changes one or more of the architectural features or its accessories, including but not limited to the erection, installation, construction, reconstruction, relocation or removal of any structure/accessory.

APPROPRIATE: For the purpose of this article and the Certificate of Appropriateness, the term appropriate shall mean not incompatible with those aspects deemed by the Commission as historically, architecturally, or archaeologically significant for the structure, accessories, stone walls, neighborhood or district in which the review is made.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the East Greenwich Historic District Commission as established under this article indicating approval of an application for an alteration, construction, repair, removal or demolition of a structure or

accessories of a structure within a historic district or an outlying property as identified under this article. Also, referred to as CERTIFICATE.

CONSTRUCTION: The act of adding to an existing structure, erecting a new structure or adding accessories onto a structure, including but not limited to buildings, extensions, outbuildings and fire escapes.

COMMISSION: The East Greenwich Historic District Commission as established under the provisions of the Charter and Code or Ordinances of the Town of East Greenwich, Article IV Administration.

DEMOLITION: An act or process that destroys a structure and/or its accessories in whole or in part.

HISTORIC DISTRICT: Specific divisions of the Town of East Greenwich as designated by this Article which shall act as overlay zones. A Historic District may include one or more structures.

RELOCATION: The moving of an established structure from one site or area to another.

REMOVAL: The act of elimination as a means of remedying damage or deterioration of a structure and/or its accessories.

REPAIR: The act of altering as a means of remedying damage or deterioration of a structure and/or its accessories.

REPLACEMENT-IN-KIND: Any repair work in which old materials are removed and exactly the same materials are used in its place, (i.e. asphalt shingle roofing is removed and relayed with new asphalt shingles).

STREET OBJECT: Any object erected or placed in a public way or sidewalk on a temporary or permanent basis. Authorized public safety/public welfare street objects include, but are not limited to, such structures as street lights, traffic lights, U.S. Post Office mailboxes, fire hydrants, utility poles, street trees and municipal trash receptacles.

STRUCTURE: That which is constructed or erected and requires a building permit, the use of which requires permanent or temporary location on or in the ground, to be limited to buildings, gazebos, pergolas, outbuildings, porches, decks and fences.

SECTION 4 **DESIGNATION OF HISTORIC DISTRICTS AND OUTLYING PROPERTIES**

4.1 For the purposes of this Article, the boundaries of historic districts are established as shown on a map entitled "East Greenwich Historic District Map" which is filed in the office of the Town Clerk. This map, and any recorded amendments to the map, are hereby incorporated as a part of this Article.

4.2 The **EAST GREENWICH HISTORIC DISTRICT** is bounded and described as follows:

Beginning at the intersection of the center lines of West Street and Division Street, thence easterly along the center line of Division Street to the high water mark of Greenwich Cove, so-called; thence turning and running generally southerly and southwesterly along the high water mark of said Greenwich Cove to a point, said point being located on the high water mark of said Greenwich Cove and also being the point at the easterly end of the center line of Crompton Avenue; thence turning and running generally north easterly along the center line of Crompton Avenue to the intersection of the center line of Rocky Hollow Road; thence turning and running generally westerly along the center line of Rocky Hollow Road to the intersection of the center line of Main Street and the extensions of the center lines of Rocky Hollow Road and First Avenue; thence continuing generally westerly along the center line of First Avenue to the intersection of the center line of First Avenue and the extension of the center line of Reynolds Street; thence turning and running generally northerly along the center lines of Reynolds and Spring Street; thence turning and running generally westerly along the center line of Spring Street to the intersection of the center lines of Spring Street and West Street; thence turning and running generally northerly along the center line of West Street to the center line of Division Street, being the point and place of beginning, together with all the lots or parcels of land located as follows:

4.2.1 All lots or parcels of land on the south side of and abutting Rocky Hollow Road.

4.2.2 All lots or parcels of land on the south side of and abutting Crompton Avenue.

- 4.2.3 All lots or parcels of land on the south side of and abutting First Avenue, between Main Street and the south extension of the center line of Reynolds Street. Any parcel bisected by this line is considered outside the boundaries of the Historic District.
- 4.2.4 All lots or parcels of land on the west side of and abutting Reynolds Street, between First Avenue and Spring Street.
- 4.2.5 All lots or parcels of land on the south side of and abutting Spring Street between Reynolds and West Street.
- 4.2.6 All lots or parcels of land on the west side of and abutting West Street, between Spring Street and Division Street.
- 4.2.7 All lots or parcels of land on the south side of and abutting Division Street, between West Street and Kenyon Avenue.

4.3 The **TILLINGHAST ROAD HISTORIC DISTRICT** is bounded and described as follows:

Beginning at the northeast corner of the district, the boundary follows the north and east lot lines of Plat 16C Lot 18, runs due south across Frenchtown Road to the north bound of Plat 18B Lot 1; thence east and south on the north and east bounds of said lot to the southeast corner; thence east and southeast across the southern tail of Plat 18B Lot 42 to the southeast corner of said lot; then following the bounds of Lot 42 north and east to the northwest corner of Plat 18B, Lot 133; thence south and east along the west and south bounds of Lot 133 to the southwest corner of Plat 18B Lot 132; thence east and north along the south and east bounds of Lot 132 to its northeast corner; thence east along the south bound of Plat 18B Lot 181 to its southeast corner; thence south along the east bound of Plat 18B Lot 13 to its southeast corner. From that point running east along the southern bound of Lot 13 to the eastern edge of Tillinghast Road; thence southerly along the eastern edge of Tillinghast Road along the western bounds of Lots 106, 107, 108, and 109 to the northwest corner of Plat 18E, Lot 15; then east along the north bound of Lot 15 to the northeast corner of said lot; thence south along the eastern bound of Lot 15 approximately 1540 feet to the southeast corner of said lot; thence west along the south bound of Lot 15 a distance of 1277 feet +; thence turning south a distance of approximately 470 feet to the north edge of South Road; thence west

along the north edge of South Road a distance of approximately 180 feet to the eastern edge of Tillinghast Road; thence north on the east side of the Road to a point opposite the southeast corner of Plat 19B Lot 138; thence west on the south bound of Plat 19B Lot 138; thence north to the northwest bound of said lot; thence northeast across Plat 19B lot 38 to meet the southwest corner of Plat 19B Lot 137; thence north on the west bound of Lot 137 and following north in the same line across Plat 19B Lot 38 to met the southwest corner of Plat 19B Lot 127; thence north on the west bounds of Lot 127 and 128 to Plat 19B Lot 37; thence west and north on the south and west bounds of Lot 37 to the southwest corner of Plat 19C Lot 72; thence north to the southwest corner of Plat 19C Lot 32; thence east and north following the bounds of 19C Lot 72 to the southwest corner of Plat 19C Lot 71; thence north along the western bounds of Lots 71 and 68 to Frenchtown Road. Thence easterly along the southern edge of Frenchtown Road to a point approximately 300 feet west of Tillinghast Road; Thence northerly across Frenchtown Road and straight north across Plat 15J Lot 66 to the southwest corner of Plat 15J Lot 409; thence north along the west bound of Lot 409 and east along its north bound to the southwest corner of Plat 15J Lot 501; thence north along the western bound of Lot 501 to the northwest corner of said lot; thence east along the north bound of Lot 501 approximately 91 feet to a point 80 feet west of Tillinghast Road; thence north across Plat 15J Lot 13 to the south bound of Plat 15J Lot 63; thence east along the south bound of Lot 63 to the western edge of Tillinghast Road. Then south along the west edge of Tillinghast Road about 480 feet to a appoint opposite the northwest corner of Plat 16C Lot 18; thence east across Tillinghast Road to that corner, the point of beginning including all lots or parcels as noted below:

4.3.1 Plat 15J, Lots 409 and 501 in total and portions of Lots 13 and 66; Plat 16C, Lot 18 in total; Plat 18B, Lots 1 and 13; Plat 18E, Lot 15; Plat 19B, Lots 37, 127, 128, 137 and 138 in total and a portion of Lot 38; Plat 19C, Lots 37, 72, 66, 68, 71, 76, 79, 163, 169, 181 and 187.

