

ADV: **DISPLAY AD**, July 27, August 3, and August 10, 2020
CHG: Town Clerk #0101-0201-7001022
Westerly Sun Account: 7001022

TOWN OF WESTERLY

RHODE ISLAND

PUBLIC HEARING

Notice is hereby given pursuant to Rhode Island General Law §45-24-53 that a Public Hearing will be held in the Council Chambers, Town Hall, Westerly, Rhode Island, and via electronic/telephonic means if still authorized on Monday, August 17, 2020, at 6:00 o'clock p.m., or as close to that time as possible, in accordance with the Home Rule Charter of the Town of Westerly, to consider the proposed ordinance to amend the Zoning Ordinance as summarized below:

"AN ORDINANCE IN AMENDMENT OF CHAPTER 1439 OF THE GENERAL ORDINANCES OF THE TOWN OF WESTERLY ENTITLED 'RE-ENACT AND RE-ADOPT CHAPTER 1242 ENTITLED 'THE WESTERLY, RHODE ISLAND, ZONING ORDINANCE OF 1998, AS AMENDED'"

The Town of Westerly hereby ordains:

The Proposed Ordinance would amend Chapter 260 of the Westerly Code of Ordinances entitled "Zoning Ordinance" and provide process improvement alternatives in an effort to streamline the zoning permit process, incorporate much needed regulatory revisions and assist the community in economic recovery following the COVID-19 crisis. The proposed amendments will alleviate inefficiencies, simplify the development process, expand service to the community, and allow the eventual introduction of the E-Permitting system for Zoning permits. The proposal includes many upgrades, a repeal and replacement of §260-45, Development Plan Review and §260-86, Signs, as well as revisions to sections of the Zoning Ordinance. Changes include:

- §260-9. Terms defined (definitions added, removed and amended)
- §260-17. Permitted uses (changes to be consistent with state law regarding permitted uses)
- §260-18. Standard Zoning District Use Table (new uses added)
- §260-19. Minimum dimensional requirements (amend footnote 6 of Section 260 Attachment 10)
- §260-20. Standard dimensional regulations (Amend building height)
- §260-21. Zoning Official (permits Zoning Official to waive submission requirements for applications to Zoning Board)
- §260-26. Enforcement (clarifications and enhanced fees)
- §260-28. Ordinance adoption or amendment (identifies application requirements)
- §260-30. Modifications (clarifies regulation, clarifies application requirements, grants Zoning Official authority to grant submission requirements)
- §260-32. Nonconformance (clarifications, allows vertical expansion by Dimensional Modification)
- §260-33. Variances (remove required Planning Board Advisory, clarifies application requirements, grants Zoning Official authority to grant submission requirement waivers and changes consistent with State law)

- §260-34. Special Use Permits (remove required Planning Board Advisory, redefines standard for permit, clarifies application requirements, grants Zoning Official authority to grant submission requirement waivers and changes consistent with State law)
- §260-39. Appeals to Zoning Board of Review (identifies procedures and requirements for filing an appeal to the Zoning Board)
- §260-45. Development Plan Review (repeal and replacement of this section)
- §260-45.1 Land Development Projects (providing for Land Development Projects)
- §260-52. Aquifer Protection Overlay District (clarifies application requirements and grants Zoning Official authority to grant submission requirement waivers)
- §260-58. Granite Street Overlay District (process changes)
- §260-59. Wells Street Overlay District (process changes)
- §260-60. Residential Buildings (clarifications)
- §260-66. Accessory structures and uses (clarifications)
- §260-67. Swimming Pools (modified to align with Building Code)
- §260-72. Golf driving ranges (removed – redundant to Use Table)
- §260-73. Golf courses (redefined as major land development to accommodate mixed-use and defines principal and accessory activities of a golf course)
- §260-75. Boatyards/Marinas (Marinas redefined as land development project to accommodate mixed-use, other clarifications to align with Harbor Management Ordinance)
- §260-77. Off-street parking regulations (modifications made to residential, office and for DC1, DC2 and NB requirements and lot standards)
- §260-82. Motor vehicle junkyard (modified relief by special use permits)
- §260-83. Drive-in uses (changed to Drive-thru or Drive-up clarifications of special use permit standards)
- §260-84. Hazardous waste management facility siting (revisions regarding special use permit)
- §260-86. Signs (repeal and replacement of this section)
- §260-87.3. Retaining walls (clarifications and modified to require review by the Zoning Officer rather than Planning Board)
- §260-87.6. Development standards for Shore Commercial – Watch Hill (SC-WH) (modified height requirements for rooftop access)
- §260-87.8. Solar energy systems (clarification, roof-mounted solar does not need Development Plan Review)
- §260-90. Landscaping requirements (removed; redundant to other regulations)
- §260 Attachment 1, Appendix A, Use Variance, Application Checklist and Application (removed)
- §260 Attachment 2, Appendix B, Dimensional Variance, Application Checklist and Application (removed)
- §260 Attachment 3, Appendix C, Special Use Permit, Application Checklist and Application (removed)
- §260 Attachment 4, Appendix D, Dimensional Modification, Application Checklist and Application (removed)
- §260 Attachment 5, Appendix E, Zoning Ordinance and Zoning Map Amendment, Application Checklist and Application (removed)
- §260 Attachment 6, Appendix F, Appeal to the Zoning Board of Review, Application Checklist and Application (removed)
- §260 Attachment 8, Appendix H, Aquifer Protection Permit, Application Checklist and Application (removed)
- §260 Attachment 10, Schedule of Dimensional Regulations (amendment to Footnote 6)
- §260 Attachment 11, Zoning District Use Tables (adding and amending uses)

Section 2. This Ordinance shall take effect upon passage.

Information relative to the above is available for review at the Town Clerk's Office at 45 Broad Street, Westerly, RI between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. The Proposed Ordinance may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment will be presented for comment in the course of the hearing.

All persons interested in said Proposed Ordinance are invited to be present at the time and place above stated.

INDIVIDUALS REQUESTING INTERPRETER SERVICES FOR THE HEARING
IMPAIRED MUST CALL 348-2502 IN ADVANCE OF THE HEARING DATE.

Per Order of the Town Council.

ATTEST: Donna L. Giordano, MMC
Council Clerk
July 27, 2020

Town of Westerly
Rhode Island

DEPARTMENT OF
DEVELOPMENT SERVICES

Lisa Pellegrini, Director

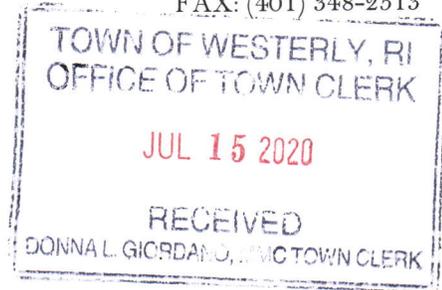
July 8, 2020

Dear Honorable Members of the Town Council,

Subject: Zoning Ordinance Update



Town Hall
45 Broad Street
Westerly, RI 02891
TEL: (401) 348-2553
FAX: (401) 348-2513



At the June 23, 2020 Planning Board Meeting, the Planning Board voted to render a favorable recommendation to the Town Council on the merits of the proposed Zoning Ordinance Update, as amended during their discussion at that meeting.

Please find attached a copy of the zoning ordinance amendments, dated July 2, 2020 for your review and discussion at a future workshop meeting. In anticipation of that meeting I have prepared the following list that briefly summarizes the change(s) to each ordinance section. I hope this will be helpful during your review.

§ 260-9 Terms defined:

Revisions include new definition of accessory family dwelling units (formerly referred to as “accessory apartments”) and Artisan establishments that are referenced in the new Exhibit A, as well as clarifications to existing definitions.

§ 260-17 Permitted uses:

Revisions include accessory family dwelling units to be permitted by right in accordance with RIGL §45-24-37e.

§ 260-18 Standard Zoning District Use Table:

Reference is made to revisions in Exhibit A to accessory apartments and to include Artist’s Studios.

§ 260-19 Minimum dimensional requirements:

Reference is made to removing Foot Note 6 from the Standard Dimensional Table and replace with a reference § 260-87.6. See Exhibit B.

