

ORDINANCE NO. 2024-_____

ORDINANCE AMENDMENTS

Amendments to Appendix A – Zoning Ordinance

PURSUANT TO Section 1-8 of the Tiverton Code of Ordinances, the amendments below are adopted and effective on the date of passage. These are amendments to the following Articles of Appendix A – Zoning Ordinance:

1. Article I – Introduction, Section 5. Addition of a section that will exempt the Town from the Zoning Ordinance for governmental functions.
2. Article II – Definitions. These amendments update the definitions to conform to recent legislative changes and to conform with changes in the District Use Table.
3. Article III – Zoning Districts, Section 1. These amendments split the Waterfront Zone into two zones and defines those two zones. In addition, the Form Based Code zones of Traditional Main Street District, Neighborhood Business District, and Pedestrian Friendly Destination District are incorporated.
4. Article IV – District Use Regulations, Section 1 – 13A. These are comprehensive amendments to the District Use Table identifying which uses are permitted by right, by special use, or not permitted. These amendments also split the Waterfront Zone into two zones to recognize the difference in uses in each. The amendments further incorporate the so-called Form Based Code district use table with the zones of Traditional Main Street District, Neighborhood Business District, and Pedestrian Friendly Destination District, into this table. These amendments also clarify the title of uses, add uses to all zones and eliminates uses from all zones. As to Section 15, ‘recycling center’ will be added to the list of prohibited uses.
5. Article V – District Dimensional Regulations, Section 1, 2 and 4. These amendments also account for the division of the Waterfront Zone into two zones. Further, these add the dimensional regulations for the Traditional Main Street District, Neighborhood Business District, and Pedestrian Friendly Destination District zones into the dimensional table and to the section concerning lot frontage. Moreover, these amendments clarify the intent of Section 2 to allow multiple principal uses on a single lot in the commercial, waterfront and industrial zones. In addition, these amendments bring the definition of Building Height into conformity with definition in the General Laws and includes diagrams to assist in the construction of the phrase. Additionally, these amendments make adjustments for structures that are elevated off of the ground due to Base Flood Elevation and Freeboard requirements.
6. Article VI – Other District Regulations, Section 10. These amendments provide performance criteria for multiple uses permitted by right.

- 1 7. Article VII – Substandard Lots of Record, Section 2. This amendment recognizes that
2 lawfully existing lots of record existing as of June 24, 2024 do not merge as a result of the
3 zoning map amendments adopted on June 24, 2024.
4
- 5 8. Article XVI – Special Use Permits, Section 5. These amendments provide specific and
6 objective criteria for uses which require a special use permit.
7

1 **APPENDIX A – ZONING ORDINANCE**

2

3 **ARTICLE I. INTRODUCTION**

4

5 **Section 5. Municipal Exemption.**

6

7 Municipal Uses. The Town of Tiverton shall be exempt from all provisions of Appendix A, Zoning
8 Ordinance, and Appendix B, Subdivision and Land Development Regulations, when the use is for
9 a governmental function, as opposed to a proprietary function.

10

1 **ARTICLE II. – DEFINITIONS**

2
3 (c) For the purposes of this ordinance, the following terms shall have the following meanings
4 (~~underline denotes state definitions~~):

5
6 (1) — **Abutter:** One whose property abuts, that is, adjoins at a border, boundary or point with
7 no intervening land.

8
9 (2) — **Accessory family dwelling unit (ADU):** ~~An accessory dwelling unit for the sole use of~~
10 ~~one or more members of the family of the occupant or occupants of the principal residence, but~~
11 ~~not needing to have a separate means of ingress and egress. A residential living unit on the same~~
12 ~~lot where the principal use is a legally established single-family dwelling unit or multi-family~~
13 ~~dwelling unit. An ADU provides complete independent living facilities for one or more persons.~~
14 It may take various forms including, but not limited to: a detached unit; a unit that is part of an
15 accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled
16 primary dwelling. The standards for an ADU, including where allowed, are governed by R.I.
17 Gen. Laws § 45-24-73, as amended.

18
19 (2a) — **Accessory structure:** A subordinate structure detached from but located on the same lot
20 or parcel as the principal structure, the use of which is incidental and accessory to that of the
21 principal structure. A structure is detached when there is no physical connection to the primary
22 structure.

23
24 Examples: Detached garage used for storage of vehicles and lawn maintenance equipment;
25 garden or tool shed used only for the storage of garden implements and light home maintenance
26 tools; cabana used for dressing and shower rooms and/or swimming pool equipment.

27
28 (3) — **Accessory use:** A use of land or of a building, or portion thereof, customarily incidental
29 and subordinate to the principal use of the land or building, and located on the same lot as the
30 principal use. An accessory use shall not be permitted without the principal use to which it is
31 related.

32
33 (3a) — **Adaptive reuse:** The conversion of an existing structure from the use for which it was
34 constructed to a new use by maintaining the elements of the structure and adapting such elements
35 to a new use. See appendix A, Zoning, article IV, section 21, Adaptive reuse projects.

36
37 (3b) — **Adult book/video store:** The retail sales of magazines, books, photographs, film, video
38 or any type of reproduction depicting sexual activity or the showing of human male or female
39 genitals, pubic area or buttocks, or the female breast, with less than a fully opaque covering.

40
41 (3e) — **Adult entertainment:** An activity where any individual works or performs in the nude,
42 meaning the exposure of human male or female genitals, pubic area or buttocks, or the showing
43 of the female breast, with less than a fully opaque covering.

44
45 (4) — **Aggrieved party:** Either:

1 (a) Any person or persons or entity or entities who can demonstrate that their property
2 will be injured by a decision of any officer or agency responsible for administering the
3 provisions of this ordinance; or

4 (b) Anyone requiring notice pursuant to this ordinance.
5

6 (5) — **Agricultural land:** Land suitable for agriculture by reason of suitability of soil or other
7 natural characteristics or past use for agricultural purposes. Agricultural land includes that
8 defined as prime farmland or additional farmland of statewide importance for Rhode Island by
9 the Soil Conservation Service of the U.S. Department of Agriculture.
10

11 **Agricultural structure:** A structure which is reasonably necessary to the conduct of on-site
12 working farms. Agricultural structure includes, barns, shed, silos and other similar structures.
13

14 (6) — **Antennae, satellite receiving:** A structure used to receive television broadcast signals
15 transmitted via satellite.
16

17 (7) — **Applicant:** An owner or authorized agent of the owner submitting an application or
18 appealing an action of any official, board or agency under the provisions of this ordinance.
19

20 (8) — **Application:** The completed form or forms and all accompanying documents, exhibits
21 and fees required of an applicant by an approving authority for development review, approval or
22 permitting purposes as required under the provisions of this ordinance.
23

24 (8a) — **Aquaculture:** The cultivation, rearing or propagation of aquatic plants or animals under
25 either natural or artificial conditions.
26

27 (8b) — **Art center:** A facility used for arts instruction, promotion, display and/or sale.
28

29 **Automatic teller machines (ATMS)/Interactive teller machines (ITMS):** An indoor or
30 outdoor electronic banking outlet that enables customers to complete banking transactions with
31 or without the aid of a teller.
32

33 (9) — **Bed and breakfast:** A single-family dwelling offering transient lodging accommodations
34 to the general public within a portion of said dwelling, and which must include limited food
35 preparation and the serving of such food within a common area.
36

37 (10) — **Billboard:** An outdoor sign advertising products or services not made, sold, used or
38 served on the premises, or advertising displayed so as to attract the attention of persons on any
39 public highway; see "Off-site sign" in article XII, section 2.
40

41 **Boat Club:** A club that promotes yachting and boating, and which may provide educational,
42 recreational, entertainment and leisure services to its membership or program participants. A
43 boat club may or may not include a boat yard/marina. Also known as a Yacht Club.
44

45 **Boat yard/Marina:** Area of land and/or water designated for the storage (indoor and/or outdoor)
46 of vessels, dockage and/or mooring (temporary and long term), launching ramps, vessel haul-out

~~1 facilities, and vessel maintenance and repair and which has docks and/or moorings for vessels.
2 These may also include related service facilities such as fueling, sales of vessels and accessories,
3 retails sales of marine products, laundry services, pump-out services, and other marine related
4 services.~~

5
6 **Brewery:** An establishment for the manufacture of malt (grain based) alcohol and other liquors.
7 Brewpub: A brewery where alcoholic products are served. The products sold may or may not be
8 made on the premises.

9
10 (11)—**Buffer:** Land which is maintained in either a natural or landscaped state, and is used to
11 screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-
12 way.

13
14 (12)—**Building:** Any structure used or intended for supporting or sheltering any use or
15 occupancy.

16
17 (12a)—**Building coverage:** That portion of the lot that is or may be covered by buildings and
18 accessory buildings. (Same as Lot building coverage.)

19
20 (13)—**Building envelope:** The three-dimensional space within which a structure is permitted to
21 be built on a lot, and which is defined by regulations governing building setbacks, maximum
22 height and bulk.

23
24 (14)—~~Building height: The vertical distance measured from the average natural lot grade at the
25 front of the building, to the top of the highest point of the roof or structure, excluding spires,
26 chimneys, flagpoles and the like. See Article V, Section 4.~~

27
28 (15)—**Building official or inspector:** The person(s) designated by the town as responsible for
29 enforcement of the state building code.

30
31 (16)—**Building permit:** An official certificate issued by the building official which authorizes
32 interior or exterior alterations to any structure in conformance with the state building code.

33
34 (17)—**Campground:** An outdoor location where guests spend one or more nights, typically in a
35 tent or motor vehicle or trailer. The site may be equipped with cooking grills, showers, toilets
36 and electricity. Includes profit and non-profit campgrounds.

37
38 **Car Wash, Self Service:** See Self Service Car Wash.

39
40 (18)—**Cluster:** A site planning technique that concentrates buildings in specific areas on the
41 site to allow the remaining land to be used for recreation, common open space and/or
42 preservation of environmentally, historically, culturally or other sensitive features and/or
43 structures.

44
45 **Commercial dock or pier:** A structure extending into a waterbody that is used to service a
46 business or commercial purpose or used to secure a business or commercial vessel.

1
2 **Commercial kitchen:** A commercial kitchen is a professional kitchen designed for food
3 preparation on a large scale, with the main focus being to prepare food for customers. These
4 kitchens are typically found in restaurants, hotels, bars, and other hospitality businesses. The
5 term "commercial" refers to the fact that these kitchens are designed for selling food rather than
6 food cooked and eaten by the person or people making it. Commercial kitchens are typically
7 equipped with heavy-duty appliances, ample storage space, and robust extractor fans and
8 ventilation systems to handle large turnovers and high output. They must also meet strict health
9 and safety regulations to ensure food is prepared in a hygienic environment.

10
11 ~~(18a)~~—**Common driveway:** A driveway passing through private property for the use of adjacent
12 property owners in rural residential developments (see article IX).

13
14 ~~(19)~~—**Common ownership:** Either:

- 15 (a) Ownership by one or more individuals or entities in any form of ownership of two
16 or more contiguous lots; or
17 (b) Ownership by any association, or municipality, of one or more lots under specific
18 development techniques.

19
20 ~~(20)~~—**Community residence:** A home or residential facility where children and/or adults
21 reside in a family setting and may or may not receive supervised care. This shall not include
22 halfway houses or substance abuse treatment facilities. This shall include but not be limited to
23 the following:

- 24 (a) Whenever six or fewer ~~retarded~~ children or adults with intellectual and/or
25 developmental disabilities reside in any type of residence in the community, as
26 licensed by the state pursuant to chapter 24 of title 40.1 G.L. 1956, § 40.1-24-1 et
27 seq.;
- 28 (b) A group home providing care or supervision, or both, to not more than eight ~~mentally~~
29 ~~disabled or mentally handicapped or physically handicapped~~ persons with disabilities,
30 and licensed by the state pursuant to chapter 24 of title 40.1 G.L. 1956, § 40.1-24-1 et
31 seq.;
- 32 (c) A residence for children providing care or supervision, or both, to not more than eight
33 children, including those of the caregiver, and licensed by the state pursuant to
34 chapter 72.1 of title 42 G.L. 1956, § 40.1-24-1 et seq.; or
- 35 (d) A community transitional residence providing care or assistance, or both, to no more
36 than six unrelated persons or no more than three families, not to exceed a total of
37 eight persons, requiring temporary financial assistance, and/or to persons who are
38 victims of crimes, abuse, or neglect, and who are expected to reside in that residence
39 not less than 60 days nor more than two years. Residents will have access to, and use
40 of, all common areas, including eating areas and living rooms, and will receive
41 appropriate social services for the purpose of fostering independence, self-
42 sufficiency, and eventual transition to a permanent living situation.

43
44 ~~(20a)~~—**Compassion center:** As defined in G.L. § 21-28.6-3, a not-for-profit corporation, subject
45 to the provisions of chapter 6 of title 7, and registered under G.L. § 21-28.6-12, that acquires,
46 possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses

1 marijuana, and/or related supplies and educational materials, to patient cardholders and/or their
2 registered caregiver cardholder, who have designated it as one of their primary caregivers.

3
4 ~~(21)~~—**Comprehensive community plan**: The comprehensive community plan of the town,
5 adopted and approved pursuant to G.L. § 45-22.2-1 et seq., and to which the provisions of this
6 ordinance shall be in compliance.

7
8 **Conservation Development Project**: A Conservation Development Project is a subdivision or
9 land development project ~~is a tool to~~ that allows the flexibility to design residential development
10 to achieve the objectives of the Tiverton Comprehensive Community Plan as it relates to
11 resource protection, land use and community services.

12
13 **Continuing care facility**: A long-term care option for older people who want to stay in the same
14 place through different phases of the aging process, providing a full continuum of care options.

15
16 **Convalescent home**: A facility that provides medical and skilled nursing care for people who
17 are recovering from surgery, illness, or injury. This shall include hospices.

18
19 ~~(22)~~—**Day care—Day care center**: Any other day care center which is not a family day care
20 home.

21
22 ~~(23)~~—**Day care—Family day care home**: Any home other than the individual's home, in
23 which day care in lieu of parental care or supervision is offered at the same time to six or less
24 individuals who are not relatives of the caregiver, but which may not contain more than a total of
25 eight individuals receiving day care.

26
27 ~~(24)~~—**Density calculation**: The method for calculating development density and/or lot
28 coverage for any given parcel.

29
30 ~~(25)~~—**Density, residential**: The number of dwelling units per unit of land.

31
32 ~~(26)~~—**Development**: The construction, reconstruction, conversion, structural alteration,
33 relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance;
34 or any change in use, or alteration or extension of the use, of land.

35
36 ~~(27)~~—**Development plan review**: See appendix B, Land Development and Subdivision
37 Regulations, article XVI, as well as G.L. §§ 45-23-32 and 45-23-50.

38
39 **Distillery**: An establishment or plant for distilling alcoholic beverages or other liquids.

40
41 ~~(28)~~—**District**: See Zoning use districts.

42
43 ~~(29)~~—**Drainage system**: A system for the removal of water from land by drains, grading or
44 other appropriate means. These techniques may include runoff controls to minimize erosion and
45 sedimentation during and after construction or development, the means for preserving surface
46 and ground waters, and the prevention and/or alleviation of flooding.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

Dry Cleaning or Laundromat that processes on site: A business that utilizes an on-site waterless cleaning process that removes dirt and debris from cloth or fabric using a chemical solvent.

~~(30)~~—**Duplex:** A building containing two single dwelling units each with separate entrances divided by a common party wall.

~~(33)~~—**Dwelling, multifamily:** Any dwelling containing more than two dwelling units and for occupancy of households living independently of each other, including apartment houses, apartment hotels and flats.

~~(31)~~—**Dwelling, single-family:** A building used exclusively for occupancy by one household.

~~(32)~~—**Dwelling, two-family:** A building used exclusively for occupancy by two households living independently of each other.

~~(34)~~—**Dwelling unit:** A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and containing a separate means of ingress and egress.

Earth removal: The removal or extraction for sale of any rock, stone, sand, gravel, loam, topsoil, or other earth or earth products from a lot or plot of land or part thereof; not including the process of grading, or excavation on a lot preparatory to the construction of a structure or street.

Electric Vehicle Charging Station, Commercial: Also known as a charge or charging station. A public, for-profit station where electric-powered vehicles and hybrids plug into an electric power source to recharge their battery.

~~(35)~~—**Extractive industry:** The extraction of minerals, including: solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site, or as a part of the extractive activity.

~~(36)~~—**Family:** ~~A person or persons related by blood, marriage or other legal means; see also Household.~~

Family member: A person, or persons, related by blood, marriage, or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

~~(36a)~~—**Flexible zoning:** A land development tool that allows reduced lot areas and dimensional regulations in order to preserve character defining features of a site.

1 (37)—**Floating zone:** An unmapped zoning district adopted within this ordinance which is
2 established on the zoning map only when an application for development, meeting the zoning
3 district requirements, is approved.

4
5 (38)—**Floodplains or flood hazard area:** ~~An area that has a one percent or greater chance of~~
6 ~~inundation in any given year, as delineated by the Federal Emergency Management Agency~~
7 ~~pursuant to the National Flood Insurance Act of 1968, as amended (PL 90-448). An area that is~~
8 ~~subject to a flood from a storm having a one percent (1%) chance of being equaled or exceeded~~
9 ~~in any given year, as delineated on a community’s flood hazard map as approved by the federal~~
10 ~~emergency management agency pursuant to the National Flood Insurance Act of 1968, as~~
11 ~~amended (Pub. L. No. 90-448), 42 U.S.C. § 4011 et seq.~~

12
13 (39)—**Garage:** A detached accessory building or portion of a main building, used for the
14 storage of self-propelled vehicles.

15
16 (40)—**Gasoline filling station or service station:** A building or premises, or portion thereof,
17 arranged, intended or designed to be used for the sale of gasoline or other motor vehicle, airplane
18 or motorboat fuel, oils and accessories for the use of motor vehicles; and the rendering of
19 services such as lubrication, washing and minor repairs, where such service facilities are
20 incidental to such principal filling station uses, but not including body or fender work, or major
21 repairs.

22
23 **Golf Course or Golf Club:** A golf course is an area of land designed for the sport of golf
24 including a series of holes (usually 9 or 18) with tees, fairways, putting greens and hazards. It
25 may be public or private. A golf club is a membership club including a golf course and often
26 including a clubhouse facility accommodating members and guests with shower facilities,
27 changing rooms and dining facilities.

28
29 (40a)—**Gross floor area:** The total floor area of all floors of a building within the inside
30 perimeter of the exterior walls exclusive of vent shafts and courts, without deductions for
31 corridors, stairways, closets, the thickness of interior walls, columns or other similar features.
32 (See also Net leasable floor area.)

33
34 (41)—**Groundwater:** Groundwater and associated terms, as defined in G.L. § 46-13.1-3.

35
36 (42)—**Halfway house:** A residential facility for adults or children who have been
37 institutionalized for criminal conduct, and who require a group setting to facilitate the transition
38 to a functional member of society.

39
40 (43)—**Hardship:** As set forth in R.I. Gen. Laws 1956, § 45-24-41, hardship is the standard a
41 petitioner must demonstrate in order to be granted a use variance from the requirements of this
42 ordinance. See article XVII of this ordinance.

43
44 (44)—**Historic district:** One or more historic sites and intervening or surrounding property
45 significantly affecting or affected by the quality and character of the historic site or sites, and that

1 has been registered, or is deemed eligible to be included, on the state register of historic places
2 pursuant to G.L. § 42-45-5.

3
4 ~~(45)~~—**Historic site:** Any real property, manmade structure, natural object, or configuration or
5 any portion or group of the foregoing which has been registered, or is deemed eligible to be
6 included, on the state register of historic places pursuant to G.L. § 42-45-5.

7
8 ~~(46)~~—**Home occupation:** Any activity customarily carried out for gain by a resident, conducted
9 as an accessory use in the resident's dwelling unit. See Article VI, Section 6, of this ordinance.

10
11 **Hookah Lounge/Bar:** An establishment where patrons share ~~shisa~~ shisha (flavored tobacco)
12 from a communal hookah (container of water through which tobacco smoke is passed).

13
14 ~~(47)~~—**Hotel:** ~~A building of two or more stories providing transient lodging accommodations to~~
15 ~~the general public, without individual kitchen facilities or separate exterior entrances. Such use~~
16 ~~may contain accessory facilities including, but not limited to, a restaurant, meeting rooms and~~
17 ~~recreation facilities. Hotels include inns and similar establishments. A building or buildings~~
18 ~~containing lodging rooms, a dining room facility, a common entrance lobby, halls, and stairway;~~
19 ~~and where lodging rooms do not have a direct egress outdoors, except for emergencies; and~~
20 ~~where more than 50 percent of the lodging rooms are for rent, with or without meals, to transient~~
21 ~~guests for a continuous period of less than 30 days.~~

22
23 ~~(48)~~—**Household:** One or more persons living together in a single dwelling unit, with common
24 access to, and common use of, all living and eating areas and all areas and facilities for the
25 preparation and storage of food within the dwelling unit. The term "household unit" shall be
26 synonymous with the term "dwelling unit" for determining the number of such units allowed
27 within any structure on any lot in a zoning district. An individual household shall consist of any
28 one of the following:

- 29 (a) A family, which may also include servants and employees living with the family; or
30 (b) ~~A person or group of unrelated persons living together. The maximum number may~~
31 ~~be set by this ordinance, not to exceed three such persons. A person or group of~~
32 ~~unrelated persons living together. The maximum number may be set by local~~
33 ~~ordinance, but this maximum shall not be less than one person per bedroom and shall~~
34 ~~not exceed five (5) unrelated persons per dwelling. The maximum number shall not~~
35 ~~apply to NARR-certified recovery residences.~~

36
37 ~~(48a)~~—**Improved lot:** A lot upon which a building is located that is used for a principal use. For
38 the purposes of determining merger requirements (see article VII), an unimproved lot is a lot
39 without a principal use structure.