- 4.4 For the purpose of this ordinance, the following shall comprise a list of specified structures whose dwellings and accessories are hereby deemed **OUTLYING PROPERTIES** of historical, architectural, and/or archaeological value, and are hereby designated as historic structures:

CARRS POND ROAD

Caleb Carr House

Gifford-Pitcher House

A.P. 15E Lot 56
941 Carrs Pond Road

A.P. 15E Lot 67
1000 Carrs Pond Road

CEDAR AVENUE

Long-Langord-Kenyon House
A.P. 9B Lots 81 and 186
441 Cedar Avenue

Mawney House
A.P. 9A Lot 281
650 Cedar Avenue

DEERFIELD DRIVE

Gardiner House at High Hawk Farm
A.P. 15 Lot 104
100 Deerfield Drive

DIVISION STREET

Andrew Briggs House
A.P. 12C Lot 86
1727 Division Street

FRENCHTOWN ROAD

Greene-Davis House
A.P. 16E Lot 14
911 Frenchtown Road

Elisha Greene House
A.P. 16D Lot 15
999 Frenchtown Road

Tibbitts Farm
A.P. 19I Lot 20
1786 Frenchtown Road

Elder James Wightman House
A.P. 15H Lot 122
1995 Frenchtown Road

Tillinghast Factory Ruins
A.P. 16C and D Lot 53
North Side Frenchtown Road

Frenchtown Baptist Church
NE Wireless & Steam Museum
A.P. 19C Lot 71; SW crn. Frenchtown
& Tillinghast Road

HOWLAND ROAD

Clement Weaver House
A.P. 10F Lot 77
125 Howland Road

KENYON AVENUE

Kenyon Estate
A.P. 2 Lot 69
70 Kenyon Avenue

Spencer-King House
A.P. 9B Lot 283
235 Kenyon Avenue

Freeman House
A.P. 4 Lot 22
216 Kenyon Avenue

MIDDLE ROAD

Crossways Farm
A.P. 8 Lot 1
12 Middle Road

The Lilacs
A.P. 7 Lot 162
388 Middle Road

Paul Spencer House
A.P. 12G Lot 20
1167 Middle Road

Bowen Spencer House
A.P. 16A Lot 5
1266 Middle Road

Captain Brown House
A.P. 12H Lot 30
1341 Middle Road

The Brown Bread Place
A.P. 16A Lot 6
1300 Middle Road

SHIPPEE ROAD

Wightman House
A.P. 19J Lot 21
30 Shippee Road

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SOUTH COUNTY TRAIL

Mary Ellis House
A.P. 12F Lot 36
1629 South County Trail

Johnathan Pitcher House
A.P. 11F Lot 7
2400 South County Trail

Spencer Fry House
A.P. 11G Lot 4
2196 South County Trail

Justin Fry Homestead
A.P. 16F Lot 1
2153 South County Trail

Spencer Bailey House
A.P. 11H Lot 2
2068 South County Trail

SOUTH PIERCE ROAD

Joshua Coggeshall House
A.P. 11C Lot 66
62 South Pierce Road

SOUTH ROAD

Richard Briggs Farm	Silas Jones House
A.P. 19A Lot 46	A.P. 19L Lot 50
830 South Road	1570 South Road

SPRING STREET

Congdon House
A.P. 2, Lot 64
194 Spring Street

TILLINGHAST ROAD

Card House
A.P. 15J Lot 40
459 Tillinghast Road

SECTION 5 APPLICABILITY

- 5.1 This Ordinance shall be applicable to any property described in Section 4 including developed and vacant sites.
- 5.2 STRUCTURES AND ACCESSORIES: A Certificate is necessary for construction, alteration, repair, relocation, removal or demolition of new or proposed structures and accessories for all of the following conditions:
 - 5.2.1 A building permit or demolition permit is required for such work and/or the work proposed will affect the exterior appearance of the structure or its appurtenances. The Building Official may not issue a permit until the Commission has granted a Certificate under the provisions of this Ordinance.

5.2.2 The proposed project is for exterior work.

5.2.3 The proposed project is not a replacement-in-kind.

5.3 **STONE WALLS:** A Certificate is necessary for the alteration, relocation and/or demolition of any stone wall located within a historic district or on a listed outlying property per Section 4.4 above whether or not a building permit is required for such work. No work on an applicable stone wall may begin until the Commission has issued a Certificate in accordance with the provisions of this ordinance.

5.4 **ADDITIONAL REGULATIONS:** The regulations pertaining to the various zoning districts which may be included within any historic district or which may apply to the outlying property identified in Section 4.4 shall apply together with the additional requirements as set forth in this section and this ordinance.

SECTION 6 PROHIBITIONS

6.1 **STREET OBJECTS** as defined below, shall not be permitted on the public ways or sidewalks within the East Greenwich Historic District with the exception of objects erected or placed by authorized public or quasi-public agencies for public safety and/or public welfare purposes and with the exception of tables, chairs and planters maintained on sidewalks in conjunction with a duly-authorized business establishment. Street objects are defined as any object erected or placed on a public way or sidewalk on a temporary or permanent basis. Authorized public safety/public welfare street objects include, but are not limited to, such objects as street lights, traffic lights, United States Post Office mailboxes, fire hydrants, utility poles, street trees and municipal trash receptacles.

SECTION 7 APPLICATION PROCEDURES

7.1 Application Requirements and Procedures

7.1.1 Applications for a Certificate shall be submitted to the Commission through the Planning Department who shall determine if such application is complete in accordance with the Commission's Rules of Procedure. All complete applications shall be forwarded, together with all maps, plans, and other data to the Commission, except

where a staff review per Section 8.3 of this Ordinance applies. Any accepted application shall be filed with the Commission on the last business day of the month in which it was submitted and placed on the following month's agenda.

7.1.2 Applications for a Certificate of Appropriateness shall contain information which is necessary to evaluate the proposed construction, alteration, repair, removal, relocation or demolition including but not limited to plans, drawings, and photographs as required in the Commission's Rules.

7.1.3 Incomplete applications shall be returned to the applicant within seven (7) working days of receipt by the Planning Department.

7.1.4 In applying for a Certificate of Appropriateness, a property owner must comply with the application procedures as established by the Commission and the provisions of this ordinance.

7.2 No new application for the same or similar work shall be accepted or filed within six months after rejection of the application unless the structure, accessory or stone wall has been changed in some way from casualty.

SECTION 8 PLAN REVIEW

8.1 STRUCTURES AND ACCESSORIES: In reviewing applications for the alteration, construction, relocation, repair or demolition of a new or existing structure and/or accessory, the Commission shall give consideration to the following:

8.1.1 The historic, architectural or archaeological significance of the structure and/or its accessories.

8.1.2 The way in which the structure, stone wall and/or its accessories contribute to the historical, architectural or archaeological significance of the neighborhood and the Town.

8.1.3 The appropriateness of the general design, arrangement, texture, material and siting proposed in the plans.

8.2 STONE WALLS: In addition to those standards provided in Section 7.1, in reviewing an application for the alteration, construction, relocation,

repair or demolition of a stone wall, the Commission shall give consideration to the following:

- 8.2.1 The historical importance of stone walls in delineating the property boundary of land.
- 8.2.2 The scenic importance of stone walls along the designated scenic roadway and the neighborhood.
- 8.2.3 The impact that the proposed plans would have on the historical integrity of the stone wall(s).
- 8.2.4 The ability of a plan to show due regard for stone walls and not disturb any identified unique and significant archeological sites.
- 8.2.5 The retention of stone walls whenever possible and their proper maintenance.
- 8.2.6 Breaks for roads, utility easements or fire lanes such that they are the minimum necessary and are sufficient to provide emergency vehicles clear access onto and off the site.

8.3 STAFF REVIEWS: The Town Manager may designate a member of his/her professional staff to render a decision on an application on behalf of the Commission for work categories listed in Section 8.3.2 hereof. In order to be eligible for a staff review, two copies of a completed Application Form for a Certificate of Appropriateness signed by the applicant and owner of the subject property must be submitted. A detailed description of the work to be performed is also required along with labeled and dated current photographs of the property. In some cases, manufacturer's specs, product information, elevations, or other technical or descriptive information may also be required. Requests for approval of dumpster enclosures and fences require submission of a site plan.

8.3.1 UNFAVORABLE STAFF REVIEW: In order to qualify for staff level review and approval, the work must conform to the guidelines outlined and comply with all other applicable regulations. Should staff determine that the application does not conform to the guidelines, it shall be scheduled before the full Commission for a formal hearing and decision.

8.3.2 FAVORABLE STAFF REVIEW: Staff shall issue a stamped “Certificate of Appropriateness” just as the full Commission does and the staff member issuing it shall sign his/her name to the approval.

8.3.3 WORK CATEGORIES ELIGIBLE FOR STAFF REVIEW:

- A) Dumpster Enclosures – Wooden opaque fence styles are appropriate dumpster enclosures. Such fences shall have flat tops, preferably capped as this not only gives a finished look but also protects the end grain of the wood, lending a longer life for the fence. Most flat board, closed space, wooden fences are acceptable. Stockade fences shall not be approved. Metal posts may be used but should be placed inside the enclosure and be completely concealed from view by the fence face.
- B) Fences, gates and arbors – Capped flat board, closed-space, wooden fences are acceptable. Lattice toppers are also appropriate provided they do not increase the fence height beyond seven feet. Such toppers shall be proportioned consistent with the following: For a fence height totaling six feet, 4.5’ shall be board fence with 18” of lattice. This amounts to a 3:1 ratio of board fence to topper. Traditional spaced picket fences shall also be approved at heights not exceeding four feet. The space between pickets shall not exceed the width of one picket. A tighter spacing is preferred. Stockade style, chain link, and vinyl fence proposals shall not be eligible for staff level review and approval and are generally not approved by the Commission.
- C) Awnings, except as signs – Any awning making use of text or graphics to advertise a business name or location shall be considered a sign and must be reviewed as such by the full HDC. Other awnings, in use as sun shields, for sheltering of merchandise or customers, for conservation of energy, or simply to dress up a storefront, add architectural interest or make a building more inviting, are encouraged. Awning materials should be soft canvas, acrylic or vinyl rather than wood or metal. Awnings should be installed without damaging the building or visually impairing distinctive architectural features. Awnings may be fixed or retractable and must provide at least 8’ clearance from the bottom edge to grade.