§ 260-20 Standard dimensional regulations:

Revision is consistent with State Law regarding allowable 5 feet of freeboard and allows for sheds to be paced within 6 feet of a side or rear property without a variance. Clarifications regarding calculation of building height and limitations on fill and cut are provided.

§ 260-21 Zoning Official:

Revision permits the Zoning Official to waive submission requirements for applications to the Zoning Board.

§ 260-26 Enforcement:

Revision clarifies enforcement aspects related to violation of dimensional requirements associated with a completed Zoning Certificate. Revision attempts to obtain compliance (and lower legal costs) by not permitting further development or modification of a property until existing violation is completed. It also introduces an increased application fee following a notice of violation.

§ 260-28 Ordinance adoption or amendment:

Revision clearly identifies application requirements for amendment of the Zoning Ordinance or a request to change a zoning designation or zoning district boundary.

§ 260-30 Modifications:

Revision clarifies existing policy, clearly identifies application requirements for dimensional modifications, and grants the Zoning Official the authority to waive submission of application requirements. Revisions will clarify and streamline modification application procedures.

§ 260-32 Nonconformance:

Revisions clarify that nonconformance regulations for land, buildings, structures, includes language regarding the involuntary interruption of nonconforming use, sets a time limit of one year or more and defines action to abandon non-conformances. Revisions will assist in enforcement actions and reduce legal expenses.

§ 260-33 Variances:

Streamlines the Variance application procedures. Removes the Application from the ordinance and grants administrative authority to the Zoning Official to generate applicable forms, thus, opening the way for E-permitting of all Zoning applications. Grants the Zoning Official administrative authority to grant application waivers. Grants the Zoning Official administrative authority to order an application advertised and placed upon the Zoning Board Agenda for Public Hearing. Eliminates the need for registered mail for abutter notice, thereby, bringing notice procedures into compliance with State Law. Changes the Board's required findings to match up with State Law. Revisions would eliminate 4-6 weeks of the process while still maintaining public comment.

§ 260-34 Special use permits:

Streamlines the Special Use Permit application procedure. Removes the Application from the ordinance and grants administrative authority to the Zoning Official to generate applicable forms, thus, opening the way for E-permitting of all Zoning applications. Grants the Zoning Official administrative authority to grant application waivers. Grants the Zoning Official administrative authority to order an application advertised and placed upon the Zoning Board Agenda for Public Hearing. Eliminates the need for registered mail for abutter notice, thereby, bringing notice procedures into compliance with State Law. Clarifies the Board's required findings. Revisions would eliminate 4-6 weeks of the process while still maintaining public comment.

§ 260-39 Appeals to Zoning Board of Review:

Revision clearly identifies procedures and requirements for filing an appeal to the Zoning Board of Review.

§ 260-45 Development plan review:

Repeal and place Development Plan Review (DPR). The revisions streamline the process to require a single review by the Planning Board with administrative approval and clearly identifies what type of development requires DPR and the standards to be addressed during DPR. Also

allows for small projects to obtain administrative approval. Revisions would provide greater service during a shorter time-period and open the way for E-permitting for DPR.

§ 260-45.1 Land Development Projects:

Revisions conform to State Law and to clarify difference with development plan review.

§ 260-52 Aquifer Protection Overlay District:

Revisions clarify application requirements for aquifer protection permit and grants the Zoning Official authority to grant submission requirement waivers.

§ 260-58 Granite Street Overlay District:

Revisions are in conjunction with new DPR ordinance and eliminates DPR requirement in favor of language in 260-45.

§ 260-59 Wells Street Overlay District:

Revisions are in conjunction with new DPR ordinance and eliminates DPR requirement in favor of language in 260-45.

§ 260-60 Residential Development Standards:

Revisions clarify what a single residential building requires and makes interpretation easy to understand.

§ 260-66 Accessory Structures and Uses:

Revisions clarify definitions and the substantial connection to the main building.

§ 260-67 Swimming Pools:

Revisions ensure barrier requirements are consistent with State Building Code. Revisions conform to existing Zoning setback requirements. Removal of the apron requirement allows greater use of the property.

§ 260-72 Golf Driving Ranges:

Revisions eliminate this section as subject matter is discussed in revised § 260-73.

§ 260-73 Golf Courses:

Revisions clarify golf courses shall be considered a land development project. Revisions also allow for mixed-use development.

§ 260-75 Marinas

Revisions clarify that marinas shall be considered a land development project.

§ 260-77 Off-Street Parking Regulations:

Changes the parking regulations to allow for more flexibility and less stringent parking requirements. Creates a DC-1, DC-2 and NB Zoning section specific to the Downtown neighborhood. Eliminates parking requirements for existing mixed-use buildings in the Downtown, thereby permitting re-purposing and adaptive re-use. Clarifies parking lot development standards.

§ 260-82 Motor vehicle junkyard

Moves jurisdiction for a Motor Vehicle Junkyard from Planning Board review to Zoning Board Special Use Permit.

§ 260-83 Drive-Thru and Drive-up Lanes:

Streamlines the Special Use Permit for a drive thru. Eliminates the Planning Board's required review of the application under certain circumstances and maintains Zoning Board's review, thus, streamlining the process. Modifies parking requirements and lane dimensions.

§ 260-84 Hazardous Waste Management Facility Siting

Transfers review authority from the Planning Board to a Zoning Board Special Use Permit.

§ 260-86 Sign Regulations

A complete repeal and replace of the Sign Ordinance. Grants administrative approval authority to the Zoning Official. Eliminates many requirements for Planning Board review, except for complex major land development projects. Modernizes definitions. Creates sign permit requirements for various Zoning Districts creating separate standards for different Zoning Districts (i.e., Downtown and Route One). Clarifies signs that are not permitted. Permits more signs by right and creates a more permissive sign permit process.

§ 260-87.3 Retaining Wall:

Moves jurisdiction for permitting retaining walls greater than 6 feet from the Planning Board's DPR to an administrative approval granted by the Zoning Official and the Building Official for one- and two-family residential projects. Maintains existing design and engineering standards.

§ 260-87.6 Development Standards for Shore Commercial – Watch Hill (SC-WH):

Revision incorporates height limitation relief to ensure handicap access for enclosed stairs and an elevator to rooftop deck.

§ 260-87.8 Solar Energy Systems

Removes Planning Board review for accessory use roof mounted solar energy systems on commercial, industrial, and similar uses. Revises security fencing requirements to be consistent with federal regulations. Increases application requirements to ensure that ground-mounted solar energy systems will not be constructed within high-quality, natural environmental resource areas to ensure a net benefit to the environment is afforded by installation of solar energy systems.

§ 260-90 Landscaping Requirements

Transfers landscaping requirements from Zoning to the land development standards and development plan review process under the Planning Board's authority.

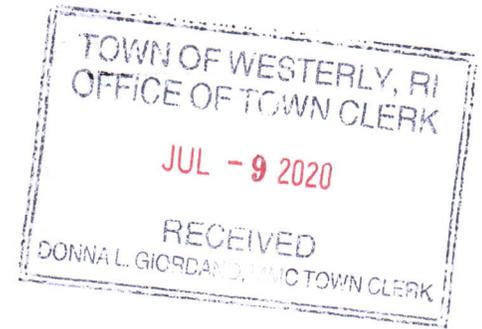
Respectfully Submitted,



Lisa Pellegrini, Director of Development Services

Attached: Planning Board Approved Zoning Ordinance Revision Package

Proposed Amendments to Town Code
Chapter 260; Zoning Ordinance
07-08-2020



1
2 **Section 1. The following changes shall be made to § 260-9 “Terms defined”.**

3
4 **§ 260-9 Terms defined.**

5
6 A. Where words or phrases used in these regulations are defined in either the Zoning Enabling Act
7 of 1991 or the Rhode Island Comprehensive Planning and Land Use Regulation Act of 1988 or the
8 Town of Westerly Zoning Ordinance, they shall have the meaning stated therein.

9
10 B. For the purposes of these regulations, the following terms shall have the meaning stated herein.