40
41 ~~(49)~~—**Incentive zoning:** The process whereby additional development capacity is granted in
42 exchange for a developer's provision of a public benefit or amenity as specified in this ordinance.

43
44 **Incinerator or Incinerated Waste Disposal:** A furnace, oven, retort or other apparatus used to
45 incinerate waste materials and where waste may be stored or disposed on the premises.

1 (50)—**Infrastructure:** Facilities and services needed to sustain residential, commercial,
2 industrial, institutional and other activities.

3
4 (51)—**Reserved.**

5
6 (52)—**Impervious surface:** ~~Material on the ground that severely restricts or prohibits surface~~
7 ~~water from penetrating into the soil.~~ As defined by the Rhode Island Department of
8 Environment Management Stormwater Management, Design and Installation Rules and
9 including those surfaces that cannot effectively infiltrate rainfall and/or stormwater consisting of
10 surfaces such as building rooftops, pavement, sidewalks, driveways, or compacted gravel.

11
12 (53)—**Land development project:** A project in which one or more lots, tracts, or parcels of
13 land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses,
14 units, or structures, including, but not limited to, planned development or cluster development
15 for residential commercial, institutional, recreational, open space, or mixed uses.

16
17 (54)—**Line, street:** A lot line separating a lot from an adjacent street.

18
19 (55)—**Lot:** Either:

20 (a) The basic development unit for determination of lot area, depth and other dimensional
21 regulations; or

22 (b) A parcel of land whose boundaries have been established by some legal instrument
23 such as a recorded deed or recorded map, and which is recognized as a separate legal
24 entity for purposes of transfer of title.

25
26 (56)—**Lot area:** The total area within the boundaries of a lot, excluding any street right-of-way,
27 usually reported in acres or square feet.

28
29 (57)—**Lot building coverage:** That portion of the lot that is or may be covered by buildings and
30 accessory buildings. (Same as Building coverage.)

31
32 (58)—**Lot, corner:** A lot at the junction of, and fronting on, two or more intersecting streets.

33
34 (58a)—**Lot coverage:** That portion of the lot that is or may be covered by buildings and
35 accessory buildings. (Same as Building coverage and Lot building coverage.)

36
37 (59)—**Lot depth:** The distance measured from the front lot line to the rear lot line. For lots
38 where the front and rear lot lines are not parallel, the lot depth is an average of this distance.

39
40 (60)—**Lot frontage:** That portion of a lot abutting a street. Only contiguous (unbroken)
41 frontage will be considered applicable in meeting the minimum frontage requirements of a given
42 zoning district. Lot frontage shall be measured on the side of the lot that serves as the primary
43 access to the street right-of-way.

44
45 (61)—**Lot line:** A line of record, bounding a lot, which divides one lot from another lot, or from
46 a public or private street or any other public or private space, and shall include:

- 1 (a) **Front:** The lot line separating a lot from a street right-of-way and shall be the side of
2 the lot that serves as the primary access to the street right-of-way;
3 (b) **Rear:** The lot line opposite and most distant from the front lot line, or, in the case of
4 triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in
5 length entirely within the lot, parallel to and at a maximum distance from the front lot
6 line; and
7 (c) **Side:** Any lot line other than a front or rear lot line. On a corner lot, one side lot line
8 will also be a street lot line.
9

10 ~~(62)~~—**Lot of record:** A parcel of land recorded in the office of the Town Clerk of the Town of
11 Tiverton.
12

13 ~~(63)~~—**Lot, through:** A lot which fronts upon two parallel streets, or which fronts upon two
14 streets which do not intersect at the boundaries of the lot.
15

16 ~~(64)~~—**Lot width:** The horizontal distance between the side lines of a lot measured at right
17 angles to its depth along a straight line parallel to the front lot line at the minimum front setback
18 line.
19

20 ~~(65)~~—**Low influx sustainable agriculture (LISA):** Agricultural techniques that promote the
21 use of biological interactions and cultural practices over the use of agricultural chemicals. The
22 goal of LISA is productive, profitable farming that protects natural resources and is economically
23 sustainable. It includes such measures as integrated pest management, crop and livestock
24 diversification, soil and water conservation practices and green manures whose application
25 reduces the need for purchased pesticide and fertilizer input.
26

27 ~~(402)~~—**Manufactured home:** A structure transportable in one or more sections which is built on
28 a permanent chassis and is designed for use with or without a permanent foundation when
29 connected to the required utilities. This term does not include park trailer, travel trailer, or other
30 similar vehicles. See R.I. Gen. Laws 45-24-31(50).
31

32 ~~(403)~~—**Manufactured home elderly community (MHEC):** See article IV, section 16.
33

34 **Manufacturing, except as regulated herein:** The process of turning raw materials or parts into
35 finished goods through the use of tools, human labor, machinery and chemical processing.
36

37 ~~(65a)~~—**Marijuana cultivation center:** Any entity that, under state law, may acquire, possess,
38 cultivate, manufacture, deliver, transfer, transport, or supply marijuana to a registered
39 compassion center, or other entity authorized to dispense marijuana.
40

41 ~~(65b)~~—**Marijuana store:** Any retail establishment at which the sale or use of marijuana, medical
42 or otherwise, takes place. This shall not include a compassion center regulated and licensed by
43 the State of Rhode Island, as defined herein.
44

45 **Marina or boat yard:** Area of land and water designated for the storage (indoor and/or outdoor)
46 of vessels, dockage and/or mooring (temporary and long-term), launching ramps, vessel haul-out

1 facilities, and vessel maintenance and repair and which has docks and/or moorings for vessels.
2 These may also include related service facilities such as fueling, sales of vessels and accessories,
3 retails sales of marine products, laundry services, pump-out services, and other marine related
4 services.

5
6 **Medical center:** A facility offering outpatient healthcare services to include doctors' offices, lab,
7 diagnostic and treatment facilities.

8
9 ~~(66)~~—**Membership athletic club:** ~~An organization catering to members and their guests,~~
10 ~~including premises and buildings utilized for recreational or athletic purposes, which are not~~
11 ~~conducted for profit. An organization catering to members and their guests, including premises~~
12 ~~and buildings utilized for recreational or athletic purposes, such as game courts, exercise~~
13 ~~equipment, locker rooms, pool, hot tub, sauna and/or pro-shop.~~

14
15 ~~(67)~~—**Mere inconvenience:** See article XVII of this ordinance.

16
17 ~~(67a)~~—**Mini-storage facility:** ~~A one-story building or buildings used for public storage and~~
18 ~~consisting of attached individually rented units. A building consisting of individual, self-~~
19 ~~contained units that are leased or owned for the storage of personal property and/or household~~
20 ~~goods. Not to include explosives, chemicals, flammables, or other hazardous items.~~

21
22 ~~(68)~~—**Mixed use:** A mixture of land uses within a single development, building or tract.

23
24 ~~(104a)~~ ~~**Retail business, office, and/or consumer service complex**~~**Mixed use complex:** A
25 development of one or more commercial establishments, primarily retail, office, and/or consumer
26 service-oriented in nature, located on a single parcel or contiguous parcels and consisting of an
27 aggregate of 5,000 gross square feet of floor space or more, or a total land area with an aggregate
28 of 20,000 square feet or more. The footprint area of any single structure and/or the total
29 aggregate footprint of connected all structures shall not exceed 40,000 square feet. The
30 associated parking and circulation area per structure or connected structure shall not exceed
31 60,000 square feet. For the purpose of this section any structures located within 20 feet of each
32 other shall be deemed to be connected structures.

33
34 These developments may include, but are not limited to, a variety of retail shops that specialize
35 in food, quality apparel, hard goods and services such as grocery stores, department stores, real
36 estate offices, dance studios, florists and small restaurants.

37
38 Such developments shall be considered land development projects, as defined herein, and shall
39 be reviewed as major land developments in accordance with the land development and
40 subdivision regulations, and design standards, of the Town of Tiverton and approved by the
41 planning board.

42
43 ~~(69)~~—**Mixed use residential:** A structure which is used for both residential and commercial
44 purposes, each of which is totally separated from the other.

1 ~~(70)~~—**Mobile home:** Any vehicle or similar structure designed and constructed so as to permit
2 the occupancy thereof as a dwelling by one or more persons, and so designed and constructed
3 that it was or may be mounted on wheels and used as a conveyance on a street or highway,
4 propelled or drawn by its own or other motive power. Mobile home shall include previously
5 portable vehicles or structures which have been placed on a permanent foundation, but shall not
6 include a prefabricated home or structure. A transportable, single-family dwelling unit suitable
7 for year-round occupancy with or without a permanent foundation and having a water supply and
8 waste disposal system comparable to immobile housing. A mobile home is designed to be
9 transported on streets and highways on its own wheels and to arrive at the site where it is to be
10 occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental
11 unpacking and assembly operations, location on racks or permanent foundations, and connection
12 to utilities and water supply and waste disposal systems. Removal of wheels and/or axles shall
13 not change its status as a mobile home.

14
15 ~~**Mobile Home or Trailer Park:** Mobile home refers to a transportable, single family dwelling~~
16 ~~unit suitable for year-round occupancy with or without a permanent foundation, and having a~~
17 ~~water supply and waste disposal system comparable to immobile housing. A mobile home is~~
18 ~~designed to be transported on streets and highways on its own wheels and to arrive at the site~~
19 ~~where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor~~
20 ~~and incidental unpacking and assembly operations, located on racks or permanent foundations,~~
21 ~~and connected to utilities and water supply and waste disposal systems. Removal of wheels~~
22 ~~and/or axles shall not change its status as a mobile home. Mobile home or trailer Trailer park~~
23 ~~refers to a site where mobile homes or trailers are located for purposes of long-term or transient~~
24 ~~occupancy.~~

25
26 ~~(71)~~—**Modification:** ~~If later allowed by amendment to this ordinance, permission~~ Permission
27 granted and administered by the zoning enforcement officer to grant a dimensional variance,
28 other than lot area, from the requirements of this ordinance, but not to exceed 25 percent of each
29 of the applicable dimensional requirements. See Article X, Section 7, of this Ordinance.

30
31 ~~(72)~~—**Motel:** A one- or two-story building providing transient lodging accommodations to the
32 general public consisting of rooms or suites with separate entrances facilities. Such use may
33 include a general kitchen and common dining room. Motels include motor inns, motor lodges,
34 tourist courts, cabins and other similar establishments.

35
36 **Motorcross/All-Terrain Vehicle Venue for driving, racing and/or instruction:** A business
37 that provides users of motor bikes/dirt bikes/motorcycles a venue to drive or race on a dirt path
38 or trackway usually in a competitive race environment. Business may also involve safe
39 driving/riding lessons.

40
41 **Motor Freight Terminal:** Also called trucking depot. A place, building or part thereof where
42 merchandise, property or freight transported by motor vehicle, including trailers, is received,
43 stored, transferred, loaded, unloaded, delivered or dispatched.

44
45 **Municipal Recycling Center:** A municipal facility where the Town of Tiverton accepts
46 materials and goods from its residents, including, hard plastics, bottles, glass, electronics,

1 appliances, cardboard, paper and yard waste for collection and eventual dispersal or sale to other
2 entities as part of its local recycling program.

3
4 ~~(72a)~~—**Net leasable floor area:** The total leasable floor area of all floors of a building within the
5 inside perimeter of the exterior walls exclusive of the thickness of interior walls, vent shafts,
6 courts, corridors, lobbies, common areas, stairways, elevators, mechanical rooms, closets,
7 columns or other similar features. (See also Gross floor area.)

8
9 ~~(73)~~—**Nonconformance:** A building, structure or parcel of land, or use thereof, lawfully
10 existing at the time of the adoption or amendment of this ordinance and not in conformity with
11 the provisions of the zoning ordinance or amendment. Nonconformance shall be of only two
12 types:

13 (a) **Nonconforming by use:** A lawfully established use of land, building or structure
14 which is not a permitted use in that zoning district, including a building or structure
15 containing more dwelling units than are permitted by the use regulations of this
16 ordinance; or

17 (b) **Nonconforming by dimension:** ~~A building, structure or parcel of land not in~~
18 ~~compliance with the dimensional regulations of this zoning ordinance, including a~~
19 ~~building or structure containing a permitted number of dwelling units by the use~~
20 ~~regulations of this ordinance, but not meeting the lot area per dwelling unit~~
21 ~~regulations.~~ A building, structure, or parcel of land not in compliance with the
22 dimensional regulations of the zoning ordinance. Dimensional regulations include all
23 regulations of the zoning ordinance, other than those pertaining to the permitted uses.
24 A building or structure containing more dwelling units than are permitted by the use
25 regulations of a zoning ordinance is nonconforming by use; a building or structure
26 containing a permitted number of dwelling units by the use regulations of the zoning
27 ordinance, but not meeting the lot area per dwelling unit regulations, is
28 nonconforming by dimension.

29
30 ~~(73a)~~—**Non-residential cooperative cultivation:** A use of land located in a non-residential
31 zone, or of a building, or a portion thereof, located in a non-residential zone, for the cultivation
32 of marijuana by two or more cardholders, as defined in G.L. § 21-28.6-3.

33
34 **Nuclear Power Station:** A plant or facility where electrical energy is produced by means of the
35 energy released by a nuclear reaction altering the structure of an atomic nucleus such as fission,
36 fusion or radioactive decay.

37
38 ~~(74)~~—**Overlay district:** A district established in this ordinance that is superimposed on one or
39 more districts or parts of districts, and that imposes specified requirements in addition to, but not
40 less than, those otherwise applicable for the underlying district.

41
42 **Pawn Shop:** A business offering secured loans to the public with items of personal property
43 used as collateral and where the pawnbroker sells unredeemed items to the public.
44

1 **Payday Loan Shop:** A business where customers secure short-term loans to be repaid with
2 interest by a post-dated bank check or authorization enabling the lender to electronically debit
3 the repayment from the customer's bank or pre-paid debit card account.

4
5 (75)—**Performance standards:** A set of criteria or limits relating to elements which a
6 particular use or process either must meet or may not exceed.

7
8 (76)—**Permitted use:** A use by right which is specifically authorized in a particular zoning
9 district.

10
11 (76a)—**Personal residential marijuana cultivation:** Marijuana cultivation by a single
12 registered patient or caregiver cardholder, as defined in G.L. ch. 21-28.6, within his or her
13 residential dwelling for medical use only. This use shall only be permitted as an accessory use to
14 a lawfully permitted residential use. In a mixed-use building that contains residential and
15 nonresidential uses, this use shall be contained within the residential dwelling unit only.

16
17 **Petroleum Refining and Related:** Includes the process of separating crude oil into its various
18 components, which are then selectively reconfigured into new products, including transportation
19 and heating fuel and feedstock for chemical manufacturing, among other uses.

20
21 (77)—**Planned development:** A "land development project" as defined herein, and developed
22 according to a plan as a single entity and containing one or more structures and/or uses with
23 appurtenant common areas.

24
25 (78)—**Planning board:** The Planning Board of the Town of Tiverton.

26
27 (79)—**Preapplication conference:** A review meeting of a proposed development held between
28 applicants and reviewing officials and/or agencies prior to formal submission of an application
29 for a permit or approval.

30
31 **Primary Manufacture or Storage of Ammonia, Bleach (Chlorine), Acetylene gas:** These
32 industrial, toxic and corrosive gasses are used as active ingredients in a wide range of secondary
33 products.

34
35 (80)—**Principal or main use:** The specific primary purpose ~~to~~ for which a lot of land or
36 structure is used.

37
38 **Private Beach:** a privately owned bathing beach administered as a commercial enterprise or a
39 club.

40
41 **Production of Rubber, Glue or Asphalt:** Includes the blending of crumb rubber produced from
42 recycled waste tires into liquid asphalt cement (bitumen) to produce a binder used in the paving
43 process.

1 **Pulp Mill:** A manufacturing facility that converts wood chips or other plant fiber sources into a
2 thick fiber board. Pulp mills may use mechanical, chemical or semi-chemical methods of
3 processing pulp.

4
5 ~~(81)~~—**Professional home office:** Not more than one office or studio of a physician, dentist,
6 attorney, architect, engineer, land surveyor, real estate broker, accountant, insurance agent or
7 other professional person licensed by law or certified by a recognized professional society or
8 agency and providing professional services, residing on the premises, and having not more than
9 one employee or associate, and utilizing not more than ~~250~~ 350 square feet of floor space.

10
11 **Recycling Center:** A private or commercial facility that accepts materials and goods, including,
12 hard plastics, bottles, glass, electronics, appliances, cardboard, paper and yard waste for
13 collection and eventual dispersal or sale to other entities as part of its local recycling program.

14
15 ~~(81a)~~—**Residential arts and crafts:** The creation of art objects or functional items by a person
16 residing on the premises, provided the following standards are met: no heat, smoke, glare, dust,
17 odors, vibration or offensive noise detectable beyond the edge of the lot; no outside storage of
18 materials; and no substantial increase in traffic. Residential arts and crafts shall not include tattoo
19 parlors.

20
21 ~~(81b)~~—**Residential cooperative cultivation:** A use of land located in a residential zone, or of a
22 building, or a portion thereof, located in a residential zone, for the cultivation of marijuana by
23 two or more cardholders, as defined in G.L. § 21-28.6-3.

24
25 ~~(101)~~—**Retirement residence/assisted living/continuing care facility:** An elderly housing
26 facility licensed in whole or in part in accordance with the assisted living provisions of G.L. §
27 23-7.4-1 et seq., as amended, and where applicable, G.L. § 23-17-1 et seq., as amended, that
28 provides elderly residents with flexible living arrangements and choices with regard to services
29 and assistance. Such facilities:

- 30 (a) Consist of one primary structure housing central dining, recreational, cultural,
31 avocational, personal care, and shared transportation facilities. Integral facilities for
32 independent or semi-independent living and nursing care may also be included.
- 33 (b) May include within the primary structure ancillary facilities such as retail services,
34 beauty parlors, libraries and laundry rooms serving exclusively the residents of the
35 facility, with no outside signs or direct outside entrances to such services permitted.
- 36 (c) May include within the primary structure offices, meeting and conference rooms for
37 administrative functions related to the operation, business, programs or services of the
38 facility.
- 39 (d) May have within the primary structure, or attached thereto, a nursing care facility
40 licensed in accordance with G.L. tit. 23, ch. 17-1 et seq., entitled "Licensing of Health
41 Care Facilities," primarily for the use of the residents.
- 42 ~~(e) Provide individual residential units consisting of either a studio, one bedroom or two~~
43 ~~bedrooms, with services to include but not limited to three daily meals in a communal~~
44 ~~setting, housekeeping services, 24-hour personal assistance, recreational facilities,~~
45 ~~and transportation services for the benefit of its residents. Individual units shall have~~
46 ~~not less than 400 square feet of living space, and shall be equipped with a bathroom,~~

1 ~~but shall not have exterior entrances, excluding access to ground level apartment~~
2 ~~private patio, nor shall they have a full kitchen, but may have a hospitality station~~
3 ~~consisting of a refrigerator, microwave oven, and/or a properly installed two burner~~
4 ~~cook top.~~

5
6 **(81e)—Rural residential developments:** Alternative residential subdivisions designed to protect
7 rural character through the use of flexible zoning, different engineering and design standards
8 and/or decreased site density, as compared to conventional subdivisions. There are three types of
9 rural residential developments. Rural compounds, rural subdivisions and rural frontage
10 subdivisions, as defined in article IX of this ordinance.

11
12 **Self Service Car Wash:** A motor vehicle washing station where the vehicle owner/operator pays
13 to use the equipment provided to wash the vehicle themselves.

14
15 **(82)—Setback line or lines:** A line or lines parallel to a lot line at the minimum distance of the
16 required setback for the zoning district in which the lot is located, that establishes the area within
17 which the principal structure must be erected or placed.

18
19 **Sewage Treatment or Solid Waste Disposal Facility:** Sewage treatment processes sewage or
20 wastewater to remove contaminants and prevent water pollution from discharge. Often involves
21 primary, secondary and tertiary chemical and separation treatment. Solid waste disposal is the
22 process of treating garbage, refuse, sludge or other discarded material, whether harmful to human
23 health and the environment or not harmful. Includes liquid, semi-solid, solid and gaseous waste
24 material.

25
26 **(104b)—Shopping centers, malls, mini-malls and strip-malls:** A development of an integrated
27 group of commercial establishments, including supermarkets, which in the aggregate have a
28 footprint exceeding 40,000 square feet, that is planned, developed, owned and managed as a unit
29 and may contain non-merchandising facilities as well, such as office buildings, movie theaters,
30 restaurants, post offices, banks, health clubs and recreational facilities (for example, ice skating
31 rinks or indoor miniature golf courses). A shopping center's composition is related to its market
32 area in terms of size, location and type of store. A shopping center may be composed of one or
33 more structures. A shopping center also provides on-site parking facilities sufficient to serve its
34 own parking demands.

35
36 Such developments shall be considered land development projects, as defined herein, and shall
37 be reviewed as major land developments in accordance with the land development and
38 subdivision regulations, and design standards, of the Town of Tiverton and approved by the
39 planning board.

40
41 **(83)—Site plan:** The development plan for one or more lots on which is shown the existing
42 and/or proposed conditions of the lot.

