

SECTION 5.

DISTRICT USE REGULATIONS

Section 5.1 Establishment of Districts

For the purpose of this ordinance, the Town of North Smithfield is hereby divided into the following fourteen (14) zoning districts:

District	Symbol	Description
Residential	RRC	Rural Residential Conservation
Residential	RR	Rural Residential
Residential	RS	Residential - Suburban
Residential	RU	Residential - Urban
Residential	RV	Residential - Village
Business	PS	Professional Services
Business	BN	Business - Neighborhood
Business	BH	Business - Highway
Business	BA	Business - Agricultural
Business	LC	Limited Commercial
Mixed Use	MU-1	Mixed Use - Commercial
Mixed Use	MU-2	Mixed Use – Industrial
Manufacturing	M	Manufacturing
Open Space	OS	Open Space

Additionally, there are two (2) Overlay Districts: Groundwater Aquifer, and Historic. **Overlay District use regulations shall take precedence over the regulations of the underlying zoning district.** All other provisions of the underlying zoning district which are not superseded by these overlay districts shall remain in full force and effect.

Each of the Overlay Zoning Districts established by the provisions of this ordinance was created with a specific intent as follows:

Groundwater Aquifer Protection Overlay District (GAP). This overlay district, which is shown on the North Smithfield Groundwater Aquifer Protection Overlay District (2012) on file in the office of the Town Clerk, and includes all land in the Town identified as a groundwater reservoir, groundwater recharge area, water supply basins (GAA classification), community well-head protection areas, and town-owned non-transient, non-community wellhead protection areas (schools). is established to fulfill the purposes of Section 9, Groundwater Aquifer Protection Overlay District. Said map is hereby declared to be part of this Ordinance.

Historic District Overlay Zone (HD). This district is established to preserve structures of historic or architectural value as defined in Section 14, Historic District Zoning.

Section 5.2. Intent of Each Zoning District

Each of the underlying zoning districts established by the provisions of this ordinance are created with specific intent as follows:

Rural Residential Conservation (RRC). This district is established to provide protection to areas where the conservation of water bodies and streams are of significant importance; where development may be threatened by flood, or would increase the danger of flood elsewhere and where limited agricultural pursuits and low density residential uses are compatible with open space objectives. For purposes of this Zoning Ordinance, RRC shall be synonymous with the previous names REA and REA-120.

Rural Residential (RR). This district is established to allow limited, orderly growth in areas where facilities necessary for intensive, urban-type development appear unlikely in the near future. It is designed to permit some conservation objectives, many agricultural pursuits and to allow the orderly transition from agriculture to low density residential use. Conservation development by design and the placement of structures which may facilitate more efficient rezoning in the future is strongly encouraged within the district. For purposes of this Zoning Ordinance, RR shall be synonymous with the previous names RA and RA-65.

Residential - Suburban (RS). This district is established to provide areas where medium-low density residential uses now appear feasible because community facilities such as public water or sewers are likely in the foreseeable future.

Residential - Urban (RU). This district is established to provide for a somewhat broader range of urban housing types and for higher residential densities. It is anticipated that facilities necessary for urban living will service most of these districts within the near future.

Residential - Village (RV). This district is established to provide areas for dense residential development where public water and sewerage services are currently available, as well as small-scale service establishments that promote pedestrian activities and the diversity of uses historically found in mill villages.

Professional Service (PS). This district is established to provide living and office space for persons in professional and related fields.

Business - Neighborhood (BN). This district is established to provide areas for the retailing of convenience goods and furnishing of some personal services. It is primarily intended to serve the day-to-day needs of persons living nearby, although the secondary function of serving community-wide needs is also permitted.

Business - Highway (BH). This district is established to provide areas for commercial establishments that depend primarily on a great volume of vehicular traffic. Typical uses include those which offer accommodations and services to motorists, specialized retail outlets, and commercial amusement enterprises.

Business - Agriculture (BA). This district is established to provide areas for the continuation of farming and agricultural based business with limited on-site sales of farm and farm-related products. Permitted uses in this district include those allowed in the REA district as well as farm stands, retail sale of farm and related products, greenhouses, nurseries, riding academies with accessory retail sales of tack and riding apparel, and veterinary clinics. It is intended to provide flexibility such that agricultural based businesses may remain economically viable.

Limited Commercial (LC). This district is established to provide areas for commercial establishments, light industry and office uses. It is intended to serve community-wide needs and accommodate specialized retail and wholesale establishments which require outdoor storage of materials.

Manufacturing (M). This district is established to provide areas suitable for industrial development, research and certain transportation, storage and utility uses. In addition, certain commercial services catering primarily to the needs of industry and its employees are permitted. In order to maximize the potential of this district, incompatible uses which require extensive improvements are not permitted.

Mixed Use – Commercial (MU-1). This district is intended to provide for compact, planned village-mixed use development of a village nature with existing commercial, but not big -box retail, with a mix of small-scale businesses such as restaurants, coffee shops, bookstores, retail shops, and service industries.

Mixed Use – Industrial (MU-2). This district is intended to provide for compact, planned village-mixed use and light industrial development where buildings should be clustered, campus-style, around shared open space amenities, with parking located to the side and rear of structures.

Open Space (OS). This district includes properties owned by the Town, State or Federal government presently used for public recreation or conservation purposes. It also includes quasi-public or privately-owned land where development rights or conservation easements have been conveyed, or for which there is a reasonable expectation of long-term use for open space conservation or recreation, such as Audubon Society or North Smithfield Land Trust lands. Certain limited residential, recreational, agricultural, and educational uses are permitted.

Section 5.3 Interpretation of Use Table and Symbols

The status of uses which appear in the table of district use regulations vary from district to district as indicated by the symbol appearing under the appropriate column heading. The interpretation of symbols shall be as follows:

Y - The use is permitted by right.

S - The use may be permitted as a Special-use under the provisions of Section 19.22 of this ordinance.

Y_T - The use shall be permitted under provisions of this Ordinance for a limited time as customarily appropriate to the use, not to exceed one (1) year.

N - The use is not permitted.

Where any proposed use is not listed in this section or in Section 21, Definitions, it shall be the duty of the Zoning Enforcement Officer to determine if the use is substantially similar to any existing use. If the Officer determines that the proposed use is not substantially similar to any existing use, then such use shall be prohibited in all zones. A decision of the Officer, either to classify a proposed use within an existing use contained in the table below, or to prohibit the use, shall be appealable to the Zoning Board as set forth in Section 18.

Uses permitted by right or by special-use must also comply with all other aspects of this Ordinance, such as the dimensional regulations and on-site parking requirements. Environmental constraints and infrastructure limitation may further restrict a parcel's buildout and use. For example, the minimum lot areas listed in the table may not be adequate in certain cases to meet state standards for on-site sewage disposal; a larger lot area may be specified by the Department of Environmental Management as part of the approval of an individual septic disposal system.

Uses listed in the following table may also be governed by the Groundwater Aquifer and Historic overlay districts, or by the provisions of Section 8, Flood Hazard Areas. Any uses involving materials having a health hazard rating of 2,3,or 4 or a flammability hazard rating of 1,2,3,or 4 as defined by NFPA 325M shall require a Special-use Permit.

Uses permitted by right involving the construction of multiple uses or units will require review approval by the Planning Board as a Land Development Project. The process associated with the review and approval of a Land Development project is contained in the Town of North Smithfield's Land Development and Subdivision Regulations.

Section 5.4. District use regulations.