D) Replace/repair in-kind where tax credits are requested – Ordinary repairs/replacements in kind require no Certificate of Appropriateness. However, if state or local tax credits are requested, a Certificate *is* necessary. This provision empowers Staff to issue such Certificate if the following conditions are met. Deteriorated architectural features should be repaired rather than replaced whenever possible. If replacement is necessary, the new feature should match the existing or original feature in design, composition, texture, material and other visual qualities. Replacement of missing features should be substantiated by documentary, physical, or pictorial evidence. Replacement-in-kind of non-conforming materials or features exceeding 25 percent of the total shall require full Commission review and decision.

SECTION 9 DECISIONS

- 9.1 The Commission or municipal professional staff (as designated by the Town Manager), shall either approve, approve with conditions or deny an application and issue all of its decisions in writing. Staff denial constitutes referral to the full Commission. Such decisions shall include an explanation of the reasons and basis of each decision within the disposition.
- 9.2 In the case of a decision not to issue a Certificate of Appropriateness, the Commission shall include the basis for its conclusion that the proposed activity would be incompatible with those aspects of the structure, accessories or stone walls, or with aspects of the District and/or Outlying Properties generally that the Commission has determined to be historically, architecturally or archaeologically significant.
- 9.3 All decisions shall reflect the Commission's Rules of Procedure and the Town's **Standards and Guidelines for Historic Properties**.
- 9.4 The Commission or Staff shall forward a copy of the decision to the applicant.
- 9.5 Extensions: Failure of the Commission to act within forty-five (45) days from the date of a completed application shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the Commission.

- 9.6 Continuations: A continuation for a period of up to ninety (90) days from the date a completed application was filed may be granted by the Commission in the event that the Commission finds that the circumstances of a particular application require further time for additional study and information that cannot be obtained within the forty-five (45) day application filing period. Notification of this continuation shall be made to the applicant within seven (7) days of the decision to continue.

SECTION 10 DEMOLITION

10.1 Standards for Decision

10.1.1 If the Commission is presented with an application for the removal, relocation, alteration or demolition of a structure, its accessories and/or a stone wall, and finds that the approval of such an application would pose a significant threat or total loss to the Town, State or Nation, they shall endeavor to work out with the owner an economically feasible plan for the preservation of the structure, accessories, and/or stone wall.

10.1.2 Applications for demolition shall require proof that the retention of the structure, accessory or stone wall would constitute a public safety hazard [as defined by the Rhode Island Building Code] which cannot be eliminated by any economic means available to the owner. If the Commission remains unconvinced that retention is a hazard, the Commission shall forward its rejection of the application for demolition to the Building Official.

10.2 External Considerations: If any of the following conditions apply, the Commission may approve the application for a Certificate.

10.2.1 Preservation of such structure, accessory or stone wall is a deterrent to a major improvement program which will significantly benefit the Town.

10.2.2 Preservation of such structure, accessory or stone wall would cause undue or unreasonable financial hardship to the owner taking into account the financial resources available to the owner including the sale of the structure to any purchaser willing and able to preserve such structure.

10.2.3 Preservation of such structure, accessory or stone wall would not be in the best interest of the community as a whole.

10.3 Alternatives to Demolition and Removal

10.3.1 When considering an application to demolish or remove a structure, accessory or stone wall of historic, cultural, architectural or archaeological value, the Commission shall assist the owner in identifying and evaluating alternatives to demolition.

10.3.2 In addition to any other criteria, the Commission shall also consider whether there is a likelihood that some person or group of persons other than the current owner is willing to purchase, move and preserve such structure or accessory and whether the owner has made continuing, bona fide and reasonable efforts to sell the structure to any such purchaser.

SECTION 11 EXEMPTIONS

11.1 Nothing in this ordinance shall be construed to prevent replacement-in-kind, painting, routine maintenance or repair of any structure, accessory or stone wall within a Historic District, Outlying Property or along a Scenic Road provided such maintenance or repair does not result in any change of design, type of material, or appearance of the exterior of the structure, accessory or stone wall. The following work categories are specifically exempt:

- A. Replacement/Repair In Kind, except replacement of non-conforming materials or features exceeding 25 percent of the total building exterior.
- B. Ordinary maintenance and repair
- C. Storm Windows/Storm doors
- D. Gutters, downspouts, and chimney caps
- E. Flat roofs where not visible from the street
- F. Site work and appurtenances including driveways, walkways, terraces, garden furnishings, play sets, and the like.

G. Painting/New Paint Colors

H. Window Boxes

I. Temporary signs (See Sign Ordinance for definition)

J. Mechanical equipment including chillers, condensers, heating units –
Such equipment must comply with the State Building Code.

11.2 Nothing in this ordinance shall be construed to prevent the construction, alteration, repair, relocation or demolition of any structure or accessory previously allowed under a permit issued by the Building Inspector prior to the passage of this ordinance.

SECTION 12 APPEAL

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have the right to appeal such decision to the Zoning Board of Review.

When hearing appeals from the Commission's decision(s), the Zoning Board of Review shall not substitute its own judgment for that of the Commission, but must consider the issue upon the findings and record of the Commission. The Zoning Board of review shall not reverse a Commission decision except on a finding of a prejudicial procedural error, clear error, or lack of support by the weight of the evidence in record. All such decisions by the Zoning Board of Review shall be in writing and shall articulate and explain the reasons and basis of its decision. Copies of such a decision shall be sent to the Commission.

SECTION 13 ENFORCEMENT

13.1 The Zoning Enforcement Officer and/or the Planning Director shall be responsible for the enforcement of this ordinance.

13.2 The Town Solicitor may bring an action against any property owner who fails to comply with the requirements of this ordinance when ~~so~~ authorized to do so. Such actions shall be brought in any Court of competent jurisdiction.

13.3 The Town may seek Restraining Orders and Injunctive Relief to restrain and enjoin the violation or threatened violation of this Chapter, and in

addition may seek monetary fines for any violation of the Chapter

**ARTICLE XII
PROCEDURES FOR
GENERAL ADMINISTRATION**

SECTION 1 APPOINTMENT OF LOCAL OFFICIAL AND AGENCIES

The following local officials and agencies shall be responsible for the daily administration and enforcement of the zoning ordinance and zoning map(s).

- 1.1 The Building Official shall serve as the Zoning Enforcement Officer. The appointing authority may assign other professional Town staff to serve in this capacity as well.

- 1.2 The Director of Planning, or his/her designee, shall work in conjunction with the Zoning Enforcement Officer, assist in the interpretation of the ordinance.

The Director of Planning, at the direction of the Town Manager, shall be responsible for the maintenance and update of the zoning ordinance text, and shall review the text and map at reasonable intervals, and identify any changes necessary to the ordinance following changes to the Comprehensive Plan. The Director of Planning shall perform such other duties and take such actions as may be assigned in the ordinance.

- 1.3 The Town Clerk shall serve as the custodian of the zoning ordinance and zoning map(s) created thereunder and as the official keeper of Zoning Board of Review decisions.

- 1.4 The Director of Public Works, at the direction of the Town Manager, shall be responsible for the maintenance of the zoning map and to depict any changes on the map.

SECTION 2 MAINTENANCE AND UPDATE

2.1 **MAINTENANCE AND UPDATE OF THE TEXT.** The Director of Planning shall inspect the zoning ordinance on file with the Town Clerk on an annual basis to ensure that all amendments approved within the past year are reflected therein.

On a bi-annual basis, the Director of Planning shall review the zoning ordinance to ensure it is in compliance with the most recent Comprehensive Plan, as may be amended. The Director of Planning shall forward findings and proposed amendments, if any, to the Planning Board and the Town Council for review and adoption, as provided in Article XIII, Procedures for Adoption and Amendment.

2.2 **MAINTENANCE AND UPDATE OF THE ZONING MAP[S].** The Director of Public Works at the direction of the Town Manager shall ensure that the official zoning map(s) on file in the Town Clerk's office are accurate and that zoning amendments which impact the zoning map(s) are depicted on the map(s) within 90 days of such authorized change.