43
44 **Smelter, Blast Furnace, Blooming Mill:** These uses are related to the manufacture of pig iron
45 and iron ore and includes iron blast furnaces designed to smelt iron ores and prepared
46 agglomerates or iron ore blooms.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

(84)—**Special use:** A regulated use which is permitted pursuant to a special use permit issued under the provisions of article XVI of this ordinance.

(85)—**Street:** A public or private thoroughfare used, or intended to be used, for passage of travel by motor vehicles.

(86)—**Street, public:** Either a street constructed, improved and accepted for maintenance by the Town of Tiverton, or a state road.

(87)—**Structure:** A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.

(88)—**Substandard lot of record:** Any lot lawfully existing at the time of adoption or amendment of this ordinance, and not in conformance with the dimensional and/or area provisions of the ordinance.

Tent or Recreational Vehicle (RV) Camp: A site that hosts motor vehicles or trailers that include living quarters designed for accommodation. Also includes campsites where visitors erect tents and related shelter to stay overnight or longer.

Transient Trailer Park: A site where campers, recreational vehicles and mobile homes may pass through from one location to another, stopping only briefly, such as a holiday, vacation or seasonal visit and not on a long term basis.

(89)—**Unsuitable land:** Street rights-of-way and lands which, when developed, would result in environmental harm and/or present a threat to the public health or safety. Such lands include, but are not limited to, the following:

- (a) Waters, and coastal and freshwater wetlands as defined herein.
- (b) Land with slopes greater than or equal to 21 percent.
- (c) Land located in any flood hazard area or coastal high hazard area, as shown on the most recent flood insurance rate map or floodway map for the Town of Tiverton published by the Federal Emergency Management Agency.
- (d) Any unique sites having significant historic or archaeological value, or consisting of an endangered or threatened species habitat, as identified by the appropriate state or federal agency.
- (e) An area of a tract proposed for development that is equal to the area of the street rights-of-way for such development.

(90)—**Use:** The purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

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

- 1 (a) **Use variance:** Permission to depart from the use requirements of this ordinance,
2 where the applicant for the requested variance has shown by evidence upon the record
3 that the subject land or structure cannot yield any beneficial use if it is to conform to
4 the provisions of the ordinance; or
5 (b) **Dimensional variance:** Permission to depart from the dimensional requirements of
6 this zoning ordinance under the applicable standards set forth in G.L. § 45-24-41.

7
8 ~~(92)~~—**Waters:** As defined in G.L. § ~~46-12-1(b)~~ 46-12-1(23).

9
10 ~~(93)~~—**Wetland, coastal:** As defined in G.L. § ~~2-1-14~~ 45-22.2-4.

11
12 ~~(94)~~—**Wetland, freshwater:** As defined in G.L. § 2-1-20.

13
14 **Wind turbine:** Any device that converts the kinetic energy of wind into electrical energy,
15 including structures such as towers, blades, transformers, power distribution poles and cables.

16
17 ~~(95)~~—**Yard:** ~~An area on the same lot with a main building which is open, unoccupied and~~
18 ~~unobstructed by buildings or structures from the ground to the sky, except as otherwise provided~~
19 ~~in this ordinance, and shall include:~~

- 20 ~~(a) **Front:** The area between a street line and a line parallel thereto drawn through the~~
21 ~~nearest point of a main structure, extending between side lot lines;~~
22 ~~(b) **Rear:** The area extending across the full width of the lot between the rearmost main~~
23 ~~building and the rear lot line, the depth of which shall be the least distance between~~
24 ~~the rear lot line and the rear of such main building; and~~
25 ~~(c) **Side:** The area between the main building and the side lot line, extending from the~~
26 ~~front yard, or front lot line where no front yard is required, to the rear yard. The width~~
27 ~~of the required side yard shall be measured horizontally from the nearest point of the~~
28 ~~side lot line toward the nearest part of the main building.~~

29
30 A required open space on a lot, unoccupied and unobstructed by any structure or portions of a
31 structure from the general ground level of the graded lot upward; provided that drives, walks,
32 and customary yard accessories and other structures or projections as specifically allowed by this
33 ordinance may be allowed in any yard. The following yards are specifically defined in this
34 ordinance:

- 35 (a) **Yard, corner side:** A side yard on that side of a lot located at the corner or
36 intersection of two street lines, nearest the side street.
37 (b) **Yard, front:** A required yard extending between side lot lines across the full width of
38 the lot adjacent to any street line, and to the depth of the required front yard setback.
39 (c) **Yard, rear:** A required yard extending across the full width of the lot adjacent to any
40 rear lot line(s), and to the depth of the required rear yard setback.
41 (d) **Yard, side:** A required yard extending from the rear of the required front yard to the
42 required rear yard and to the depth of the required side yard setback; and if there is no
43 rear yard, then extending from the required front yard to another required front yard
44 or required side yard or to another part of the same required front yard.
45

1 **Yield plan:** A plan of development demonstrating the maximum density (number of lots or
2 units) on a given parcel or parcels of land based on the zoning designation, meeting all
3 applicable environmental and dimensional requirements. A yield plan shall take into account all
4 environmental, natural, and man-made physical constraints to development, including but not
5 limited to wetlands, topography, groundwater characteristics, view sheds and existing
6 improvements. The submission requirements for a yield plan are provided in Section XVII of
7 these regulations.

8
9 ~~(96)~~—**Zoning board or board:** The Zoning Board of Review of the Town of Tiverton.

10
11 ~~(97)~~—**Zoning certificate:** A document signed by the zoning officer as required in this
12 ordinance, which acknowledges that a use, structure, building or lot either complies with, or is
13 legally nonconforming to, the provisions of the ordinance, or is an authorized variance or
14 modification therefrom.

15
16 ~~(98)~~—**Zoning map:** The maps which are a part of this ordinance, and which delineate the
17 boundaries of all mapped zoning districts within the physical boundary of the Town of Tiverton.

18
19 ~~(99)~~—**Zoning officer:** The zoning officer of the Town of Tiverton who is responsible for
20 administering and enforcing the provisions of this ordinance. The zoning officer may also be the
21 building official for the town.

22
23 ~~(100)~~—**Zoning use districts:** The basic unit in zoning, either mapped or unmapped, to which a
24 uniform set of regulations applies; or a uniform set of regulations for a specified use.

1 **ARTICLE III. – ZONING DISTRICTS**
2

3 **Section 1. Establishment of districts.**
4

5 To achieve the purpose of this ordinance, the Town of Tiverton is hereby divided into the
6 following zoning districts:
7

- 8 a. *Residential R-30*. This district contains areas of the town which are partially or fully developed
9 at an approximate density of one dwelling unit per 30,000 square feet, or greater, and areas for
10 which this density is considered appropriate. The R-30 District consists of the residential
11 portions of the northwest corner of Tiverton, west of Fish Road and extending to Mount Hope
12 Bay.
13
- 14 b. *Residential R-40*. This district contains areas of the town which are partially or fully developed
15 at an approximate density of one dwelling unit per 40,000 square feet, and areas for which this
16 density is considered appropriate. The R-40 District consists of the residential portions of
17 Tiverton west of Fish Road, lying generally between Route 24 and Bulgarmarsh Road.
18
- 19 c. *Residential R-60*. This district contains areas of the town which are partially or fully developed
20 at an approximate density of one dwelling unit per 60,000 square feet, and areas for which this
21 density is considered appropriate. The R-60 District consists of the residential portion on the
22 north side of Souza Road between Main Road and Fish Road.
23
- 24 d. *Residential R-120*. This district contains areas of the town which are composed of agricultural
25 uses, low density residential areas and certain open spaces for which development at a density
26 at or lower than one dwelling unit per 120,000 square feet is considered appropriate. The R-
27 120 District consists of the residential portions of the entire area of Tiverton south of
28 Bulgarmarsh Road.
29
- 30 e. *Village Commercial VC*. This district is that area of town known as Tiverton Four Corners
31 which is characterized by small scale retail, restaurant and office uses in a compact and historic
32 setting.
33
- 34 f. *General Commercial GC*. This district contains areas of the town which form the basic pattern
35 of retail and service businesses serving the community, and the areas planned for expansion of
36 such businesses. The GC District includes the major commercial area along Main Road in the
37 northwest corner of Tiverton, and the smaller commercial area along Stafford Road, extending
38 north from its intersection with Bulgarmarsh Road.
39
- 40 g. *Highway Commercial HC*. This district contains areas of the town where businesses which
41 serve regional needs rely on easy vehicular access and large land areas for parking and
42 development. The HC District includes the commercial area bordering the City of Fall River
43 and lying between Route 24 and Stafford Road, and the commercial area at the interchange of
44 Route 24 and Fish Road and extending west along the south side of Souza Road.
45

- 1 h. Waterfront W1. This district ~~includes certain non-residential and mixed-use areas along the~~
2 ~~Sakonnet River for which primarily water-dependent commercial uses are required~~ provides
3 locations for moderate to high impact marine related commercial uses on and adjacent to the
4 waterfront.
5
- 6 i. Waterfront W2. This district provides locations for a mixture of residential and low impact
7 service, retail, commercial, and marine related uses on and adjacent to the waterfront.
8
- 9 ij. Industrial I. This district contains that area of the town currently used for industrial and related
10 uses, and which is considered suitable for future industrial development. The I District consists
11 of a large land area east of Fish Road and on both sides of Route 24, and a smaller land area
12 west of Fish Road and lying between the R-30 District and Souza Road.
13
- 14 jk. Open Space/Conservation OS. This district includes areas of coastal land and open space which
15 are either owned publicly or by a private land conservation entity (e.g. land trust, Nature
16 Conservancy, Audubon Society) and which are protected for one or more of the following
17 purposes: keeping the land in a natural undeveloped condition, providing passive recreational
18 opportunities to the public, and preserving specific habitat areas or agricultural uses. This
19 district does not include undeveloped land which is privately owned but unprotected or
20 protected by means of the purchase of development rights by the town or state, nor does it
21 include land set aside as common open space as part of a rural residential development (see
22 article IX).
23
- 24 l. Neighborhood Business District NB. Transitional areas indicated by design as low density
25 residential sections where homes have been converted to small-scale commercial and mixed
26 uses. All structures and development in this Zone are additionally subject to and governed by
27 the Tiverton Commercial Form-Based Code, Zoning with Design Standards and Guidelines
28 (June 30, 2014), which by reference are incorporated herein.
29
- 30 m. Pedestrian Friendly Destination District PFD. Clusters of businesses in new destination
31 centers where the design of improvements within and adjacent to the property creates a
32 comfortable and safe pedestrian environment. All structures and development in this Zone are
33 additionally subject to and governed by the Tiverton Commercial Form-Based Code, Zoning
34 with Design Standards and Guidelines (June 30, 2014), which by reference are incorporated
35 herein.
36
- 37 n. Traditional Main Street District TMS. A configuration with zero front yard setbacks, lots of
38 pedestrian amenities, and on-street and rear-yard parking, where the first floor is assigned for
39 retail and restaurant uses and the upper floors may be residential and commercial office. All
40 structures and development in this Zone are additionally subject to and governed by the
41 Tiverton Commercial Form-Based Code (June 30, 2014), Zoning with Design Standards and
42 Guidelines, which by reference are incorporated herein.
43

- 1 ~~ke~~. *Watershed Protection Overlay District WP*. This is an overlay district applied to those areas of
- 2 Tiverton which comprise the watersheds of Stafford Pond and Nonquit Pond, public drinking
- 3 water supplies. The WP Overlay District is governed by specific regulations (see article VIII).
- 4

1 **ARTICLE IV. DISTRICT USE REGULATIONS**

2
 3 **Section 1. Interpretation of zoning district use table.**

4
 5 The status of the uses listed in the following zoning district use table are indicated by symbols appearing under the appropriate
 6 column headings. The interpretation of the symbols is as follows:
 7

P	The use is permitted. <u>Note: The use may be subject to performance standards set forth in Article VI, Section 10, and subject to other standards in the Zoning Ordinance or Code of Ordinances.</u>
S	The use is permitted only as a special use granted by the zoning board of review, <u>or planning board in unified development review, in accordance with articles XV and XVI. Uses requiring a special use permit may also be subject to performance standards in Article VI, Section 10 and other standards in the Zoning Ordinance or Code of Ordinances.</u>
N	The use is not permitted.

8
 9 ~~All uses designated as "S", special use permit required, shall be converted to "N", not permitted, for the period of January 1, 2024~~
 10 ~~to and including November 30, 2024, unless exempted from this Ordinance by act of the Town Council.~~

11 **Section 2. Residential uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Single-family dwelling	P	P	P	P	N	N	N	N	<u>N</u>	N	N	N	N	P	
b.	Two-family dwelling	P	N	P	N	N	N	N	N	<u>N</u>	N	N	N	N	N	
c.	Three-family dwelling	S	N	S	N	N	N	N	N	<u>N</u>	N	N	<u>N</u>	<u>N</u>	<u>N</u>	
d.	Multi-family structure or apartment house (4 or more units), without	N	N	N	N	N	N	N	N	<u>N</u>	N	N	P	P	P	<u>See Article VI, Section 10</u>

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	public water and sewer															
e.	Multi-family structure or apartment house (4 or more units), with public water and sewer	P	N	P	N	N	N	N	N	<u>N</u>	N	N	P	P	p	
f.	Mixed-use residential	N	N	N	N	N	P	N <u>P</u>	N <u>P</u>	<u>P</u>	N	N	P	P	P	See Article VI, Section 10
g.	Household	N	N	N	N	N	P	N	P	<u>P</u>		N				
h. g.	Community residence	P	P	P	P	P <u>N</u>	P	N	P	<u>P</u>	N	N	P	P	P	
i. h.	Family day care	P	P	P	P	P <u>N</u>	P	N	P	<u>P</u>	N	N	P	P	P	
j.	Taking of boarders or the renting of rooms by a resident family (not to exceed two roomer or boarders)	P	P	P	P	P	N	N	N		N	N	N	N	N	
k. i.	Bed and breakfast	N <u>S</u>	N <u>S</u>	N <u>S</u>	N <u>S</u>	N	N <u>S</u>	N	N <u>S</u>	<u>S</u>	N	N	N	N <u>S</u>	P	See Article XVI, Section 5
t. j.	Motel or Hotel	N	N	N	N	N	P	P	N	<u>P</u>	N	N	N	N	N	See Article VI, Section 10
k.	Motel	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
m	Home occupation carried on by the occupant of the residence, including residential arts and crafts but excluding sales of such items	P	P	P	P	P	P	N	P	P	N	N	P	P	P	See Article VI, Section 6 NB: Sales are permitted in this zone.
n	Sale of agricultural products grown on the premises	P	P	P	P	P	P	P	P	P	P	N	P	P	P	
o	One satellite receiving antenna, one meter or less in diameter	P	P	P	P	P	P	P	P		P	N	P	P	P	
p	Satellite receiving antenna, more than one meter and up to two meters in diameter	N	N	N	N	P	P	P	P		P	N	P	P	P	
q	Satellite receiving antenna,	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	more than two meters in diameter, or more than one antenna of any size															
r. o.	Convalescent, rest or nursing home	N	N S	N S	N	N	N S	N S	N	<u>N</u>	N	N	N	N	N	See Article XVI, Section 5
s. p.	Retirement residence/assisted living facility/and continuing care facility	N	N	N S	N	N	N S	N S	N	<u>N</u>	N S	N	N	N	N	See Article XVI, Section 5
t. q.	Manufactured home elderly community*	P N	N	P N	N	N	N	N P	N	<u>N</u>	N	N	N	N	N	See Article IV, Section 16
t. r.	Accessory building including a garage, shed, studio and any other building incidental to and located on the same lot as the residential use permitted**	P	P	P	P	N	N	N	N P	<u>P</u>	N	N	P	P	P	See Article IV, Section 14

1 ~~* According to the provisions of section 16 of this article.~~

2 ~~** See section 14 of this article.~~

3 **Section 3. Farming or raising of animals.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Commercial raising of crops, including associated greenhouse or nursery*	P	P	P	P	P <u>N</u>	P	P	N	<u>N</u>	N <u>P</u>	N <u>P</u>	N	P	P	For retail sales of agriculture products see Article IV, Section 10 Article VI, Section 10
b.	Commercial raising of animals or fowl. This includes kennels for the raising, boarding or sale of dogs, cats or other fur bearing animals, but not the raising of swine	N	N	N**	N**	N	N	N	N	<u>N</u>	N	N	N	N	N	Commercial raising of animals or fowl shall become a use allowed by right rather than special use permit where the subject property is five acres or greater in area.
c.	Commercial kennels, raising and/or boarding and/or sale of dogs, cats, or other fur	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	<u>bearing animals</u>															
e. d.	Preserve for the protection of wildlife and plant life	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	
e. e.	An accessory building or structure to be used for the display and sale of the agricultural products produced by the uses allowed herein on said land (<u>otherwise known as a farmstand</u>)	P	P	P	P	N	P	P	N	<u>N</u>	P	N <u>P</u>	N	P	P	<u>See Article VI, Section 10</u>
e. f.	Accessory building including a garage, greenhouse, stable, barn, pen, coop, kennel, crib, silo and any other building, equipment or activity incidental to, necessary for and located on	P	P	P	P	N	P	P	N	<u>N</u>	P	N <u>P</u>	N	N <u>P</u>	N <u>P</u>	<u>See Article IV, Section 14</u> <u>Article VI, Section 10</u>

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	the same lot as the agricultural use permitted***															
f. g.	<u>Land-based Aquaculture</u>	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	
h.	<u>Fish and shellfish processing and storage for retail sales</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
i.	<u>Private stable</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
j.	<u>Commercial stable or riding academy</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
g. k.	Non-residential cooperative cultivation	N	N	N	N	N	N	N	N	<u>N</u>	N	N	<u>N</u>	<u>N</u>	<u>N</u>	
h. l.	Residential cooperative cultivation	N	N	N	N	N	N	N	N	<u>N</u>	N	N	<u>N</u>	<u>N</u>	<u>N</u>	
i.	Personal residential marijuana cultivation	P	P	P	P	P	P	P	P		P	N	P	P	P	
j.	Marijuana cultivation center	N	N	N	N	N	N	N	N		N	N	N	N	N	

1
2

* For retail sales of agriculture products see section 10.

- 1 ~~**Commercial raising of animals or fowl shall become a use allowed by right rather than special use permit where the subject property is five acres or~~
 2 ~~greater in area.~~
 3 ~~***See section 14 of this article.~~

4 **Section 4. Public and semipublic uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Church or other place of worship	P	P	P	P	P <u>N</u>	P	P	P	P <u>P</u>	P	N	P	P	P	
b.	Nonprofit organization club, lodge, social or community center building	N	N	N	N <u>S</u>	N	P	N	N <u>P</u>	<u>P</u>	P	N	P	P	P	See Article VI, Section 10 Article XVI, Section 5
c.	Art center	N	N	N	N <u>S</u>	P <u>N</u>	P	P	N	<u>N</u>	N <u>P</u>	N	P	P	P	See Article VI, Section 10 Article XVI, Section 5
d.	Membership athletic club	N	N	N	N	N	P	P	N	<u>N</u>	N <u>P</u>	N	P	P	N	See Article VI, Section 10
e.	Hospital; medical center or clinic	N	N	N	N	N	N	N	N	<u>N</u>	N	N	P	P	P	See Article VI, Section 10
f.	Medical center up to 20,000 square foot	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Article VI, Section 10

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	building footprint															
g.	Medical center from 20,000 to 40,000 square foot building footprint	N	N	N	N	N	N	P	N	N	N	N	N	N	N	See Article VI, Section 10
f. h.	Municipal or government building	N P	N P	N P	N P	N	P	P	N	<u>N</u>	P	N	P	P	P	
g. i.	Fire or police station	P	P	P	P	N	P	P	N	<u>N</u>	P	N	P	P	P	
h. j.	Day care center Child day care center licensed by the state under RIGL Chapter 27.1 - Licensing and Monitoring of Child Care Providers, and Adult Day Care Programs licensed under RIGL	N S	N S	N S	N S	N	N P	N P	N	<u>N</u>	N	N	N P	P	P	See Article VI, Section 10 Article XVI, Section 5

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	<u>section 23-1-52</u>															
<u>i.</u>	Private non-profit school (Pre K – 12)	N	N	N	N	N	N	N	N	<u>N</u>	N	N	<u>PN</u>	<u>PN</u>	<u>PN</u>	
<u>j.</u>	Junior college, college or university	N	N	N	N	N	N	N	N	<u>N</u>	N	N	<u>PN</u>	<u>PN</u>	N	
<u>k.</u>	Private trade or professional school	N	N	N	N	N	P	P	<u>NS</u>	<u>N</u>	<u>NP</u>	N	<u>PN</u>	<u>PN</u>	N	See Article VI, Section 10 Article XVI, Section 5
<u>t.</u>	School conducted as a private gainful business for teaching subjects such as music, singing, and dancing, karate or martial arts, and computer training	N	N	N	N	N	P	P	N	<u>N</u>	<u>NP</u>	N	P	P	P	
<u>m.</u>	Cemetery or <u>burial ground</u> , whether	<u>NS</u>	<u>NS</u>	<u>NS</u>	<u>NS</u>	N	<u>NS</u>	<u>NS</u>	N	<u>N</u>	N	N	N	N	N	See Article XVI, Section 5

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	public or private [≠] with or without a columbarium															
p.	Columbarium	S	S	S	S	N	N	N	N	N	N	N	N	N	N	See Article XVI, Section 5
q.	Pharmacy (without drive through)	N	N	N	N	N	P	P	P	P	N	N	P	P	P	See Article VI, Section 10
r.	Pharmacy (with drive through)	N	N	N	N	N	S	S	S	S	N	N	S	S	S	See Article VI, Section 10 Article XVI, Section 5