ZONE

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
5.4.1. Agricultural Uses														
1. Pets & Watchdogs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S
2. Animals, non-commercial raising (excluding pets, watchdogs, apiary)	Y	Y ¹	Y ¹	S	N	N	S	S	Y	S	S	N	N	N
3. Apiary	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S
4. Chicken hens per ordinance	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N
5. Livestock, commercial raising, except pig and/or mink	Y ¹	Y ¹	N	N	N	N	N	N	Y	N	N	N	N	N
6. Crops & Trees, non-commercial raising	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S
7. Crops & Trees, commercial raising	Y	Y	S	S	N	N	Y	Y	Y	Y	N	N	N	S
8. Greenhouse & Nursery, commercial	S	S	S	N	N	N	Y	S	Y	S	Y	N	N	N
9. Farm Stand	Y	S	S	N	N	N	Y	S	Y	Y	N	Y	Y	N
10. Farm Retail Sales Building	Y	S	N	N	N	N	Y	N	Y	Y	N	Y	Y	N
11. Farm and Farm-Related Products, retail sales	Y	S	N	N	N	N	Y	N	Y	Y	N	Y	Y	N
12. Natural Christmas Tree Sales	Y	Y	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
13. Animal Hospital or Veterinary Facility	Y	Y	N	N	N	Y	Y	Y	Y	Y	N	N	N	N
14. Livestock, commercial raising, pig and/or mink	N	N	N	N	N	N	N	N	N	N	N	N	N	N
15. Kennel or Animal Boarding	Y ¹	Y ¹	N	N	N	N	N	N	Y	N	N	N	N	N
5.4.2. Residential uses														
1. Dwelling, single-family detached	Y	Y	Y	Y	Y	N	N	N	Y	N	N	N	N	N
2. Dwelling, accessory	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	N
3. Dwelling, duplex	S	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N
4. Dwelling, multi-family & apartments; 3 to 6 units with no more than 12 bedrooms ^{2,4}	N	S	S	Y	Y	N	N	N	N	N	N	Y	Y	N
5. Dwelling, multi-family & apartments; 7 or more units with greater than 12 bedrooms ^{2,4}	N	N	S	S	Y	N	N	N	N	N	N	Y	Y	N
6. Dwelling, attached for operator or owner of a principal business or manufacturing use	N	N	N	N	Y	S	S	S	Y	S	S	Y	Y	N
7. Home Occupation, performed by the resident of the premises utilizing no more than 200 sq. ft. of the area of one floor	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
9. Bed and breakfast ⁴	N	S	S	Y	Y	N	Y	Y	Y	N	N	Y	N	N
10. Dormitory for a permitted use ⁴	S	S	S	S	N	S	N	N	Y	N	N	S	S	N
11. Transient lodging, not to exceed 8 guest bedrooms ⁴	N	N	N	N	N	N	Y	S	N	N	N	Y	Y	N
12. Transient lodging, exceeding 8 guest bedrooms ⁴	N	N	N	N	N	N	Y	N	N	N	N	Y	Y	N
13. Mobile Home, park	N	N	N	N	N	N	N	N	N	N	N	N	N	N
14. Loft, commercial artist	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N
15. Community Residences up to 5 bedrooms Community residences greater than 5 bedrooms ⁴	Y	Y	Y	Y	Y	N	N	N	N	N	N	Y	Y	N
16. Elderly Housing, limited care facility ⁴	N	N	Y	Y	Y	N	N	N	N	N	N	Y	Y	N
17. Residential Care and Assisted Living ⁴	Y	Y	Y	Y	Y	N	N	N	N	N	N	Y	Y	N
18. Halfway House	N	N	N	N	N	N	N	N	N	N	N	N	N	N
19. Transient Residential Facility	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
20. Mobile Home, single unit	N	N	N	N	N	N	N	N	N	N	N	N	N	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
5.4.3. Office uses														
1. Office, home	Y	Y	Y	Y	Y	Y	N	N	Y	S	N	Y	Y	N
2. Office, temporary real estate (up to one year)	Y ^T	N												
3. Office, accessory to a wholesale or manufacturing use	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N
4. Office, construction trailer	Y ^T	S												
5. Office, building under 3,000 sf. GLA	N	N	N	N	Y	Y	Y	Y	Y	Y	N	Y	Y	N
6. Office, building 3,000 sf. or greater GLA	N	N	N	N	N	Y	Y	N	N	Y	Y	Y	Y	N
5.4.4. Public and semi-public uses														
1. School, public or private including college or university ⁴	S	S	N	N	N	S	S	N	S	N	S	S	S	N
2. Day Care Center / Nursery School, up to 12 children	Y	Y	Y	Y	Y	S	S	S	N	S	S	Y	Y	N
3. Day Care Center / Nursery School, over 12 children ⁴	S	S	S	S	S	S	S	S	N	S	S	S	Y	N
4. Day Care, family day care home	Y	Y	Y	Y	Y	S	S	S	N	S	S	Y	Y	N
5. School, trade or professional utilizing heavy machinery for instructional purposes	N	N	N	N	N	N	N	N	N	N	Y	N	S	N
6. School, trade or professional not utilizing heavy machinery	N	N	N	N	N	S	S	N	S	N	Y	Y	Y	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
for instructional purposes														
7. Tutoring, utilizing less than 200 sq. ft.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
8. Religious institution or place of worship	S	S	S	S	Y	S	Y	Y	S	S	S	Y	Y	N
9. Cultural Activities, including library, museums, aquariums	S	S	S	S	Y	S	S	S	Y	N	N	Y	Y	S
10. Rest Home, Convalescent Home, Nursing Home ^{3,7,4}	Y	Y	Y	Y	N	N	S	N	N	N	N	Y	Y	N
11. Hospital or Health Services Facility greater than 5,000 sq. ft. ⁴	N	N	N	N	N	Y	Y	N	N	N	N	S	S	N
12. Fire, Police, or Rescue Station	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
13. Sewage or Water Plant, municipal	N	N	N	N	N	N	Y	Y	Y	S	Y	Y	Y	N
14. Sewage or Water Plant, non-municipal	N	N	N	N	N	N	N	N	N	N	N	N	S	N
15. Landfill	N	N	N	N	N	N	N	N	N	N	N	N	N	N
16. Incinerator	N	N	N	N	N	N	N	N	N	N	N	N	N	N
17. Government, other municipal uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	S
18. Government, municipal garage or utility	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	N
19. Hall, general purpose used for recreation, social or other intermittent functions – not serving alcohol	N	S	S	S	Y	S	Y	S	N	S	N	Y	N	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
20. Hall, general purpose used for recreation, social or other intermittent functions – serving alcohol	N	N	N	N	N	N	N	N	N	N	Y	S	N	N
21. Cemetery	S	S	S	S	N	N	N	N	N	N	N	N	N	S
22. Community Center	N	S	S	S	Y	S	Y	Y	N	S	N	Y	N	N
23. Penal Facility or Prison	N	N	N	N	N	N	N	N	N	N	N	N	N	N
24. Rehabilitation Facility, drug or alcohol	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5.4.5. Open recreation														
1. Commercial Bathing Facility, outdoors	S	S	S	S	S	S	S	S	S	S	N	S	N	S
2. Public Parks, playgrounds, picnic groves, open land refuges and preserves, etc.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S
3. Golf Course, minimum of 3 holes	Y	Y	N	N	N	N	N	N	N	N	N	N	N	S
4. Country Club ⁴	Y	Y	N	N	N	N	N	N	N	N	N	N	N	S
5. Riding Academy or Stable, commercial	Y	N	N	N	N	N	N	N	Y	N	N	N	N	S
6. Amusement Park, commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	S
7. Carnival or Circus	Y ^T	Y ^T	N	N	N	N	S	N	S	N	N	N	N	S

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
8. Fairground or Exposition Grounds	Y ¹	N	N	N	N	N	N	N	S	N	N	N	N	S
9. Day Camp	S	S	N	N	N	N	N	N	S	N	N	N	N	S
10. Drive-in Theater	N	N	N	N	N	N	Y	N	N	N	N	N	N	N
11. Summer Theater or Amphitheater	Y	N	N	N	N	N	N	N	S	N	S	Y	N	S
12. Recreation, outdoor commercial	S	S	N	N	N	N	S	N	S	N	S	S	S	S
5.4.6. Restaurants and entertainment														
1. Restaurant/Banquet Facility (principal sales - food):														
(a) seating capacity of up to 50 people	N	N	N	N	Y	N	Y	S	Y	N	N	Y	N	N
(b) seating capacity of 51-299 people ⁸	N	N	N	N	N	N	S	N	N	N	Y	S	N	N
(c) seating capacity of 300+ people ⁸	S	N	N	N	N	N	S	N	N	N	Y	N	N	N
2. Restaurant - drive thru/take out (no inside dining)	N	N	N	N	N	N	Y	N	S	N	N	N	N	N
3. Restaurant - drive thru and inside eating ⁸	N	N	N	N	N	N	Y	N	S	N	N	N	N	N
4. Night Club, Tavern, Lounge (no adult entertainment)	N	N	N	N	N	N	S	N	N	N	N	S	N	N
5. Night Club, Tavern, Lounge (adult entertainment)	N	N	N	N	N	N	N	N	N	N	N	N	N	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
6. Lunchroom or Cafeteria (accessory use to a permitted use with no exterior advertising)	S	S	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N
8. Theater or Concert Hall	N	N	N	N	N	N	S	N	N	N	N	Y	N	N
9. Recreation, indoor commercial	N	N	N	N	N	N	S	S	S	S	S	S	S	N
10. Casino or Racetrack	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5.4.7. Retail business and service														
1. Health & Fitness Facility	N	N	N	N	Y	Y	Y	Y	N	S	N	Y	S	N
2. Adult Entertainment Specialty Shops ⁶	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3. Engine Repair, non-automotive excluding heavy equipment	N	N	N	N	N	N	Y	N	N	N	N	N	Y	N
4. Automotive, fueling area; gas stations	N	N	N	N	N	N	S	S	N	S	N	S	S	N
5. Automotive, carwash ⁴	N	N	N	N	N	N	Y	N	N	N	N	S	N	N
6. Automotive, light repair garage (excluding body work)	N	N	N	N	N	N	Y	S	N	S	Y	N	Y	N
7. Automotive, heavy repair garage (excluding body work)	N	N	N	N	N	N	Y	N	N	S	Y	N	Y	N
8. Automotive, rental, up to 5 vehicles	N	N	N	N	S	N	Y	S	N	S	S	S	S	N
Automotive, rental, over 5 vehicles	N	N	N	N	N	N	Y	S	N	S	S	S	S	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
9. Automotive, sales	N	N	N	N	N	N	Y	N	N	N	N	S	N	N
10. Package Store (where alcoholic beverages are sold)	N	N	N	N	N	N	Y	N	N	N	N	S	N	N
11. Funeral Home or Mortuary or Crematorium	N	N	N	N	N	N	S	S	N	N	N	N	N	N
12. Crematorium, only in conjunction with a cemetery	S	S	S	S	N	N	N	S	N	N	N	N	N	S
13. Radio or Television Studio	N	N	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	N
14. Amateur Radio antenna and/or tower, less than 70 feet in height	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	S
15. Broadcast radio and/or television towers	N	N	N	N	N	N	N	N	N	N	S	N	N	N
16. Cellular Communications Antenna Array on an existing structure or building (subject to restrictions of Section 17)	N	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	S
17. Cellular Communications Tower – Monopole up to 125 feet in height (subject to the restrictions of Section 17)	S	N	N	N	N	N	Y	N	S	N	Y	S	Y	S
18. Cellular Communications Tower – Monopole over 125 feet in height and up to 200 feet in height (subject to the restrictions of Section 17)	S	N	N	N	N	N	S	N	S	N	Y	N	S	S
19. Cellular Communications Tower – Lattice or Guyed, any height up to 200 feet in height (subject to the restrictions of Section 17)	N	N	N	N	N	N	N	N	N	N	S	N	N	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
20. Retail Sales in an Open Lot	N	N	N	N	N	N	S	S	Y	S	S	N	N	N
21. Shopping Center, up to 15 acres	N	N	N	N	N	N	Y	N	N	N	N	N	N	N
22. Propane Tanks, wholesale or retail filling	N	N	N	N	N	N	S	N	N	N	S	N	S	N
23. Retail Sales, under 3,000 sf GLA ⁷ with drive-thru	N	N	N	N	N	N	Y	N	N	Y	N	N	N	N
24. Retail Sales, under 3,000 sf GLA ⁷ without drive-thru	N	N	N	N	N	N	Y	Y	N	Y	N	Y	N	N
25. Service Establishments, under 3,000 sf GLA ⁷ With drive-thru	N	N	N	N	N	Y	Y	N	N	Y	N	N	N	N
26. Service Establishments, under 3,000 sf. GLA ⁷ without drive-thru	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	N
27. Retail Sales/Service, 3000 to 20,000 sf. GLA ⁷ with drive- thru	N	N	N	N	S	N	Y	N	N	Y	N	N	N	N
28. Retail Sales/Service, 3000 to 20,000 sf. GLA ⁷ without drive-thru	N	N	N	N	Y	N	Y	N	N	Y	N	Y	Y	N
29. Retail Sales/Service, over 20,000 to 40,000 sf. GLA ⁷ with drive-thru	N	N	N	N	N	N	Y	N	N	N	N	N	N	N
30. Retail Sales/Service, over 20,000 to 40,000 sf. GLA ⁷	N	N	N	N	N	N	Y	N	N	N	N	N	N	N