11
12 ***

13 **ACCESSORY APARTMENT**

14 ~~A separate dwelling unit, located within a single household residential structure, containing no more~~
15 ~~than one bedroom and inhabited by no more than two persons, that is smaller in living area than, and~~
16 ~~subordinate to, the principal residence for the sole use of one or more members of the family of the~~
17 ~~occupant or occupants of the principal renter. Such uses shall be allowed only by special use permit~~
18 ~~granted by the Zoning Board of Review for up to five years and thereafter renewable in such~~
19 ~~increments at the discretion of the Zoning Board upon application.~~

20
21 **ACCESSORY BUILDING**

22 ~~—A use or structure incidental to, and on the same lot as, a principal use and includes any structure~~
23 ~~irrespective of whether it is temporary or permanent. An accessory structure in a residential zone~~
24 ~~shall not be used as a dwelling unit.~~

25
26
27 **ACCESSORY USE**

28 ~~—A use of a portion of land or a building, customarily incidental and subordinate to the principal use~~
29 ~~of the land or building. An accessory use shall be restricted to the same lot as the principal use. An~~
30 ~~accessory use shall not be permitted without the principal use to which it is related. In a charitable~~
31 ~~recreational building the area of such accessory use (i.e., incidental sales) shall not exceed 150 square~~
32 ~~feet nor shall there be permitted any exterior display or exterior signs.~~

33
34 **ACCESSORY FAMILY DWELLING UNIT**

35 A subordinate dwelling unit to an owner-occupied single-family dwelling, which is occupied by 1) a
36 family member with disabilities, 2) family members who are sixty-two (62) years of age or older, 3)
37 other family members, or 4) a caregiver of the occupant or occupants of the primary dwelling. An

38 accessory dwelling unit shall be within, or attached to, the primary dwelling-unit structure and
39 designed so that the appearance of the principle structure remains as a single-family dwelling unit.
40 No more than one accessory dwelling unit shall be permitted on a lot. This use shall comply with the
41 requirements in RIGL §45-24-37(e).

42
43 * * *

44
45 **ART STUDIO – GENERAL**

46 A studio for artist activities, such as painting, sculpture, photography, or video art, with little to no
47 outside impacts.

48
49 **ARTIST STUDIO - ARTISAN MANUFACTURING**

50 Artisan Manufacturing means the shared or individual use of hand-tools, mechanical tools and
51 electronic tools for the manufacture of finished products or parts including design, processing,
52 fabrication, assembly, treatment and packaging of products; as well as the incidental storage, sales
53 and distribution of such products. Typical artisan manufacturing uses include, but are not limited
54 to, electronic goods, food and bakery products; alcoholic beverages; non-alcoholic beverages;
55 printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work;
56 furniture; glass or ceramic production; paper manufacturing. Artist taught classes offered to the
57 public are permitted within the studio. For purposes of this definition, the useable space for
58 fabrication shall not exceed 1,500 square feet.

59
60 **ART STUDIO – COMMERCIAL**

61 A commercial establishment where an art, type of exercise, or activity is taught, practiced, or
62 studied, such as dance, martial arts, photography, music, painting, gymnastics, or yoga. An Arts
63 Studio – Commercial may have performance space related to the classes taught on-site. For
64 purposes of this definition, the useable space of the facility shall not exceed 3,500 Square feet.

65
66 ***

67
68 **BUILDING ENVELOPE**

69 The three-dimensional space within which a structure is permitted to be built on a lot, and which is
70 defined by regulations governing building setbacks, maximum height, and bulk.

71
72 **BUILDING HEIGHT**

73 ~~See § 260-20, Standard dimensional regulations. The definition of building height shall be as per~~
74 ~~Rhode Island State Building Code, Section 202, Definitions. The distance shall be measured from~~
75 ~~the average elevation of the finished existing grade at the corners of the foundation up to the top of~~
76 ~~the highest point of the roof or structure. This calculation does not include architectural features,~~
77 ~~church spires, chimneys, flagpoles, antennas, and weathervanes. This calculation does not include~~
78 ~~roof-mounted solar energy systems, plumbing, electrical, heating, ventilating and air conditioning~~
79 ~~mechanical equipment, provided it does when not exceeding more than four feet.; nor This~~

80 ~~calculation does not include that portion of a building, not to exceed four feet, necessary to~~
81 ~~accommodate an elevator overrun. The permitted finished grade for purposes of said measurement~~
82 ~~shall not, however, have been created by either filling or cutor cutting of more than four feet above~~
83 ~~or below the elevation of the road in front of the property average existing grade elevation where the~~
84 ~~foundation of the structure is proposed.~~

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89 90 CAREGIVER

91 As used in the context of an accessory family dwelling unit, this term refers to a person who provides
92 a broad range of assistance for; an older adult or an adult or child with chronic or disabling conditions.
93 As way of explanation, this term includes a “caregiver” as defined by R.I. Gen. Laws § 23-17.27-1
94 (2) and “family caregiver” as defined by R.I. Gen. Laws § 40-8.11-2 (b).

95
96 * * *

97 98 DWELLING UNIT

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

102
103 ***

104 105 **DEVELOPMENT PLAN REVIEW**

106 The process whereby authorized local officials review the development plans, maps and other
107 documentation of a development to determine compliance with the purposes and standards of this
108 chapter and as further described in Section 260-45.

109
110 ***

111 112 **FREEBOARD**

113 A factor of safety expressed in feet above the base flood elevation (BFE) ~~of~~ within a special flood
114 hazard area for purposes of floodplain management. ~~Freeboard compensates for the many unknown~~
115 ~~factors that could contribute to flood heights such as wave action, bridge openings, and the~~
116 ~~hydrological effect of urbanization of the watershed. Freeboard is not required by National Flood~~
117 ~~Insurance Program (NFIP) standards; however, the The Town of Westerly has adopted a required~~
118 ~~minimum freeboard of one foot for all structures located in a Coastal A or VE Flood Zone (with~~
119 ~~provisions to accommodate additional freeboard of up to three feet).standard in § 260-20.~~

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IMPERVIOUS SURFACE

Any material that ~~substantially~~ reduces, impedes or slows ~~or prevents the~~ infiltration or absorption of stormwater directly into the ground ~~at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, granite, stone and other surfaces.~~ Impervious surface shall not include graveled driveways, ~~and~~ graveled parking or other construction elements or techniques deemed to be pervious based on competent evidence presented to the Zoning Official. ~~areas, but shall include the area covered by any structure.~~

LAND DEVELOPMENT PROJECT

A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including but not limited to planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the Zoning Ordinance and as further described in Section 260-45.1.

TRANSIENT RESIDENTIAL FACILITY

Housing operated on a nonprofit basis intended for occupancy for periods of fewer than 30 days by persons who are temporarily homeless, the maximum occupancy of which shall not exceed 20 persons, including staff. ~~A development plan review pursuant to the ordinance is required before such a facility is operated.~~

192 Section 5. The following changes shall be made to § 260-20 “Standard Dimensional
193 Regulations”.

194
195 § 260-20 Standard dimensional regulations.

196
197 A. Building height.

198 1. For a proposed new building on a vacant parcel of land, building height shall be measured
199 from the average existing grade elevation where the foundation of the structure is proposed.

200
201 2. For an existing structure, building height shall be measured from the average existing grade
202 taken from the outermost four corners of the existing foundation.

203
204 ~~1.3. The permitted finished grade for purposes of building height measurement shall not,~~
205 ~~however, have been created by either filling or cutting of more than four (4) feet be from~~
206 ~~existing grade; provided that any amount of fill pursuant to~~ in accordance with Section 260-
207 ~~20B. is deducted from the overall building height allowed.~~

208
209 ~~2.4.~~ In all cases, building height is measured to the top of the highest point of the
210 existing/proposed roof or structure. ~~, with certain exceptions as provided in the definition of~~
211 ~~“Building Height” in Section 260-9.~~

212 a. This calculation does not include architectural features, church spires, chimneys,
213 flagpoles, antennas, and weathervanes. Also, this ~~This~~ calculation does not include
214 roof-mounted solar energy systems, plumbing, electrical, heating, ventilating and
215 air-conditioning mechanical equipment, provided it does not exceed four feet from
216 the highest point of the roof where it is located. Finally, this calculation ~~when not~~
217 ~~exceeding more than four feet.; nor This calculation~~ does not include that portion of
218 a building, not to exceed four feet, necessary to accommodate an elevator overrun,
219 provided it does not exceed four feet from the highest point of the roof where it is
220 located.