1 According to the standards of Section 3.c of Article XVI.

2 **Section 5. Public utility uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Electric power generating station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
b.	Electric power substation	N	N	N	N	N	N P	N P	N	N	P	N	N	N	N	See Article VI, Section 10

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
c.	High voltage electric transmission towers	N	N	N	N	N	N	N	NS	<u>N</u>	N	N	N	N	N	See Article XVI, Section 5
d.	Towers, including but not limited to, radio frequency towers	N	N	N	N	N	N	N	NS	<u>N</u>	NS	N	N	N	N	See Article XVI, Section 5
e.	Water tower	N	N	N	N	N	N	PN	N	<u>N</u>	PN	N	N	N	N	
f.	Sewage treatment plant or solid waste disposal facility	N	N	N	N	N	N	N	N		N	N	N*	N*	N*	*Except a wastewater treatment facility servicing the development.
g. f.	Municipal water and sewer lines	P	P	P	P	P	P	P	P	<u>P</u>	P	N	P	P	P	
h. g.	Public utility structure not otherwise specified	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	

1

2 **Section 6. Open Recreation uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Golf course or golf club	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
b. a.	Driving tee or range, miniature golf course, or similar use operated for commercial purposes	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	
c. b.	Public park															
	(1) To include structures for shelter, education and comfort of users	P	P	P	P	N	P	P	N P	<u>P</u>	N	N P	P	P	P	
	(2) To include furnishing of food and drink, and personal services and equipment incidental to use of such park	N P	N P	N P	N P	N	P	P	N P	<u>P</u>	N	N	P	P	P	

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
d. c.	Bathing beach (public only)	P	P	P	P	N	P	N	N <u>P</u>	<u>P</u>	N	N	N	N	N	
e. d.	Municipal or commercial swimming pool	N	N	N	N	N	P	P	N	<u>N</u>	N	N	N	P	N	
f. e.	Swimming pool as an accessory use	P	P	P	P	N	P	P	P	<u>P</u>	P	N	N <u>P</u>	P	P	
g.	Riding stable or academy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
h. f.	Boat or Yacht club or marina	N	N	N	N	N	N	N	P	<u>P</u>	N	N	N	N	N	
i. g.	Waterfront recreation business. This includes boat rentals and tours, charter fishing boats or similar uses	N	N	N	N	N	N	N	P	<u>P</u>	N	N	N	N	N	
j. h.	Other open Indoor commercial recreational use	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	Other than as permitted by Article IV, Section 19
k.	Campground	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

1

2 **Section 7. Office uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Professional home office	N P	N P	N P	N P	P	P	P	P	<u>P</u>	N	N	P	P	P	See Article VI, Section 10 NB: May be larger than 250sf but no more than the first floor of the building.
b.	Professional and General office including real estate, insurance etc.	N	N	N	N	P N	P	P	N P	<u>P</u>	N P	N	P	P	P	See Article VI, Section 10
c.	Bank; or credit union or office building	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	
	(1) Not including drive through service	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
	(2) Including drive through service	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>		<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
d.	Temporary sales or promotion office in connection	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>		<u>P</u>	<u>N</u>				

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	with adjacent construction; limited to one year															
d.	Any of the above permitted uses within this section that includes a drive through	N	N	N	N	N	S	S	N	S	N	N	N S	N S	N S	See Article XVI, Section 5

1

2 **Section 8. Restaurants and entertainment.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Restaurant															
	(1) Not including entertainment	N	N	N	N	P N	P	P	N P	P	N P	N	P	P	P	See Article VI, Section 10
	(2) Including entertainment	N	N	N	N	N	N S	N S	N S	S	N S	N	P S	P S	N S	See Article XVI, Section 5
b.	Tavern Bar or night club															
	(1) Without adult entertainment With or without entertainment (not including	N	N	N	N	N	N S	N S	N S	S	N S	N	N S	N S	N S	See Article XVI, Section 5

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	adult entertainment)															
	(2) With adult entertainment	N	N	N	N	N	N	N *S	N	<u>N</u>	N	N	N	N	N	See Article XVI, Section 5
c.	Theater or concert hall	N	N	N	N	N	N	P	N	<u>N</u>	N	N	N	N	N	
d.	Indoor commercial recreation	N	N	N	N	N	P	P	N		N	N	P	P	P	
e. d.	Restaurant Any of the above uses in this section with drive-through service	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	

1 (Such use shall not be located within 1,000 feet of any church, school, day care center or residence.

2 **Section 9. Service business.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Personal convenience services, including, but not limited to: barber shop, beautician, shoe repair, tailor	N	N	N	N	P <u>N</u>	P	P	N <u>P</u>	<u>P</u>	N	N	P	P	P	
b.	Laundromat or dry cleaning facility	N	N	N	N	N	P	P	N	<u>N</u>	N	N	N <u>P</u>	P	N <u>P</u>	

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	<u>that does not process on site</u>															
c.	Specialty services, including, but not limited to: printing shop, photo studio, interior decorating shop, catering service	N	N	N	N	P N	P	P	N P	<u>P</u>	N	N	P	P	P	
d.	Mortuary or funeral home	N	N	N	N	N	P	P	N	<u>N</u>	N	N	N	N	P	
e.	Electronic or appliance repair shop	N	N	N	N	N	N P	P	N	<u>N</u>	N	N	P	P	P	
f.	Veterinary office or animal hospital	N	N	N	N	N	P	P	N	<u>N</u>	N	N	N P	P	N P	See Article VI, Section 10
g.	<u>Pet grooming</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	See Article VI, Section 10
g. h.	General automotive repair shop	N	N	N	N	N	N	N P	N	<u>N</u>	N P	N	N	N	N	See Article VI, Section 10
h. i.	Vehicle rental agency	N	N	N	N	N	N	N P	N	<u>N</u>	N	N	N	N	N	See Article VI, Section 10
i. j.	Self-service car wash	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	
j. k.	Commercial dock or pier	N	N	N	N	N	N	N	P	<u>P</u>	N	N	N	N	N	
k. l.	Storage, repair and sales of boats and	N	N	N	N	N	N	P	N P	<u>P</u>	N P	N	<u>P</u> <u>N</u>	<u>P</u> <u>N</u>	<u>P</u> <u>N</u>	See Article VI, Section 10

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	marine accessories															TMS, PFD, NB: Sales of boats and marine accessories is permitted if there is no storage or repairs of boats
m.	Marina or boat yard	N	N	N	N	N	N	N	P	P	N	N	N	N	N	See Article VI, Section 10

1

2 **Section 10. Retail business.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	General retail business, including but not limited to: grocery/convenience store, pharmacy, hardware store, variety/general merchandise store, furniture/house hold goods store Retail business of less than 20,000 square foot building footprint	N	N	N	N	N	P	P	N P	P	N	N	P	P	P	See Article VI, Section 10
b.	Specialty retail business, including but not limited to: antique store,	N	N	N	N	P N	P	P	N P	N	N	N	N	N	N	See Article VI, Section 10

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	bookstore, decorative arts/housewares/ furnishings store, specialty food store Retail business between 20,000 square foot and 40,000 square foot building footprint															
c.	Single or multiple structure shopping centers, malls, mini- malls and strip- malls over 40,000 square feet	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	
d.	Retail business, office and/or consumer service complex Mixed use complex: structure of up to 20,000 square foot building footprint for retail, commercial, or office uses permitted within the district by right or by special use permit	N	N	N	N	N	<u>N-P</u>	<u>N-P</u>	<u>N-P</u>	<u>P</u>	P	N	<u>P</u>	<u>P</u>	<u>P</u>	See Article VI, Section 10
e.	Mixed use complex: structure of over 20,000 and up to 40,000 square foot building footprint for retail, commercial, or office uses	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	See Article VI, Section 10

Zoning Amendment
 PB Approved 11/12/2024

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
	<u>permitted within the district by right or by special use permit</u>															
f.	Mixed use complex: Structure of over 40,000 square foot building footprint for retail, commercial, or office uses <u>permitted within the district by right or by special use permit</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
e. g.	Retail sales accessory to the manufacture or assembly of products on the premises****	N	N	N	N	N	P	P	NP	<u>P</u>	P	N	<u>PN</u>	<u>PN</u>	<u>PN</u>	See Article IV, Section 14 Article VI, Section 10
f. h.	Retail sales with open lot storage (other than display for sale)	N	N	N	N	N	NP	NP	NP	<u>N</u>	NP	N	N	N	N	See Article VI, Section 10
g.	Retail sales of agricultural products, the majority of which are not grown on the premises**	N	N	N	N	N	N	N	N		N	N	P	P	P	
h. i.	Package liquor store	N	N	N	N	PN	P	P	N	<u>N</u>	N	N	P	P	NP	
i. j.	Adult book/video store*****	N	N	N	N	N	N	NP	N	<u>N</u>	N	N	N	N	N	Such use shall not be located within 1,000 feet of any

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes	
																	church, school, day care center or residence.
j. k.	Gasoline filling station, including retail sales as an accessory use	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N		See Article IV, Section 14 Article X, Section 5
k. l.	<u>Auto, truck, or other motorized vehicle</u> Auto or truck sales in a building (including repairs) or an open lot	N	N	N	N	N	N	P	N	<u>N</u>	N P	N	N	N	N		See Article VI, Section 10
t. m.	Trailer sales, service and storage	N	N	N	N	N	N	P	N	<u>N</u>	N P	N	N	N	N		See Article VI, Section 10
m.	Compassion Center	N	N	N	N	N	N	N	N		N	N	N	N	N		
n.	Marijuana store	N	N	N	N	N	N	N	N		N	N	N	N	N		

1
2
3
4
5
6
7

~~* According to the provisions of section 16 of this article.~~

~~** For retail sales of agriculture products see section 10.~~

~~*** Commercial raising of animals or fowl shall become a use allowed by right rather than special use permit where the subject property is five acres or greater in area.~~

~~**** See section 14 of this article.~~

~~***** According to the standards of Section 3.c of Article XVI.~~

~~***** See section 2.1 for sale of home-grown agricultural products and section 3.a for sale of agricultural products grown commercially.~~

1 ~~***** Such use shall not be located within 1,000 feet of any church, school, day care center or residence.~~

2 ~~***** The gross area of any single structure shall not exceed 40,000 square feet and its associated off-street parking area shall not exceed 60,000 square feet.~~

3 **Section 11. Transportation uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Commercial airport or heliport	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	
b.	Private landing strip or helipad	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	
c.	Bus or rail passenger station	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	<u>P</u> <u>N</u>	N	
d.	Commercial off-street parking facility, including bus or other vehicle storage	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	
e.	<u>State or municipal off-street parking lot</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	

4

5 **Section 12. Wholesale business and storage.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Wholesale business and storage of nonflammable and non-explosive material in a building	N	N	N	N	N	N	P	<u>N</u> <u>P</u>	<u>N</u>	P	N	N	N	N	See Article VI, Section 10

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
b.	Wholesale business which may include open lot storage of material, products and/or construction or other equipment	N	N	N	N	N	N	N	N	<u>N</u>	P <u>N</u>	N	N	N	N	See Article VI, Section 10
c.	Mini-storage facility	N	N	N	N	N	N	N	N	<u>N</u>	N <u>P</u>	N	N	N	N	See Article VI, Section 10
d.	Storage of flammable and/or explosive material	N	N	N	N	N	N	N	N	<u>N</u>	N	N	N	N	N	
e.	Retail outlet accessory to a wholesale or storage use	N	N	N	N	N	N	P	N <u>P</u>	<u>N</u>	N <u>P</u>	N	N	N	N	See Article VI, Section 10

1

2 **Section 13. Industrial uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Manufacturing, storing, processing, fabricating, activities in conformance with article XIII	N	N	N	N	N	N	N	N <u>P</u>	<u>P</u>	N <u>P</u>	N	N	N	N	See Article VI, Section 10
b.	Product assembly, including but not	N	N	N	N	N	P <u>N</u>	N <u>P</u>	N	<u>N</u>	P	N	P <u>N</u>	P <u>N</u>	P <u>N</u>	See Article VI, Section 10

	limited to: electronic items, computers, optical goods and instruments, laboratory and scientific instruments, watches and clocks, games and toys, and advertising displays															
c.	Municipal recycling center	N	N	N	N	N	N	N	N	N	P	N	N	N	N	

1

2 **Section 13A. Cannabis uses.**

		R-30	R-40	R-60	R-120	VC	GC	HC	W1	W2	I	OS	TMS	PFD	NB	Notes
a.	Cannabis or marijuana cultivator	N	N	N	N	N	N	N	N	N	S (PDP Only)	N	N	N	N	See Article XVI, Section 5
b.	Cannabis retailer or marijuana retailer	N	N	N	N	N	N	N	N	N	S (PDP Only)	N	N	N	N	See Article XVI, Section 5
c.	Cannabis testing laboratory	N	N	N	N	N	N	N	N	N	S (PDP Only)	N	N	N	N	See Article XVI, Section 5

Zoning Amendment
 PB Approved 11/12/2024

d.	Compassion center	N	N	N	N	N	N	N	N	<u>N</u>	S (PDP Only)	N	N	N	N	See Article XVI, Section 5
e.	Personal residential marijuana cultivation	P	P	P	P	P	P	P	P	<u>P</u>	P	N	P	P	P	

1
2

1 **Article IV – District Use Regulations**

2
3 **Section 15 – Prohibited Uses.**

4
5 Uses not listed or not generally provided for in the zoning district use table shall not be permitted
6 anywhere in the Town of Tiverton. Additionally, the following specific uses shall not be
7 permitted within the Town of Tiverton:

- 8
9 a. Loam stripping, for the purposes of removal off-site.
10 b. Offal or dead animal dumping.
11 c. Any industrial use which is obnoxious by reason of the emission of odors, gases, dust,
12 noise or vibration or by reason of danger of fire or explosion or of hazards to health; see
13 article XIII for standards and enforcement.
14 d. Manufactured (mobile) home parks. or Mobile Home/Trailer Park
15 e. The installation of underground storage tanks, including underground pipes connected
16 thereto, which are used to contain an accumulation of petroleum product (gasoline, No. 1
17 or No. 2 fuel oil, No. 1 or No. 2-D diesel oil, waste oil or gasohol) or hazardous material,
18 and the volume of which, including the volume of the underground pipes, is ten percent or
19 more beneath the surface of the ground, in all residential zoning districts or in any other
20 district where its purpose is to serve a residential or farm dwelling. This prohibition does
21 not apply to storage tanks located in an underground area such as a basement or cellar, if
22 the tank is situated upon or above the surface of the floor. In addition, this prohibition does
23 not apply to underground storage tanks containing propane; those tanks are specifically
24 permitted as buried tanks.
25 f. Incinerators or hazardous waste management facilities.
26 g. Concrete manufacturing plants.
27 h. Bituminous concrete manufacturing plants.
28 i. Petroleum refining and related.
29 j. Drive-in theater.
30 k. Junkyard or storage of unregistered vehicles.
31 l. Open lot storage of junk, scrap, salvage materials, construction equipment and/or materials
32 not associated with a wholesale business (see section 12.b), as determined by the building
33 official/zoning officer, and as defined: Junk: Any cast-off, damaged, discarded, junked,
34 obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material,
35 including but not limited to those composed in whole or in part of asphalt, brick, carbon,
36 cement, plastic or other synthetic substance, fiber, glass, plaster, plaster of Paris, rubber,
37 terra cotta, wool, cotton, cloth, canvas, wood, metal, sand, organic matter or other
38 substance.
39 m. Quarrying of or mining for sand, gravel, rocks or minerals.
40 n. Mobile homes as dwellings in all zoning districts.
41 o. Crematorium.
42 p. Billboard.
43 q. Brewery.
44 r. Campground.
45 s. Distillery.
46 t. Dry Cleaning or Laundromat that processes on site.

- 1 u. Electric Vehicle Charging Station, Commercial.
- 2 v. Golf Course or Golf Club.
- 3 w. Hookah Lounge/Bar.
- 4 x. Manufacturing, except as regulated herein.
- 5 y. Motorcross/All-Terrain Vehicle Venue for driving, racing and/or instruction .
- 6 z. Motor Freight Terminal.
- 7 aa. Nuclear Power Station.
- 8 bb. Pawn Shop.
- 9 cc. Payday Loan Shop.
- 10 dd. Primary Manufacture or Storage of Ammonia, Bleach (Chlorine), Acetylene gas.
- 11 ee. Private Beach.
- 12 ff. Production of Rubber, Glue or Asphalt.
- 13 gg. Pulp Mill.
- 14 hh. Self Service Car Wash.
- 15 ii. Sewage Treatment or Solid Waste Disposal Facility.
- 16 jj. Smelter, Blast Furnace, Blooming Mill.
- 17 kk. Tent or Recreational Vehicle (RV) Camp.
- 18 ll. Transient Trailer Park.
- 19 mm. Wind Turbine.
- 20 nn. Recycling center.
- 21

1 ARTICLE V. DISTRICT DIMENSIONAL REGULATIONS

2 Section 1. Dimensional regulations table.

3 The following table contains minimum lot areas, lot widths and front, rear and side yards,
 4 maximum lot coverage and height of structures for each zoning district:

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
Uses in R-30 Residential District							
Single-family dwelling	30,000 SF	150 ft	30 ft	30 ft	20 ft	15%	35 ft
Conservation Development – single family dwelling	See Article XXVI						
Two-family dwelling	40,000 SF	150 ft	30 ft	50 ft	20 ft	20%	35 ft
Conservation Development – two family dwelling	See Article XXVI						
Three-family dwelling	40,000 SF	150 ft	30 ft	50 ft	30 ft	20%	35 ft
Conservation Development three-family dwelling	See Article XXVI						
Multi-family structure or apartment house (4 or more units), with public water and sewer	40,000 SF plus 15,000 SF for each unit above 2 units, plus 7,500 SF for each additional bedroom over 2 bedrooms per unit	150 ft	40 ft	50 ft	30 ft	20%	35 ft
Conservation Development – multi-family structure or apartment house (4 or more units), with public water and sewer	See Article XXVI						
Convalescent, rest or nursing home; retirement residence/assisted living facility	3 acres	200 ft	40 ft	60 ft	30 ft	25%	35 ft

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
Uses allowed under Article IV, Section 3, Farming or raising of animals	40,000 SF	150 ft	40 ft	50 ft	30 ft	15%	35 ft
Public, semi-public and recreation uses	60,000 SF	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Other permitted or special uses	30,000 SF	120 ft	35 ft	40 ft	20 ft	20%	35 ft
Uses in R-40 Residential District							
Single-family dwelling	40,000 SF	150 ft	40 ft	40 ft	25 ft	15%	35 ft
Conservation Development – single family dwelling	See Article XXVI						
Convalescent, rest or nursing home; retirement residence/assisted living facility	3 acres	200 ft	40 ft	60 ft	30 ft	25%	35 ft
Commercial raising of animals or fowl	100,000 SF	200 ft	40 ft	60 ft	50 ft	10%	35 ft
All other uses allowed under Article IV, Section 3, Farming or raising of animals	40,000 SF	150 ft	40 ft	60 ft	30 ft	15%	35 ft
Public, semi-public and recreation uses	60,000 SF	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Other permitted or special uses	40,000 SF	150 ft	40 ft	60 ft	30 ft	15%	35 ft
Uses in R-60 Residential District							
Single-family dwelling	60,000 SF	175 ft	40 ft	60 ft	30 ft	15%	35 ft
Conservation Development – single family dwelling	See Article XXVI						
Two-family dwelling	60,000 SF	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Conservation Development – two-family dwelling	See Article XXVI						
Three-family dwelling	60,000	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Conservation Development –	See Article XXVI						

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
three-family dwelling							
Multi-family structure or apartment house (4 or more units), with public water and sewer	60,000 SF plus 15,000 SF for each unit above 2 units, plus 7,500 SF for each additional bedroom over 2 bedrooms per unit	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Conservation Development – multi-family structure or apartment house (4 or more units), with public water and sewer	See Article XXVI						
Convalescent, rest or nursing home; retirement residence/assisted living facility	3 acres	200 ft	40 ft	60 ft	30 ft	25%	35 ft
Commercial raising of animals or fowl	100,000 SF	200 ft	40 ft	60 ft	50 ft	10%	35 ft
All other uses allowed under Article IV, Section 3, Farming or raising of animals	60,000 SF	175 ft	40 ft	60 ft	30 ft	15%	35 ft
Public, semi-public and recreation uses	60,000 SF	175 ft	40 ft	60 ft	30 ft	20%	35 ft
Other permitted or special uses	60,000 SF	175 ft	45 ft	80 ft	35 ft	15%	35 ft
Uses in R-120 Residential District							
Single-family dwelling	120,000 SF	200 ft	50 ft	80 ft	35 ft	10%	35 ft
Conservation Development – single family	See Article XXVI						
Convalescent, rest or nursing home; retirement residence/assisted living facility	3 acres	200 ft	50 ft	100 ft	35 ft	25%	35 ft

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
Commercial raising of animals or fowl	120,000 SF	200 ft	50 ft	100 ft	35 ft	10%	35 ft
All other uses allowed under Article IV, Section 3, Farming or raising of animals	120,000 SF	200 ft	50 ft	100 ft	35 ft	15%	35 ft
Public, semi-public and recreation uses	80,000 SF	200 ft	50 ft	100 ft	35 ft	20%	35 ft
Other permitted or special uses	120,000 SF	200 ft	50 ft	100 ft	35 ft	10%	35 ft
Uses in VC Commercial District							
Any permitted or special use	12,000 SF	100 ft	20 ft	10 ft	10 ft	25%	35 ft
Uses in GC Commercial District¹							
Any permitted or special use (see Note 1 regarding residential uses)	12,000 SF	100 ft	0 ft	20 ft	0-20 ft ²	50%	50 ft
Commercial raising of animals or fowl	100,000 SF	200 ft	40 ft	60 ft	50 ft	10%	35 ft
Public, semi-public and recreation uses	12,000 SF	100 ft	50 ft	20 ft	20 ft	25%	40 ft
* Minimum set back alongside street is 0 feet; minimum setback where side yard abuts a residential zone is 20 feet; minimum setback between commercial lots must meet all applicable building codes as well as the Uniform Fire Code of RI.							
Uses in HC Commercial District							
Any permitted or special use	20,000 SF	120 ft	40 ft	50 ft	20 ft	25%	40 ft
Public, semi-public and recreation uses	20,000 SF	120 ft	50 ft	20 ft	20 ft	25%	35 ft
Uses in W1 & W2 Waterfront Districts^{*1 3}							
Any permitted or special use (see Note 1 regarding residential uses), without both public water and sewer	<u>20,000 SF</u>	80 ft	10 ft	10 ft	10 ft	25%	35 ft
<u>Any permitted or special use, with</u>	<u>10,000 SF</u>	<u>80</u>	<u>10 ft</u>	<u>10 ft</u>	<u>10 ft</u>	<u>25%</u>	<u>35 ft</u>

¹ For residences in a GC, W or I District, the dimensional regulations of the nearest residential district shall apply.