SECTION 3 ZONING ENFORCEMENT OFFICER GENERAL RESPONSIBILITIES

3.1 **GENERAL ENFORCEMENT DUTIES.** It shall be the duty of the Zoning Enforcement Officer (ZEO) to enforce this ordinance. The ZEO shall issue any required permits or certificates, collect required fees relating to the issuance of the permits or certificates, keep records showing the compliance of uses of land, authorize the commencement of uses or development under the provisions of the zoning ordinance, inspect suspected violations, issue violation notices with required corrective action, collect fines for violations, and perform such other duties and take such other actions as may be assigned in the ordinance. The ZEO shall be responsible to the Town Manager.

3.2 **ZONING CERTIFICATES.** In order to provide guidance or clarification, the ZEO shall, within 15 days of receipt of a completed zoning certificate application, issue a zoning certificate or provide information to the requesting party as to his determination regarding the legality of a use or structure. In the event that no written response is provided within said time, the requesting party shall have the right to appeal to the Zoning Board of Review for determination.

SECTION 4 INTERPRETATION

- 4.1 INTERPRETATION. Where questions regarding the language in the ordinance arise, the ZEO shall consult the Director of Planning, or his/her designee, for assistance in interpretation of the language. The final decision as to interpretation shall rest with the ZEO. All decisions (interpretations) may be appealed to the Zoning Board of Review.
- 4.2 CLARIFICATION AND ORDINANCE REVISION. Upon resolution by the ZEO (or the Zoning Board of Review, in the case of an appeal), the Director of Planning shall prepare an amendment to the Ordinance clarifying the unclear language of the Zoning Ordinance so that the intent is clearly understood by all users of the ordinance. This proposed amendment shall then be submitted to the Planning Board and Town Council for review and approval, per Article XIII of this Ordinance.

SECTION 5 VIOLATIONS

5.1 CLASSIFICATION OF PENALTY

- 5.1.1 Any person, firm, corporation, partnership, or association who violates or refuses to comply with any of the provisions of this Ordinance or any requirement imposed by the Zoning Board of Review shall be subject to a monetary fine as provided herein.
- 5.1.2 Notwithstanding 5.1.1 of this section, the Town may cause suit to be brought in any court having jurisdiction over the Town of East Greenwich, to restrain the violation of, or to compel compliance with, the provisions of the ordinance. The Town may consolidate an action for Injunctive Relief with an action for the imposition of monetary fines under this Ordinance in any Court of competent jurisdiction.

5.2 PENALTIES

- 5.2.1 Where the ZEO determines a violation to have occurred, the ZEO shall have the authority to issue an injunction and an order to restore the property to its pre-violation state.
- 5.2.2 The ZEO shall also require the payment of a penalty fee for such

violation. Each day, any violation of any provision of this Ordinance [including the failure to perform any act or duty required by this Ordinance] shall constitute a separate offense. Penalties shall be as follows:

- (A) Installation of a sign not in conformance with the ordinance: \$50.00 per day.
- (B) Installation of an accessory structure not in conformance with the ordinance: \$100.00 per day.
- (C) Use of property not in conformance with this ordinance: \$250.00 per day.
- (D) Noncompliance with a decision of the Zoning Board of Review: \$250.00 per day.
- (E) Construction, alteration, enlargement, removal or demolition of a structure prior to issuance of a building permit where one is required: \$100.00 per day.

Construction of parking lot/parking structure prior to approval of parking plan: \$100.00 per day.

5.2.3 Where the violation is advanced for judicial action, as noted in 5.1.2 of this section, the court may assess a penalty of up to \$500 for each violation, where each day of the existence of any such violation shall be deemed to be a separate offense. The court may also require restoration of the property to pre-violation conditions.

5.3 VIOLATIONS NOT EXCLUSIVE. Violations of this ordinance are in addition to any other violation enumerated within the Town of East Greenwich ordinances and Code and in no way limits the penalties, actions, or abatement procedures which may be taken by the Town of East Greenwich for any violation of this ordinance which is also a violation of any other ordinance or Code provision of the Town of East Greenwich, or statutes of the State of Rhode Island.

5.4 REPORTING OF VIOLATIONS. Enforcement actions shall be reported by the ZEO to the property owner, together with a compliance order. The order shall describe the measures required to correct the violation.

- 5.5 JUDICIAL AID IN ENFORCEMENT. Where compliance orders are not followed within the period set in the order and where no appeal has been filed with the Zoning Board of Review, the town shall have the authority to request assistance from the Kent County Superior Court, East Greenwich Municipal Court, or any other court of competent jurisdiction to enforce the ordinance in accordance with Rhode Island General Law Section 45-24-62.

SECTION 6 RIGHT OF APPEAL

An appeal from any decision of an administrative officer or agency charged in this ordinance with interpretation or enforcement of any of its provisions may be taken to the Zoning Board of Review by an aggrieved party in a manner described in Article XIV, Administration and Procedures of the Zoning Board of Review.

ARTICLE XIII PROCEDURES FOR ADOPTION AND AMENDMENT

SECTION 1 POWER OF COUNCIL TO ADOPT/AMEND THE ZONING ORDINANCE

For the purpose of promoting the public health, safety and general welfare, the Town Council shall have the power to adopt, amend, or repeal, and to provide for the administration, interpretation and enforcement of a zoning ordinance, in accordance with Rhode Island General Law 45-24, *et seq.* Provisions of the zoning ordinance shall be set forth in text and map(s), and may incorporate tables or other material. The zoning ordinance, and all amendments thereto, shall be consistent with the East Greenwich Comprehensive Plan as described in Rhode Island General Law 45-22.2, *et seq.*, as may be amended, and shall provide for the implementation of said Plan.

SECTION 2 PROCEDURE FOR ADOPTION OR AMENDMENT

- 2.1 INITIATION OF APPLICATION. Requests to amend this ordinance may be initiated by the East Greenwich Town Council, Planning Board, or any real property owner in the Town. Applications for amendments shall be made in the office of the Town Clerk on a form provided therefore; however, the Planning Department shall review the application for completeness and compliance with this article prior to its acceptance.

Immediately upon receipt of a complete application the Town Clerk shall forward such application to the Town Council, Planning Board and Planning Department.

2.2 AUTHORIZED APPLICANTS. In the event an application for amendment is proposed by a property owner, the application shall be signed by the owner of the real property which is the subject of the application, or by the agent or attorney for the owner of such property. The authority of an agent or attorney for a real property owner applicant shall be in writing and shall be presented at the time the application is filed.

Town Council or Planning Board initiated application to change the district map shall conform to the Comprehensive Plan, but none of the requirements of this section shall apply.

2.3 FEE SCHEDULE. Application for amendment to the ordinance or map(s) shall be accompanied by fees as follows:

(A) Table of Fees:

FEE SCHEDULE For Zoning Amendment Applications	
PROPOSAL	NON-REFUNDABLE FEE
Comprehensive Community Plan amendment	\$500.00*
Rezoning to Residential district	\$1,000.00*
Rezoning to Commercial, Light Industrial or Waterfront district	\$1,000.00*
Amendment to General Requirements or Use of Any Zone	\$500.00*
Request for Town Council Continuance	\$200.00*
Rezoning to Planned Development (PD) or to Mixed Use Planned Development (MUPD)	\$1,000.00 + \$20.00/acre Exclusive of Wetlands*
Amendment to Planned Development (PD) or Mixed Use Planned Development (MUPD)	\$500.00*
Requests for extension of time on an Approved PD or MUPD	\$100.00*

* NOTE: In addition to this fee, the applicant shall bear the expense of the public notice, notification to abutters (if applicable) and stenographers. A non-refundable deposit of \$250.00 shall be required to cover the expense of stenographic services.

- (B) To protect the public health, safety and welfare the Town may require peer review of expert witness reports and testimony on behalf of applicants. A list of peers and their fees shall be maintained by the Town for selection by the Town and the cost of peer review shall be borne by the applicant.
- (C) The Town reserves the right to place a lien on the subject property for any fees not paid in full.

2.4 HEARINGS

2.4.1 *Hearing(s) by Planning Board; Report to Town Council:* Upon receipt of the zoning application from the Town Clerk, the Planning Board shall study and make recommendations on said application. The Planning Board shall seek the advice of the Planning Department and shall report to the Town Council within 45 days after receipt of the proposal unless an extension has been requested by the applicant or has been mutually agreed upon by the Planning Board and the applicant. The Planning Board's report to the Town Council shall include, but not be limited to:

- (A) The Planning Board's recommendation;
- (B) A summary of its findings;
- (C) A statement as to the general consistency of the proposal with the Comprehensive Plan, including the goals and policies statement, the implementation program, and all other applicable elements of the Comprehensive Plan;
- (D) A demonstration of the Planning Board's recognition and consideration of the applicable purposes of the Zoning Ordinance.