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without drive-thru														
31. Bank or Financial Institution, with drive-thru	N	N	N	N	N	Y	Y	S	N	Y	N	S	N	N
32. Bank or Financial Institution, without drive-thru	N	N	N	N	Y	Y	Y	Y	N	Y	N	Y	N	N
5.4.8. Wholesale business and storage														
1. Wholesale Business and Storage of Nonflammable and Non-explosive Material in a Building	N	N	N	N	N	N	S	N	N	S	Y	N	Y	N
2. Open Lot Storage, building materials and machinery excluding retail sales	N	N	N	N	N	N	N	N	S	S	N	N	S ⁵	N
3. Open Lot Storage, serviceable automotive and boat equipment excluding retail sales ³	N	N	N	N	N	N	N	N	N	S	N	N	S ⁵	N
4. Open Lot Storage, solid fuel, sand and gravel excluding retail sales	N	N	N	N	N	N	N	N	Y ⁵	N	Y ⁵	N	N	N
5. Open Lot Storage, junk and salvage material excluding retail sales	N	N	N	N	N	N	N	N	N	N	N	N	N	N
6. Storage of Flammable, Hazardous, or Explosive Materials, not integral to a manufacturing process	N	N	N	N	N	N	N	N	N	N	N	N	N	N
7. Retail Outlet for a Wholesale or Storage Use, including the	N	N	N	N	N	N	S	N	N	S	S	N	S	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
sale of ice, fuel oil, coal, wood on site														
8. Self-Storage Facility	N	N	N	N	N	N	S	S	N	S	N	N	S	N
9. General Warehouse	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	N
5.4.9. Service industries														
1. Laundry or Dry Cleaning Plant ⁴	N	N	N	N	N	N	N	N	N	N	Y	N	S	N
2. Furniture, Carpet, and Rug Cleaning Plant	N	N	N	N	N	N	N	N	N	N	Y	N	S	N
3. Auto Body or Paint Shop	N	N	N	N	N	N	S	N	N	N	Y	N	S	N
4. Blacksmith or Welding Shop	N	N	N	N	N	N	S	N	S	N	Y	N	S	N
5. Power Generating Station or Sub-station using fossil fuels (e.g., coal, oil, gas)	N	N	N	N	N	N	N	N	N	N	N	N	N	N
6. Waste-to-Energy Power Generation Station or Sub-station (e.g., methane, excluding burning solid waste)	N	N	N	N	N	N	N	N	S	N	S	N	N	N
7. Renewable energy power generation plant, including solar, wind, water, and geothermal sources	S	S	S	S	S	S	S	S	S	S	S	S	S	S

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
5.4.10. Industrial uses														
1. Retail Outlet for Industrial Operation	N	N	N	N	N	N	S ⁹	N	N	Y	Y	Y	Y	N
2. Mining, Quarrying, Sand and Gravel Extraction, Loam Stripping, Stone Cutting	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3. Recycling facility	N	N	N	N	N	N	N	N	N	N	S	N	N	N
4. Transfer Station	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5. Light Industrial, including on-site retail outlet	N	N	N	N	N	N	S	N	N	Y	Y	Y	Y	N
6. Heavy Industrial, excluding on-site retail outlet	N	N	N	N	N	N	N	N	N	N	S	N	S	N
7. Noxious Industrial	N	N	N	N	N	N	N	N	N	N	N	N	N	N
5.4.11. Transportation uses														
1. Airport	N	N	N	N	N	N	N	N	N	N	N	N	N	N
2. Landing Strip or Pad, private	N	N	N	N	N	N	N	N	S	N	N	N	N	N
3. Heliport	N	N	N	N	N	S	N	N	S	S	S	N	S	N
4. Parking, off-street as an accessory to a permitted use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S
5. Parking, commercial off-street facility	N	N	N	N	N	S	Y	Y	N	Y	Y	Y	S	N

USE	RRC	RR	RS	RU	RV	PS	BH	BN	BA	LC	M	MU 1	MU 2	OS
6. Rail or Motor Freight, terminal	N	N	N	N	N	N	S	N	N	S	Y	N	S	N
7. Rail or Bus Passenger, station	N	N	N	N	N	N	Y	N	N	N	Y	S	S	N
8. Taxi Cab, dispatching office	N	N	N	N	Y	N	Y	Y	N	Y	Y	Y	Y	N
9. Taxi Cab, garage; limousine livery	N	N	N	N	N	N	Y	N	N	Y	Y	S	N	N
5.4.12. Accessory uses														
1. Any accessory use customarily incidental to a use permitted in the district and located on the same site	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S
2. Any accessory use customarily incidental to a use permitted as a special use in the district and located on the same site	S	S	S	S	S	S	S	S	S	S	S	S	S	S

FOOTNOTE KEY

Y_T The use shall be permitted under provisions of this ordinance for a limited time as customarily appropriate to the use and not to exceed one(1) year.

1. Special-use permit required for lots under five acres.
2. Falls under Section 5.6.3.7
3. See Section 6.2

4. Only in areas served by municipal water and sewers.

5. Must be screened by an opaque fence or hedge no less than seven feet in height.

6. Adult Specialty Shops shall not be located within 1,000 feet of a residential district, a house of worship, a school, or a playground. No explicit material or advertising shall be visible from the exterior of the building.

7. GLA: Gross Leasable Area. The Gross leasable area shall include indoor and outdoor space utilized for retail display and sale of goods. The gross leasable area of adjacent stores shall be aggregated in cases where the stores are (1) engaged in the selling of similar or related goods, wares, or merchandise and operate under common ownership or management; (2) share checkstands, a warehouse, or a distribution facility; or (3) otherwise operate as associated, integrated, or co-operative business enterprises.

8. Only in areas served by municipal water.

9. Light industrial only

Sec. 5.5. District dimensional regulations.

Note: Section 6 and subsections 5.6 and 9.3, where applicable, contain certain provisions, modifications, and limitations to the following dimensional regulations.

5.5.1. Residential districts.

		MINIMUMS						MAXIMUM HEIGHT OF MEAN SECTION	
		Lot Area ¹ (sq. ft.)	Lot Frontage ² (feet)	Front Depth (feet)	Rear Yard (feet)	Side Yards (each side) (feet)	Building Coverage ³ (percent)	Main Structure (feet)	Accessory Structures (feet)
REA-120 Residential District									
	Single-family dwelling	120,000	300	40	40	25	20	35	25
	Other permitted or special-use permit uses	120,000	300	40	40	25	20	35	25
RA-65 Residential District									
	Single-family dwelling	65,000	200	40	40	25	25	35	25
	Two-family dwelling	130,000	200	40	40	25	25	35	25
	Multifamily dwelling or apartment house (plus 20,000 sq. ft. for each bedroom)	65,000	200	40	40	25	30	35	25
	Other permitted or special-use permit uses	65,000	200	40	40	25	25	35	25
RS-40 Residential Districts									
	Single-family dwelling	40,000	150	30	40	25	20	30	25
	Two-family dwelling	80,000	175	30	40	25	20	30	25
	Multifamily dwelling or apartment house (plus 6,000 sq. ft. for each bedroom)	40,000	200	30	40	25	30	30	25
	Other permitted or special-use permit uses	40,000	150	30	40	25	20	30	25
RU-20 Residential Districts									
	Single-family dwelling	20,000	100	25	40	20	20	30	25
	Two-family dwelling	30,000	120	25	40	20	20	30	25
	Multifamily dwelling or apartment house (plus 4,000 sq. ft. for each bedroom)	6,000	200	25	40	20	20	30	25
	Other permitted or special-use permit uses	10,000	100	25	40	20	20	30	25

¹ Lot areas shown may not be adequate to meet state sanitation approval.

² Lot width shall be measured at front yard depth.

³ Building coverage shall be measured as ground area of structure divided by total lot area.

4. For the purposes of calculating minimum lot and yard dimensions, area, density, maximum % coverage and the maximum number of lots or dwelling units permitted in a Conservation Development in any zoning

5.5.2. Nonresidential districts.

							MAXIMUM BUILDING HEIGHT	
			Minimum Yard Depths (in feet)			Main Structures	Accessory Structures	Maximum Floor Area
		Minimum Distances of Structure from Residential Zone Boundary (in feet)	Front	Rear	Side	(feet)	(feet)	Ratio ¹
PS	Professional District. Any permitted use	25	25	30	15	35	20	0.25
BH	Business District. Any permitted use ²	25	25	30	15	35	20	0.25
BN	Business District. Any permitted use ²	25	25	30	15	35	20	0.25
M	Manufacturing District. Any permitted use ²	100	40	40	40	35	20	1.00
	Land Development Project. Any permitted use	100	-	-	-	35	20	0.25
LC	Limited Commercial. Any permitted use	25	30	15	15	35	20	0.25

¹ Floor area shall be measured as: Total Floor Area of Structure (excluding basement) divided by Total Lot Area.

² Any permitted agricultural, residential, public or semi-public use within BH, BN, or M Zones shall conform to the dimensional regulations of the nearest Residential Zone, rather than the dimensional regulations of BH, BN, LC, or M Zones. Where Residential Zones of different regulations are equidistant, the more restrictive dimensional regulations shall apply.

Section 5.5.3 Land Unsuitable for Development

5.5.3 Land unsuitable for development means land which has severe or very severe limitations for development. The following regulations shall apply to proposed future residential lots in (1) a conservation development and (2) a conventional development. Non-residential lots, and lots created for the purpose of development prior to the effective date of these amendments shall not be subject to the provisions of this subsection.