221
222 ~~3.5.~~ For any property or structure located in a special flood hazard area, as shown on the official
223 FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal
224 resources management council (CRMC) suggested design elevation three foot (3') sea level
225 rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm,
226 the greater of the following amounts, expressed in feet, shall be excluded from the building
227 height calculation:

228 a. The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized
229 or proposed freeboard, less the average existing grade elevation; or
230 b. The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a
231 one-hundred-year (100) storm, less the average existing grade elevation. CRMC
232 shall reevaluate the appropriate suggested design elevation map for the exclusion
233 every ten (10) years, or as otherwise necessary.

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

237
238 4.6.If a structure is built in an area with a grade cut, the building height shall be measured from
239 the finished grade after the grade cut.

240
241 ***

242
243 Limitation on fill and cut.

244 1. The finished grade surrounding a building may be adjusted to a level not to exceed four feet
245 above or below the average of the existing elevation of the existing grade at the proposed four
246 corners of the building. ~~center of the street measured at the midpoint of the lot frontage.~~ For any
247 property located in a Coastal A or VE Flood Zone, the finished grade may be ~~raised or~~
248 ~~lowered~~ adjusted to a level not to exceed two feet above or below existing grade throughout the
249 property.

250
251
252 2. The adjustment of grade on a vacant or undeveloped portion of a lot may be cut or filled by right
253 up to 4 feet. The adjustment of grade cut or fill, on any lot which exceeds 4 feet shall require a land
254 disturbance permit including plans stamped by a Registered Professional Engineer in the State of
255 Rhode Island and be approved by the Town Engineer.

256
257 3. In all cases, fill above existing grade shall be deducted from building height.
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259

260 **Section 6. The following changes shall be made to § 260-21 “Zoning Official”.**

261
262 **§ 260-21. Zoning Official.**

263
264 ***

265
266 D. Powers and duties. The Zoning Official shall be charged with the administration and
267 enforcement of this chapter, and shall have the following powers and duties:

268
269 (1) Receiving, waiving submission requirements, and reviewing and making recommendations
270 regarding all applications to the Zoning Board of Review and keeping all records of the Zoning
271 Board of Review;

272
273 (2) Issuing zoning certificates;

274
275 (3) Reviewing and making disposition of requests for modification;

276
277 (4) Collecting required application fees;

278
279 (5) Keeping records documenting compliance of uses of land;

280
281 (6) Authorizing commencement of uses or development under the provisions of the Zoning
282 Ordinance;

283
284 (7) Inspecting suspected violations;

285
286 (8) Issuing violation notices with required corrective action;

287
288 (9) Collecting fines for violations; and

289
290 (10) Exercising such powers and performing such other duties as may be set forth in this chapter.

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295 **Section 7. The following changes shall be made to § 260-26 “Enforcement”.**

296
297 **§ 260-26. Enforcement.**

298
299 A. Violations. It shall be unlawful for any person to construct, erect, or alter any building or
300 structure, or develop, change, or improve land except in accordance with the provisions of this
301 chapter and of plans approved in accordance with the procedures of this chapter and are subject to
302 the following:

- 303 1. When a violation of a dimensional requirement is associated with a completed Zoning
304 Certificate and confirmed by an “as-built”, said dimensional relief may be submitted to the
305 Zoning Officer for an administrative approval in the form of a Dimensional Modification if
306 it qualifies.
- 307
- 308 2. Any property with any existing and/or pending violation of the Zoning Ordinance shall not
309 be permitted to apply for zoning relief or other permits associated with further development
310 or modification of the property unless and until the existing and/or pending violation is
311 corrected.
- 312
- 313 3. An applicant shall be assessed an application fee twice the normal amount when an
314 application for zoning certificate or relief is filed to correct a violation that was the subject
315 of a notice of violation.

316
317 B. Enforcement. Upon finding a violation, the Zoning Official shall serve notice by personal
318 service or by certified mail on the person committing or permitting the violation and on the owner
319 of the property as shown on the Town’s current real estate tax assessment records, which notice
320 shall specify the nature of the violation and order the action necessary to correct it. Such notice
321 shall give a compliance date which the Zoning Official shall establish based upon the time
322 reasonably required to comply. Upon notification of any violation of this chapter which has not
323 been corrected by the compliance date, the Town Solicitor is hereby authorized to initiate legal
324 proceedings to prevent, enjoin, abate, or remove such violation.

325
326 C. Violations and penalties. A penalty may be assessed for any violation of the terms of this chapter
327 or of any conditions or restrictions imposed pursuant to it. The penalty for violation shall be
328 reasonably proportionate to the seriousness of the offense, and shall not exceed \$500 per violation,
329 each day such violation continues to be deemed a separate offense. Fines for violation shall inure to
330 the Town.

334 **Section 8. The following changes shall be made to § 260-28 “Ordinance adoption, amendment**
335 **or repeal.”**

336
337 **§ 260-28. Ordinance adoption, ~~or amendment or repeal.~~**

338
339 A. Submission of petition. A petition for amendment ~~or repeal~~ of this Zoning Ordinance or any part
340 thereof (including amendment ~~or repeal~~ of the Zoning Map) ~~or of adoption of a new Zoning~~
341 ~~Ordinance (and Zoning Map)~~ shall be submitted to the Town Clerk, together with the pertinent
342 application fee. Immediately upon receipt of the proposal, the Town Clerk shall refer the petition
343 to the Town Planner and to the Planning Board for study and recommendation and to the Town
344 Council.

345
346 a. A petition requesting a change in the zoning designation of one or more parcels or the
347 alteration of a zoning district boundary, shall at a minimum, require submission of the
348 original petition and 20 copies of the following items:

349 i. A site plan prepared by, and signed and stamped by, a professional engineer and/or
350 professional land surveyor, as required by Rhode Island General Laws, at a scale of
351 not less than one inch equals 40 feet, clearly showing the following:

- 352 1. Name and address of property owner(s) and applicant(s);
- 353 2. Date, North arrow, graphic scale, affected lot(s) and area (square feet or
354 acres);
- 355 3. Plat(s), lot(s) and 911 address(es);
- 356 4. Current zoning district boundaries and existing uses of all neighboring
357 properties;
- 358 5. Proposed zoning district and boundaries of said district;
- 359 6. Existing and proposed structures, and their relationship and distances from
360 lot lines and zoning district boundary lines;
- 361 7. FEMA flood hazard zone, wetlands and coastal features boundaries, if
362 present;
- 363 8. Existing and proposed streets, driveways, parking areas and walkways;
- 364 9. Existing and proposed landscaping, as it relates to the request;
- 365 10. Existing and proposed wells, septic systems and public utilities;
- 366 11. Any peculiar site conditions or features; and
- 367 12. Topography as may be taken from United States Geological Survey 7.5
368 minute series maps.

369 ii. List of names and addresses of all current property owners within 200 feet of subject
370 property(ies) and/or all those property owners and entities which require notice
371 under R.I. Gen. Laws § 45-24-53, and in compliance with § 260-28D of the Zoning
372 Ordinance;

373 iii. Soil erosion and stormwater control plan with supporting calculations based on
374 standards approved by the USDA Natural Resources Conservation Service and in
375 conformity with the Rhode Island Erosion and Sediment Control Handbook;

376 iv. Letter from a biologist indicating that there are no coastal or freshwater wetlands on
377 or in proximity to the site. In cases where the application is regulated by the Rhode

- 378 Island Freshwater Wetlands Act or the Rhode Island Coastal Resources
379 Management Council (“CRMC”), a physical alteration permit issued by the Rhode
380 Island Department of Environmental Management (“RIDEM”) and, where
381 applicable, the United States Army Corps of Engineers shall be required;
382 v. Where construction requires approval by RIDEM Office of Water Resources for an
383 OWTS (on-site wastewater treatment system) or change of use permit for the
384 proposed activity, attach a copy of the required application;
385 vi. Traffic study prepared by a professional engineer addressing the potential impacts of
386 the proposed activity; and
387 vii. Evidence that there is sufficient water supply to support the proposed activity and
388 that this supply is of drinking water quality.