2.4.2 *Hearing(s) by the Town Council:* The Town Council shall hold a public hearing within 65 days of receipt of a proposal. For the purposes of this article, "receipt of a proposal" is defined as the date of the first

Town Council meeting held following the receipt of the Planning Board's report. The Town Council shall render a decision on any such proposal within 45 days after the date of completion of their public hearing. Extensions of deadlines require the applicant's consent.

2.5 NOTICE AND HEARING REQUIREMENTS. No zoning ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Town Council, in compliance with this section.

2.5.1 When any proposed general amendment to the zoning ordinance is proposed, whether requiring a change to the zoning map or not, the Town Council shall first give notice of a public hearing by publication of a notice in a newspaper of general circulation within East Greenwich at least once each week for three (3) successive weeks prior to the date of such hearing. This notice may appear during the week in which the hearing is to be held. The notice shall advertise that all persons interested in this matter shall be given the opportunity to be heard on the proposed amendment.

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 at least two (2) 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 date, time and location of the hearing
- (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 either be printed once in its entirety, or summarized, or otherwise described
- (D) Advise where and when a copy of the matter under consideration may be obtained or examined and copied

- (E) State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.

2.5.2 Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, public notice shall be given as required by 2.5.1 of this section, with the additional requirement that:

- (A) Newspaper notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city and town boundaries where appropriate.

- (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 in or within not less than 200 feet of the perimeter of the area proposed for change, whether within the town or within an adjacent city or town. (Such notice shall be sent by registered or certified mail to the last known address of such owners as shown on the current real estate tax assessment records of the city or town in which the property is located.)

2.5.3 Where the proposed change would affect an area within 200 feet of an abutting municipality and/or within 2,000 feet of a public or quasi-public water source (or a private water source suitable for public use), a notice of the public hearing shall be sent by first class mail to the affected municipality or agency.

2.5.4 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.

2.5.5 Costs of any notice required under this section shall be borne by the applicant.

2.6 DECISION

- 2.6.1 Upon completion of the public hearing, and within the required time frame, the Town Council may approve, approve with conditions, revise or deny the application for an amendment to the zoning ordinance and map(s).
- 2.6.2 In granting a zoning ordinance amendment the Town Council may limit the change to one (1) 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 the subject of 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 is deems necessary.
 - (D) The Town Council shall direct the appropriate town department(s) to cause the limitations and conditions so imposed by their decision 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.
- 2.6.3 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 (2) years or more after the zone change becomes effective, the town council may, after public notice and a public hearing as set forth in this section, revert the land to its original zoning use/designation before such petition was filed.
- 2.6.4 If any limitation, condition, or restriction in an ordinance is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

- 2.6.5 Where an application to amend the ordinance or map(s) is denied by the Town Council, an identical application shall not be accepted by the Town Clerk's office for a period of one (1) year following said denial.

SECTION 3 APPEAL OF ENACTMENT OF--OR AMENDMENT TO--THE ORDINANCE

An appeal of an enactment of, or an amendment to, a zoning ordinance may be taken to Superior Court for Kent County by filing a complaint within thirty (30) days after such enactment or amendment has become effective, in accordance with Rhode Island General Law Section 45-24-71. Such appeal may be taken by an aggrieved party or by any legal resident or landowner of the Town of East Greenwich or by any association of residents or landowners of the Town.

An appeal shall not stay the enforcement of the zoning ordinance as enacted or amended, unless the court grants, at its discretion, a stay.

A complaint shall set forth with specificity the area(s) in which the enactment or amendment does not conform with the East Greenwich Comprehensive Plan and/or the manner in which it constitutes a taking of private property without just compensation.

**ARTICLE XIV
ADMINISTRATION AND PROCEDURES
OF THE
ZONING BOARD OF REVIEW**

SECTION 1 ORGANIZATION

1.1 ESTABLISHMENT OF ORGANIZATION

- 1.1.1 There is hereby created a "board of review" which shall be appointed for a term and shall be subject to the conditions set forth in section 5200 of the East Greenwich Home Rule Charter. The word "board" when used in this section shall mean the Zoning Board of Review.
- 1.1.2 The board shall consist of five (5) members appointed by the town council, each to hold office for the term of five (5) years. Each year the term of one (1) member of the board shall come up for renewal. The town council shall also appoint two (2) alternates to the board, to be designated as the first (1st) and second (2nd) alternate

members, each for terms of one (1) year. Where a vacancy occurs in an unexpired term of a board member, the town council shall appoint someone to complete the term of membership.

1.1.3 The board as constituted at the time of the adoption of this ordinance shall be continued, and the original appointments specified in section 1.1.1 of this article shall be deemed to have been made.

1.1.4 The Town Council, following a public hearing on the matter, may remove a board member if that member misses three (3) consecutive meetings or twenty-five (25) percent of the meetings during the course of one year.

1.2 ORGANIZATION PROCEDURES

1.2.1 The board shall meet once monthly if there are pending applications. Additionally, special meetings or continuances may be convened as necessary. The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses by the issuance of subpoenas.

1.2.2 The alternate members of the board shall sit and may actively participate in hearings. The first (1st) alternate shall vote if a member of the board is unable to serve at a hearing and the second (2nd) shall vote if two (2) members of the board are unable to serve at a hearing. In the absence of the first (1st) alternate member, the second (2nd) alternate member shall serve in the position of the first (1st) alternate. No member or alternate may vote on any matter before the board unless they have attended all hearings concerning such matter.

SECTION 2 POWERS AND DUTIES

The board shall have the following powers and duties:

2.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative officer or agency in the enforcement or interpretation of this chapter, or of any ordinance adopted pursuant hereto.

- 2.2 To hear and decide appeals from a party aggrieved by a decision of the Historic District Commission, pursuant to the Historical Zoning Enabling Legislation.
- 2.3 To authorize upon application, in specific cases of hardship, variances in the application of the terms of the zoning ordinance.
- 2.4 To authorize upon application, in specific cases, special-use permits.
- 2.5 To refer matters to the planning board, or to other boards or agencies of the town as the board may deem appropriate, for findings and recommendations.
- 2.6 To authorize upon application, conditional zoning approvals where a proposed application would otherwise be approved except that one (1) or more state or federal agency approvals that 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.
- 2.7 To hear and decide such other matters, according to the terms of the ordinance or other statutes, and upon which such board may be authorized to pass under such ordinance or other statutes.
- 2.8 To determine whether new evidence/information previously unavailable would warrant the reconsideration of a previous decision of the Board.
- 2.9 To amend and/or reconsider a previous decision of the board, including reconsiderations of parts of a decision.
- 2.10 To authorize by special use permit relief from the dimensional and intensity regulations of this ordinance for any use the board authorizes by special use permit. See Article III, Section 2.5.

SECTION 3 ATTENDANCE AND VOTING REQUIREMENTS

- 3.1 Five (5) active members shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall recuse him/herself, and shall not sit as an active member nor take part in the conduct of the hearing. Only five (5) active members shall be entitled to vote on any issue. Alternates not considered as active members for the purpose of a hearing

may participate in the conduct of the hearing, but not in the vote.

- 3.2 The concurring vote of three (3) of the five (5) members of the board sitting at the hearing shall be necessary to reverse any order, requirement, decision or determination of any zoning administrative officer or agency from whom an appeal was taken.
- 3.3 The concurring vote of four (4) of the five (5) members of the board sitting at a hearing shall be required to decide in favor of an applicant on applications for variances and special-use permits.

SECTION 4 DECISIONS AND RECORDS OF THE BOARD

- 4.1 Following a public hearing on an application for appeal, variance or special-use permit, the board shall render a decision within a reasonable time. 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/her failure to vote.
- 4.2 Written decisions shall be recorded in the office of the town clerk and filed in the planning department within thirty (30) working days from the date when the decision was rendered, and shall be a public record. The decision shall be posted in a location visible to the public in the Town Hall for a period of twenty (20) days following the recording of the decision.
- 4.3 The zoning board of review 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 planning department in an expeditious manner upon completion of the proceeding.
- 4.4 For any proceeding in which the right of appeal lies to the superior or supreme court, the zoning board of review shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device. The cost of such stenographic services shall be borne by the applicant.
- 4.5 Any decision by the zoning board of review, including any special conditions attached thereto, shall be distributed to the applicant, to the Zoning enforcement officer, tax assessor, the planning department 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 or special use shall also be recorded in the land evidence records of the town.

- 4.6 Reconsiderations of previous decisions shall be provided the same time considerations regarding decisions, recording of decisions, minutes, rights of appeal, as other applicable time periods.

SECTION 5 SPECIAL CONDITIONS

In granting a variance or in making any determination upon which it is required to pass after public hearing under such zoning ordinance, the board may apply such special conditions that may, in its collective opinion be required to promote the intent and purposes of the comprehensive plan and the zoning ordinance of the town. Failure to abide by any special conditions attached to a grant of relief 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 as follows:

- 5.1 Minimizing adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;
- 5.2 Controlling the sequence of development, including when it must be commenced and completed;
- 5.3 Controlling the duration of use or development and the time within which any temporary structure must be removed;
- 5.4 Assuring satisfactory installation and maintenance of required public improvements;
- 5.5 Designating the exact location and nature of development; and
- 5.6 Establishing detailed records by submission of drawings, maps, plats, or specifications.