5.5.3.1 Land Unsuitable for Development includes the following areas:

(a.) Fresh water wetlands, including that area of land (perimeter wetland) within fifty feet (50') of the edge of any bog, marsh, swamp, or pond, as defined in the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, adopted

pursuant to Rhode Island General Laws Section 2-1-20.1. as amended.

(b.) Water bodies

(c.) Areas within a 100-year flood zone, as defined by FEMA;

(d.) Land within the right of way of any existing or proposed public or private street.

(e.) Land within any publicly or privately held easement on which above or below ground utilities, including but not limited to electrical transmission lines >69KV, are constructed.

(f.) Cemeteries.

5.5.3.2 Lots in a Conservation Development. When calculating the number of building lots or dwelling units in any conservation development, lots intended for single-family dwellings that are shown on a Conventional Yield Plan as provided in Section 4-1 (H) of the Land Development and Subdivision Regulations (The Basic Maximum Number of Dwelling Units), must contain the minimum contiguous developable lot area exclusive of land unsuitable for development as follows:

Zoning District	Minimum Contiguous Developable Lot Area (sq. ft.)
RU-20	20,000
RS-40	40,000
RA-65	65,000
REA-120	120,000

5.5.3.3 Lots in a Conventional Development or Subdivision. Lots in any conventional subdivision, in any residential zoning district, shall contain at least the minimum contiguous developable lot area required by Section 5.5.3.2 as land suitable for development (exclusive of land unsuitable for development).

Sec. 5.6. Special-use permits.

5.6.1. Application procedures for a special-use permit. Except in the case of shopping centers and multifamily dwellings, apartments, which are covered in subsections 5.6.3.6. and 5.6.3.7., respectively, an applicant for a special-use permit shall pay the necessary fee at the time he presents all required exhibits, plans, and other required data to the Inspector. The Inspector shall review the application, pointing out any possible conflicts. If the application is in compliance, the Inspector shall issue duplicate applications for a Certificate of Zoning Compliance. The Inspector shall return one copy of the completed application for a Certificate of Zoning Compliance to the applicant along with all exhibits, plans, and other required data.

Should the Inspector determine that a special-use permit is required, the Inspector shall then deny the applicant building permits or the Certificate of Zoning Compliance and refer the applicant to the Board. The Inspector shall file the duplicate application for the Certificate of Zoning Compliance as a public record.

5.6.2. Application requirements. The application for a special-use permit, variances and appeals shall be accompanied by the following:

(1) A letter, including the names and addresses of property owners of record (applicants) specifically indicating the portion of this ordinance under which the special-use permit, variance and/or appeal is sought and stating the grounds on which it is requested. A list of property owners within two hundred (200) feet of the property in question shall accompany the letter.

(2) A radius plan of the site and of the surrounding area within two hundred (200) feet of the perimeter of the site drawn at a scale of one inch to fifty (50) feet showing a north arrow; designating existing streets, easements, monuments, stone walls, wooded areas, drainage features and contours; railroad and utility rights-of-way; the location of any sub-divided lands; and the location of any parks, other public open spaces or uses, residences, and other permanent structures. Sites encompassing large areas may use a radius map to a smaller scale than one inch to fifty (50) feet provided the specific area for which the special use or variance is being requested is at a scale of one inch to fifty (50) feet.

(3) All plans submitted shall be stamped by a registered or licensed land surveyor or civil engineer with similar information showing the proposed development of the site.

(4) The Board and the Inspector may require any additional information they deem necessary.

5.6.3. Standards for designated special-use permits. To accomplish the general purposes of this ordinance certain of the uses requiring a special-use permit under the provisions of this ordinance need further consideration because they are somewhat unique, highly specialized, or often present difficult zoning administration or enforcement problems. The effects of such uses on the surrounding environment often cannot be foreseen until a specific site has been proposed. It is also characteristic that such uses often require large land areas. The following supplemental regulations and standards have been designed in order to achieve more compatibility between such uses and neighboring development. The Board may also impose additional requirements in the public interest to cover circumstances unique to the selected site.

5.6.3.1. Accessory uses. The location, size and intensity of accessory uses which require special-use permits shall be restricted and determined in relation to the effects of such uses upon the environment, including effect upon traffic. In no such case shall such an accessory use predate the installation and operation of the principle use. When the principle use ceases to operate, the accessory use shall immediately cease.

5.6.3.2. Drive-in theater, summer theater, amphitheater.

- (a) The site shall contain at least five (5) acres.
- (b) The site shall have direct access to a public street.
- (c) All structures shall be set back at least one hundred (100) feet from any street or boundary line. Viewing areas and seating areas shall be set back at least fifty (50) feet from any street or boundary line.
- (d) All parking areas and access ways shall be adequately lighted; provided however, that such lighting shall be shielded to prevent glare or reflection onto neighboring properties or public streets.
- (e) Off-street parking spaces shall be provided in accordance with the provisions of this ordinance.
- (f) The following accessory uses may be permitted as incidental to and limited to patrons of the principle use:
 - (1) Amusement park, kiddy land (noncommercial).
 - (2) Refreshment stands or booth.
- (g) Or any drive-in theater.
 - (1) The theater screen shall be shielded in such a manner that the projected image cannot be observed from highways with State route designations within 2,500 feet.
 - (2) Off-street space for automobiles or patrons awaiting admission to the theater shall be equal to twenty (20) percent of the capacity of the viewing area. All entrances and exits shall be designed to provide one-way traffic patterns.

5.6.3.3. Fairgrounds or exposition grounds.

- (a) A site shall contain at least twenty (20) acres and shall have direct access to a public street.
- (b) All structures shall be set back at least fifty (50) feet from a lot line.
- (c) Adequate vacant area must be available on the site to provide parking space sufficient to handle all anticipated crowds.
- (d) Accessory uses consistent with the use of the grounds shall be permitted to the extent that they do not constitute a general retail sales outlet.

5.6.3.4. Utility structures. Public and private utility structures not specifically permitted as a matter of right in the various zones, pertaining to water, sewage, gas, telephone, and electric utilities; and police, fire, radio, and television stations, including broadcast antennae may be permitted as a special use.

(a) *Fencing and screening.* If findings indicate that a hazard may result or that interference with the development or use and enjoyment of surrounding properties may ensue, fencing or screening with a densely planted hedge or other shielding material may be required in a manner consistent with such findings.

(b) *Water works and sewerage treatment plants.* Application for water works or sewerage treatment plants shall be accompanied by a report and a recommendation from the appropriate governing agencies. Such recommendation as to design and construction type of treatment, source of water, standards for the quality of effluent shall be recorded in the minutes of the Board.

5.6.3.5. Extraction of earth products. As a condition precedent to the issuance of a license pursuant to section 11-37 of this Code,, Zoning Board of Review approval of a special-use permit for earth removal must be obtained. Earth removal shall mean the extraction, quarrying or removal of any soil, loam, sand, gravel, clay, shale, or other earth material from deposits of any tract of land on which it is found. Excluding, however, earth removal:

(a) Less than ten (10) cubic yards of material in the aggregate in any year from any lot;

(b) In grading land for construction of a roadway;

(c) For a subdivision in accordance with a plat plan or plans approved in accordance with an ordinance of the Town, or any duly authorized board of authority thereof, or for the construction of a building for which a building permit has been issued; provided, however, that the removal of such material necessarily excavated in connection with lawful construction of a building, structure, street, driveway, sidewalk, path or other appurtenance does not exceed that actually displaced by the portion of such buildings, structures, streets, driveways, sidewalks, or paths or other appurtenances below finished grade.

Except as otherwise provided herein, as a condition precedent to granting of a special-use permit pursuant to this subsection, the applicant for such special-use permit shall submit to the Zoning Board of Review for their approval thereof:

(a) *Site plan.* A site plan at a scale of not less than one hundred (100) feet to the inch and with contours of not more than five (5) feet, prepared by a registered engineer, land surveyor or landscape architect and setting forth:

(1) Lot lines, ownership, abutters, adjacent public streets, watercourses, existing contours at intervals of not more than five (5) feet and location plan at a scale of not less than four hundred (400) feet to the inch;

(2) Proper provision for vehicular traffic, service roads, control of entrances and exits to highways;

(3) The relation of temporary and future buildings and operations machinery to the removal areas; delineation of removal areas and depths with estimates of cubic yards of material to be removed; fencing; method of removal; distance of excavation to street and lot lines.

(b) *Restoration plan.* A restoration plan prepared by a registered engineer, land surveyor or landscape architect at the same scale required for the site plan in subsection (a) above and setting forth:

(1) The existing contours of the tract of land with a contour interval not exceeding five (5) feet, based upon classifications of preliminary samples of the material to be removed;

(2) The final contours of the tract of land with a contour level not exceeding five (5) feet upon completion of earth removal operations; and

(3) The type of ground cover to be planted or applied upon completion of earth removal operations to effectively control wind and water erosion; provided however, if suitable fertile ground cover existed at the beginning of earth removal, enough of said ground cover to be held in reserve and reapplied for a minimum thickness of three (3) inches.

The said land restoration plan and its implementation applies to the conversion of the site and its planned restoration. It is, therefore, required that:

(1) Any land restoration plan correspond to a situation which could reasonably occur in the immediate future (zero to five years), and be revised as necessary as the existing physical character of the removal area changes;

(2) The land restoration plan or any part thereof which reasonably applied to an area, shall be put into effect within one year of cessation of normal earth removal operation and completed by the timetable of the restoration plan.

The decision of the Inspector shall be final in determining when a restoration plan shall be put into effect, either on the entire site or any portion thereof.

(c) *Operating conditions.*

(1) *Hours.* Earth removal operations shall be limited to the hours between 7:00 a.m. and 6:00 p.m. of any Monday, Tuesday, Wednesday, Thursday, Friday or Saturday (except a legal holiday) and earth removal on Sunday and on any legal holiday or for the hours prior to 7:00 a.m. or after 6:00 p.m. may be authorized by the Inspector for emergency purposes only.