² Minimum set back alongside street is 0 feet; minimum setback where side yard abuts a residential zone is 20 feet; minimum setback between commercial lots must meet all applicable building codes as well as the Uniform Fire Code of RI.

³ The dimensional standards applied to any particular development within the Waterfront District are also subject to the requirements of the Coastal Resources Management Council (CRMC) as appropriate.

	Minimum Lot Dimensions and Building Setbacks					Maximum Building Coverage and Height	
	Lot Area	Lot Width	Front Yard	Rear Yard	Side Yard, each side	Bldg. Coverage	Height, main bldg.
<u>both public water and sewer</u>							
Uses in I Industrial District¹							
Any permitted or special use (see Note 1 regarding residential uses)	40,000 SF	150 ft	40 ft	60 ft	35 ft	50%	40 ft
Uses allowed under Section 3, Farming or raising of animals	40,000 SF	150 ft	40 ft	60 ft	35 ft	15%	35 ft
Public and semi-public uses	20,000 SF	120 ft	40 ft	50 ft	20 ft	25%	40 ft
Uses in NB Neighborhood Business District⁴							
<u>Any permitted or special use</u>	<u>12,000 SF</u>	<u>100 ft</u> <u>75 ft</u>	<u>10 ft⁵</u>	<u>20 ft⁶</u>	<u>10 ft⁶</u> <u>5 ft⁶</u>	<u>50/70</u> <u>25%</u>	<u>Roof pitch:</u> <u>≥8:12=35'</u> <u><8:12=25'</u>
Uses in PFD Pedestrian Friendly Destination District⁴							
<u>Any permitted or special use</u>	<u>15,000 SF</u> <u>12000 SF</u>	<u>75 ft</u>	<u>25 ft</u> <u>10 ft⁵</u>	<u>35 ft</u> <u>20 ft⁶</u>	<u>5 ft</u>	<u>25%</u>	<u>35 ft</u> <u>Roof pitch:</u> <u>≥8:12=35'</u> <u><8:12=25'</u>
Uses in TMS Traditional Main Street District⁴							
<u>Any permitted or special use</u>	<u>10,000 SF</u>	<u>40 ft</u>	<u>0-10 ft</u> <u>Max.</u>	<u>35 ft</u>	<u>0 ft</u>	<u>80%</u>	<u>50 ft</u> <u>Roof pitch:</u> <u>≥8:12=35'</u> <u><8:12=25'</u>

1

2 *Note 1:* For residences in a GC, W or I District, the dimensional regulations of the nearest
3 residential district shall apply.

4 *Note 2:* The minimum lot areas listed above may not be adequate in certain cases to meet state
5 standards for on-site sewage disposal; a larger lot area may be specified by the department of
6 environmental management as part of the approval of an individual septic disposal system.

7

8

⁴ For residences in a GC, W or I NB, PFD and TMS District, the dimensional regulations of the nearest residential district shall apply.

⁵ Setback required for improved pedestrian circulation on the ground level; overhanging and cantilevered upper stores are allowed to the edge of the lot line to form a covered walkways. In all cases, 3' minimum planted buffer.

⁶ When adjacent to another commercial property, setback can be zero to allow party walls; when adjacent to residential, the setback minimums are required.

1 **Section 2. – General Requirements.**

2
3 . . .

4
5 (b) In any district, not more than one structure housing a permitted use, or principal use allowed
6 by special use permit, may be erected on a single lot, except however, more than one principal
7 building and/or principal use, may be allowed on a lot within a commercial, waterfront or
8 industrial district provided the project undergoes review, including design review, as a land
9 development project in accordance with Appendix B – Land Development and Subdivision
10 Regulations~~development plan review under the provisions of article XX, or as otherwise~~
11 ~~provided for in this ordinance~~. Where more than one principal structure is allowed, the maximum
12 building coverage and all other dimensional standards shall otherwise be complied with.

13
14 . . .

15
16 d. Lot frontage shall not be less than 120 feet in all zoning districts, except as follows or
17 otherwise permitted:

- 18 i. General Commercial zone: no less than 100 feet;
19 ii. Traditional Main Street zone: no less than 40 feet;
20 iii. Pedestrian Friendly Destination zone: no less than 75 feet;
21 iv. Neighborhood Business zone: no less than 75 feet in general commercial where it
22 shall be no less than 100 feet.
23 v. Where a lot fronts on a cul-de-sac, with no defeasible easement for future street
24 extension, the frontage shall not be less than 75 feet, provided however that the lot
25 width at the front yard depth be a minimum of 120 feet. The cul-de-sac shall conform
26 to the standards in the Tiverton land development and subdivision regulations.

27
28 . . .

29
30 **Section 4. – Building Height and Limitation on Fill and Cut.**

31
32 a. Building height.

- 33 1. For a proposed new building on a vacant parcel of land, building height shall be
34 measured from the average existing grade elevation where the foundation of the
35 structure is proposed. Figure 1-1.
36
37 2. For an existing structure, building height shall be measured from the average existing
38 grade taken from the outermost four corners of the existing foundation.
39
40 3. The permitted finished grade shall be in accordance with Article V, Section 4(b).
41
42 4. In all cases, building height is measured to the top of the highest point of the
43 existing/proposed roof or structure.
44
45 a. This calculation does not include architectural features, church spires,
46 chimneys, flagpoles, antennas, and weathervanes. Also, this calculation does

1 not include roof-mounted solar energy systems, plumbing, electrical, heating,
2 ventilating and air-conditioning mechanical equipment, provided it does not
3 exceed four feet from the highest point of the roof where it is located. Finally,
4 this calculation does not include that portion of a building necessary to
5 accommodate an elevator overrun, provided it does not exceed four feet from
6 the highest point of the roof where it is located.

7
8 5. For any property or structure located in a special flood hazard area, as shown on the
9 official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island
10 coastal resources management council (CRMC) suggested design elevation three foot
11 (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-
12 hundred-year (100) storm, the greater of the following amounts, expressed in feet,
13 shall be excluded from the building height calculation:

- 14
15 a. The base flood elevation (“BFE”) on the FEMA FIRM plus up to five feet (5’)
16 of any utilized or proposed freeboard, less the average existing grade elevation
17 (Figure 1-2), or
18
19 b. The suggested design elevation as depicted on the CRMC SDE 3 SLR map
20 during a one-hundred-year (100) storm, less the average existing grade
21 elevation. CRMC shall reevaluate the appropriate suggested design elevation
22 map for the exclusion every ten (10) years, or as otherwise necessary (Figure
23 1-3).

24
25 In no case shall any designated freeboard or any area beneath either the BFE
26 or design elevation in a flood zone be used as habitable space or for any use
27 other than storage, parking of vehicles or means of egress.

28
29 c. Maximum building height.

30 i. No structure in a special flood hazard area shall exceed the following
31 height measurements:

- 32 1. Structures that are elevated to a distance above grade of less
33 than or equal to five (5) feet shall be limited to thirty-five (35)
34 feet of building height;
35 2. Structures that are elevated to a distance above grade of greater
36 than five (5) feet but less than or equal to ten (10) feet shall be
37 limited to thirty (30) feet of building height;
38 3. Structures that are elevated to a distance above grade of greater
39 than ten (10) feet but less than or equal to fifteen (15) feet shall
40 be limited to twenty-five (25) feet of building height;
41 4. Structures that are elevated to a distance above grade of greater
42 than fifteen (15) feet shall be limited to twenty (20) feet of
43 building height.

44
45 6. If a structure is built in an area with a grade cut, the building height shall be measured
46 from the finished grade after the grade cut.

1

Figure 1-1
Building Height (not in a special flood hazard area)
Building Height = X

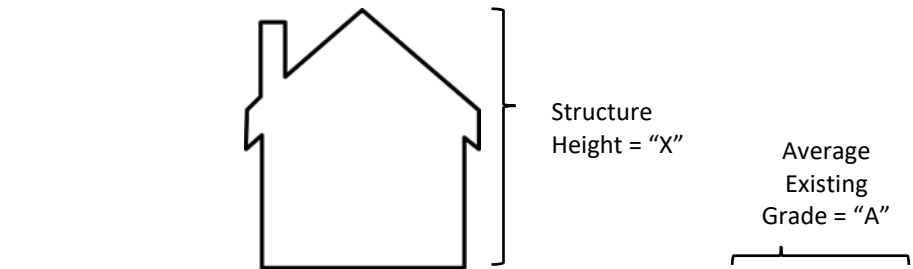


Figure 1-2
Building Height (in a special flood hazard area using the FEMA FIRM Map exclusion)
Building Height = X - ((Z + Y) - A)

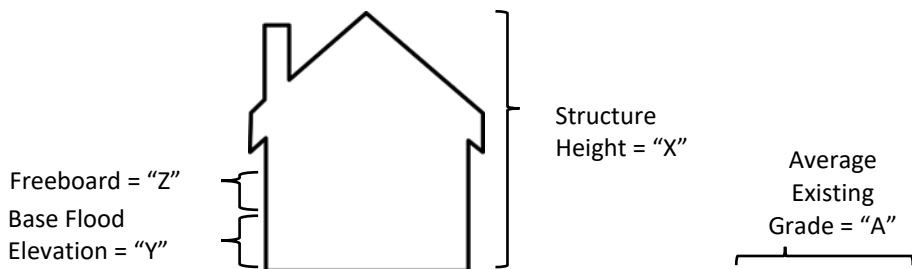
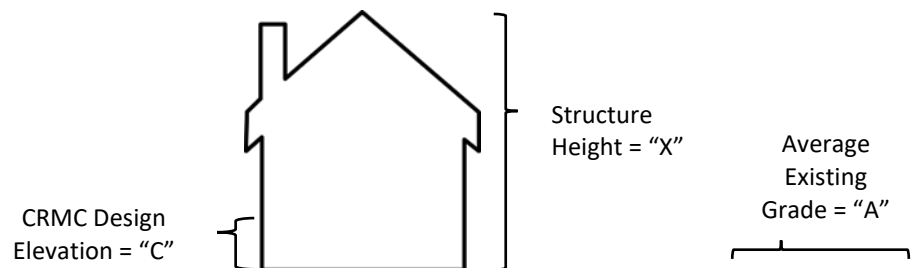


Figure 1-3
Building Height (in a special flood hazard area using the CRMC exclusion)
Building Height = X - (C - A)



2 b. Limitation on fill and cut.

3

4

5

6

7

1. The finished grade surrounding a building may be adjusted to a level not to exceed four feet above or below the average of the existing elevation of the existing grade at the proposed four corners of the building.

- 1 2. For any property located in a Coastal A or VE Flood Zone, the finished grade may be
2 adjusted to a level not to exceed two feet above or below existing grade throughout the
3 property.
4
5 3. The adjustment of grade on a vacant or undeveloped portion of a lot may be cut or filled
6 by right up to 4 feet. The adjustment of grade cut or fill, on any lot which exceeds 4 feet
7 shall require a land disturbance permit including plans stamped by a Registered
8 Professional Engineer in the State of Rhode Island and be approved by the Town
9 Engineer.

10
11 In all cases, fill above existing grade shall be deducted from building height.
12

1 **ARTICLE VI. OTHER DISTRICT REGULATIONS**

2 **Section 10. - Performance Criteria**

3
4 An application for development or redevelopment of the following uses additionally requires
5 submission of the items listed below. An application for development or redevelopment shall
6 not be considered complete without the submission of each item listed for the use.

7
8 A use that requires a Special Use Permit shall also be subject to the performance criteria for that
9 use, if any. In the event of a conflict between performance criteria and specific and objective
10 criteria for a Special Use Permit, the Special Use Permit criteria shall apply.

11
12 Unless otherwise indicated, an applicant may seek relief from a performance criteria by filing an
13 application with the permitting authority for a dimensional variance under Article XVII of this
14 Ordinance.

15
16 **A. Residential Uses (Article IV, Section 2).**

17
18 Multi-family structure or apartment house (4 or more units), without public water and sewer.

- 19 (1) In the Traditional Main Street, Pedestrian Friendly Destination and Neighborhood
20 Business zones, the first floor on the building frontage may only be used for
21 commercial and retail uses.

22
23 Multi-family structure or apartment house (4 or more units), with public water and sewer.

- 24 (1) In the Traditional Main Street, Pedestrian Friendly Destination and Neighborhood
25 Business zones, the first floor on the building frontage may only be used for
26 commercial and retail uses.

27
28 Mixed-Use Residential.

- 29 (1) Residential units are not permitted on the ground floor of any structure.
30 (2) In the Waterfront Zones, Traditional Main Street District, Neighborhood Business
31 District, and Pedestrian Friendly Destination District, total floor area dedicated to
32 residential use shall not exceed 50% of the total ground floor area.
33 (3) Mixed-use residential structures with four or more residential units shall be connected
34 to public water and sewer.
35 (4) In the Traditional Main Street, Pedestrian Friendly Destination and Neighborhood
36 Business zones, the first floor on the building frontage may only be used for
37 commercial and retail uses.

38
39 Hotel.

- 40 (1) The building footprint is limited to a maximum of 20,000 square feet.
41 (2) The building height is restricted to a maximum of 35 feet.
42 (3) The facility shall be connected to public water and sewer systems.
43 (4) The facility shall have staff present on-site 24 hours a day.
44 (5) A circulation plan, stamped by a Rhode Island licensed civil engineer, must be
45 submitted demonstrating:

- i. The safe movement of both pedestrians and vehicles throughout the site.
- ii. A designated drop-off area near an entrance to the building. This area shall not obstruct parking spaces

(6) The facility shall obtain approval from the Fire Marshal, confirming that fire safety standards are met.

(7) A security plan must be developed by the applicant and approved by the Chief of Police or their designee before a certificate of occupancy is issued. The plan should include details on entrance procedures, police details, video surveillance, and lighting locations. The security plan, along with any amendments, must remain confidential to the extent possible and will not be submitted to the permitting authority. Written proof of approval by the Chief of Police or their designee must be provided in place of the plan submission.

Accessory building including a garage, shed, studio, and any other building incidental to and located on the same lot as the residential use permitted.

(1) One detached accessory building is permitted per lot.

(2) A detached accessory building shall not contain a kitchen or sleeping area but may be used in part or entirely as an office or recreation room.

(3) See Article VI Section 1(a).

b. **Farming or raising of animals (Article IV, Section 3).**

Commercial raising of crops, including associated green house or nursey.

(1) Plant agriculture shall be limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity.

(2) Greenhouses or nurseries, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season.

An accessory building or structure to be used for the display and sale of the agricultural products produced by the uses allowed herein on said land (otherwise known as a farmstand).

(1) Sale of products is restricted to only those agricultural products produced by the uses allowed herein on said land.

(2) The agricultural products sold from a farmstand on a lot may come from any lot or lots owned or leased by the seller of the product.

(3) Resale of products is prohibited.

(4) Only one farmstand is permitted per lot.

(5) The farmstand is permitted in the front, rear and side yards but shall not obstruct the view of traffic and shall not be placed any closer than five feet to a lot line abutting any other lot.

Accessory building including a garage, greenhouse, stable, barn, pen, coop, kennel, crib, silo and any other building, equipment or activity incidental to, necessary for and located on the same lot as the agricultural use permitted.

(1) The accessory structure may be used for educational purposes and programs offered by the property owner or agricultural and/or educational organization.

1
2 c. **Public and semipublic uses (Article IV, Section 4).**

3
4 Nonprofit organization club, lodge, social, or community center building.

- 5 (1) The building footprint may be no greater than 20,000 square feet.
6 (2) In the R-120 and Waterfront zones, leasing of on-site facilities to third parties is
7 prohibited.
8 (3) In the R-120 and Waterfront zones, meals may be prepared and served on the
9 premises for members and their guests only; no commercial kitchen is allowed.
10 (4) No more than 30% of the gross floor area may be used as office space.
11 (5) Sleeping facilities are prohibited.
12 (6) In the R-120 and Waterfront zones, service of alcohol, including consumption of
13 alcohol via bring-your-own-beer/bottled/wine/etc., is prohibited unless a One-Day
14 License (Class F or F1) is issued by the Town Council.
15 (7) Parking shall be provided on-site to prevent overflow onto residential streets. The
16 parking area must be clearly marked and must direct traffic away from residential
17 neighborhoods and stamped by a qualified engineer.

18
19 Art center.

- 20 (1) The curriculum of the art center must be primarily visual art related.
21 (2) No more than 30% of the gross floor area may be used as office space.
22 (3) Display and sale of visual art created at or through the art center's programs is
23 permitted.
24 (4) A parking plan, stamped by a qualified engineer, at the Preliminary Plan stage of
25 review, with safe pedestrian circulation with clearly marked crosswalks from each
26 parking area to the building entrance(s).
27 (5) Adequate access must be provided for emergency vehicles, and a fire safety plan must
28 be approved by the local fire department prior to construction.

29
30 Membership athletic club.

- 31 (1) A parking plan with safe pedestrian circulation with clearly marked crosswalks from
32 each parking area to the building entrance(s).
33 (2) Clubhouses, maintenance buildings, equipment storage areas shall be at least 50 feet
34 from residential property lines.
35 (3) Lighting of outdoor sports fields and courts shall comply with ANSI/IES RP-6,
36 Recommended Practice: Lighting Sports and Recreational Areas by the International
37 Dark-Sky Association, or the most recently updated version.
38 (4) All other outdoor recreational facility uses are accessory uses, except golf courses,
39 stable, RV park, and shooting range, which are prohibited or not permitted in any
40 zone.
41 (5) Athletic tournaments hosted by or at the facility shall first obtain a special event
42 permit, or its equivalent, from the Town Council. Athletic tournaments are the only
43 special events that may be hosted at or by the facility.

44
45 Hospital.

1 (1) In the Traditional Main Street, Pedestrian Friendly Destination and Neighborhood
2 Business zones, the gross floor shall not exceed 40,000 square feet.

3
4 Medical center up to 20,000 square foot building footprint.

5 (1) The facility shall be Dark Sky compliant.

6 (2) Public water service shall be available at the site. The applicant must provide at the
7 Preliminary Plan stage of review written confirmation from the applicable water and
8 sewer authority that there is adequate service available for connection.

9 (3) Parking shall be provided on-site to prevent overflow onto residential streets. The
10 parking area must be clearly marked and must direct traffic away from residential
11 neighborhoods. The parking plan shall be designed and stamped by a qualified
12 engineer.

13
14 Medical center from 20,000 to 40,000 square foot building footprint.

15 (1) The facility shall be Dark Sky compliant.

16 (2) Public water and sewer service shall be available at the site. The applicant must
17 provide at the Preliminary Plan stage of review written confirmation from the
18 applicable water and sewer authority that there is adequate service available for
19 connection.

20 (3) Parking shall be provided on-site to prevent overflow onto residential streets. The
21 parking area must be clearly marked and must direct traffic away from residential
22 neighborhoods. The parking plan shall be designed and stamped by a qualified
23 engineer.

24
25 'Child day care center' licensed by the state under R.I.G.L. Chapter 72.1 – Licensing and
26 Monitoring of Child Care Providers, and Adult Day Care Programs licenses under R.I.G.L.
27 section 23-1-52.

28 (1) Site layout that includes a designated drop-off area near an entrance to the building
29 with a queuing lane that does not block vehicle parking spaces which is designed and
30 stamped by a qualified engineer.

31 (2) A parking plan with safe pedestrian circulation which is designed and stamped by a
32 qualified engineer.

33 (3) Adequate access must be provided for emergency vehicles, and a fire safety plan must
34 be approved by the local fire department prior to construction.

35 (4) If a day care is located in a dwelling unit, no more than 50% of the GFA of the
36 dwelling unit may be devoted to day care and no more than two persons who do not
37 reside in the unit shall be employed by the day care.

38
39 Private school (Pre-K through 12).

40 (1) Public water and sewer service shall be available at the site. The applicant must
41 provide at the Preliminary Plan stage of review written confirmation from the
42 applicable water and sewer authority that there is adequate service available for
43 connection

44 (2) There shall be a designated drop-off area near an entrance to the building with a
45 queuing lane that does not block vehicle parking spaces which is designed and
46 stamped by a qualified engineer.