SECTION 6 VARIANCE AND SPECIAL USE PERMIT APPLICATION PROCEDURE AND FEES

- 6.1 SUBMISSION OF APPLICATIONS. All applications for variances and

special use permits may be made by any person, group, agency or corporation by filing a completed application with the Planning Department. An appeal to the order, requirement, decision or determination made by an administrative officer, agency, or the Historic District Commission may be made by any aggrieved party within twenty (20) days of administrative or Historic District Commission action.

Completed applications shall be submitted to the Planning Department prior to or on the fifteenth (15th) day of the month in order to be heard on the following month's agenda. Should the fifteenth fall on a day when the office is closed, the deadline shall be at the end of the next regular business day.

6.1.1 Complete applications for variances and special use permits shall include, but not be limited to, the following information:

- (A) Completed application form
- (B) Plat plan(s) drawn to scale showing the location of all lot and street lines, existing and proposed structures, utilities, access/egress, parking, on-site traffic flow, landscaping, drainage systems, provisions for off-street (un)loading facilities, dumpsters, assessment of noise/glare/odor effects on adjacent parcels, signs, lighting facilities, and other site features
- (C) Plat map showing lot and street lines and approximate location of structures on parcels immediately adjacent the subject site
- (D) Elevation drawings, where relevant
- (E) Application fees, and
- (F) A map displaying the uses of all properties within a 500 foot radius of the subject property is also required for use variances and special use permit applications

6.1.2 Applications for an appeal from an administrator or agency shall include, but not be limited to, the following information:

- (A) A written description of the issue in question
- (B) A scaled graphic representation of the issue, where applicable
- (C) Copies of any and all relevant correspondence and paper work, including copies of completed application forms
- (D) A written discussion of the grounds on which the appeal is being sought, and
- (E) The required application fees

6.1.3 Applications shall be accompanied by fees as follows:

- (A) Single Family and Duplex Residential, including in-law apartments and residential accessory uses.....\$150.00
- (B) Multi-Family Residential, Commercial and Industrial Uses..... \$350.00
- (C) Signs.....\$250.00
- (D) Appeal of Single Family and Duplex Residential.....\$200.00
- (E) Appeal of Multi-Family, Major and Minor Development, and Commercial and Industrial.....\$500.00
- (F) Telecommunications.....\$500.00
- (G) Historic District.....\$50.00

6.1.4 Applicants are responsible for the costs of advertising and abutter notification. A non-refundable deposit of \$50.00 shall be required to cover the expense of stenographic services.

6.1.5 To protect the public health, safety and welfare, the Zoning Board of Review may require peer review of expert witness reports and testimony on behalf of applicants. A list of peers and their fees shall be maintained by the Town for selection by the Town and the cost

of peer review shall be borne by the applicant. All costs associated with peer review shall be paid in full before Zoning Board of Review approvals are recorded in the Land Evidence Records. The Town reserves the right to place a lien on the subject property for any fees not paid in full.

6.2 ACCEPTING AND PROCESSING APPLICATIONS

6.2.1 *Variances and Special Use Permits:* Upon receipt and acceptance of a completed application, the Planning Department shall schedule the matter before all applicable advisory boards (including the Planning Board, the Historic District Commission and the Conservation Commission) as well as the Zoning Board of Review. The Planning Board shall only review those matters where it has approval authority under the Rhode Island Development Review Act (RIGL 45-23) or when the Zoning Board specifically requests an advisory opinion. All advisory boards as well as Planning Department staff shall report their findings and recommendations (including a general statement of consistency of the request with the comprehensive plan) in writing to the Zoning Board of Review within thirty (30) days of receipt of the application.

6.2.2 *Appeals:* The Planning Department shall schedule the completed appeal application for the next available Zoning Board public hearing. Notice of the appeal shall be placed in the newspaper as provided for in Section 6.3 of this article. Additionally, notice shall likewise be provided to the individual or agency from which the appeal is sought.

The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Board (after an appeal has been duly filed) that by reason of facts stated in the decision that is being appealed, a stay would cause imminent peril to life or property based on the Rhode Island State Building Code. In such a case, the proceedings shall only be stayed by a restraining order which may be granted through a court of competent jurisdiction.

6.3 NOTIFICATION OF PUBLIC HEARING

6.3.1 Prior to holding their public hearing, the Board shall require public

notice at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation in the Town. Notice of hearing shall be sent by Certified Mail return receipt requested by the applicant to the following:

- (A) All owners of real property whose property is located in or within not less than two hundred (200) feet of the perimeter of the parcel(s) covered in the application, whether within the Town or within an adjacent municipality
- (B) The Associate Director of the Division of Planning of the Rhode Island Department of Administration and
- (C) The city or town council of any municipality which is located in or within two hundred (200) feet of the boundary of the area covered in the application and/or 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 two thousand (2,000) feet of any real property that is the subject of the application, regardless of municipal boundaries.

6.3.2 Said notice shall include the street address of the subject property, and a reference to the relief or appeal sought. The Chair may order that the notice be posted at the location in question. Such notice shall not constitute required notice of public hearing. The responsibility and cost for all abutter notification and legal notice in the newspaper of general circulation shall be borne by the applicant.

SECTION 7 REVIEW OF APPEALS

7.1 All hearings on appeals to the order, requirement, decision or determination made by an administrative officer, agency, or the historic district commission shall be heard on the record and shall be subject to the notice and application procedures articulated elsewhere in this article. Appeals shall not be heard *de novo*. The Board shall not receive new information nor hear new testimony by the applicant or the appealed officer or agency. The Board may review the officer's or agency's file on the application and may review the minutes or notes of any official meeting(s) regarding the application. Board members may question the parties involved where clarification of any information is needed.

7.2 Where new testimony is inadvertently received by the Board, which they feel sheds new light on the application, the Board shall remand the

application to the appropriate officer, agency or commission. The Board shall take no further action until the officer, agency or commission has had an opportunity to review the new information and make a further determination.

- 7.4 In making its determination on the appeal, the Board shall determine whether the officer, agency or historic district commission acted in accordance with the zoning ordinance (i.e. followed the proper procedures and made an accurate determination of the language). The Board may 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 from whom the appeal was taken.

SECTION 8 STANDARDS OF REVIEW

- 8.1 In reviewing an application for a variance (either use or dimensional) the board shall require that evidence satisfying standards in this section be entered into the record of the proceedings. Such evidence shall satisfy the following standards:
- 8.1.1 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 the physical or economic disability of the applicant.
 - 8.1.2 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.
 - 8.1.3 That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which said ordinance is based.
 - 8.1.4 That the relief to be granted is the least relief necessary.
- 8.2 In addition to those standards outlined above, in Section 8.1, an applicant for a use variance must additionally demonstrate, to the satisfaction of the Board, the following:

That 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 uses of lands or structures in an adjacent district shall not be considered in granting a use variance.

- 8.3 In addition to those standards outlined above, in Section 8.1, an applicant for a dimensional variance must demonstrate, to the satisfaction of the board, the following:

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.

- 8.4 In reviewing an application for a special use permit, the board shall require that evidence satisfying standards in this section be entered into the record of the proceedings. Such evidence shall satisfy the following standards:

8.4.1 That the public convenience and welfare will be substantially served.

8.4.2 That the proposed development will be in harmony with the general purpose and intent of this ordinance and the comprehensive plan.

8.4.3 That the proposed development will not result in or create conditions that will be inimical to the public health, safety, morals and general welfare of the community.

8.4.4 That the granting of the special use permit will not substantially or permanently injure the appropriate use of the property in the surrounding area or district.

- 8.5 In reviewing an application for a special use permit for a bed and breakfast home, the board shall require that evidence satisfying standards in this section be entered into the record of the proceedings. For bed and breakfast homes, the applicant must, in addition to those standards outlined in Section 8.4 of this Article, demonstrate the following:

8.5.1 That the bed and breakfast home and use shall be an accessory use to a single-family house and that it shall be subordinate to the residential use of the premises. The bed and breakfast home shall be operated by the homeowner.

- 8.5.2 That each guest room of the bed and breakfast home is in compliance with the Rhode Island State Housing and Occupancy Code.
- 8.5.3 That there will be no change in the outside appearance of the building and/or premises nor any visible or audible evidence detectable from outside the lot as to the presence of a bed and breakfast home except for signage as permitted under Article VII.
- 8.5.4 That there shall be no meals served to the general public. Breakfast may be served to guests of the bed and breakfast home.
- 8.5.5 That minimum off-street parking requirements shall be provided such that one (1) parking space is provided per guest unit or guest room. Stacked parking [where one car parks behind another, essentially blocking it in] is acceptable. All parking areas shall be paved or graveled. Parking areas for bed and breakfast homes with only two (2) guest rooms or less may be grassed.