(2) *Initiation or lateral expansion.* The initiation or lateral expansion of earth removal is hereby prohibited:

- (a) Within two hundred (200) feet of a public road;
- (b) Within two hundred (200) feet of neighboring lot lines.

(3) *Fencing.* Fencing shall be required of those portions of the boundary of the tract of land upon which earth removal is being conducted adjacent to zoned residential property, such fencing to be six (6) feet in height and effective to control access to the area in which such earth removal is being conducted. When an excavation will have a depth of more than fifteen (15) feet with a slope in excess of one to two (1:2), a fence at least six (6) feet high shall be erected to limit access to this area.

(4) *Reduction of dust; recording instruments.*

(a) Calcium chloride or oil shall be applied to reduce dust and mud on all non-hard surfaced roads to be used for vehicular ingress or egress to the tract of land on which earth removal is to be conducted.

(b) Where deemed appropriate by the Board, the installation, maintenance, and operation by the applicant of continuous recording instruments is required to measure the effectiveness of all equipment used for drilling, digging and hauling, to control or lessen noise, vibration, smoke, water pollution, odors, fly ash, dust, fumes, vapors, gases, and other forms of air pollution, toxic gases, heat, glare and fire or other safety hazards, and the Board also may require that such recording instruments be tested at reasonable intervals under the direction of the Inspector to determine their accuracy.

When the director of health determines specific dates, on a yearly basis, relative to seasonal changes in highest groundwater table elevation, such dates may be used by the Inspector. When groundwater determinations are made outside the wet season and percolation tests are required, such percolation tests shall follow the percolation test procedure as set forth in the D.O.H. regulations (R-23-SD 14.00-pl a.b.c.d.e.f. and SD 14.02). Where proposed "subsurface seepage system" is used in D.O.H. regulations, "excavation of earth material" shall be substituted.

(5) *Drainage, groundwater table elevation; permanent water bodies.*

(a) Drainage shall be provided to prevent the permanent collection and stagnation of surface or underground waters, and to prevent the flooding and erosion of surrounding property and the pollution of ponds and streams; and

(b) Earth removal shall not encroach closer than four (4) feet to the groundwater table.

Groundwater table elevation determinations shall be made on all land from which earth products

will be removed. Procedures for groundwater table elevation determinations shall be made in the same manner as required by the Department of Health in the "Rules and Regulations Establishing Minimum Standards Relating to Location, Design Construction and Maintenance of Individual Sewage Disposal Systems" (R23-1-SD15.00-01 and 02). Where "subsurface seepage system" is used in the D.O.H. regulations, "excavation of earth removal" shall be substituted. Where "director" or "agent of the director" is used in the D.O.H. regulations, "Inspector" shall be substituted;

(c) Permanent water bodies shall not be created as a result of earth removal activities.

The Inspector or his appointed designee shall witness all percolation and groundwater determinations and shall certify to the accuracy of technical data recorded. Any changes in such D.O.H. regulations relative to groundwater level determination and percolation tests from time to time shall be considered part of this section.

(6) *Off-street parking; posting of signs; access roads; truck routes.*

(a) Off-street parking shall be provided and utilized by all related vehicles.

(b) Any access to excavated areas or areas in the process of excavation shall be adequately posted with keep-out danger signs.

(c) Access roads shall be constructed with a curve so as to help screen the operation from public view.

(d) All trucking routes and methods shall be subject to the approval of the chief of police, and such routes be cleaned, repaired and/or resurfaced by the earth removal operator where such is required by the Town Council.

(7) *Explosives.* The use of explosives shall be in accordance with the regulations for storage or handling of explosives as set forth by the State of Rhode Island.

(d) *Certificate of compliance.* A certification by a registered engineer, landscape architect or registered land surveyor that completion of earth removal operations complies with the restoration plan.

(e) *Noncompliance.* If the plan set forth in subsection (b) above is not complied with, the Town is authorized and empowered to undertake and complete such plan and the owner of said tract of land shall reimburse the Town and the Town shall have a lien on said tract of land for such expenses.

(f) *Bond.* A bond surety required per acre of said tract of land to insure compliance with the restoration plan and reasonable additional amounts as required by the Zoning Board or Town Council to insure repair to Town roads for damage by any hauling operations.

5.6.3.6. Shopping centers. The purpose of these regulations is to encourage the effective and timely development of land for commercial purposes in accordance with the objectives and policies of the Comprehensive Plan; to assure suitable design in order to protect the property values and the residential environment of adjacent neighborhoods; and to minimize traffic congestion on the public streets (see Site Plan Review).

(a) *Procedure.* Prior to submitting an application for a shopping center to the Board, development plans shall be submitted to the Planning Board for site plan review. Subsequent to receiving site plan approval, the applicant shall submit approved site plans and supporting documentation to the Board. The Board shall hold a public hearing in accordance with section 9 and shall grant or deny the special-use permit. Strict adherence to the conditions set by the Planning Board, and the Board are necessary for issuance of Certificates of Zoning Compliance and building permits. Such building permits must be requested within one (1) year of the date of Board approval. The Board may extend its approval for one (1) year periods after public hearings for good cause shown.

(b) *Development standards.*

(1) *Permitted uses.* Any nonresidential use permitted in the BN or BH zone is permitted as a principal use of land in a shopping center.

(2) *Site area.* A shopping center shall be located on a parcel of land having an area of at least ten (10) acres.

(3) *Maximum lot coverage.* The total ground area occupied by all principal buildings, together with all accessory buildings, shall not exceed 25 percent of the total area of the parcel of land.

(4) *Height restriction.* No principal building shall exceed thirty (30) feet in height; no accessory building or other structure shall exceed twenty (20) feet in height.

(5) *Building setback line.* Each land parcel shall have a building setback from all street lines of at least eighty (80) feet. A strip twenty (20) feet deep along the street line shall be maintained as a continuous landscape buffer strip except for access ways. The remaining area may be used for parking.

(6) *Side and rear yards.* The parcel of land shall have side and rear yards of at least fifty (50) feet in width. A strip twenty (20) feet in width or depth along side and rear lot lines shall be maintained as a landscaped buffer strip. The remainder of the area may be used for parking.

(7) *Special buffer requirement adjacent to residential areas.* Along any boundary line adjacent to a residential area, a buffer yard shall be at least one hundred (100) feet in depth, measured from the property line to a parking area.

(8) *Access and traffic control.*

(a) *Access barrier.* A shopping center shall be physically separated from each adjoining street by a curb or other suitable barrier against unchannelled motor vehicle ingress and egress. Such barrier shall be located at the edge of, or within, a twenty (20) foot deep strip along the property line. Except for the access ways permitted by (b) below, the barrier shall be continuous for the entire length of the property line.

(b) *Access ways.* A shopping center shall have not more than one access way for ingress and one access way for egress on any one street unless unusual circumstances demonstrate the need for additional access points. Each access way shall comply with the following requirements:

(1) The width of any access way leading to a public street shall not exceed twenty five (25) feet at its intersection with the property line. Curb returns shall have a minimum radius of thirty (30) feet.

(2) At its intersection with the property line, no part of any access way shall be nearer than one hundred (100) feet to the intersection of any two street right-of-way lines, nor shall any part be nearer than fifty (50) feet to any side or rear property line.

(3) The location and number of access ways shall be so arranged that they will reduce traffic hazards as much as possible.

(9) *Off-street parking areas.* All off-street parking spaces and servicing drives shall be located within the boundaries of the property being developed as a shopping center. Off-street parking spaces shall be provided at the rate of at least three square feet of parking area to one square foot of gross floor area. Individual parking stalls shall be a minimum of 180 square feet. Spaces provided behind the stores or shops shall not be considered usable by the public and shall not be considered in calculating the minimum space required; provided however, that if the shopping center is so designed that all of the shops and stores face upon a central mall and all sections of the parking area are provided with adequate connecting internal drives, the location of parking areas may completely surround such shops and stores.

(10) *Off-street loading.* Each shop or store shall have a rear or side entrance that is accessible to a loading area and service drive. Service drives shall be a minimum of 26 feet wide and shall be in addition to and not part of the drives or circulation system used by the vehicles of shoppers. The arrangement of truck loading and unloading facilities for each shop or store shall be such that in the process of loading and unloading, no truck will block or extend into any other private or public drive or street used for vehicular circulation. Loading and delivery zones shall be clearly marked.

(11) *Lighting.* All parking areas and access ways shall be flood lighted at night during business hours. All outside lighting shall be arranged and shielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind on adjoining streets or residential properties.

(12) *Waste pens.* Each building shall be provided with an enclosed and covered waste pen of sufficient size to accommodate all trash and waste stored on the premises.

(13) *Trash burners and incinerators.* There shall be no trash burner or incinerator, or any burning of trash on the premises.

(c) *Application requirements.* In addition to the general application requirements, the applicant shall furnish the following information and exhibits concerning his proposed development:

(1) *Ownership.* All land in the proposed shopping center shall be in either single ownership or in unified control and shall contain no public streets or alleys. A shopping center site shall not lie on two sides of a public street or alley.

(2) *[Financial statement.]* An applicant's current financial statement.

(3) *Existing conditions.* A suitable sketch showing:

(a) Boundary line of the proposed shopping center, and the total acreage encompassed thereby.

(b) The size and location of existing sewers, water mains, culverts, manholes and other underground facilities within the tract.

(c) Generalized contour lines.

(d) Location, widths and names of all existing or prior platted streets, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, easements, and municipal boundary lines, within five hundred (500) feet of the tract.

(4) *Proposed conditions.* Preliminary sketches showing the following:

(a) Location, general layout and dimensions of principle and accessory buildings;

(b) Architectural sketches of the proposed buildings;

(c) Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;

(d) Traffic circulation within the confines of the shopping center;

(e) Location, arrangement and dimensions of automobile parking, bays, aisles, and loading spaces;

(f) Location, arrangement and dimensions of truck loading and unloading spaces and docks;

(g) Location and dimensions of pedestrian entrances, exits, walks, and walkways;

(h) Drainage and sanitary systems.