389
390 b. A petition for amendment of the provisions of the Zoning Ordinance shall, at a minimum,
391 require:

- 392 i. Name and address of applicant(s) and property owner(s);
393 ii. Location of the lot(s) given as the street address, tax assessor’s plat and lot number,
394 and 911 address;
395 iii. Zoning district the lot(s) is located in;
396 iv. Proposed zoning district
397 v. Affected area (square feet or acres);
398 vi. The year that the lot was platted and recorded;
399 vii. Present use of premises;
400 viii. Description of existing structure(s) on premises (square feet);
401 ix. Proposed use of premises;
402 x. Proposed structure(s) (height and square feet);
403 xi. Whether preliminary development plans have been submitted to Planning Board and
404 Zoning Official;
405 xii. Whether the owner or applicant has received a Notice of Violation for this or any
406 property in the Town of Westerly and the status of that alleged violation. If a Notice
407 of Violation was issued, a copy is to be attached to the application.
408 xiii. Identification of the section of the Zoning Ordinance under which this application is
409 filed;
410 xiv. Written statement as to proposed use of the rezoned property (refer to §§ 260-17 and
411 18 of Westerly Zoning Ordinance);
412 xv. Written statement as to the purpose of and need for the amendment, supported by
413 relevant sections of Westerly’s Comprehensive Plan; and
414 xvi. Written statement as to the consistency of the text amendment with the purposes of
415 zoning as expressed in Section 260-5 of the Westerly Zoning Ordinance.
416
417

418 **Section 9. The following changes shall be made to § 260-30 “Modifications”.**
419

420 **§ 260-30 Modifications.**
421

422 **B. Dimensional modifications.** Modifications of up to 25% of the dimensional requirements of this
423 Zoning Ordinance pertaining only to structures, ~~or~~ yard setbacks, or parking requirements may be
424 authorized by the Zoning Official. A modification shall not permit moving of lot lines, the
425 modification of height, minimum lot size, minimum lot frontage or maximum amount of
426 impervious surface.
427

428 **C. Application.** Application for a dimensional modification shall be submitted to the Zoning
429 Official by the owner of the property or the owner’s agent on forms provided by the Zoning
430 Official, together with the pertinent application fee.
431

432 a. The Zoning Official shall have the authority to waive submission of any portion of the
433 application. The Zoning Official’s decision to waive submission of any portion of the
434 application, or to deny a request to waive any required submission, may be appealed in
435 accord with Article VIII, Appeals, of the Zoning Ordinance.
436

437 b. Each application for a dimensional modification shall, at a minimum, require the following
438 items be submitted:

439 i. The original application and two (2) copies of a site plan prepared by, and signed
440 and stamped by, a professional engineer and/or professional land surveyor, as
441 required by Rhode Island General Laws, at a scale of not less than one inch equals
442 40 feet, clearly showing the following:

- 443 1. Name and address of property owner(s);
- 444 2. Date, North arrow, graphic scale, lot dimensions and area in square feet or
445 acres;
- 446 3. Plat and lot, zoning district(s) and front, side and rear yard setbacks;
- 447 4. Existing and proposed structures, and their relationship and distances from
448 lot boundary lines;
- 449 5. FEMA flood hazard zone, wetlands and coastal features boundaries, if
450 present;
- 451 6. Existing and proposed driveways, parking areas and walkways;
- 452 7. Existing and proposed landscaping, as it relates to the request;
- 453 8. Existing streets, 911 address, wells, septic system; and
- 454 9. Any peculiar site conditions or features;

455 ii. Three copies of a current list (show date) of all property owners directly abutting the
456 subject property;

457 iii. Letter from a biologist indicating that there are no coastal or freshwater wetlands on
458 or in proximity to the site. In cases where the application is regulated by the Rhode
459 Island Freshwater Wetlands Act or the Rhode Island Coastal Resources
460 Management Council (“CRMC”), a physical alteration permit issued by the Rhode

461 Island Department of Environmental Management (“RIDEM”) and, where
462 applicable, the United States Army Corps of Engineers shall be required; and
463 iv. Where construction requires approval by RIDEM Office of Water Resources for an
464 OWTS (on-site wastewater treatment system) or change of use permit for the
465 proposed activity, attach a copy of the required application.
466

467 c. Each application form for a dimensional modification shall, at a minimum, require the
468 following:

- 469 i. Name and address of applicant, property owner, and lessee;
470 ii. Location of the lot given as the street address, tax assessor’s plat and lot number,
471 and 911 address;
472 iii. Zoning district the lot is located in;
473 iv. Dimensions of the lot, in feet, to include frontage, depth, and area;
474 v. Present and proposed use of the lot;
475 vi. Identification of all structures on the lot including their size in feet;
476 vii. How long the current owner has owned the lot;
477 viii. The year that the lot was platted and recorded;
478 ix. Whether the owner or applicant has received a Notice of Violation for this or any
479 property in the Town of Westerly and the status of that alleged violation. If a Notice
480 of Violation was issued, a copy is to be attached to the application.
481 x. Whether you have submitted plans related to this request to the Zoning Official;
482 xi. Whether you have requested a permit related to this request and if so whether the
483 permit has been refused. If the permit request was refused, a copy of the written
484 denial is to be attached;
485 xii. The number of families to reside on the lot;
486 xiii. A description of the proposed alterations;
487 xiv. Identification of the section of the Zoning Ordinance under which this application is
488 filed;
489 xv. A specific identification of the relief sought;
490 xvi. A specific statement of the grounds for which the relief is sought;
491 xvii. Identification of, and explanation for, the application submission(s) that the
492 applicant seeks to have waived; and
493 xviii. The application is to be signed by the applicant or owner.
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500 **Section 10. The following changes shall be made to § 260-32 “Nonconformance”.**

501
502 **§ 260-32. Nonconformance.**

503
504 A. Continuance of nonconformance. Any structure or the use of any structure or land which
505 structure or use was lawful at the date of enactment of this Zoning Ordinance and which is
506 nonconforming under the provisions of this Zoning Ordinance, or which will be made
507 nonconforming by any subsequent amendment, may be continued subject to the following
508 provisions.

509
510 B. Nonconforming uses. Nonconforming uses of land, a building or a structure, are governed by the
511 following:

512
513 (1) Repairs and alterations. A building or structure devoted to a nonconforming use may be
514 repaired, maintained or improved, provided the number of square feet of floor area devoted to the
515 nonconforming use is not increased.

516
517 (2) Change in use. A nonconforming use may be changed only by special use permit, provided that
518 such change shall more closely adhere to the intent and purposes of the Zoning Ordinance as
519 provided in RIGL 45-24-40 entitled, “General Provisions - Alteration of Nonconforming
520 Development”. A nonconforming use may not be changed to a more intensive nonconforming use.
521

522 (3) Abandonment. If a nonconforming use is abandoned, all subsequent uses of a building or
523 property shall conform to the provisions of this Zoning Ordinance. Abandonment of a
524 nonconforming use shall consist of some overt act, or failure to act, which evidences the owner’s
525 lack of intent to continue the nonconforming use and is not refuted by any demonstration on the
526 part of the owner of an intent not to abandon the use. An involuntary interruption of nonconforming
527 use, as by fire, flood or natural catastrophe, does not establish the intent to abandon the
528 nonconforming use, if the use of land, a building, or a structure is reestablished within one year of
529 the event. If any nonconforming use ceases for a period of one year or more, the owner will be
530 presumed to have abandoned the nonconforming use unless such presumption is rebutted by
531 substantial evidence of intent not to abandon the use.

532
533 In discussing if a pre-existing non-conforming use has been abandoned, the Zoning Official, and
534 Zoning Board when necessary, may consider the following:

- 535 1. Voluntary demolition of the building, or structure;:
- 536 2. Removal from the site, building or structure of fixtures, equipment, machinery or inventory
537 necessary for the continuation of the use;:
- 538 3. Failure to maintain the land, building, structure or sign in habitable, useable or safe
539 condition;:
- 540 4. A change in the use of the building, structure, or land to another use;:
- 541 5. The voluntary interruption of a nonconforming use of any parcel of land, or portion thereof;:
- 542 6. Failure to apply for or lapse of any permits, licenses or certifications required for
543 continuation of the use, or failure to appeal any denial of any such permit, license or
544 certification within twelve (12) months of any such lapse or denial.