- 1 (3) Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
- 2 (4) Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall,
3 including ingress and egress. Storage is prohibited outside of the fenced area.
- 4 (5) The storage areas should be located in the rear of the lot. Any structures shall be
5 located in front of the storage area to obscure the view of the storage from street(s), in
6 compliance with the front yard setback requirement.
- 7 (6) In terms of access, the volume of traffic shall not reduce the existing level of service
8 as measured over the nine-month period prior to filing the Preliminary Plan
9 Application, or shall be mitigated so as to not reduce the existing level of service over
10 the same period. The level of service, and mitigation measures, shall be identified by
11 a traffic engineer.
- 12 (7) A traffic management plan, which includes strategies for limiting the impact of traffic
13 on nearby residential areas, shall be submitted by a traffic engineer. This plan shall
14 address the scheduling of classes to avoid peak traffic times, the promotion of ride-
15 sharing or shuttle services, and the provision of adequate on-site parking.
- 16 (8) Parking shall be provided on-site to prevent overflow onto residential streets. The
17 parking area must be clearly marked and must direct traffic away from residential
18 neighborhoods. The parking plan shall be designed and stamped by a qualified
19 engineer.
- 20 (9) Adequate access must be provided for emergency vehicles, and a fire safety plan must
21 be approved by the local fire department prior to construction.

22
23 Junior college, college or university.

- 24 (1) Public water and sewer service shall be available at the site. The applicant must
25 provide at the Preliminary Plan stage of review written confirmation from the
26 applicable water and sewer authority that there is adequate service available for
27 connection.
- 28 (2) Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
- 29 (3) Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall,
30 including ingress and egress. Storage is prohibited outside of the fenced area.
- 31 (4) The storage areas should be located in the rear of the lot. Any structures shall be
32 located in front of the storage area to obscure the view of the storage from street(s), in
33 compliance with the front yard of the underlying zoning district.
- 34 (5) In terms of access, the volume of traffic shall not reduce the existing level of service
35 as measured over the nine-month period prior to filing the Preliminary Plan
36 Application, or shall be mitigated so as to not reduce the existing level of service over
37 the same period. The level of service, and mitigation measures, shall be identified by
38 a traffic engineer. Access shall be designed to split the volume of traffic between at
39 least two egress and ingress points.
- 40 (6) A traffic management plan, which includes strategies for limiting the impact of traffic
41 on nearby residential areas, shall be submitted by a traffic engineer. This plan shall
42 address the scheduling of classes to avoid peak traffic times, the promotion of ride-
43 sharing or shuttle services, and the provision of adequate on-site parking.
- 44 (7) Parking shall be provided on-site to prevent overflow onto residential streets. The
45 parking area must be clearly marked and must direct traffic away from residential

1 neighborhoods. The parking plan shall be designed and stamped by a qualified
2 engineer.

3 (8) Adequate access must be provided for emergency vehicles, and a fire safety plan must
4 be approved by the local fire department prior to construction.

5
6 Private trade or professional school.

7 (1) In the Waterfront district(s), the curriculum of private trade or professional schools
8 must be primarily marine-related, reinforcing the Zone's focus on marine activities.

9 (2) Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.

10 (3) Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall,
11 including ingress and egress. Storage is prohibited outside of the fenced area.

12 (4) The storage areas should be located in the rear of the lot. Any structures shall be
13 located in front of the storage area to obscure the view of the storage from street(s), in
14 compliance with the front yard of the underlying zoning district.

15 i. In the Waterfront Zone(s), storage areas must be located to minimize visibility
16 first from the water and second from the street.

17 (5) The storage and disposal of any hazardous waste materials shall comply with all
18 federal, state, and local regulations governing such materials. No operation which
19 produces hazardous waste material shall commence without prior notice to the Town
20 Administrator.

21 (6) In terms of access, the volume of traffic shall not reduce the existing level of service
22 as measured over the nine-month period prior to filing the Preliminary Plan
23 Application, or shall be mitigated so as to not reduce the existing level of service over
24 the same period. The level of service, and mitigation measures, shall be identified by
25 a traffic engineer. Primary access shall be through non-residential roadways. Access
26 shall be designed to split the volume of traffic between at least two egress and ingress
27 points.

28 (7) A traffic management plan, which includes strategies for limiting the impact of traffic
29 on nearby residential areas, shall be submitted by a traffic engineer. This plan shall
30 address the scheduling of classes to avoid peak traffic times, the promotion of ride-
31 sharing or shuttle services, and the provision of adequate on-site parking.

32 (8) Parking shall be provided on-site to prevent overflow onto residential streets. The
33 parking area must be clearly marked and must direct traffic away from residential
34 neighborhoods.

35 (9) A noise management plan must be submitted, demonstrating that noise levels will not
36 exceed the limits set by Chapter 38, Article IV. The plan shall include measures to
37 mitigate any potential noise disturbances.

38
39 Pharmacy (without drive through).

40 (1) Parking area shall primarily be to the side and rear of the primary structure. In the
41 Waterfront Zone(s), parking between the primary structure and water shall be the last
42 option.

43 (2) Landscaping standards in the Land Development and Subdivision Regulations apply.
44
45
46

1
2
3 **d. Public utility uses (Article IV, Section 5).**
4

5 Electric power substation.

- 6 (1) Electric power substations must be set back a minimum of 500 feet from any
7 residential zoning district or residential structure to reduce visual and noise impacts.
8 (2) Electric power substations must maintain a minimum buffer of 200 feet from
9 wetlands, water bodies, and critical wildlife habitats as identified by the Rhode Island
10 Department of Environmental Management (DEM).
11 (3) Electric power substations shall not be located within designated scenic corridors,
12 historic districts, or within 1,000 feet of any property listed on the National Register
13 of Historic Places.
14 (4) Electric power substations must be designed to minimize visual impact. This includes
15 the application of neutral colors or camouflaging techniques to blend with the
16 surrounding environment.
17 (5) Adequate access must be provided for emergency vehicles, and a fire safety plan must
18 be approved by the local fire department prior to construction.
19 (6) A noise management plan must be submitted, demonstrating that noise levels will not
20 exceed the limits set by Chapter 38, Article IV. The plan shall include measures to
21 mitigate any potential noise disturbances. The noise management plan shall be
22 designed and stamped by a qualified engineer
23 (7) No signage or advertising is permitted on the electric power substation structure
24 itself, except for necessary safety or identification signs required by law.
25

26 **e. Open Recreation uses (Article IV, Section 6).**
27

28 Reserved.
29

30 **f. Office uses (Article IV, Section 7).**
31

32 Professional home office.

- 33 (1) All services must be provided indoors.
34 (2) Interior space dedicated solely to professional home office use shall not exceed 350
35 square feet.
36 (3) Not to employ more than one additional employee beyond home occupant.
37 (4) Off-street parking shall be provided for any employee and/or clients/customers
38

39 Professional and General Office.

- 40 (1) The building footprint may be no greater than 20,000 square feet.
41 (2) Meals may be prepared and served on the premises for office staff and their guests
42 only; no commercial kitchen is allowed.
43 (3) Onsite retail sales to the public may only be an accessory use.
44 (4) Fabricating, assembling, or warehousing of physical products for the retail or
45 wholesale market, or engaged in the repair of products or retail services, onsite is
46 prohibited.

1
2
3 **g. Restaurants and entertainment (Article IV, Section 8).**
4

5 Restaurants, not including entertainment.

- 6 (1) The main restaurant structure shall be set back 100 feet from any residential use or
7 zone, measured at the property line.
8 i. This setback may be proportionally reduced by the same proportion that the
9 area of such substandard lot meets the minimum lot area of the Zone in which
10 the lot is located. By way of example, if the lot area of a substandard lot only
11 meets forty percent (40%) of the minimum lot area required in the Zone in
12 which it is located, the setback may be reduced to forty percent (40%).
13 ii. This criterion does not apply to the Waterfront Zone(s).
14 iii. The Planning Board, for good cause shown, may increase the required
15 setback.
16 (2) All waste disposal areas and equipment shall be screened from view.
17 (3) Screening shall be provided between the restaurant and any adjacent residential uses.
18 This screening may include a combination of the following:
19 i. A dense vegetative buffer consisting of evergreen trees or shrubs, at least 6
20 feet in height at the time of planting, installed along the property line adjacent
21 to residential lots.
22 ii. A solid fence to further reduce visual and noise impact. The fence shall be
23 constructed of materials that complement the surrounding environment and
24 provide a continuous barrier.

25
26 **h. Service business (Article IV, Section 9).**
27

28 Veterinary office or animal hospital.

- 29 (1) Veterinarian Outpatient Clinics shall be designed, constructed and maintained so that
30 sound emitted through exterior walls and roofs enclosing areas where animals are
31 treated or kept during treatment shall not exceed forty-five (45) decibels, measured by
32 DBA Scale.
33 (2) A noise management plan must be submitted, demonstrating that noise levels will not
34 exceed the limits set by Chapter 38, Article IV. The plan shall include measures to
35 mitigate any potential noise disturbances. This requirement shall not apply to a clinic
36 composed only of a structure where small animals or pets are given medical or
37 surgical treatment and are cared for during the time of such treatment only. Such
38 clinic must be within a completely enclosed building, with no outside facilities or
39 accessory structures for animals. There shall be no grooming or boarding of animals
40 except as required for medical treatment.
41 (3) Animals shall be housed within a building. The facility is not permitted to have
42 outdoor areas designed for long-term occupancy.
43 (4) There may be provision for a single dwelling unit for an on-site caretaker or animal
44 keeper.

1 (5) Public water service shall be available at the site. The applicant must provide at the
2 Preliminary Plan stage of review written confirmation from the applicable water and
3 sewer authority that there is adequate service available for connection.
4

5 Pet Grooming.

6 (1) There shall be no more than three (3) pet washing stations in the pet grooming
7 facility.

8 (2) Accessory sales are permitted.

9 (3) An outdoor kennel is prohibited.
10

11 General automotive repair shop.

12 (1) All repair and service shall be performed within a fully enclosed building containing
13 the proper equipment to manage and contain oil, grease, gasoline, and other
14 chemicals and/or solvents.

15 (2) The open lot storage area must be completely enclosed by a solid fence or wall, or a
16 vegetated buffer, including gates for ingress and egress. When chain link fencing is
17 used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten
18 (10) feet on-center along the fence or wall to enhance visual screening.

19 (3) Open lot storage area shall not be used for parking purposes or to meet the minimum
20 parking requirements.

21 (4) No automobiles shall be stored, and no repair and/or service work shall be conducted
22 in the public right-of-way.

23 (5) No access driveway may exceed 25 feet in width. For a corner lot, curb cuts are
24 restricted to one curb cut per street frontage.
25

26 Vehicle rental agency.

27 (1) The vehicle rental agency must only rent passenger vehicles and vans on-site.
28 Commercial vehicle rentals or rental of heavy equipment is prohibited.

29 (2) A parking plan with safe pedestrian circulation with clearly marked crosswalks from
30 each parking area to the building entrance(s).

31 (3) The open lot storage area must be completely enclosed by a solid fence or wall, or a
32 vegetated buffer, including gates for ingress and egress. When chain link fencing is
33 used, shrubs with a minimum height of five (5) feet shall be planted linearly every ten
34 (10) feet on-center along the fence or wall to enhance visual screening.

35 (4) Open lot storage area shall not be used for parking purposes or to meet the minimum
36 parking requirements.

37 (5) The parking area must provide sufficient parking for the vehicle rental agency
38 vehicles and customers.

39 (6) Servicing of the agency's vehicles is permitted on site when conducted completely
40 inside a structure containing the proper equipment to manage and contain oil, grease,
41 gasoline, and other chemicals and/or solvents.
42

43 Storage, repair and sales of boats and marine accessories.

44 (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may be no greater
45 than 20,000 square feet.

- 1 (2) In the Waterfront W2 Zone, the aggregate footprint of all structures may be no greater
2 than 10,000 square feet.
3 (3) Facilities for the storage, repair, and sales of boats and marine accessories must have
4 direct access from a public street.

5
6 Marina or boat yard.

- 7 (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may be no greater
8 than 40,000 square feet.
9 (2) In the Waterfront W2 Zone, the aggregate footprint of all structures may be no greater
10 than 10,000 square feet.
11 (3) Other than the storage of vessels, the storage areas shall first be located in the side yards
12 and shall be set back a minimum of 40 feet from front or corner lot line. Storage of
13 vessels in the side yard, where there is an abutting residential use, shall be set back a
14 minimum of 20 feet.
15 (4) The number of vessels stored in the winter or off-season shall not exceed the aggregate
16 number of dock slips and mooring buoys.
17 (5) A noise management plan that shows that the subject development will not negatively
18 impact the noise levels beyond the lot lines.
19 (6) The storage and disposal of any hazardous waste materials shall comply with all
20 federal, state, and local regulations governing such materials. No operation which
21 produces hazardous waste material shall commence without prior notice to the Town
22 Administrator.

23
24 **I. Retail business (Article IV, Section 10).**

25
26 Retail businesses of less than 20,000 square foot building footprint.

- 27 (1) Parking area shall primarily be to the side and rear of the primary structure. In the
28 Waterfront Zone(s), parking between the primary structure and water shall be the last
29 option.
30 (2) Landscaping standards in the Land Development and Subdivision Regulations apply.

31
32 Retail business between 20,000 square foot and 40,000 square foot building footprint.

- 33 (1) Parking area shall primarily be to the side and rear of the primary structure. In the
34 Waterfront Zone(s), parking between the primary structure and water shall be the last
35 option.
36 (2) Landscaping standards in the Land Development and Subdivision Regulations apply.

37
38 Mixed use complex: structure of up to 20,000 square foot building footprint for retail,
39 commercial, or office uses.

- 40 (1) Parking area shall primarily be to the side and rear of the primary structure. In the
41 Waterfront Zone(s), parking between the primary structure and water shall be the last
42 option.

43
44 Mixed use complex: structure of over 20,000 and up to 40,000 square foot building footprint for
45 retail, commercial, or office uses.

- 1 (1) Parking area shall primarily be to the side and rear of the primary structure. In the
2 Waterfront Zone(s), parking between the primary structure and water shall be the last
3 option.
4
5
6

7 Retail sales accessory to the manufacture or assembly of products on the premises.

- 8 (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may be no greater
9 than 40,000 square feet.
10 (2) In the Waterfront W2 Zone, the aggregate footprint of all structures may be no greater
11 than 10,000 square feet.
12 (3) In the General Commercial Zone, the aggregate footprint of all structures may be no
13 greater than 20,000 square feet.
14 (4) In the Waterfront Zones, retail sales of items are restricted to those products and
15 goods commonly sold in support of marine related uses.
16 (5) Open lot storage areas must be defined and separated from parking areas through
17 fencing, screening, or other mechanism approved by the permitting authority.
18 (6) Open lot storage area shall not be used for parking purposes or to meet the minimum
19 parking requirements.
20

21 Retail sales with open lot storage (other than display for sale).

- 22 (1) Open lot storage areas must be defined and separated from parking areas through
23 fencing, screening, or other mechanism approved by the permitting authority.
24 (2) Open lot storage area shall not be used for parking purposes or to meet the minimum
25 parking requirements.
26 (3) The storage area must be completely enclosed by a solid fence or wall, including
27 gates for ingress and egress.
28 (4) Fences or walls along the front or corner side lot line must be set back a minimum of
29 thirty (30) feet from the property line.
30 (5) When chain link fencing is used, shrubs with a minimum height of five (5) feet shall
31 be planted linearly every ten (10) feet on-center along the fence or wall to enhance
32 visual screening.
33 (6) Storage of items outside the fenced area is prohibited.
34 (7) In the Waterfront Zone(s), storage areas must be located to minimize visibility first
35 from the water and second from the street.
36 (8) In the Waterfront Zones(s), this use is restricted to marine-related retail activities to
37 ensure alignment with the district's intended purpose and character.
38 (9) In the General Commercial and Highway Commercial Zones, the aggregate footprint
39 of all structures may be no greater than 20,000 square feet.
40

41 Auto, Truck or other motorized vehicle sales in a building (including repairs) or an open lot.

- 42 (1) Open lot storage area shall not be used for customer or employee parking purposes or
43 to meet the minimum parking requirements.
44 (2) All repair and service shall be performed within a fully enclosed building containing
45 the proper equipment to manage and contain oil, grease, gasoline, and other
46 chemicals and/or solvents.

1 (3) No automobiles shall be stored, and no repair and/or service work shall be conducted
2 in the public right-of-way.

3 (4) When adjacent to a residential zone or use, screening and a vegetated buffer shall be
4 provided. When chain link fencing is used, shrubs with a minimum height of five (5)
5 feet shall be planted linearly every ten (10) feet on-center along the fence or wall to
6 enhance visual screening.

7
8 Trailer sales, service and storage.

9 (1) Open lot storage area shall not be used for customer or employee parking purposes or
10 to meet the minimum parking requirements.

11 (2) All repair and service shall be performed within a fully enclosed building containing
12 the proper equipment to manage and contain oil, grease, gasoline, and other
13 chemicals and/or solvents.

14 (3) No automobiles shall be stored, and no repair and/or service work shall be conducted
15 in the public right-of-way.

16 (4) When adjacent to a residential zone or use, screening and a vegetated buffer shall be
17 provided. When chain link fencing is used, shrubs with a minimum height of five (5)
18 feet shall be planted linearly every ten (10) feet on-center along the fence or wall to
19 enhance visual screening.

20
21 **J. Transportation uses (Article IV, Section 11).**

22
23 Reserved.

24
25 **K. Wholesale business and storage (Article IV, Section 12).**

26
27 Wholesale business and storage of nonflammable and non-explosive material in a building.

28 (1) In the Waterfront Zone(s), the use must be related to marine materials and services.

29 (2) Structures used for this purpose are permitted by right up to a maximum of 20,000
30 square feet in the Waterfront W1 and Highway Commercial Zones.

31 (3) Structures used for this purpose are permitted by right up to a maximum of 40,000
32 square feet in the Industrial Zone.

33 (4) When adjacent to a residential zone or use, screening and a vegetated buffer shall be
34 provided. When chain link fencing is used, shrubs with a minimum height of five (5)
35 feet shall be planted linearly every ten (10) feet on-center along the fence or wall to
36 enhance visual screening.

37
38 Wholesale business which may include open lot storage of materials, products, and/or
39 construction or other equipment.

40 (1) Open lot storage areas must be defined and separated from parking areas through
41 fencing, screening, or other mechanism approved by the permitting authority.

42 (2) Open lot storage area shall not be used for parking purposes or to meet the minimum
43 parking requirements.

44 (3) The storage area must be completely enclosed by a solid fence or wall, including
45 gates for ingress and egress.

- 1 (4) Fences or walls along the front or corner side lot line must be set back a minimum of
2 thirty (30) feet from the property line.
- 3 (5) When chain link fencing is used, shrubs with a minimum height of five (5) feet shall
4 be planted linearly every ten (10) feet on-center along the fence or wall to enhance
5 visual screening.
- 6 (6) Storage of items outside the fenced area is prohibited.
- 7 (7) When adjacent to a residential use or structure, deliveries made by any vehicle over
8 two axels shall be confined to the hours of 7:00am and 9:00pm.

9
10 Mini-storage facility.

- 11 (1) All exterior lighting for a storage facility shall be Dark Sky compliant.
- 12 (2) There shall be adequate provision for fire apparatus to be able to have access to all
13 sides of the building and in compliance with the Rhode Island Fire Code.
- 14 (3) The exterior of the building that is visible from a public way, public street, or any
15 residential dwelling shall utilize natural materials such as stone, brick, wood, stucco,
16 cement, earth-toned vinyl, or other natural or synthetic materials with a natural
17 appearance.
- 18 (4) Public access to the facility is not permitted between the hours of 10:00 PM and 6:00
19 AM.
- 20 (5) All mechanical components for the facility, including air conditioning and heating
21 units, gas supply meters, and the like, shall either be roof mounted and adequately
22 shielded from view from a public way or street or, if ground mounted, adequately
23 shielded from view by appropriate plantings and landscaping.
- 24 (6) To the extent any portion of the building is visible from a residential dwelling, there
25 shall be adequate plantings with native bushes, shrubs, and the like, to shield the
26 building from view as much as possible, but in no way should this performance
27 standard require a building setback beyond the setbacks already provided for in the
28 Industrial Zone.
- 29 (7) There shall be a twenty-foot landscaped buffer installed along all street frontages.
30 Along all other property lines, a six (6) foot high fence shall be installed and
31 maintained around the perimeter of the property.
- 32 (8) All property storage on the site shall be entirely within the enclosed building(s);
- 33 (9) The use of the facility shall be limited to the storage of personal property. No garage
34 sales, servicing or repair of vehicles or appliances, commercial business or other
35 similar activities shall be conducted on the premises.
- 36 (10) Parking shall be provided on-site to prevent overflow onto residential streets. The
37 parking area must be clearly marked and must direct traffic away from residential
38 neighborhoods. The parking plan shall be designed and stamped by a qualified
39 engineer.
- 40 (11) Adequate access must be provided for emergency vehicles, and a fire safety plan must
41 be approved by the local fire department prior to construction.
- 42 (12) The facility shall be sited and screened to minimize the aesthetic effect on viewsheds
43 within the community. The design shall incorporate landscaping and design elements
44 to visually screen the facility from view of public roads and adjoining properties. If
45 planting is required within the designated setback due to a lack of natural screening,
46 such plantings shall be a minimum of six feet in height at the time of installation. In

- 1 an Industrial Zone, no additional visual screening will be required unless the project
2 abuts a non-conforming residential use, a public right-of-way, or another zone either
3 directly or across a public right-of-way. The planning board may reduce the setback
4 in the Industrial Zone where any existing building provides sufficient screening to
5 minimize the aesthetic effect of the facility on view sheds within the community. The
6 planning board may alter the buffer width or require additional screening elements
7 dependent on site characteristics such as slope, wetland area, existing buffering, etc.
8 (13) The required vegetative buffers are to be composed of plant materials listed in the
9 University of Rhode Island's native plant database. The planning board shall require
10 an independent review, at the applicant's expense, of the visual screening/buffering
11 plan by a registered Rhode Island Landscape Architect to demonstrate that the
12 landscape buffer is adequate to screen the facility year round consistent with the
13 standard as set forth above.
14 (14) Required visual screening shall be maintained for the life of the use. The property
15 owner and/or facility owner shall be required to replant any section of the
16 buffer/screening found not to meet the requirements of this section as determined by
17 the zoning official.