(5) *Preliminary site plan submission.* A preliminary site plan for the development of such property shall be presented to the Planning Board for review. The preliminary site plan, which may be shown on separate sheets, shall show the following, together with the appropriate dimensions:

(a) Proposed name of shopping center;

(b) Names and addresses of applicants and designer who made the plan;

(c) Location of legal description;

(d) Boundary line of proposed shopping center indicated by solid line, and the total acreage encompassed thereby;

(e) Location, width, and names of all existing or prior platted streets, railroad and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and municipal boundary lines, within five hundred (500) feet of the tract;

(f) North arrow;

(g) Scale of plan, one inch to 50 feet;

(h) Plan completion date;

(i) Contours of two foot intervals;

(j) Existing and proposed sewers, water mains, culverts, and other underground facilities and utilities within the tract, indicating pipe sizes, grades, manholes, and location;

(k) The stages, if any, to be followed in the construction of the shopping center;

(l) Location and general exterior dimensions of principal and accessory buildings;

- (m) Preliminary architectural drawings for all buildings;
- (n) Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
- (o) A traffic flow map showing circulation patterns within the confines of the shopping center;
- (p) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
- (q) Location, arrangement and dimensions of truck loading and unloading spaces and docks;
- (r) Location, and dimensions of pedestrian entrances, exits, and walks;
- (s) Drainage and sanitary system;
- (t) Location, height and materials of walls, fences and screen paintings;
- (u) Ground cover, finished grades, slopes, banks and ditches;
- (v) Location, size, height and orientation of all signs other than flat signs on building facades;
- (w) If it is proposed to restrict signs or to establish an association of merchants by means of lease provisions or covenants, the text of such provisions.

(6) *Action on the preliminary site plan.* Not more than 60 days after receipt of the preliminary site plan, the Planning Board shall determine whether the proposed shopping center would comply with all the requirements of this ordinance and if so, shall approve the preliminary plan and the final plan may be filed, or:

(a) Notify the applicant in writing how the plan must be amended to comply with the requirements of this ordinance. The applicant may, within thirty (30) days thereafter or within such further period as may be agreed to by the Planning Board, submit an amended preliminary plan containing the required changes. If an amended plan is not filed within the prescribed period, the original preliminary plan shall be considered disapproved. If an amended preliminary plan is filed within the prescribed period, the Planning Board shall approve or disapprove the plan with thirty (30) days after the date of the filing, or within such further period as may be agreed to by the applicant; or

(b) Notify the Zoning Board and the applicant in writing that the plan does not comply with the requirements of this ordinance, and is not susceptible to amendment. The applicant may then apply to the Board for a review of the Planning Board decision.

(7) *Final site plan submission.* Within one year after approval of the preliminary site plan, the applicant shall submit to the Planning Board a final site plan of either (1) the entire shopping center, or (2) the first stage of such center that is to be constructed. Such plan shall include appropriate dimensions, shall contain all information required by this ordinance for a preliminary plan, shall contain final architectural drawings for all buildings included in the final site plan, and shall contain any additional information required by the Planning Board.

(a) *Stage construction.* If the development of the shopping center is to be carried out in progressive stages, each stage shall be so planned that the requirements and intent of this ordinance shall be fully complied with at the completion of each stage. No final plan for the initial stage of development of any shopping center shall be approved unless such stage comprises of total ground floor area of at least 25,000 square feet and at least three of the designated principle uses.

(b) *Action on the final site plan; compliance with preliminary site plan.* No more than 30 days after receipt of a final site plan for a shopping center or for any stage thereof, the Planning Board shall determine whether such final plan is in compliance with the preliminary plan as approved. If the final plan is determined to be in compliance, and if all applicable requirements of this subsection are also complied with, the Planning Board shall recommend approval of the final plan to the Zoning Board. The Zoning Board may then direct the Inspector to issue the necessary permits. In all other instances the Planning Board shall recommend disapproval of the final plan and shall so notify the applicant in writing. The applicant may then apply to the Board for a review of the Planning Board decision. If the final plan is disapproved because of noncompliance with the preliminary plan, the final plan may thereafter be submitted to the Planning Board as an amended preliminary plan. The procedure for consideration of an amended preliminary plan shall be the same as that for an original preliminary plan.

(c) *Change of final site plan.* If the applicant wishes to make an amendment to an approved final plan, a written request shall be submitted to the Planning Board. If, in the opinion of the Planning Board, a requested change is sufficiently substantial, the Planning Board shall require the submission of an amended final plan. The procedure for the consideration of such written request or of such amended final preliminary plan shall be the same as that for the consideration of a final plan.

5.6.3.7. Multifamily dwellings, apartments. The purpose of these regulations is to allow, in residential areas, the development of multifamily dwellings and apartments which may utilize the natural amenities of the site to a greater extent; provide more varied housing types which are harmonious with neighboring residential uses; and will not overwhelm existing and planned community facilities and services. No multifamily structure(s) and apartment(s) shall be erected except in conformance with standards herein.

(a) *Development standards.*

(1) *Building design and location.* Where more than one principal structure is erected on a lot, it shall be set back a minimum of 25 feet from interior ways, 15 feet from parking areas; and 20 feet from other principal structures.

(a) *Attached dwellings (row houses, town houses, etc.).* No contiguous row of attached dwellings shall number less than three dwelling units, nor more than eight units, and minimum width of individual units shall not be less than 20 feet.

(b) *Apartments.* No portion of the upper half of the lowest habitable floor shall be set below ground level. No principal structure may be less than 60 feet in length; nor be of such a configuration that it would extend beyond a 150 foot square.

(2) *Water.* Municipal water shall be available at the site in sufficient quantity.

(3) *Sewer.* Municipal sewers shall be required. The Town shall reserve the option to require higher standards than those of the Rhode Island Department of Health and may exercise same in unsewered areas if competent engineering data indicates this to be advisable.

(4) *Parking.* All parking shall be at the side or rear of the structure for which it is intended and all parking spaces shall be paved. No parking shall be allowed within 25 feet of any lot line. No row of parking spaces shall exceed 100 feet without a landscape separation of at least ten feet in width. There shall be a separation of at least ten feet between rows.

(5) *Interior streets.* All interior streets shall be paved a minimum of 25 feet in width, and be free of obstructions and parking spaces. Right-of-way widths of collector streets shall have a minimum fifty-foot width; thirty-six-foot minimum for all others.

(6) *Road and parking area construction.* All areas, whether for public or private use which are paved for vehicular purposes, shall be constructed in accordance with Town subdivision regulations.

(7) *Access and egress.* On any one street there shall not be more than one opening for access or egress at 500 foot intervals.

(8) *Open space dedication.* Open space dedication to the public, if required, shall not exceed five percent of the site area.

(9) *Natural site amenities.* Developers shall preserve the maximum amount of natural site amenities required by the Town, such as wooded areas, streams, and overlooks. The Town may require as a precondition for building permits, restoration of natural areas indiscriminately cleared prior to submission of the preliminary plat.

(b) *Application requirements.* Application requirements shall be substantially as required for shopping centers in subsection 5.6.3.6(b).

(c) *Procedure.* Procedure for acquisition of building permits for multifamily

dwellings and apartments shall be essentially those required for shopping centers in subsection 5.6.3.6(c).

5.6.3.8. Home occupation. Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit, provided that:

- (a) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 150 square feet of the dwelling unit shall be used in the conduct of the home occupation.
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding three square feet in area, nonilluminated, and mounted flat against the wall of the principal building;
- (d) No home occupation shall be conducted in any accessory building except as a special-use permit;
- (e) There shall be no sales in connection with such home occupation;
- (f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- (g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (h) Does not include barber, beautician or hairdresser.

5.6.3.9. Accessory family dwelling unit. An accessory family dwelling unit providing independent living facilities for the sole use of one or more members of the family of the owner occupant of the principal residence. Provided further, however, that the applicant for a permit to construct an accessory family dwelling must sign an agreement restricting occupancy of such dwelling unit to family members and indemnifying the Town of North Smithfield from any cost to said town incurred in enforcing the terms of said agreement. An affidavit shall be filed with the building inspector's office and shall be updated yearly by January 31. The signed agreement shall be recorded in the land evidence records of the town at the expense of the applicant. The agreement shall run with the land so as to be applicable to and binding upon subsequent owners

and shall be enforceable against the applicant, his heirs, devisees, successors and assigns.

(a) *Development standards:*

1. Dwelling must be attached to the principal residence, and must be accessible through the same means of ingress and egress as the principal residence but, need not have a separate means of ingress and egress.
2. Dwelling unit shall not exceed 700 square feet.
3. Dwelling unit shall not have more than one bedroom.
4. Only one accessory family dwelling unit may be allowed in any single-family detached dwelling. No accessory family dwelling unit may be allowed in a two-family or multi-family dwelling.
5. Any utilities for the principal residence and the accessory unit will be common to both (i.e. electrical, sewerage, heating etc.).
6. The owner shall provide proof that the individual sewerage disposal system is adequate to support an additional bedroom.

(b) *Sale.* Upon the transfer of the property the new owner (s) shall have 60 days to sign an affidavit with the building inspector's office and then comply annually as aforementioned.

(c) *Amnesty period.* Owners of existing non-conforming accessory family dwelling units are not subject to the conditions of section 5.6.3.9, provided that all the appropriate inspections of the unit have been made by the building inspector by March 1, 1998, and provided that the owner can provide proof that the individual sewerage disposal system is adequate to support an additional bedroom.

Owners of non-conforming units discovered after March 1, 1998, will be in violation of the ordinance and subject to penalties as set forth in section 16, "Penalties for Violations."

5.6.3.10. Wireless communications facilities (WCF).

(1) *Purpose.* The purpose of this section is to regulate the placement of wireless communications facilities, limited to monopoles (towers), and related equipment and structures, telephone and cable television equipment and related equipment and the addition of communication equipment to existing structures. For the purpose of this section lattice towers and guyed towers are not permitted. The regulations serve to establish a procedure for application of Special Use Permits, establish development standards and location requirements and to encourage the co-location of equipment onto existing structures.