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C. Dimensional nonconformance of structures. All buildings or other structures which are nonconforming by dimension are governed by the following:

(1) Expansion. A structure which does not conform to the dimensional standards of this Zoning Ordinance may not be expanded, enlarged, or increased, including vertically, in any way that would increase the nonconformance of the structure without first obtaining a variance, except where the building footprint and the building envelope of such addition or enlargement itself conforms to all of the dimensional regulations of the zone in which the building or structure is located, in which case an owner/applicant does not need to apply for a variance.

(2) Destruction or demolition. A nonconforming structure which is destroyed or damaged by any means which is beyond the control of the owner shall be rebuilt or restored within ~~18 months~~one year, or thereafter conform to the dimensional provisions of this Zoning Ordinance. If a nonconforming building or structure is demolished or removed by or for its owner, it shall not be rebuilt or replaced except in conformity with the dimensional requirements of this Zoning Ordinance.

(3) Use of nonconforming structure. Notwithstanding any dimensional requirements of this Zoning Ordinance, a nonconforming structure may be used for any use allowed in the zoning district where it is located unless the regulations regarding the use contain specific dimensional requirements peculiar to the use which cannot be met in the existing structure or on the existing lot.

(4) Vertical addition. A structure which does not conform to the dimensional standards of this Zoning Ordinance may be expanded vertically in accord with the procedure and standards for a dimensional modification under § 260-30, without regard to the 25% limitation, if it also meets the following criteria:

a. The structure's dimensional nonconformity is not expanded, enlarged or increased by the addition.

b. The addition is vertical only.

c. The expansion is for a permissible use within the zone.

d. The addition conforms to the height restrictions within the zone.

e. The application shall include a site plan and survey showing the structures on the subject lot as well as each abutting lot, which site plan and survey shall be stamped and dated by a Registered Professional Engineer or a Professional Land Surveyor licensed in the State of Rhode Island.

583 **Section 11. The following changes shall be made to § 260-33 “Variances”.**

584

585 **§ 260-33 Variances.**

586

587 **A. Application.**

588 ~~(1)~~ An application for relief from the literal requirements of a Zoning Ordinance because of
589 hardship may be made by any person, group, agency or corporation with a legal interest in the land
590 to which it applies by filing in the office of the Zoning Official an application describing the
591 request, together with the pertinent application fee.

592

593 (2) The form and such data and/or evidence which comprise such an application shall be as set
594 forth in forms provided by the Zoning Official.

595

596 (i) The Zoning Official shall have the authority to waive submission of any portion of the
597 application. The Zoning Official’s decision to waive submission of any portion of the
598 application, or to deny a request to waive any required submission, may be appealed in
599 accord with Article VIII, Appeals, of the Zoning Ordinance.

600

601 (ii) Each application for a variance shall, at a minimum, require the following items be
602 submitted:

603 1. The original application and ten (10) copies of a site plan prepared by, and signed and
604 stamped by, a professional engineer and/or professional land surveyor, as required by
605 Rhode Island General Laws, at a scale of not less than one inch equals 40 feet, clearly
606 showing the following:

- 607 a. Name and address of property owner(s);
- 608 b. Date, North arrow, graphic scale, lot dimensions and area in square feet or
609 acres;
- 610 c. Plat and lot, zoning district(s) and front, side and rear yard setbacks;
- 611 d. Existing and proposed structures, and their relationship and distances from
612 lot boundary lines;
- 613 e. FEMA flood hazard zone, wetlands and coastal features boundaries, if
614 present;
- 615 f. Existing and proposed topography at two-foot intervals;
- 616 g. Existing and proposed driveways, parking areas and walkways;
- 617 h. Existing and proposed landscaping, as it relates to the request;
- 618 i. Existing streets, 911 address, wells, septic system; and
- 619 j. Any peculiar site conditions or features;

- 620 2. List of names and addresses of all property owners within 200 feet of the subject
621 property, and 10 copies of a separate map showing all property owners within 200
622 feet of the subject property and/or all those property owners and entities that require
623 notice under R.I. Gen. Laws § 45-24-53, also depicting any zone district boundary
624 and uses of all neighboring properties;
625 3. Letter from a biologist indicating that there are no coastal or freshwater wetlands on
626 or in proximity to the site. In cases where the application is regulated by the Rhode
627 Island Freshwater Wetlands Act or the Rhode Island Coastal Resources Management
628 Council (“CRMC”), a physical alteration permit issued by the Rhode Island
629 Department of Environmental Management (“RIDEM”) and, where applicable, the
630 United States Army Corps of Engineers shall be required;
631 4. Where construction requires approval by RIDEM Office of Water Resources for an
632 OWTS (on-site wastewater treatment system) or change of use permit for the
633 proposed activity, attach a copy of the required application;
634 5. Soil erosion and stormwater control plan with supporting calculation based on
635 standards approved by the USDA Natural Resources Conservation Service and in
636 conformity with the Rhode Island Erosion and Sediment Control Handbook;
637 6. Traffic study prepared by a professional engineer addressing the potential impacts of
638 the proposed activity; and
639 7. Evidence that there is sufficient water supply to support the proposed activity and that
640 this supply is of drinking water quality.

641
642 (iii) Each application form for a variance shall, at a minimum, require the following:

- 643 1. Name and address of applicant, property owner, and lessee;
644 2. Location of the lot given as the street address, tax assessor’s plat and lot number, and
645 911 address;
646 3. Zoning district the lot is located in;
647 4. Dimensions of the lot, in feet, to include frontage, depth, and area;
648 5. Present and proposed use of the lot;
649 6. Identification of all structures on the lot including their size in feet;
650 7. How long the current owner has owned the lot;
651 8. The year that the lot was platted and recorded;
652 9. Whether the owner or applicant has received a Notice of Violation for this or any
653 property in the Town of Westerly and the status of that alleged violation. If a Notice
654 of Violation was issued, a copy is to be attached to the application.
655 10. Whether you have submitted plans related to this request to the Zoning Official;

- 656 11. Whether you have requested a permit related to this request and if so whether the
657 permit has been refused. If the permit request was refused, a copy of the written
658 denial is to be attached;
659 12. The number of families to reside on the lot;
660 13. A description of the proposed alterations;
661 14. Identification of the section of the Zoning Ordinance under which this application is
662 filed;
663 15. A specific identification of the relief sought;
664 16. A specific statement of the grounds for which the relief is sought;
665 17. Identification of, and explanation for, the application submission(s) that the applicant
666 seeks to have waived;
667 18. The application is to be signed by the applicant or owner.

668
669 (3) Upon receipt of a completed application and all required submissions, the Zoning Official
670 shall:

- 671 (i) Transmit a copy to the Zoning Board and Town Planner;
672 (ii) Order the matter for advertisement in accord with the Rhode Island General Laws and
673 Zoning Ordinance for the next practicable meeting of the Zoning Board; and
674 (iii) Notify the applicant that the application has been determined complete and the date it is
675 scheduled to be heard by the Zoning Board.

676
677 (4) The Zoning Board shall have the authority to require additional materials reasonably related to
678 its analysis of the application.