18
19 Retail outlet accessory to a wholesale or storage use.

- 20 (1) In the Waterfront W1 Zone, the aggregate footprint of all structures may be no greater
21 than 40,000 square feet.
22 (2) In the Waterfront Zone(s), the use must be related to marine materials and services.
23 (3) Open lot storage areas must be defined and separated from parking areas through
24 fencing, screening, or other mechanism approved by the permitting authority.
25 (4) Open lot storage area shall not be used for parking purposes or to meet the minimum
26 parking requirements.

27
28 **L. Industrial uses (Article IV, Section 13).**

29
30 Manufacturing, storing, processing, fabricating, activities in conformance with article XIII.

- 31 (1) In the Waterfront W1 and Industrial Zones, the aggregate footprint of all structures
32 may be no greater than 40,000 square feet.
33 (2) In the Waterfront W2 Zone, the aggregate footprint of all structures may be no greater
34 than 10,000 square feet.
35 (3) The open lot storage area must be clearly defined on the site plan to ensure
36 compliance with zoning regulations and proper site organization. Storage of items
37 outside the fenced area is prohibited.
38 (4) Open lot storage area shall not be used for parking purposes or to meet the minimum
39 parking requirements.
40 (5) In the Waterfront Zone(s) the use is restricted to marine related manufacturing,
41 storing, processing, and fabricating.
42 (6) Fences or walls along the front or corner side lot line must be set back a minimum of
43 thirty (30) feet from the property line.
44 (7) When chain link fencing is used, shrubs with a minimum height of five (5) feet shall
45 be planted linearly every ten (10) feet on-center along the fence or wall to enhance
46 visual screening.

1 (8) When adjacent to a residential use or structure, deliveries made by any vehicle over
2 two axels shall be confined to the hours of 7:00am and 9:00pm.

3
4 Product assembly, including but not limited to; electronic items, computers, optical goods and
5 instruments, laboratory and scientific instruments, watches and clocks, games and toys, and
6 advertising displays.

7 (1) Open lot storage areas must be defined and separated from parking areas through
8 fencing, screening, or other mechanism approved by the permitting authority.

9 (2) Open lot storage area shall not be used for parking purposes or to meet the minimum
10 parking requirements.

11 (3) The storage area must be completely enclosed by a solid fence or wall, including
12 gates for ingress and egress.

13 (4) Storage of items outside the fenced area is prohibited.

14 (5) Fences or walls along the front or corner side lot line must be set back a minimum of
15 thirty (30) feet from the property line.

16 (6) When chain link fencing is used, shrubs with a minimum height of five (5) feet shall
17 be planted linearly every ten (10) feet on-center along the fence or wall to enhance
18 visual screening.

19 (7) Storage of items outside the fenced area is prohibited.

20 (8) When adjacent to a residential use or structure, deliveries made by any vehicle over
21 two axels shall be confined to the hours of 7:00am and 9:00pm.

22

1 **ARTICLE VII. SUBSTANDARD LOTS OF RECORD**

2
3 . . .

4
5 **Section 2. - Merger of lots under single ownership.**

- 6
7 a. Notwithstanding the provisions of section 1 above, where two or more unimproved
8 substandard contiguous lots are under single ownership on the effective date of this
9 ordinance, such lots shall be considered to be an undivided parcel of land for the purposes
10 of this ordinance, and no single lot or portion thereof shall be used in violation of the lot
11 width and area requirements of article V.
12
- 13 b. However, any lot which is lawfully existing at the time of zoning map amendments dated
14 June 24, 2024 ~~June 4, 2004~~, and which is made nonconforming by virtue of said map
15 amendment, shall become a lawful nonconforming lot of record and shall not be subject
16 to the merger requirement of paragraph a, above.
17
- 18 c. Notwithstanding the above, the merger of lots shall not be required when the substandard
19 lot of record has an area equal to or greater than the area of 50 percent of the lots within
20 200 feet of the subject lot, as confirmed by the zoning enforcement officer.
21

1 **ARTICLE XVI. – SPECIAL USE PERMITS**

2
3 **Section 5. Criteria for specific categories of special use permits.**

4
5 All uses designated as an “S”, special use permit required, shall be required to provide evidence,
6 to the satisfaction of the permitting authority, that the specific and objective criteria for such use
7 as required below have been satisfied. An application for development or redevelopment of the
8 following uses additionally requires submission of the items listed below. An application for
9 development or redevelopment shall not be considered complete without the submission of each
10 item listed for the use.

11
12 These uses shall also be subject to performance criteria, if any, set forth in Article VI, Section 10.
13 In the event of a conflict between performance criteria and specific and objective criteria for a
14 Special Use Permit, the Special Use Permit criteria shall apply.

15
16 The specific and objective criteria identified below shall not be altered or varied by a dimensional
17 variance under Article XVII.

18
19 ~~a. In a residential district, the board may grant a special use permit for the waiver of one side yard~~
20 ~~per lot to allow the construction of a double cottage on adjoining lots, provided that each dwelling~~
21 ~~unit shall conform to all other regulations of a residential district.~~

22
23 **A. Legal Nonconforming Uses.**

24
25 ~~b.~~ In such areas as it exists as a legal nonconforming use, the board may grant a special use permit
26 for the expansion of quarrying of or mining for sand, gravel, rocks or minerals beyond 25 percent
27 of the excavated area as existing at the time of zoning amendments dated June 4, 2001, provided
28 that the applicant can demonstrate that the expanded operation is not contrary to the comprehensive
29 plan and to the purpose of this regulation, which is to prevent the loss of natural resources including
30 wildlife habitat, groundwater quality and scenic value. In addition, the following requirements
31 shall be met:

- 32 (1) All such expanded operations shall be located not less than 50 feet from any lot line,
33 and 100 feet from any street right-of-way.
- 34 (2) The applicant shall submit a site plan to the planning board for review and approval.
35 The site plan shall include all applicable information required for a major land
36 development project as contained in the Tiverton land development and subdivision
37 regulations, as well as the proposed limits of excavation. The planning board shall focus
38 their review on methods to control site drainage and soil erosion and sedimentation as
39 required by the comprehensive plan, and visual buffering including landscaping and
40 fencing.
- 41 (3) The applicant shall submit a plan for reclamation of the land which shall also be
42 reviewed and approved by the planning board. The reclamation plan shall establish a
43 time period for reestablishing a grade level with adjacent road and properties, as well
44 as identification of type of vegetative cover. This plan shall be used as a basis for an
45 improvement guarantee that may be required as a condition of approval by the planning

1 board under the provisions of article XI of the land development and subdivision
2 regulations.

- 3 (4) As a condition of granting the special use permit, the zoning board may establish
4 additional requirements relating to the hours of operation; dust, noise and vibration
5 control; and other matters as deemed necessary by the board to prevent nuisance to,
6 promote harmony with, and protect the value of nearby property.

7
8 ~~e. Cemetery, columbarium, or burial ground~~

9 ~~(1) In considering an application for a special use permit to allow the use of land for~~
10 ~~a cemetery, columbarium, or burial ground, the board must be provided evidence~~
11 ~~of the following:~~

12 ~~i. The area to be used as a cemetery, columbarium, or burial ground will have~~
13 ~~permanent boundary markers and have a minimum size of not less than 625~~
14 ~~square feet.~~

15 ~~ii. The area to be used as a cemetery, columbarium, or burial ground is located~~
16 ~~on a separately deeded parcel of land recorded in the land evidence~~
17 ~~records of the Town of Tiverton, which deed shall specifically set forth~~
18 ~~that the land contained therein is dedicated for use as a cemetery,~~
19 ~~columbarium, or burial ground.~~

20 ~~iii. The proposed location of the cemetery, columbarium, or burial ground will~~
21 ~~not be detrimental to public health; that it will be compatible with~~
22 ~~neighboring uses and will be not less than 30 feet from the boundary line~~
23 ~~with adjoining properties; that there is permanent access to the proposed~~
24 ~~facilities; and that adequate provisions have been made for perpetual care~~
25 ~~of the facilities.~~

26 ~~iv. A plan of the area to be used as a cemetery, columbarium, or burial ground~~
27 ~~showing the surrounding properties, and the present and proposed grave~~
28 ~~sites, shall, upon approval of the board, be recorded with the land evidence~~
29 ~~records of the Town of Tiverton.~~

30
31 ~~d. In considering an application for a special use permit to allow an individual sewage disposal~~
32 ~~system (ISDS) within the setbacks from certain wetlands and water bodies as designated in article~~
33 ~~VI, section 6 [7], the board must be shown that there will be no adverse impact to the functional~~
34 ~~values of such wetlands or water bodies. These functional values include, but are not limited to,~~
35 ~~groundwater recharge and discharge, fish and wildlife habitat, flood storage, erosion and sediment~~
36 ~~control, pollutant uptake, and public recreation and education. Specifically, the following must be~~
37 ~~demonstrated in regard to the proposed application:~~

38 ~~(1) That it will not degrade the quality of groundwater or any wetland or surface water~~
39 ~~body, either directly or indirectly;~~

40 ~~(2) That it will not obstruct floodways or reduce the net capacity of the site to retain~~
41 ~~floodwaters;~~

42 ~~(3) That it will not cause any sedimentation of wetland, and will include all necessary~~
43 ~~erosion and sediment control measures;~~

44 ~~(4) That it will not reduce the capacity of any wetland to absorb pollutants;~~

45 ~~(5) That it will not degrade the recreational, educational or research value of any wetland~~
46 ~~or water body;~~

- 1 ~~(6) That it will not reduce the capacity of any wetland to recharge groundwater; and~~
2 ~~(7) That it will not degrade the value of any wetland or water body as a spawning ground~~
3 ~~or nursery for fish and shellfish, or habitat for wildlife and wildfowl.~~
4 ~~(8) In considering the above, the cumulative impact must also be addressed.~~

5
6
7 e. ~~In considering an application for a special use permit for relief of the merger requirements~~
8 ~~for substandard lots of record as contained in article VII, the board must apply the criteria~~
9 ~~contained in section 2 of this article.~~

10
11 **B. Signs.**

12
13 ~~f. In considering an application for a special use permit for relief of the sign regulations as~~
14 ~~contained in article XII, the board must be provided evidence of the following:~~

- 15 ~~(1) That the establishment of the sign in a completely conforming manner will result in~~
16 ~~significant damage to the associated business.~~
17 ~~(2) That the establishment of a sign which is nonconforming by size will result in a clear~~
18 ~~visual improvement to a site by virtue of its replacement of an existing nonconforming~~
19 ~~sign.~~
20 ~~(3) That the location of the sign on a site in a nonconforming manner is necessary to~~
21 ~~achieve its intended visual effect.~~

22
23 ~~g. SPECIAL USE PERMIT CRITERIA FOR Cannabis or marijuana cultivator, cannabis~~
24 ~~Cannabis retailer or marijuana retailer, cannabis Cannabis testing laboratory or compassion~~
25 ~~Compassion center.~~

26
27 ~~(a) Minimum qualifications. To qualify for consideration of a special use permit for~~
28 ~~any use as noted listed in F(2) through F(5) in the PDP, an applicant shall satisfy all~~
29 ~~regulations and qualifications established by the Cannabis Control Commission and~~
30 ~~the following additional conditions:~~

- 31 ~~[1] Receipt of a license issued by the Cannabis Control Commission.~~
32 ~~[2] Evidence that the applicant has site control and the right to use the site for the~~
33 ~~proposed cannabis use in the form of a valid purchase and sales agreement, a valid~~
34 ~~lease agreement, a notarized statement from the property owner, or other alternate~~
35 ~~written authorization,~~
36 ~~[3] Provide a security plan that details any anticipated burden on Town public~~
37 ~~safety personal/services from the use of the facility. Said plan shall include all~~
38 ~~security measures for the site, transportation of cannabis and cannabis products~~
39 ~~to and from the premises to ensure the safety of the employees and public, and~~
40 ~~to protect the facility from theft or other criminal activity and be approved by the~~
41 ~~Tiverton Police Department.~~
42 ~~[4] Provide an odor and/or odorous emissions control plan that details how the~~
43 ~~proposed location will prevent or control the occurrence and/or release of~~
44 ~~odorous emissions. Said plan shall include any proposed emissions controls,~~
45 ~~including, but not limited to, filtering techniques, biofilters, chemical filtration~~
46 ~~and/or other similar technique.~~

1 ~~(b) Site conditions.~~

2 ~~{1}—Location. Uses granted under this article shall not be located within:~~

3 ~~[a] Five hundred feet of a preexisting public or private school providing~~
4 ~~education in kindergarten or any grades one through 12 and any preschool~~
5 ~~registered with the Rhode Island Department of Education.~~

6 ~~[b] No cannabis retailer shall be located within 2,000 feet from any~~
7 ~~other cannabis retailer even if in an adjoining community.~~

8 ~~[c] The distances specified above shall be measured by a straight line from~~
9 ~~the nearest property line of the premises on which the proposed cannabis~~
10 ~~retailer is to be located to the nearest boundary line of the residential~~
11 ~~zoning district or the nearest property line of any of the other designated~~
12 ~~uses set forth above.~~

13 ~~(4) Conditions of operations. In addition to the rules promulgated by the Cannabis~~
14 ~~Control Commission the following operational conditions shall apply:~~

15 ~~(a) Hours of operation.~~

16 ~~a. (a) The proposed cannabis retailer and compassion center hours~~
17 ~~of operation and compassion center shall be limited to the hours~~
18 ~~of 8:00 a.m. to 8:00 p.m. weekdays and Saturdays and 12:00 p.m.~~
19 ~~to 6:00 p.m. Sundays. Actual hours of operation to be determined~~
20 ~~by the Zoning Board.~~

21 ~~(b) Lighting. In addition to the requirements as set forth in Article IV, §19 O,~~
22 ~~Lighting shall adequately illuminate the cannabis retailer and compassion~~
23 ~~center, its immediate surrounding area, parking lots, the front facade and any~~
24 ~~adjoining sidewalks and shall be hooded or oriented to deflect light away from~~
25 ~~adjacent properties.~~

26 ~~(c) Security. The proposed cannabis retailer, cultivator, testing laboratory, and~~
27 ~~compassion center shall implement the appropriate security measures to deter~~
28 ~~and prevent the unauthorized entrance into areas containing cannabis and shall~~
29 ~~ensure that each location has an operational security alarm system.~~

30 ~~(e) Parking. The proposed cannabis retailer shall comply with the parking~~
31 ~~requirements as set forth in Article X of this Code.~~

32 ~~(f) Signage. The proposed cannabis retail location shall present signage in a size~~
33 ~~and in a form that, is reasonably legible from the retail access point, which~~
34 ~~clearly prohibits any person who is under 21 years of age to be present inside~~
35 ~~the cannabis retail establishment in compliance with R.L.G.L. § 21-28.11-27.1.~~
36 ~~All other provisions of the signage shall comply with Article IV, section 19-K.~~

37 ~~(g) Site plan. No use permitted under this section shall be established prior to~~
38 ~~submission and approval by the Zoning Board of a site plan, a building plan, and,~~
39 ~~if required, a boundary line survey by a licensed professional land surveyor or~~
40 ~~(PLS). The site plan shall depict all existing and proposed buildings, parking~~
41 ~~spaces, driveways, service areas and other open uses. The site plan shall show the~~
42 ~~distances between the proposed use and the boundary of the nearest residential~~
43 ~~zoning district and the property line of all other abutting uses.~~

44 ~~(h) The Zoning Board may impose additional operational conditions or further~~
45 ~~restrict existing minimum conditions Subsection A(4)(a) through (f) above.~~

1 (5) Findings. In addition to the findings required in Article XVI, section 2, the
2 Zoning Board must also find the following:

3 (a) — That the requested use at the proposed location is sufficiently buffered
4 in relation to any residential area in the immediate vicinity so as not to adversely
5 affect said area.

6 (b) — That the exterior appearance of the structure will be consistent with the
7 exterior appearance of structures already constructed or under construction within
8 the immediate neighborhood to prevent blight or deterioration or substantial
9 diminishment or impairment of property values within the neighborhood

10
11 **C. Residential uses (Article IV, Section 2).**

12
13 Bed & Breakfast.

14 (1) The Bed & Breakfast shall be a single-family dwelling.

15 (2) The Bed & Breakfast shall be occupied by the owner or operator.

16 (3) The establishment must provide a minimum of four (4) en-suite bedrooms available for
17 let. Each en-suite shall include at a minimum a bedroom and a private bathroom
18 ("guestroom").

19 (4) The maximum number of transient guests shall not exceed two times the number of
20 guestrooms.

21 (5) In addition to the guestrooms, the Bed & Breakfast must include a separate en-suite for
22 the owner or operator's exclusive use.

23 (6) Cooking facilities are prohibited in guestrooms.

24 (7) No more than one meal daily shall be provided for guests.

25 (8) Where the dwelling is served by an OWTS system, the total number of bedrooms
26 (guestrooms plus owner's room) shall not exceed the RI DEM OWTS permit.

27 (9) A minimum of one (1) off-street parking space is required per bedroom, including both
28 guestrooms and the owner's suite.

29 (10) All transient guest parking must be off-street on the same lot as the Bed &
30 Breakfast.

31 (11) No person may occupy said room or rooms more than 14 days in any 30-day period.

32
33 Convalescent, rest or nursing home.

34 (1) When located in a non-residential district, the structure shall be designed with a lobby
35 entrance along the primary frontage.

36 (2) Public water and sewer service must be available at the site. The applicant must provide
37 written confirmation, at the Preliminary Plan stage of review, from the applicable
38 water and sewer authority that there is adequate service available for connection.

39 (3) A parking plan, stamped by a qualified engineer, at the Preliminary Plan stage of
40 review, with safe pedestrian circulation with clearly marked crosswalks from each
41 parking area to the building entrance(s).

42 (4) Adequate access must be provided for emergency vehicles, and a fire safety plan must
43 be approved by the local fire department prior to construction.

44
45 Retirement residence/assisted living facility/and continuing care facility.

- 1 (1) Public water and sewer service must available at the site. The applicant must provide
2 written confirmation, at the Preliminary Plan stage of review, from the applicable
3 water and sewer authority that there is adequate service available for connection.
- 4 (2) A parking plan, stamped by a qualified engineer, at the Preliminary Plan stage of
5 review, with safe pedestrian circulation with clearly marked crosswalks from each
6 parking area to the building entrance(s).
- 7 (3) Adequate access must be provided for emergency vehicles, and a fire safety plan must
8 be approved by the local fire department prior to construction.

9
10 **D. Farming or raising of animals (Article IV, Section 3).**

11
12 Reserved.

13
14 **E. Public and semipublic uses (Article IV, Section 4).**

15
16 Nonprofit organization club, lodge, social, or community center building.

- 17 (1) In terms of access, the volume of traffic shall not reduce the existing level of service
18 as measured over the nine-month period prior to filing the Preliminary Plan
19 Application, or shall be mitigated so as to not reduce the existing level of service over
20 the same period. The level of service, and mitigation measures, shall be identified by
21 a traffic engineer. Primary access shall be through non-residential roadways. Access
22 shall be designed to split the volume of traffic between at least two egress and ingress
23 points.
- 24 (2) A traffic management plan, which includes strategies for limiting the impact of traffic
25 on nearby residential areas, shall be submitted by a traffic engineer. This plan shall
26 address the scheduling of classes to avoid peak traffic times, the promotion of ride-
27 sharing or shuttle services, and the provision of adequate on-site parking.

28
29 Art Center.

- 30 (1) In terms of access, the volume of traffic shall not reduce the existing level of service
31 as measured over the nine-month period prior to filing the Preliminary Plan
32 Application, or shall be mitigated so as to not reduce the existing level of service over
33 the same period. The level of service, and mitigation measures, shall be identified by
34 a traffic engineer. Primary access shall be through non-residential roadways. Access
35 shall be designed to split the volume of traffic between at least two egress and ingress
36 points.
- 37 (2) A traffic management plan, which includes strategies for limiting the impact of traffic
38 on nearby residential areas, shall be submitted by a traffic engineer. This plan shall
39 address the scheduling of classes to avoid peak traffic times, the promotion of ride-
40 sharing or shuttle services, and the provision of adequate on-site parking.

41
42 'Child day care center' licenses by the state under R.I.G.L Chapter 72.1 – Licensing and
43 Monitoring of Child Care Providers, and Adult Day Care Programs licenses under R.I.G.L
44 section 23-1-52.

- 45 (1) In terms of access, the volume of traffic shall not reduce the existing level of service
46 as measured over the nine-month period prior to filing the Preliminary Plan

1 Application, or shall be mitigated so as to not reduce the existing level of service over
2 the same period. The level of service, and mitigation measures, shall be identified by
3 a traffic engineer. Primary access shall be through non-residential roadways. Access
4 shall be designed to split the volume of traffic between at least two egress and ingress
5 points.

- 6 (2) A traffic management plan, which includes strategies for limiting the impact of traffic
7 on nearby residential areas, shall be submitted by a traffic engineer. This plan shall
8 address the scheduling of classes to avoid peak traffic times, the promotion of ride-
9 sharing or shuttle services, and the provision of adequate on-site parking.

10
11 Private trade or professional school.