Where parking spaces are not provided on site, the owner shall produce a lease, for a minimum of one (1) year, for use of a private parking lot. During review of annual licensing renewal, the owner shall be required to submit proof of the continuing availability of minimum parking requirements prior to the license being renewed.

- 8.5.6 That where deemed necessary to preserve and protect the residential nature of the neighborhood, the Board may require a landscape buffer, fence, or other screening between the bed and breakfast home's parking area and the neighbor's properties or street.
- 8.5.7 That the bed and breakfast home shall be in compliance with all applicable provisions of the Rhode Island State Fire Safety Code, the Rhode Island State Building Code, regulations of the Department of Environmental Management, Department of Health and any other relative code or agency.
- 8.5.8 Additionally, licensing shall be required for all bed and breakfasts per the requirements of Chapter 1 "General Provisions Section 1-11 Schedule of Fees and Charges" in the East Greenwich Code of Municipal Ordinances.

ARTICLE XV
TELECOMMUNICATION TOWERS

SECTION 1 PURPOSE AND INTENT

The purpose of this article is to establish general guidelines for the siting of wireless communications towers and antennas. It is specifically recognized that this Article is subordinate to The Federal Telecommunications Act of 1996. If any provision of this Article is found to be in conflict with The Federal Telecommunications Act of 1996, it is The Federal Telecommunications Act of 1996 that will be controlling. The goals of this article are to:

- a. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- b. Encourage the location of towers in non-residential areas;
- c. Minimize the total number of towers throughout the community;
- d. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- e. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- f. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- g. Encourage users of antennas to locate them, to the extent possible, inside of existing clock towers, bell steeples, church steeples and similar structures, and on existing light poles, signs and other similar structures, in such a manner as

- to minimize the adverse visual impacts of the antennas;
- h. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; and
 - i. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

In furtherance of these goals, East Greenwich shall give due consideration to the town's Comprehensive Community Plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

SECTION 2 DEFINITIONS

As used in this article, the following terms shall have the meanings set forth below:

Antenna – Any exterior transmitting or receiving device mounted in or on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

FAA – Federal Aviation Administration

FCC – Federal Communications Commission

Height – When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Pre-existing towers and pre-existing antennas – Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and other communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like. The term includes the structure and any support thereto.

SECTION 3. APPLICABILITY

- 3.1 **New Towers and Antennas.** All new towers and antennas in East Greenwich shall be subject to these regulations.
- 3.2 **Amateur Radio Station Operators/Receive Only Antennas.** This article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
- 3.3 **Pre-existing Towers or Antennas.** Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 4.7 and 4.8.
- 3.4 **AM Array.** For the purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

SECTION 4. GENERAL REQUIREMENTS

Permitted Zoning Districts. Telecommunication towers shall be permitted by special use permit issued after public hearing by the zoning board of review in Manufacturing/Light Industry and Office (M/LIO) and Commercial Highway (CH) districts subject to the provisions of this article and the underlying zoning district. Telecommunication towers shall be prohibited in all other zoning districts except by a use variance from the zoning board of review.

Antennas. Telecommunication antennas not attached to a telecommunication tower may be permitted by special use permit issued after public hearing by the zoning board of review as an accessory use to any commercial, industrial, office, institutional or public utility structure, provided that:

- (a) the antenna is completely contained within the structure;
- (b) any communication equipment or accessory building complies with all other applicable zoning requirements and building codes;
- (c) all requirements for public notice and public hearing as otherwise required by this article and by the zoning ordinance are met.

Public Notice. For the purposes of this ordinance, any special use request, use or dimensional variance request, or appeal of a special use shall require public notice to all abutting property owners in addition to any notice otherwise required by the zoning ordinance.

Historic District. Telecommunication towers shall be prohibited in the Historic District and within five hundred (500) feet of any outlying historic structure as identified in Article XI, Section 4 of the Zoning Ordinance except by a use variance from the zoning board of review and a certificate of approval from the Historic District Commission.

Evidence. Applications for a use variance or a special use permit shall be accompanied by evidence that the proposed tower cannot be located in a permitted district. Such evidence shall consist of the following information for a minimum of three (3) sites: (1) Site plans, (2) Photographs of the site and surrounding areas, and (3) Written documentation of the lack of a site in a permitted district.

Removal of Abandoned Towers. Any telecommunication tower that is not operated for a continuous period of twelve months shall be considered abandoned. The owner of an abandoned tower is required to remove the same within 90 days of receipt of notice from the town notifying the owner of the abandonment. Failure to remove an abandoned tower shall be grounds to remove the tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Enforcement Officer and Planning Director an inventory of its existing towers, antennas, and/or sites approved for towers or antennas, that are either within the jurisdiction of East Greenwich or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Enforcement Officer and Planning Director may share such information with other applicants applying for special use permits or use variances under this ordinance or other organizations seeking to locate antennas within the jurisdiction of East Greenwich provided, however, that the Zoning Enforcement Officer and Planning Director are not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers or antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

Building Codes, Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the town concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

Municipal Use. Towers shall provide space for Town of East Greenwich municipal use at no cost to the Town.

Performance Bond. Each applicant shall post a performance bond with the Town of East Greenwich to cover the cost of removal of their abandoned tower(s) and the cost of maintaining their tower(s) in accordance with building codes and safety standards, and if applicable, FAA regulations.

SECTION 5. DEVELOPMENT STANDARDS

The following standards shall apply to all applications:

- 5.1 A reasonable effort shall be made to utilize existing structures for telecommunications antennas. Should an existing structure not be utilized, evidence as to why an existing structure is not to be utilized shall be

submitted.

- 5.2 Town-owned sites that are located in the prospective development area and which could potentially accommodate the proposed antennas and communication towers shall be identified.
- 5.3 Communication towers shall be set back from all property lines a minimum of one (1) foot for each one (1) foot of tower height. When the property abuts a residential district or historic district, the setback distance shall be one and one-half (1.5) feet for each one (1) foot of tower height. All guy wires and guyed towers shall be clearly marked so as to be visible at all times and all guy wires shall be set back from all property boundaries the minimum of the zoning district in which they are located.
- 5.4 All communication tower supports and peripheral anchors shall be located entirely within the boundaries of the development site and shall be set back from all property boundaries the minimum of the zoning district in which the communication tower is located, but no less than twenty-five (25) feet.

When located in or abutting a residential district or historic district, the minimum setback distance shall be thirty-five (35) feet. Supports and/or peripheral anchors shall not encroach upon the minimum landscaped screening requirement. All supports and anchors shall have at a minimum a ten-foot horizontal setback from any overhead utility line.

- 5.5 Communication equipment buildings and structures shall be considered accessory uses and comply with the following setbacks:
 - a. One hundred (100) square feet or less shall be set back from all property boundaries a minimum of fifteen (15) feet, unless located within or abutting a residential district or historic district which shall require a minimum of twenty-five (25) feet;
 - b. Greater than one hundred (100) square feet shall be set back from all property boundaries a minimum of twenty-five (25) feet, unless located within or abutting a residential district or historic district which shall require a minimum of thirty-five (35) feet.
- 5.6 Communication towers shall be constructed and situated to fit in with the topography and features of the surrounding environment. Towers shall be completely screened from all adjacent properties and streets, and appropriately camouflaged if required. Plantings shall be of a height and

density to ensure complete screening. Screening shall consist of plants and/or trees accepted by the town’s subdivision regulations or as accepted by the Director of Planning. Screening shall comprise ten (10) percent of the minimum established setback requirement, but shall not be less than five (5) feet in width unless located in or abutting a residential district or historic district which will require that it not be less than ten (10) feet in width. Screenings may be waived by the zoning board of review on those sides or sections that are adjacent to undevelopable land or land not in public view. Existing vegetation shall be preserved to the maximum extent possible and may be used as a substitute for or supplement towards meeting the landscaped screening requirement. The owner of the property shall be responsible for all maintenance and shall replace any dead plantings within thirty (30) days.

- 5.7 Communication towers shall be enclosed by a fence no less than eight (8) feet in height or more than ten (10) feet in height from finished grade. Access shall be through a locked gate. Communication towers in or abutting a residential district or historic district shall have opaque fencing made of wood or stone. The Town of East Greenwich reserves the right to choose the color of the tower.
- 5.8 Communication towers shall not be artificially lighted except as required for public safety purposes, by the Federal Aviation Administration (FAA), or by the town.
- 5.9 No signs shall be allowed on any communication tower except as required for public safety purposes, by the Federal Communications Commission (FCC), or by the town.
- 5.10 Communication towers shall be located so as to comply with the following standards for the minimum separation distance from existing communication towers and/or communication towers that have received a valid special use permit:

Minimum Separation Between Towers (By Tower Type):

Proposed Tower Types	Self Supporting	Guyed	Monopole – 75 Feet in Height or Greater	Monopole – Less than 75 Feet in Height

Self Supporting	3 Miles	3 Miles	1.5 Miles	2,500 feet
Guyed	3 Miles	3 Miles	1.5 Miles	2,500 feet
Monopole – 75 Feet in Height or Greater	1.5 Miles	1.5 Miles	1.5 Miles	2,500 feet
Monopole – Less than 75 Feet in Height	2,500 feet	2,500 feet	2,500 feet	2,500 feet

Separation distances shall be calculated and applied irrespective of jurisdictional boundaries.