679
680 B. Planning Board recommendations. The Zoning Board and/or Zoning Board Official may
681 request that the Planning Board and/or Town Planner report its findings and recommendations,
682 including a statement on the general consistency of the application, with the goals and ~~purposes~~
683 policies of the Comprehensive Plan of the Town of Westerly. The Planning Board or Town
684 Planner's recommendation shall be, in writing ~~to it and submitted~~ within 30 days of receipt of ~~it~~
685 ~~the request; provided, however, that, for uses other than single-family or two-family residential uses~~
686 ~~and uses accessory thereto, the Zoning Board shall request the Planning Board to conduct its~~
687 ~~development plan review in addition to including a statement on the general consistency of the~~
688 ~~application with the goals and purposes of the Comprehensive Plan of the Town of Westerly and~~
689 ~~give its advisory opinion to the Zoning Board.~~

690
691 C. Notice and hearing. The Zoning Board shall hold a public hearing on any application for
692 variance in an expeditious manner after receipt in proper form of a complete application, and shall
693 give public notice thereof of at least 14 days prior to the date of the hearing in a newspaper of

694 general circulation in the Town. Notice of hearing shall be sent by the applicant by ~~both~~ first-class
695 mail, postage prepaid ~~and by certified mail, return receipt requested~~, to all ~~those~~ owners of real
696 property or other entities which would require notice under RIGL 45-24-53 at least ~~21~~ 14 days prior
697 to the date of the hearing. Notice shall be sent to the last known mailing address as shown on the
698 current real estate tax assessment records, and if such address is different from the property
699 address, also to said property address by first-class mail, postage prepaid. Said notice shall include
700 the street address of the property for which the variance is sought. Prior to the hearing, applicant or
701 its legal representative shall file with the Board a notarized affidavit that the notice provisions have
702 been satisfied. The cost of notification shall be borne by the applicant.
703

704 D. In granting a variance, the Zoning Board shall require that evidence satisfying the following
705 standards be entered into the record of the proceedings:

- 706 (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of
707 the subject land or structure and not to the general characteristics of the surrounding area; and is not
708 due to a physical or economic disability of the applicant;
- 709 (2) That the hardship is not the result of any prior action of the applicant and does not result
710 primarily from the desire of the applicant to realize greater financial gain;
- 711 (3) That the granting of the requested variance will not alter the general character of the
712 surrounding area or impair the intent or purpose of the Zoning Ordinance or the Comprehensive
713 Plan upon which this chapter is based; and
- 714 (4) That the relief to be granted is the least relief necessary.

715
716 E. The Zoning Board shall, in addition to the above standards, require that evidence be entered into
717 the record of the proceedings that:

- 718 (1) In granting a use variance the subject land or structure cannot yield any beneficial use if it is
719 required to conform to the provisions of the Zoning Ordinance. Nonconforming use of neighboring
720 land or structures in the same district and permitted use of lands or structures in an adjacent district
721 shall not be considered in granting a use variance; and
- 722 (2) In granting a dimensional variance, that the hardship that will be suffered by the owner of the
723 subject property if the dimensional variance is not granted shall amount to more than a mere
724 inconvenience, ~~which shall mean that there is no other reasonable alternative to enjoy a legally~~
725 ~~permitted beneficial use of one's property~~. The fact that a use may be more profitable or that a
726 structure may be more valuable after the relief is granted shall not be grounds for relief.
727

728 F. Expiration of variance approval. Any variance granted under the provisions of this chapter shall
729 become void unless the work authorized by said variance shall have commenced nine months after
730 the granting of the variance by the Zoning Board of Review and shall be substantially complete
731 within two years of the commencement of the date of construction; provided, further, that such
732 variance shall be void if the work authorized by said variance is suspended or abandoned for a

733 period of six months after the time such work was commenced. Said nine-month period shall not
734 include time taken for the issuance of required state permits or approvals when evidence exists
735 demonstrating that applications for such permits and/or approvals have been timely made and are
736 pending.

737
738 G. ~~The~~ Unless otherwise stated in this ordinance, the Zoning Board of Review may issue a
739 dimensional variance in conjunction with a special use permit. If the special use could not exist
740 without the dimensional variance, the Zoning Board shall consider the special use permit and the
741 dimensional variance together to determine if granting the special use is appropriate based on both
742 the special use criteria and the dimensional variance evidentiary standards.

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748 **Section 12. The following changes shall be made to § 260-34 “Special use permits”.**

749

750 **§ 260-34. Special use permits.**

751

752 A. Application.

753 (1) An application for a special use permit may be made by any person, group, agency or
754 corporation with a legal interest in the land to which it applies by filing in the office of the ~~Z~~zoning
755 ~~enforcement~~ ~~o~~Official~~e~~r an application describing the request, together with the pertinent
756 application fee.

757 (2) The form and such data and/or evidence which comprise such an application shall be as set
758 forth in forms provided by the Zoning Official. ~~Said form and the data and/or evidence required~~
759 ~~thereby are incorporated herein and made a part of this chapter.~~

760

761 (i) The Zoning Official shall have the authority to waive submission of any portion of the
762 application. The Zoning Official’s decision to waive submission of any portion of the
763 application, or to deny a request to waive any required submission, may be appealed in accord
764 with Article VIII, Appeals, of the Zoning Ordinance.

765

766 (ii) Each application for a special use permit shall, at a minimum, require the following items be
767 submitted:

768 1. The original application and ten (10) copies of a site plan prepared by, and signed and
769 stamped by, a professional engineer and/or professional land surveyor, as required by
770 Rhode Island General Laws, at a scale of not less than one inch equals 40 feet, clearly
771 showing the following:

772 a. Name and address of property owner(s);

773 b. Date, North arrow, graphic scale, lot dimensions and area in square feet or acres;

774 c. Plat and lot, zoning district(s) and front, side and rear yard setbacks;

775 d. Existing and proposed structures, and their relationship and distances from lot
776 boundary lines;

777 e. FEMA flood hazard zone, wetlands and coastal features boundaries, if present;

778 f. Existing and proposed topography at two-foot intervals;

779 g. Existing and proposed driveways, parking areas and walkways;

780 h. Existing and proposed landscaping, as it relates to the request;

781 i. Existing streets, 911 address, wells, septic system; and

782 j. Any peculiar site conditions or features;

783 2. List of names and addresses of all property owners within 200 feet of the subject property,
784 and 10 copies of a separate map showing all property owners within 200 feet of the subject

785 property and/or all those property owners and entities that require notice under R.I. Gen.
786 Laws § 45-24-53, also depicting any zone district boundary and uses of all neighboring
787 properties;

788 3. Letter from a biologist indicating that there are no coastal or freshwater wetlands on or in
789 proximity to the site. In cases where the application is regulated by the Rhode Island
790 Freshwater Wetlands Act or the Rhode Island Coastal Resources Management Council
791 (“CRMC”), a physical alteration permit issued by the Rhode Island Department of
792 Environmental Management (“RIDEM”) and, where applicable, the United States Army
793 Corps of Engineers shall be required;

794 4. Where construction requires approval by RIDEM Office of Water Resources for an OWTS
795 (on-site wastewater treatment system) or change of use permit for the proposed activity,
796 attach a copy of the required application;

797 5. Soil erosion and stormwater control plan with supporting calculations based on standards
798 approved by the USDA Natural Resources Conservation Service and in conformity with the
799 Rhode Island Erosion and Sediment Control Handbook;

800 6. Traffic study prepared by a professional engineer addressing the potential impacts of the
801 proposed activity; and

802 7. Evidence that there is sufficient water supply to support the proposed activity and that this
803 supply is of drinking water quality.

804
805 (iii) Each application form for a special use permit shall, at a minimum, require the following:

806 1. Name and address of applicant, property owner, and lessee;

807 2. Location of the lot given as the street address, tax assessor’s plat and lot number, and 911
808 address;

809 3. Zoning district the lot is located in;

810 4. Dimensions of the lot, in feet, to include frontage, depth, and area;

811 5. Present and proposed use of the lot;

812 6. Identification of all structures on the lot including their size in feet;

813 7. How long the current owner has owned the lot;

814 8. The year that the lot was platted and recorded;

815 9. Whether the owner or applicant has received a Notice of Violation for this or any property
816 in the Town of Westerly and the status of that alleged violation. If a Notice of Violation
817 was issued, a copy is to be attached to the application.

818 10. Whether you have submitted plans related to this request to the Zoning Official;

819 11. Whether you have requested a permit related to this request and if so whether the permit has
820 been refused. If the permit request was refused, a copy of the written denial is to be
821 attached;

822 12. The number of families to reside on the lot;

823 13. Identification of the section of the Zoning Ordinance under which this application is filed;

824 14. A specific identification of the relief sought;

825 15. A specific statement of the grounds for which the relief is sought;

826 16. Identification of, and explanation for, the application submission(s) that the applicant seeks
827 to have waived;

828 17. The application is to be signed by the applicant or owner.