The goals of this section are to:

- a. Address the public safety concerns associated with the siting of wireless communications facilities;
- b. To preserve the character, appearance, property values, natural resources and historic sites of the town.
- c. Minimize the number of new facilities by encouraging co-location and use of "friendly" sites;
- d. Limit the height of telecommunication facilities;
- e. Encourage the siting of new facilities on town-owned properties which meet the criteria listed in subsection (5)(B)1., "Permitted Uses," when co-location is not possible and in areas where "friendly" sites are not suitable; and,
- f. Enhance the ability of carriers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.

(2) *Applicability:*

(A) *New towers and facilities.* The requirements set forth in this section shall govern the location of all new telecommunication facilities and related equipment that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

(B) *Amateur radio antennas.* This section shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for antennas.

(3) *General guidelines and requirements:*

(A) *Submittals.* The following submittals shall be provided as part of the application for site plan review and special use permit:

- 1. A report provided by a professional radio frequency engineer describing the general design and capacity of the proposed installation, including:
 - a. A description of the tower and the technical, economic and other reasons for the tower design.
 - b. Describe the capacity of the tower including the number and type of transmitters and receivers that it can accommodate and the basis for the calculation of capacity.

c. Demonstrate that the tower and site comply with this regulation.

2. A site plan prepared by a Rhode Island licensed professional engineer at a scale of 1:40 which will show the following:

- a. Facility location, dimensions and tower height.
- b. Accessory building(s) for switching equipment.
- c. Topography (two-foot-contour interval).
- d. Fencing, landscaping and screening.
- e. Access and parking.
- f. Lighting.
- g. Areas to be cleared of vegetation and trees.
- h. Site boundaries.
- i. Description of adjacent uses.

3. Between the date of advertisement of the public meeting date, and the scheduled public meeting date, a balloon may be required to be deployed at the height of the proposed tower. All cost associated with balloon deployment will be borne by applicant.

4. Applicants proposing to erect wireless communication towers, accessory facilities and structures on land or structures shall provide evidence of contractual authorization from the owner(s) to conduct wireless communications services on the property. Applicants other than licensed carriers shall provide evidence that a licensed carrier will locate on the proposed facility once erected.

(B) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. In a Manufacturing (M) zone, telecommunication facilities shall be allowed as a principal use or, as an accessory use should there already be a principal use. In all zones other than the Manufacturing (M), only one principal use is allowed on a lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure. Towers and base facilities may not take away required parking spaces of an existing building.

(C) *Cell grid map.* Each applicant shall submit a map depicting the proposed cell grid, the coverage ring and site search ring for all existing, proposed wireless telecommunication facilities for North Smithfield, and for an area within ten miles of the border of North Smithfield. A map indicating the location of all "friendly" sites in North Smithfield (i.e. existing telecommunication towers, water towers, steeples, smoke stacks, electric transmission towers, radio and fire towers).

(D) *Evaluation of "friendly sites".* Each applicant shall submit an evaluation of "friendly" sites within the search area or within one mile of the proposed site whichever is greater. Specific information about location, height and design capacity of each site. Proof that owners of "friendly" sites within the search area have been contacted and that permission was sought to install a device on those structures, and that permission was denied, or that such locations do not satisfy requirements to provide the service needed. Failure to present evidence of a good faith effort on the part of the applicant to utilize existing facilities shall be grounds for denial of the application.

(E) *Co-location.* Each applicant shall demonstrate to the reasonable satisfaction of the planning board and zoning board that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower can accommodate the applicant's proposed antenna may consist of any of the following:

(1) Proof that owners of existing towers or structures* within search area of the proposed tower location or within one mile, whichever is greater have been contacted and that permission was sought to install a device on those structures, and that permission was denied.

*Structures include water tanks, steeples, smokestacks, buildings, fire towers, utility towers etc.

(2) No existing tower or structures are located within the search area of the proposed tower location or within one mile, whichever is greater.

(3) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(4) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(5) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

Every telecommunication facility approved under this section shall be subject to the condition that the facility owner must allow co-location upon the structure by wireless communication carriers upon commercially reasonable terms and conditions and without unreasonable delay, if such co-location is technically feasible. It is expressly provided that any requirement imposed by

a facility owner which requires the payment of rent in excess of industry standards or which allows the co-location only if the requesting party provides comparable space on one of its structures to the owner shall be deemed to be commercially unreasonable.

(F) *Site justification statement.* Every application for special use permit shall be accompanied by a description of the narrowing process that eliminated other potential sites. The applicant shall also provide a written statement from a radio frequency engineer justifying the height of the proposed facility.

(G) *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 the state building codes as amended from time to time. If upon inspection, the building official concludes that a tower fails to comply with such codes and standards; and constitutes a danger to persons or property, then the building official shall proceed in accordance with Chapter 27.3 of Title 23 of the RIGL entitled state building codes.

(H) *ANSI standards.* Upon completion of construction, the applicant shall submit an annual report to the town building inspector which provides quantified electromagnetic field (EMF) measurements to current federal and American National Standards Institute (ANSI) standards or subsequent standards. If the project does not meet federal and ANSI standards, the permit may be modified or revoked.

(I) *Federal requirements.* Demonstrate that the tower complies with all applicable standards of the federal and state governments. A copy of the requests made by the applicant to the Federal Aviation Administration (FAA), Federal Communications Commission (FCC) to provide a written statement that the proposed tower complies with applicable regulations administered by the agency or that the tower is exempt from those regulations and a copy of the response from each agency shall be included. If such response is not received within 60 days, the application will be considered incomplete. The applicant shall send a subsequently received agency statement, if any, to the planning board.

(J) *Carrier notification.* All applicants shall send certified mail announcements to all other licensed carriers located in Rhode Island, declaring their sharing capabilities and siting needs. Except in cases where mechanical, structural or regulatory factors prevent them from sharing, applicants cannot be denied or deny space on a tower.

(K) *Abutter notification.* Abutters within one-quarter mile of the facility base shall receive notice by certified mail "return receipt requested" a minimum of 21 days in advance of the hearing for special use permit. The applicant shall compile and send notice to abutters and provide the building official with a detailed list of notifications sent and acknowledgments of receipt. A list of the completed mailings as outlined above, must be returned to the building official no less than seven days in advance of the hearing date. All cost associated with the abutter notification shall be borne by the applicant

(4) *Procedures:*

(A) A pre-application conference with the planning department is required before site plan review. The conference will serve to familiarize the applicant with the town's regulations. The planning department shall approve the site plan prior to submittal to the planning board for site plan review.

(B) Six copies of the application (site plans and all required submittals) shall be submitted to the planning department for review. A meeting before the planning board for site plan review shall be scheduled within 60 days of certification that an application is complete.

(C) Nine copies of the application for special use permit shall be submitted to the zoning board of review. A meeting shall be scheduled with the zoning board of review in accordance with subsection 9.2, "Special Use Permits; Conditions Governing Applications; Procedure" of this section.

(D) Building permits are required for all telecommunications towers, antenna and equipment shelters.

(5) *Permitted uses:*

(A) *General.* The uses listed in this subsection are deemed to be permitted uses and shall not require a special use permit. Nevertheless, all such uses are subject to the requirements of subsection 3 for site plan review.

(B) *Specific permitted uses:*

1. Telecommunication facilities including the placement of monopoles and additional buildings or other supporting equipment used in connection with said facility, in a Manufacturing (M) zoning district; provided, however, that the height of the proposed facility is less than 125 feet, that such facility is set back from any residential property line a minimum distance equal to 500 feet or three times the height of the facility whichever is greater; set back from any public right-of-way, any commercial or manufacturing structure or use equal to a distance one and one-half times the height of the facility; and the proposed site provides the opportunity to minimize the adverse visual effects of telecommunication facilities.

2. Telecommunication facilities including the placement of monopoles less than 125 feet and additional buildings or other supporting equipment used in connection with said facility on land occupied by existing Blackstone Valley Electric and Narragansett Electric transmission towers, provided however, that such facility is set back from any residential property line a minimum distance equal to 500 feet or three times the height of the facility whichever is greater; set back from any public right-of-way, any commercial or manufacturing structure or use equal to a distance one and one-half (1 1/2) times the height of the facility; and the proposed site provides the opportunity to minimize the adverse visual effects of telecommunication facilities.

3. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure)

that is 30 feet in height or greater, so long as said additional antenna adds no more than 20 feet to the height of said existing structure; and

4. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than 20 feet in height of said existing tower.

5. Direct broadcast satellite antenna one meter or less in diameter, or home satellite dish of not more than one meter in diameter or measured diagonally.

(6) *Special use permits:*

(A) *General.* The following conditions shall require the application for a special use permits:

1. If the tower or antenna is not a permitted use under subsection 5 of this article or permitted to be approved administratively pursuant to subsection 5 of this article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

2. In granting a special use permit, the zoning board of review may impose conditions, to the extent the board concludes such conditions are necessary, to minimize any adverse effect of the proposed tower on adjoining properties.

3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by Rhode Island licensed professional engineer.

4. Any extension, addition of cells or construction of new or replacement towers or transmitters shall be subject to site plan review and amendment to the special permit, following the same procedure as for an original grant of a special use permit.

(B) *Factors considered in granting special use permits.* The zoning board shall consider the following factors in determining whether to issue a special use permit, although the board may waive or reduce the burden on the applicant of one or more of these criteria if they find that the goals of this section are better served thereby.

1. Height of the proposed tower;

2. Proximity of the tower to lot boundaries;

3. Nature of uses on adjacent and nearby properties;

4. The opportunity for natural screening of telecommunications facilities through a combination of reduced facility height due to site elevation, lot depth, natural vegetation or, topography.

5. Design of the tower, with particular references to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

6. Proposed ingress and egress; and

7. Availability of suitable existing towers for co-location and other structures as discussed in subsection (3)(C) and (D) of this article. The applicant shall submit a co-location statement as well as an evaluation of "friendly sites" as called for in subsection (3)(C).

(7) *Design standards.* The following design standards shall apply to all towers and antennas.

(A) *Setbacks and separation:*

1. Towers must be set back from any residential structure or lot line a minimum distance of 500 feet or three times the height of the tower whichever is greater.

2. Towers must be set back a distance equal to one and one-half (1 1/2) the height of the tower from the lot line of any adjoining commercial or manufacturing structure or use.

