

TIVERTON PLANNING BOARD  
TIVERTON, RHODE ISLAND 02878



**Memorandum**

To: John G. Edwards, V, President  
Members of the Tiverton Town Council

From: Stuart Hardy, Chair  
Tiverton Planning Board

Date: January 3, 2025

Re: Zoning Ordinance Map and Text Amendments

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Please be advised that at a public hearing of the Tiverton Planning Board on November 12, 2024, the Board voted to issue a positive recommendation to the Town Council to adopt proposed amendments to the Zoning Map and text of the Zoning Ordinance. The proposed amended map and text amendments are attached.

These amendments are the result of the Zoning Ordinance Review Committee's months long analysis of the Zoning Ordinance, and the Planning Board's concurrent analysis; both undertaken in response to the sweeping amendments to land use law by the General Assembly and need to bring the Town's Ordinances into compliance. These amendments were also well overdue to recognize the many changes in land use and land use law.

At the center of the Planning Board's review of the Zoning Ordinance was protection for residential uses and expansion of the commercial type uses.

Specifically, these amendments are the proposed response to the requirement that municipalities adopt specific and objective criteria for uses that are required to obtain a special use permit to be conducted on a lot. In attempting to identify specific and objective criteria for a

use requiring a special use permit, the Planning Board found that it was a nearly impossible task to identify specific criteria that could address every scenario where a use would be permitted by special use permit. As a result, in order to protect the residents while simplifying the approval process for uses, other amendments to the Zoning Ordinance were required. For example, some uses in the District Use Table were determined to be obsolete or needed to be better defined and it was determined that some uses, instead of being required to obtain a special use permit, could be permitted by right if they met certain performance standards. Changes are also proposed to conform with the 2024 legislative amendments, for example changes to some definitions.

Other amendments seek to clarify existing ordinances. By way of example, incorporating into Article IV of the Zoning Ordinance the use table for the Traditional Main Street District, Neighborhood Business District, and Pedestrian Friendly Destination District, which is located in the Form Based Code Standards. Similarly, adopting the dimensional standards for those zones into Article V of the Zoning Ordinance.

The proposed amendments, consistent with the case law, also exempt the Town from the Zoning Ordinance and Subdivision Regulations, when undertaking a governmental function. In addition, the Planning Board recommends clarifying the Zoning Ordinance to allow multiple principal uses on a single lot in the commercial, waterfront and industrial zones.

A more complete explanation of the proposed text amendments can be found on pages one and two of the proposed Ordinance Amendments.

The amendments to the Zoning Map reflect the proposed amendments to the Future Land Use Map of the Comprehensive Plan. Further, the Zoning Map takes the general description of “Water Related Uses” in the Future Land Use Map and breaks that area into the Waterfront 1 and Waterfront 2 Zoning Districts. The Waterfront 1 Zone, the north west corner of Town already

zoned Waterfront, is intended for moderate to high impact marine related commercial uses on and adjacent to the waterfront. The uses proposed in the Waterfront 1 Zone, for the most part, mirror the uses allowed in the existing Waterfront Zone. The Waterfront 2 Zone seeks to encourage a mixture of residential and low impact service, retail, commercial, and marine related uses. Again, many of the uses permitted in the existing Waterfront Zone continue to be permitted in the Waterfront 2 Zone; the difference being that standards are suggested to minimize the intensity, or impact, of the uses.

The amendments to the Zoning Ordinance text work together and those text amendments work hand in hand with the amendments to the Zoning Map. These amendments continue to protect the residents of Tiverton and attempt to encourage the smart and deliberate growth of commercial and industrial uses.

The Planning Board asks that the Town Council take these amendments up as soon as it can. Otherwise, the uses that were permitted by special use permit until January 1, 2024, which have temporarily been changed to not permitted until February 28, 2025, will revert to permitted by special use permit and in the absence of specific and objective criteria will be allowed by right.

The motion to grant a positive recommendation as to the Zoning Ordinance text amendments passed 7-0-1. Voting in favor of the motion were: Mr. Hardy, Ms. Hilton, Mr. Clarke, Ms. Lopes, Mr. Taylor, Ms. Gomes, and Mr. Gerlach. Ms. Eva abstained. Similarly, the motion to grant a positive recommendation as to the Zoning Map amendments passed 7-0-1. Voting in favor of the motion were: Mr. Hardy, Ms. Hilton, Mr. Clarke, Ms. Lopes, Mr. Taylor, Ms. Gomes, and Mr. Gerlach. Ms. Eva abstained.