- 12 (1) In the Waterfront district(s), the curriculum of private trade or professional schools
13 must be primarily marine-related.
- 14 (2) Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
- 15 (3) Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall,
16 including ingress and egress. Storage is prohibited outside of the fenced area.
- 17 (4) The storage areas should be located in the rear of the lot. Any structures shall be
18 located in front of the storage area to obscure the view of the storage from street(s), in
19 compliance with the front yard of the underlying zoning district.
20 i. In the Waterfront Zone(s), storage areas must be located to minimize visibility
21 first from the water and second from the street.
- 22 (5) The storage and disposal of any hazardous waste materials shall comply with all
23 federal, state, and local regulations governing such materials. No operation which
24 produces hazardous waste material shall commence without prior notice to the Town
25 Administrator.
- 26 (6) In terms of access, the volume of traffic shall not reduce the existing level of service
27 as measured over the nine-month period prior to filing the Preliminary Plan
28 Application, or shall be mitigated so as to not reduce the existing level of service over
29 the same period. The level of service, and mitigation measures, shall be identified by
30 a traffic engineer. Primary access shall be through non-residential roadways. Access
31 shall be designed to split the volume of traffic between at least two egress and ingress
32 points.
- 33 (7) A traffic management plan, which includes strategies for limiting the impact of traffic
34 on nearby residential areas, shall be submitted by a traffic engineer. This plan shall
35 address the scheduling of classes to avoid peak traffic times, the promotion of ride-
36 sharing or shuttle services, and the provision of adequate on-site parking.
- 37 (8) Parking shall be provided on-site to prevent overflow onto residential streets. The
38 parking area must be clearly marked and must direct traffic away from residential
39 neighborhoods.
- 40 (9) A noise management plan must be submitted, demonstrating that noise levels will not
41 exceed the limits set by Chapter 38, Article IV. The plan shall include measures to
42 mitigate any potential noise disturbances.

1 Cemetery or burial ground, whether public or private.

2 (1) In considering an application for a special use permit to allow the use of land for a
3 cemetery, columbarium, or burial ground, the board must be provided evidence of the
4 following:

- 5 i. The area to be used as a cemetery, columbarium, or burial ground will have
6 permanent boundary markers and have a minimum size of not less than 625
7 square feet.
- 8 ii. The area to be used as a cemetery, columbarium, or burial ground is located on
9 a separately deeded parcel of land recorded in the land evidence records of the
10 Town of Tiverton, which deed shall specifically set forth that the land contained
11 therein is dedicated for use as a cemetery, columbarium, or burial ground.
- 12 iii. The proposed location of the cemetery, columbarium, or burial ground will not
13 be detrimental to public health; that it will be compatible with neighboring uses
14 and will be not less than 30 feet from the boundary line with adjoining
15 properties; that there is permanent access to the proposed facilities; and that
16 adequate provisions have been made for perpetual care of the facilities.
- 17 iv. A plan of the area to be used as a cemetery, columbarium, or burial ground
18 showing the surrounding properties, and the present and proposed grave sites,
19 shall, upon approval of the board, be recorded with the land evidence records
20 of the Town of Tiverton.

21
22 Columbarium.

23 (1) In considering an application for a special use permit to allow the use of land for a
24 cemetery, columbarium, or burial ground, the board must be provided evidence of the
25 following:

- 26 i. The area to be used as a cemetery, columbarium, or burial ground will have
27 permanent boundary markers and have a minimum size of not less than 625
28 square feet.
- 29 ii. The area to be used as a cemetery, columbarium, or burial ground is located on
30 a separately deeded parcel of land recorded in the land evidence records of the
31 Town of Tiverton, which deed shall specifically set forth that the land contained
32 therein is dedicated for use as a cemetery, columbarium, or burial ground.
- 33 iii. The proposed location of the cemetery, columbarium, or burial ground will not
34 be detrimental to public health; that it will be compatible with neighboring uses
35 and will be not less than 30 feet from the boundary line with adjoining
36 properties; that there is permanent access to the proposed facilities; and that
37 adequate provisions have been made for perpetual care of the facilities.
- 38 iv. A plan of the area to be used as a cemetery, columbarium, or burial ground
39 showing the surrounding properties, and the present and proposed grave sites,
40 shall, upon approval of the board, be recorded with the land evidence records
41 of the Town of Tiverton.

42
43 Pharmacy (with drive through).

44 (1) All drive-through facilities shall provide a minimum of three stacking spaces per lane
45 or bay, unless additional stacking spaces are required specifically by this Ordinance.
46 Stacking spaces provided for drive-through uses shall be:

- 1 i. A minimum of nine feet in width, as measured from the outermost point of any
2 service window or bay entrance, to the edge of the driveway, and 18 feet in
3 length. In the case of a recessed service window, the measurement shall be taken
4 from the building wall.
- 5 ii. Stacking spaces shall begin behind the vehicle parked at a final point of service
6 exiting the drive through aisle, such as a service window or car wash bay (this
7 does not include a menu board). Spaces shall be placed in a single line behind
8 each lane or bay.
- 9 (2) All drive-through lanes shall be located and designed to ensure that they do not
10 adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner
11 lots shall not route exiting traffic into adjacent residential neighborhoods.
- 12 (3) Drive-through facilities shall be screened along interior side and rear lot lines with a
13 solid wall or fence, a minimum of six feet and a maximum of seven feet in height. One
14 shrub a minimum of three feet in height at time of planting shall be planted linearly
15 every three feet on-center along such fence or wall. This standard does not apply to
16 drive-through facilities within multi-tenant retail centers.
- 17 (4) In the Waterfront Zone(s), menu boards are prohibited in the drive-through lane.

18
19 **F. Public utility uses (Article IV, Section 5).**

20
21 High voltage electric transmission towers.

- 22 (1) Towers shall be permitted only in designated industrial or utility zoning districts, or in
23 areas specifically identified for communication infrastructure, to minimize their impact
24 on residential neighborhoods and scenic areas.
- 25 (2) Towers must be set back a minimum of 500 feet from any residential zoning district or
26 occupied residential structure to reduce visual and noise impacts.
- 27 (3) Towers must maintain a minimum buffer of 200 feet from wetlands, water bodies, and
28 critical wildlife habitats as identified by the Rhode Island Department of Environmental
29 Management (DEM).
- 30 (4) Towers shall not be located within designated scenic corridors, historic districts, or
31 within 1,000 feet of any property listed on the National Register of Historic Places.
- 32 (5) The maximum height of towers shall not exceed 150 feet unless a variance is granted,
33 considering the topography and potential visual impact on surrounding areas.
- 34 (6) Towers must be designed to minimize visual impact. This includes the use of monopole
35 structures instead of lattice towers where feasible, and the application of neutral colors
36 or camouflaging techniques to blend with the surrounding environment.
- 37 (7) Towers shall be designed to accommodate multiple antennas or services to reduce the
38 need for additional tower construction in the area.
- 39 (8) Towers must be constructed to meet or exceed the structural standards outlined in the
40 latest version of the American National Standards Institute (ANSI) and
41 Telecommunications Industry Association (TIA) standards.
- 42 (9) Towers must comply with the guidelines set by the Federal Communications
43 Commission (FCC) and the Rhode Island Department of Health for EMF exposure to
44 ensure public health and safety.
- 45 (10) Adequate access must be provided for emergency vehicles, and a fire safety plan
46 must be approved by the local fire department prior to construction.

- 1 (11) Noise generated by the operation of towers, including associated equipment, shall
2 not exceed 50 decibels at the property line of the nearest residential property.
- 3 (12) The installation and operation of towers must ensure that vibrations do not exceed
4 local ordinances, particularly during construction and maintenance activities.
- 5 (13) A landscaping plan must be submitted, showing the use of native vegetation to
6 screen the base of the towers from public view, particularly from adjacent residential
7 properties and public rights-of-way.
- 8 (14) The property owner must maintain all landscaping in good condition, replacing any
9 dead or diseased plants promptly.
- 10 (15) Towers shall not be artificially illuminated unless required by the Federal Aviation
11 Administration (FAA) or for security purposes. All lighting must be downward-facing
12 and shielded to minimize light pollution.
- 13 (16) No signage or advertising is permitted on the tower structure itself, except for
14 necessary safety or identification signs required by law.
- 15 (17) A decommissioning plan must be submitted, outlining the removal of the tower and
16 restoration of the site should the facility cease operations. This plan must include a
17 financial surety to ensure that decommissioning occurs in a timely and responsible
18 manner.

19
20 Towers, including but not limited to, radio frequency towers.

- 21 (1) Towers shall be permitted only in designated industrial or utility zoning districts, or in
22 areas specifically identified for communication infrastructure, to minimize their impact
23 on residential neighborhoods and scenic areas.
- 24 (2) Towers must be set back a minimum of 500 feet from any residential zoning district or
25 occupied residential structure to reduce visual and noise impacts.
- 26 (3) Towers must maintain a minimum buffer of 200 feet from wetlands, water bodies, and
27 critical wildlife habitats as identified by the Rhode Island Department of Environmental
28 Management (DEM).
- 29 (4) Towers shall not be located within designated scenic corridors, historic districts, or
30 within 1,000 feet of any property listed on the National Register of Historic Places.
- 31 (5) The maximum height of towers shall not exceed 150 feet unless a variance is granted,
32 considering the topography and potential visual impact on surrounding areas.
- 33 (6) Towers must be designed to minimize visual impact. This includes the use of monopole
34 structures instead of lattice towers where feasible, and the application of neutral colors
35 or camouflaging techniques to blend with the surrounding environment.
- 36 (7) Towers shall be designed to accommodate multiple antennas or services to reduce the
37 need for additional tower construction in the area.
- 38 (8) Towers must be constructed to meet or exceed the structural standards outlined in the
39 latest version of the American National Standards Institute (ANSI) and
40 Telecommunications Industry Association (TIA) standards.
- 41 (9) Towers must comply with the guidelines set by the Federal Communications
42 Commission (FCC) and the Rhode Island Department of Health for EMF exposure to
43 ensure public health and safety.
- 44 (10) Adequate access must be provided for emergency vehicles, and a fire safety plan
45 must be approved by the local fire department prior to construction.

- 1 (11) Noise generated by the operation of towers, including associated equipment, shall
2 not exceed 50 decibels at the property line of the nearest residential property.
- 3 (12) The installation and operation of towers must ensure that vibrations do not exceed
4 local ordinances, particularly during construction and maintenance activities.
- 5 (13) A landscaping plan must be submitted, showing the use of native vegetation to
6 screen the base of the towers from public view, particularly from adjacent residential
7 properties and public rights-of-way.
- 8 (14) The property owner must maintain all landscaping in good condition, replacing any
9 dead or diseased plants promptly.
- 10 (15) Towers shall not be artificially illuminated unless required by the Federal Aviation
11 Administration (FAA) or for security purposes. All lighting must be downward-facing
12 and shielded to minimize light pollution.
- 13 (16) No signage or advertising is permitted on the tower structure itself, except for
14 necessary safety or identification signs required by law.
- 15 (17) A decommissioning plan must be submitted, outlining the removal of the tower and
16 restoration of the site should the facility cease operations. This plan must include a
17 financial surety to ensure that decommissioning occurs in a timely and responsible
18 manner.

19
20 **G. Recreation uses (Article IV, Section 6).**

21
22 Reserved.

23
24 **H. Office Uses (Article IV, Section 7).**

25
26 Any of the above permitted uses within this section that includes a drive through.

- 27 (1) All drive-through facilities shall provide a minimum of three stacking spaces per lane
28 or bay, unless additional stacking spaces are required specifically by this Ordinance.
29 Stacking spaces provided for drive-through uses shall be:
 - 30 i. A minimum of nine feet in width, as measured from the outermost point of any
31 service window or bay entrance, to the edge of the driveway, and 18 feet in
32 length. In the case of a recessed service window, the measurement shall be taken
33 from the building wall.
 - 34 ii. Stacking spaces shall begin behind the vehicle parked at a final point of service
35 exiting the drive through aisle, such as a service window or car wash bay (this
36 does not include a menu board). Spaces shall be placed in a single line behind
37 each lane or bay.
- 38 (2) All drive-through lanes shall be located and designed to ensure that they do not
39 adversely affect traffic circulation on adjoining streets. Drive-through lanes on corner
40 lots shall not route exiting traffic into adjacent residential neighborhoods.
- 41 (3) Drive-through facilities shall be screened along interior side and rear lot lines with a
42 solid wall or fence, a minimum of six feet and a maximum of seven feet in height. One
43 shrub a minimum of three feet in height at time of planting shall be planted linearly
44 every three feet on-center along such fence or wall. This standard does not apply to
45 drive-through facilities within multi-tenant retail centers.
- 46 (4) In the Waterfront Zone(s), menu boards are prohibited in the drive-through lane.

1
2 **I. Restaurants and entertainment (Article IV, Section 8).**
3

4 Restaurant, including entertainment.

- 5 (1) The primary structure shall be set back a minimum of 100 feet from any residential use
6 or zone, measured at the property lines.
7 (2) The restaurant will not employ flashing, laser, or strobe lights that are visible outside
8 of the building.
9 (3) The maximum volume, irrespective of the format, is limited solely to the boundaries of
10 the premises at all times and must comply with Chapter 38 Article IV of the Tiverton
11 Code of Ordinances.
12 (4) Screening shall be provided between the restaurant and any adjacent residential uses.
13 This screening may include a combination of the following:
14 i. A dense vegetative buffer consisting of evergreen trees or shrubs, at least 6 feet
15 in height at the time of planting, installed along the property line adjacent to
16 residential lots.
17 ii. A solid fence to further reduce visual and noise impact. The fence shall be
18 constructed of materials that complement the surrounding environment and
19 provide a continuous barrier.
20 (5) Exterior lighting must be designed and installed to prevent light from spilling onto
21 adjacent residential properties. All lighting fixtures shall be dark sky compliant and
22 shielded and directed downward.
23 (6) All waste disposal areas and equipment shall be screened from view.
24

25 Bar or nightclub with or without entertainment (not including adult entertainment).

- 26 (1) The primary structure shall be set back a minimum of 100 feet from any residential use
27 or zone, measured at the property lines, except in the Waterfront Zone(s).
28 (2) The maximum noise level is limited solely to the boundaries of the premises at all times
29 and must comply with Chapter 38 Article IV of the Tiverton Code of Ordinances.
30 (3) Screening shall be provided between the facility and any adjacent residential uses. This
31 screening may include a combination of the following:
32 i. A dense vegetative buffer consisting of evergreen trees or shrubs, at least 6 feet
33 in height at the time of planting, installed along the property line adjacent to
34 residential lots.
35 ii. A solid fence to further reduce visual and noise impact. The fence should be
36 constructed of materials that complement the surrounding environment and
37 provide a continuous barrier.
38 (4) Exterior lighting shall be designed and installed to prevent light from spilling onto
39 adjacent residential properties. All lighting fixtures shall be darks sky compliant and
40 shielded and directed downward.
41 (5) All waste disposal areas and equipment shall be screened from view.
42 (6) The restaurant will not employ flashing, laser, or strobe lights that are visible outside
43 of the building.
44
45
46

1 Bar or nightclub with adult entertainment.

- 2 (1) Such use shall not be located within 1,000 feet of any church, school, day care center
3 or residence.
- 4 (2) The primary structure shall be set back a minimum of 300 feet from any residential
5 use or zone, measured at the property lines.
- 6 (3) The maximum noise level is limited solely to the boundaries of the premises at all
7 times and must comply with Chapter 38 Article IV of the Tiverton Code of
8 Ordinances.
- 9 (4) Screening must be provided between the facility and any adjacent residential uses.
10 This screening may include a combination of the following:
- 11 i. A dense vegetative buffer consisting of evergreen trees or shrubs, at least 6
12 feet in height at the time of planting, must be installed along the property line
13 adjacent to residential lots.
- 14 ii. A solid fence to further reduce visual and noise impact. The fence should be
15 constructed of materials that complement the surrounding environment and
16 provide a continuous barrier.
- 17 (5) Exterior lighting shall be designed and installed to prevent light from spilling onto
18 adjacent residential properties. All lighting fixtures shall be dark sky compliant and
19 shielded and directed downward.
- 20 (6) All waste disposal areas and equipment shall be screened from view.
- 21 (7) The restaurant will not employ flashing, laser, or strobe lights that are visible outside
22 of the building.

23
24 **J. Service business (Article IV, Section 9).**

25
26 Reserved.

27
28 **K. Retail business (Article IV, Section 10).**

29
30 Reserved.

31
32 **L. Transportation uses (Article IV, Section 11).**

33
34 Reserved.

35
36 **M. Wholesale business and storage (Article IV, Section 12).**

37
38 Reserved.

39
40 **N. Industrial uses (Article IV, Section 13).**

41
42 Reserved.

43
44 **O. Cannabis uses (Article IV, Section 13A).**

1 Cannabis or marijuana cultivator, Cannabis retailer or marijuana retailer, Cannabis testing
2 laboratory or Compassion center.

3 (1) Minimum qualifications. To qualify for consideration of a special use permit for any
4 use as noted listed in F(2) through F(5) in the PDP, an applicant shall satisfy all
5 regulations and qualifications established by the Cannabis Control Commission and
6 the following additional conditions:

- 7 i. Receipt of a license issued by the Cannabis Control Commission.
- 8 ii. Evidence that the applicant has site control and the right to use the site for the
9 proposed cannabis use in the form of a valid purchase and sales agreement, a valid
10 lease agreement, a notarized statement from the property owner, or other alternate
11 written authorization.
- 12 iii. Provide a security plan that details any anticipated burden on Town public
13 safety personal/services from the use of the facility. Said plan shall include all
14 security measures for the site, transportation of cannabis and cannabis products
15 to and from the premises to ensure the safety of the employees and public, and
16 to protect the facility from theft or other criminal activity and be approved by
17 the Tiverton Police Department.
- 18 iv. Provide an odor and/or odorous emissions control plan that details how the
19 proposed location will prevent or control the occurrence and/or release of
20 odorous emissions. Said plan shall include any proposed emissions controls,
21 including, but not limited to, filtering techniques, biofilters, chemical filtration
22 and/or other similar technique.

23 (2) Site conditions.

- 24 i. Location. Uses granted under this article shall not be located within:
 - 25 a. Five hundred feet of a preexisting public or private school providing
26 education in kindergarten or any grades one through 12 and any preschool
27 registered with the Rhode Island Department of Education.
 - 28 b. No cannabis retailer shall be located within 2,000 feet from any other
29 cannabis retailer even if in an adjoining community.
 - 30 c. The distances specified above shall be measured by a straight line from
31 the nearest property line of the premises on which the proposed cannabis
32 retailer is to be located to the nearest boundary line of the residential
33 zoning district or the nearest property line of any of the other designated
34 uses set forth above.

35 (3) Conditions of operations. In addition to the rules promulgated by the Cannabis
36 Control Commission the following operational conditions shall apply:

- 37 i. Hours of operation. The proposed cannabis retailer and compassion
38 center hours of operation and compassion center shall be limited to the
39 hours of 8:00 a.m. to 8:00 p.m. weekdays and Saturdays and 12:00 p.m.
40 to 6:00 p.m. Sundays. Actual hours of operation to be determined by the
41 Zoning Board.
- 42 ii. Lighting. In addition to the requirements as set forth in Article IV, §19 O,
43 Lighting shall adequately illuminate the cannabis retailer and compassion
44 center, its immediate surrounding area, parking lots, the front facade and
45 any adjoining sidewalks and shall be hooded or oriented to deflect light
46 away from adjacent properties.

- 1 iii. Security. The proposed cannabis retailer, cultivator, testing laboratory, and
- 2 compassion center shall implement the appropriate security measures to
- 3 deter and prevent the unauthorized entrance into areas containing cannabis
- 4 and shall ensure that each location has an operational security alarm system.
- 5 iv. Parking. The proposed cannabis retailer shall comply with the parking
- 6 requirements as set forth in Article X of this Code.
- 7 v. Signage. The proposed cannabis retail location shall present signage in a
- 8 size and in a form that, is reasonably legible from the retail access point,
- 9 which clearly prohibits any person who is under 21 years of age to be
- 10 present inside the cannabis retail establishment in compliance with R.I.G.L.
- 11 § 21-28.11-27.1. All other provisions of the signage shall comply with
- 12 Article IV, section 19 K.
- 13 vi. Site plan. No use permitted under this section shall be established prior to
- 14 submission and approval by the Zoning Board of a site plan, a building plan,
- 15 and, if required, a boundary line survey by a licensed professional land
- 16 surveyor (PLS). The site plan shall depict all existing and proposed buildings,
- 17 parking spaces, driveways, service areas and other open uses. The site plan
- 18 shall show the distances between the proposed use and the boundary of the
- 19 nearest residential zoning district and the property line of all other abutting
- 20 uses.
- 21 vii. The Zoning Board may impose additional operational conditions or
- 22 further restrict existing minimum conditions Subsection A(4)(a) through
- 23 (f) above.

24 (4) Findings. In addition to the findings required in Article XVI, section 2, the

25 Zoning Board must also find the following:

- 26 i. That the requested use at the proposed location is sufficiently buffered in
- 27 relation to any residential area in the immediate vicinity so as not to
- 28 adversely affect said area.
- 29 ii. That the exterior appearance of the structure will be consistent with the
- 30 exterior appearance of structures already constructed or under construction
- 31 within the immediate neighborhood to prevent blight or deterioration or
- 32 substantial diminishment or impairment of property values within the
- 33 neighborhood

34

35 **Effective Date:** This Ordinance shall take effect upon passage in accordance with the provisions

36 of the Tiverton Home Rule Charter.

37

38 Amended by the Tiverton Town Council on _____.

39