3. Towers shall not be located within 1,000 feet of a school facility.

4. Accessory facilities must satisfy the minimum zoning district setback requirements for accessory structures.

(B) *Landscaping and screening.* The applicant must demonstrate that the tower or antennas are located within a given site so as to minimize the visual impact. Existing on-site vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for the landscaped screening requirement. Appropriate screening shall be installed at all tower sites to screen views from adjacent properties and streets. Planting shall be of such a height and density to ensure screening. Screening shall consist of plant and/or tree material accepted by the town planner. Screening shall occupy ten percent of the minimum established setback requirement, but shall not be less than five feet in width unless located in or abutting a residential district or historic district which will require that it not be less than ten feet in width. Screening may be waived on those sides or sections which are adjacent to undevelopable lands. The owner of the property shall be responsible for all maintenance and shall replace any dead plantings within 30 days.

(C) *[Traffic ways.]* Traffic associated with the tower and accessory facilities shall not adversely affect abutting ways and access shall be provided to a site by a roadway which respects the natural terrain, does not appear as a scar on the landscape, and is approved by the zoning board of appeals and the fire chief to assure emergency access at all times. Consideration shall be given to design which minimizes erosion, construction on unstable soils and steep slopes.

(D) *[Fencing.]* Communication towers shall be enclosed by a fence with one-inch wire mesh no less than eight feet in height or more than ten feet in height from finished grade. Access shall be through a locked gate.

(E) *[Lighting.]* Communication towers shall not be artificially lighted except as required for public safety purposes, by the Federal Aviation Administration (FAA), or by the Town of North Smithfield.

(F) *[Signs.]* No signs shall be allowed on any communication tower except as required for public safety purposes, by the Federal Communication Commission (FCC) or by the town. All signs shall conform with the sign requirements of the Zoning Ordinance.

(G) *[Equipment shelters.]* Equipment shelters shall be limited to one per provider, but shall not exceed ten shelters per tower. If more than one use, the equipment shelters shall be connected by a common wall. Each shelter shall not exceed 275 square feet in size and ten feet in height, and shall be of the same design and color as each other.

(H) *[Color.]* The color of the paint or finish is to be determined by the planning board.

(I) *[Designed to maximize uses.]* The tower shall be designed to accommodate the maximum number of uses technologically practical.

(8) *Removal of abandoned telecommunication facilities.* All unused telecommunication facilities and structures which have not been used for one year shall be considered abandoned and shall be dismantled and removed at the owner's expense. The owner of such facility shall remove same within 90 days of receipt of notice from the building official. The applicant shall post a bond which shall be re-evaluated every two years, to cover the cost of removal and restoration of the site if appropriate. If such antenna or tower is not removed within 90 days, the town may take the necessary action to remove the facility at the owner's expense.

(9) *Exemptions.* The following types of wireless communications towers are exempt from this section 5.6.3.10:

1. Amateur radio towers used in accordance with terms of any amateur radio service license issued by the Federal Communications Commission, provided that:

a. The tower is not used or licensed for any commercial purpose; and

2. Towers and antennas erected on land or structures owned by the Town of North Smithfield for public safety and other telecommunication purposes.

(10) *Definitions:*

Aboveground level (AGL): A measurement of height from the natural grade of a site to the

highest point of structure.

Antenna: The surface from which wireless radio signals are sent and received by a personal wireless service facility.

Camouflaged: A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged."

Carrier: A company that provides wireless services.

Co-location: The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carriers.

Cross-polarized (or dual-polarized) antenna: A low mount that has three panels flush mounted or attached very close to the shaft.

Elevation: The measurements of height above sea level.

Environmental assessment (EA): An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

Equipment shelter: An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

Fall zone: The area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Friendly sites: Existing sites with potential for use as antennae platform.

Functionally equivalent services: Cellular, personal communication service (PCS), enhanced specialized mobile radio, specialized mobile radio and paging.

Guyed tower: A tower that is tied to the ground or other surface by diagonal cables.

Height: The distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Lattice tower: A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

Licensed carrier: A company authorized by the FCC to construct and operate a commercial mobile radio service system.

Monopole: The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

Mount: The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. *Roof-mounted.* Mounted on the roof of the building.
2. *Side-mounted.* Mounted on the side of the building.
3. *Ground-mounted.* Mounted on the ground.
4. *Structure-mounted.* Mounted on a structure other than a building.

Omnidirectional (whip) antenna: A thin rod that beams and receives a signal in all directions.

Panel antenna: A flat surface antenna usually developed in multiples.

Personal wireless service: The three types of services regulated by this Model Bylaw.

Radio frequency (RF) engineer: An engineer specialized in electrical or microwave engineering, especially the study of radio frequencies.

Radio frequency radiation (RFR): The emissions from personal wireless service facilities.

Commentary: It is RFR, not all EMF, that is regulated by the FCC Guidelines for Evaluating the Environmental Effects of Radio frequency radiation (FCC Guidelines).

Security barrier: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespassing.

Separation: The distance between one carrier's array of antennas and other carrier's array. (Ords. (two) of 3-16-98)

Section 5.7 Ground-mounted solar photovoltaic installations.

(a) *Purpose.* The purpose of this section is to promote the creation of new ground-mounted solar installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, are compatible with the general neighborhood in which they are located and are compatible with Comprehensive Plan of the Town of North Smithfield.

(b) *Applicability.* The provisions of this section shall apply to construction, operation and/or repair of any ground-mounted solar photovoltaic installation with a minimum nameplate capacity of 250 kilowatt direct current (kW DC).

(c) *General requirements.*

(1) *Development plan review.* Each solar photovoltaic installation application must be reviewed by the North Smithfield Planning Board in accordance with Section 17.

(2) *Location.* Ground-mounted solar photovoltaic installations with a minimum nameplate capacity of 250 kilowatt direct current (kW DC) shall only be allowed in the general commercial zoning district by special use permit.

(3) *Exemptions.* Net metering solar photovoltaic installations for residential or commercial uses shall be allowed in all zoning districts as a matter of right. Nothing herein shall preclude the Town of North Smithfield from installing ground-mounted or other solar photovoltaic facilities on any town-owned or controlled property regardless of zoning district.

(4) *Compliance with laws, ordinances and regulations.* The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal laws, ordinances, regulations and requirements, including but not limited to, all applicable safety, construction, electrical and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed and maintained in accordance with the Rhode Island Building Code.

(5) *Building permit and building inspection.* No solar photovoltaic installation shall be constructed, installed or modified without first obtaining a building permit and shall be subject to periodic inspections as deemed necessary by the building official.

(6) *Fees and surety.* All applicable fees, including but not limited to, a building permit fee, planning and zoning board review fees, as provided for herein or in the Code of Ordinances for the Town of North Smithfield, shall be paid and all surety bonds as required by subsection (g)(4) shall be posted, prior to the issuance of any building permits.

(7) *Plans and surveys.* All plans related to design, construction, installation or modification of a solar photovoltaic installation shall be prepared, signed and stamped by either a professional engineer, surveyor (for property line information), or landscape architect (for landscape information) licensed to practice in the State of Rhode Island.

(d) *Required documents.* Pursuant to RIGL 45-23-38, the planning board shall review site plans as minor land developments in accordance with Section 17, development plan review. The applicant shall provide the following documents, which are generally those of the land development review regulations of the planning board, provided however, that the planning board may, at its discretion, waive any document requirement as it deems appropriate upon written request of the applicant.

(1) Class I survey site plan showing:

a. Property lines and all physical features for the project site;

b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting and screening vegetation or structures.

(2) Blueprints or drawings of the solar photovoltaic installation showing the proposed layout of the system and any potential shading from nearby structures or vegetation.

(3) One or three line electrical diagram detailing the solar photovoltaic installation, associated components and electrical interconnection methods, with all current state electrical code compliant disconnects and over current devices.

(4) Documentation of the major system components to be used, including the photovoltaic panels, mounting system and inverter.

(5) Name, address and contact information for proposed system installer, landowner, applicant, agents and or attorneys representing the project.

(6) An operation and maintenance plan.

(7) Proof of liability insurance in an amount approved by the town.

(8) Description of financial surety that satisfies the requirements of subsection (g)(4).

(9) *Decommission plan.*

(e) *Utility notification.* No solar photovoltaic installation shall be constructed until evidence has been given to the planning board that National Grid has approved the solar photovoltaic installation.

(f) *Appurtenant structures.* All appurtenant structures to solar photovoltaic installation shall be architecturally compatible with each other. Whenever reasonable, structures should be buffered from view by vegetation and/or joined or clustered to avoid adverse visual impacts

(g) *Abandonment or decommissioning.*

(1) *Removal requirements.* Any solar photovoltaic installation which has reached the end of its useful life, or has been abandoned, shall be removed within 180 days from the date of discontinued operations. Notice shall be given to the town planner and town clerk by certified mail of the proposed date of discontinued operations which shall include a detailed set of removal plans.

Decommissioning shall consist of:

a. Physical removal of all solar photovoltaic installation structures, equipment, security barriers and transmission lines from the site.

b. Disposal of all solid and hazardous waste in accordance with all federal, state and local

laws, regulations and ordinances.

c. Stabilization or re-vegetation of the site as necessary to minimize erosion and in compliance with all state and local laws, regulations and ordinance and shall be approved by the North Smithfield Zoning Official or his/her designee.

(2) *Abandonment.* The solar photovoltaic installation shall be considered abandoned when it either reaches the end of its useful life or is disconnected for an aggregate of at least 335 days in any calendar year without prior approval of the zoning board. The solar photovoltaic installation shall be removed within 90 days after notice to remove by the zoning official.

(3) *Failure to remove.* If the owner and operator fail to remove the solar photovoltaic installation in accordance with the provisions of this section, the Town of North Smithfield may enter the property and physically remove the solar photovoltaic installation. The cost of such removal shall be the responsibility of the owner and operator of the solar photovoltaic installation.

(4) *Financial surety.* Prior to the issuance of any building permit for a solar photovoltaic installation, a surety bond to cover the cost of removal, in an amount determined to be reasonable during development plan review by the planning board, shall be posted with the Town of North Smithfield. Bond posting must be completed prior to the issuance of any building permits