SECTION 6. NONCONFORMING USES

6.1 **Not Expansion of Nonconforming Use.** Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

Pre-existing Towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance.

Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 3.3, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approved. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 4.6.

SECTION 7 EFFECTIVE DATE

This article shall take effect August 25, 2003.

Amended June 6, 2005.

ARTICLE XVI HOME OCCUPATION

Section 1. Purpose and Intent.

This article is designed to regulate the conduct of business within the home and to achieve the following purposes and objectives:

- 1.1 Preserve and protect residential neighborhoods from the adverse impacts of home occupation activities.
- 1.2 Permit residents of East Greenwich the ability to use their homes as a place of livelihood or to supplement personal or family income.
- 1.3 Establish criteria and standards for home occupations conducted in dwelling units and structures accessory to dwelling units.
- 1.4 These regulations are not intended to restrict the use of a residence by the occupants for the following purposes: occasional yard or garage sales; party related sales when conducted less than once per month; hobbies not undertaken for financial gain; and seasonal sales of flowers and or vegetables grown on site provided no additional structure is constructed from which to sell the goods; nor are these regulations intended to restrict farming activities as permitted by the Zoning Ordinance.

Section 2. Definition.

Home Occupation. Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit. (Reader's note: This is the definition from RIGL 45-24-35).

Section 3. Standards.

- 3.1 The home occupation shall be conducted indoors and shall be clearly subordinate, incidental and secondary to the use of the dwelling and accessory structures for residential purposes, and shall occupy a floor area no greater than twenty (20) percent of the floor area of the dwelling unit or relevant accessory structure.
- 3.2 Outward appearance. The exterior appearance of the residential and

accessory structures shall not be changed as a result of or for the purposes of the home occupation.

- 3.3 Impacts. There shall be no outside storage or window display. Noise, dust, odors, heat, glare, noxious fumes, or vibrations shall not result from the home occupation. Mechanical or electronic equipment which is incidental to the home occupation may be used provided it does not create visible or audible interference in radio, telephone, or television receivers or cause fluctuations in line voltage off the premises. The home occupation shall not interfere with the delivery of utilities or other service to the area. The use shall not involve the storage or use of explosive, radioactive or other hazardous materials on site.
- 3.4 Traffic. The home occupation shall not generate greater traffic volume than would normally be expected in the particular residential zone in which the home occupation is conducted.
- 3.5 Parking. The parking of vehicles shall not create safety hazards or congestion. No additional on-site parking shall be permitted. Parking other than in a designated driveway shall not occur within the front yard between the street and the dwelling unit.
- 3.6 Employees. The home occupation is to be conducted only by members of the family residing in the dwelling.
- 3.7 Limits on Class/Instruction. If the home occupation is the type in which classes are held or instruction given, there shall be not more than two (2) students or pupils in the dwelling unit or on the premises at any one time, and hours of instruction shall be limited from 9 A.M. to 8 P.M.
- 3.8 Limits on clients/Customers. If the home occupation is the type in which customers or clients visit the premises, there shall be no more than two (2) clients or customers in the dwelling unit or on the premises during any period of 60 consecutive minutes, and hours of operation shall be limited from 9 A.M. to 8 P.M.
- 3.9 Allowable Number of Home Occupations. The total number of home occupations conducted with a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one home occupation as set forth in these regulations.
- 3.10 Compliance. Home occupations shall comply with all local, state, or federal requirements pertinent to the activity pursued, including licensing, and the requirements of or permission granted by this chapter shall not be construed as an exemption from such regulations.
- 3.11 Signs. There shall be no signs advertising, directing, or otherwise identifying or indicating the presence of any home occupation.
- 3.12 Deliveries to be made to the home concerning Home Occupation shall be

deliveries ordinarily made in residential neighborhoods.

Section 4. Permitted Uses.

- 4.1 Home occupations shall blend with their neighboring surrounds and shall not impair the use and value of residentially zoned areas for residential purposes. The following uses shall be allowed under this article:

dressmaking, sewing and tailoring.

telephone solicitation.

Tutoring.

artist's or craft studio.

professional office for attorneys, real estate agents, insurance agents, accountants, stock brokers, engineers, architects, landscape architects, musicians, writers, data programmers, and sales representatives.

photography, cosmetology, retail sales by mail order or electronic means, catering, and light assembly of goods

information and data processing via facsimile or the internet.

consulting.

- 4.2 Proposed home occupations that are not expressly permitted and are not prohibited, may be granted approval by application to the Zoning Board of Review for a special use permit.

Section 5. Prohibited Uses.

- 5.1 The following uses are prohibited and shall not be allowed under this article as home occupations:

a. animal hospitals, stables, kennels and dog breeding

b. dry cleaners

c. eating and drinking establishments

d. mortuaries and undertakers

e. sales of, repairs, painting, or body work to motor vehicles, recreational vehicles, or boats

f. service and repair shops including but not limited to small engine repairs

g. welding shops

h. private clubs

i. adult businesses and entertainment by internet or otherwise

j. rentals of equipment, tools, trailers and vehicles

- k. retail sales of goods not otherwise permitted under section 4.1.f.
- l. food service.

Section 6. Administrative.

The Building Official/Zoning Enforcement Officer may inspect the premises to determine compliance. Any violations of this Article shall be subject to enforcement action by the Town as provided by this Zoning Ordinance.

**ARTICLE XVII
AFFORDABLE HOUSING**

SECTION 1 PURPOSE AND AUTHORITY

The purpose of this Article of the Zoning Ordinance is to implement the Affordable Housing Plan, a section of the Housing Element of the Comprehensive Community Plan, adopted by the Town Council on December 14, 2004 as amended from time to time.

The authority for adoption and implementation of the Affordable Housing Plan is conferred by Rhode Island General Laws Sections 42-128-8.1 (d)(2) and (3), 45-22.2-4 (33), and 45-22.2-6 (3).

SECTION 2 INCENTIVES FOR PRODUCTION OF AFFORDABLE HOUSING

2.1 The zoning districts established by Article III are modified as follows:

2.1.1 Districts R-4 and MUPD: At least 20 percent of the dwelling units shall be affordable with a density bonus of 20 percent of the number of dwelling units otherwise authorized.

- 2.1.2 Districts R-6, R-10, R-20, R-30, F/F-1, F-2, CD-1 and CD-2: At least 15 percent of the dwelling units shall be affordable.
 - 2.1.3 District PD: At least 15 percent of the dwelling units shall be affordable with a density bonus of 15 percent of the number of dwelling units otherwise authorized.
 - 2.1.4 District W: At least 15 percent of the dwelling units shall be affordable with a density bonus of 15 percent of the number of dwelling units otherwise authorized if the development is of the Multi-Family or Multi-Single Family type and is authorized by Special Permit.
 - 2.1.5 District RHF: The number of dwelling units that shall be affordable is established by Ordinance No. 750 in amendment to the Zoning Ordinance, adopted by the Town Council on October 26, 2004.
- 2.2 Payment in lieu of affordable units may be approved by the Planning Board with final approval by the Town Council.

SECTION 3 SUBSTANDARD LOTS OF RECORD

- 3.1 Complete applications for construction of affordable housing on substandard lots of record (non-conforming by dimension) will be reviewed as Land Development Projects.
- 3.2 Applications for development of two or more substandard lots of record shall include the complete Master Plan checklist in the Land Development and Subdivision Review Regulations, Section 17.
- 3.3 Applications for development of one substandard lot of record not abutting any other lot or parcel in the same ownership shall include the completed Master Plan Checklist in the Land Development and Subdivision Review Regulations, Section 17, Subsection (1), items 1 through 12, 14, 17, 18, and 23 and Subsection (2), Items (3) and (9).
- 3.4 The Local Review Board shall determine the dimensional requirements for these applications.

SECTION 4 REPORTS

- 4.1 The Local Review Board shall submit a report on affordable housing activities in each fiscal year to the Town Council not later than August 14 of the following fiscal year.
- 4.2 The report shall include the following:
 - 4.2.1 The number of applications to construct or rehabilitate affordable housing units submitted, accepted as complete, and rejected as incomplete.
 - 4.2.2 The total number of dwelling units proposed to be constructed or rehabilitated in applications that are accepted and the number of dwelling units that are proposed to be affordable in such applications.