829
830 (3) Upon receipt of a completed application and all required submissions, the Zoning Official
831 shall:

832 (i) Transmit a copy to the Zoning Board and Town Planner;

833 (ii) Order the matter for advertisement in accord with the Rhode Island General Laws and
834 Zoning Ordinance for the next practicable meeting of the Zoning Board; and

835 (iii) Notify the applicant that the application has been determined complete and the date it is
836 scheduled to be heard by the Zoning Board.

837
838 (4) The Zoning Board shall have the authority to require additional materials reasonably related to
839 its analysis of the application.

840
841 ~~(3) Upon receipt of an application wherein the applicant seeks a waiver from the requirement of~~
842 ~~furnishing any item of data and/or evidence as required by Appendix C, the zoning enforcement~~
843 ~~officer shall immediately transmit said application and waiver request to the Zoning Board, which~~
844 ~~shall hear and decide the waiver request at a regularly scheduled or special meeting of the Zoning~~
845 ~~Board. In the event the Zoning Board grants such a waiver request, the application, being otherwise~~
846 ~~in conformity with said appendix, shall be deemed complete. In the event the Zoning Board does~~
847 ~~not grant the waiver request in full, the application shall not be deemed complete until all data~~
848 ~~and/or evidence required by the Zoning Official for which a waiver has not been granted, is filed in~~
849 ~~the office of the zoning enforcement officer.~~

850 ~~(4) Upon receipt of the application, accepted as complete, the zoning enforcement officer shall~~
851 ~~immediately transmit it to the Zoning Board and shall transmit a copy to the Planning Board.~~

852
853 B. Planning Board recommendations. The Zoning Board and/or Zoning Board Official, ~~once it has~~
854 ~~accepted an application as complete for a special use permit~~ may request that the Planning Board
855 and/or Town Planner report its findings and recommendations on the special use permit, including
856 a statement on the general consistency of the application; with the goals and ~~purposes~~ policies of
857 the Comprehensive Plan of the Town; The Planning Board or Town Planner's recommendation
858 shall be in writing and submitted within 30 days of receipt of the request.; ~~writing to it within 30~~
859 ~~days of receipt from it; provided, however, that, for uses other than single-family and two-family~~
860 ~~residential uses and uses accessory thereto, the Zoning Board shall request the Planning Board to~~
861 ~~conduct its development plan review in addition to including a statement on the general consistency~~

862 ~~of the application, with the goals and purposes of the Comprehensive Plan of the Town of Westerly~~
863 ~~and give its advisory opinion to the Zoning Board.~~

864
865 C. Notice and hearing. The Zoning Board shall hold a public hearing on any application for a
866 special use permit in an expeditious manner after receipt in proper form of a complete application,
867 and shall give public notice thereof of at least 14 days prior to the date of the hearing in a
868 newspaper of general circulation in the Town. Notice of hearing shall be sent by the applicant by
869 ~~both~~ first-class mail, postage prepaid ~~and by certified mail, return receipt requested,~~ to all ~~those~~
870 owners of real property ~~or other entities which~~ and to all who would require notice under RIGL 45-
871 24-53, at least 14 days prior to the date of the hearing. Notice shall be sent to the last known
872 mailing address as shown on the current real estate tax assessment records, and if such address is
873 different from the property address, also to said property address by first-class mail, postage
874 prepaid. Said notice shall include the street address of the property for which the special use permit
875 is sought. Prior to the hearing, applicant or its legal representative shall file with the Board a
876 notarized affidavit that the notice provisions have been satisfied. The cost of notification shall be
877 borne by the applicant.

878
879 D. In granting a special use permit, the Zoning Board shall be satisfied by legally competent
880 evidence that the proposed uses and/or structure:

881 (1) Will be compatible with the neighboring uses and will not adversely affect the surrounding
882 neighbors' use and enjoyment of their property.

883 (2) That the special use meets all of the criteria set forth in the applicable subsection of this
884 ordinance authorizing such special use; ~~Will be environmentally compatible with neighboring~~
885 ~~properties and the protection of property values;~~

886 (3) ~~That the granting of the special use permit will not alter the general character of the~~
887 ~~surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan of~~
888 ~~the Town. In so doing, the Board shall consider, whether satisfactory provisions and arrangements~~
889 ~~have been or will be made concerning, but not limited to, the following matters, where applicable:~~

890 (i) Ingress and egress to the lot and to existing or proposed structures thereon, traffic flow and
891 control, and access in case of fire, emergency or catastrophe;

892 (ii) Off-street parking and loading areas, pedestrian and bicycle circulation and convenience;

893 (iii) The noise, glare or odor effects of the special use on adjoining lots;

894 (iv) Location and maintenance of trash, storage and delivery areas;

895 (v) Utilities, with reference to locations, availability and compatibility;

896 (vi) Screening and buffering with reference to type, dimensions and character;

897 (vii) Signs, if any, and exterior lighting with reference to glare, traffic safety, and compatibility
898 and harmony with lots in the zoning district;

899 (viii) Required yards, landscape and other open space;

900 (ix) Soil erosion, water supply protection, and wetland and wildlife protection have been
901 addressed;

902 (x) General compatibility with lots in the same or abutting zoning districts; and ~~Will be~~
903 ~~compatible with the orderly growth and development of the Town, and will not be environmentally~~
904 ~~detrimental therewith;~~

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(xi) Protection of property values.

(4) That all best practices and procedures to minimize the possibility of any adverse effects on neighboring property, the Town, and the environment have been considered and will be employed, including but not limited to considerations of soil erosion, water supply protection, septic disposal, wetland protection, traffic limitation, safety and circulation; and
(5) That the purposes of this chapter, and as set forth in the Comprehensive Plan, shall be served by said special use permit.

|
915

916 **Section 13. The following changes shall be made to § 260-39 “Appeals to Zoning Board of**
917 **Review”.**

918
919 **§ 260-39 Appeals to Zoning Board of Review.**

920
921 A. Time for appeal. An appeal to the Zoning Board of Review shall be taken within 30 days of
922 the date of public notice of the decision by the administrative official or agency or board.
923

924 **B.** Filing of appeal. An appeal shall be commenced by filing with the administrative official or
925 agency or board from whom the appeal is taken and with the Zoning Board of Review a
926 notice of appeal specifying the grounds thereof, together with payment of the pertinent fee,
927 as set forth in Appendix F

928
929 **a.** Each application for an appeal shall at a minimum require the following items be
930 submitted:

931 **i.** Copies of all documents filed with the local official or local agency from

932 which the appeal is taken;

933 **ii.** Copies of all decisions of the official or agency from which the appeal is
934 taken;

935 **iii.** The record of any proceeding from which the appeal is taken; and

936 **iv.** List of names and addresses of all property owners within 200 feet of the
937 subject property and 10 copies of a map indicating all property owners
938 within 200 feet of the subject property and/or all those property owners and
939 entities which require notice under R.I. Gen. Laws § 45-24-53 and § 260-
940 41B of the Zoning Ordinance. Said map shall also depict any zoning
941 district boundaries.

942
943 **b.** Each application form for an appeal shall, at a minimum, require the following:

944 **i.** Name and address of applicant, property owner, and lessee;

945 **ii.** Location of the lot given as the street address, tax assessor’s plat and lot
946 number, and 911 address;

947 **iii.** Zoning district the lot is located in;

948 **iv.** Dimensions of the lot, in feet, to include frontage, depth, and area;

949 **v.** Present and proposed use of the lot;

950 **vi.** Identification of all structures on the lot including their size in feet;

951 **vii.** How long the current owner has owned the lot;

952 **viii.** The year that the lot was platted and recorded;

953 **ix.** Whether the owner or applicant has received a Notice of Violation for this
954 or any property in the Town of Westerly and the status of that alleged
955 violation. If a Notice of Violation was issued, a copy is to be attached to
956 the application;

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- x. Identification of the section of the Zoning Ordinance under which this application is filed;
- xi. A description of the proposed alterations;
- xii. A specific identification of the relief sought by this appeal;
- xiii. A specific statement of the grounds for which the appeal is filed; and
- xiv. The application is to be signed by the applicant or owner.

966 **Section 14. Repeal and Replace existing Section 260-45 with the following text.**

967
968 **§ 260-45 Development plan review.**

969
970 A. Intent. The purpose of this section is to preserve the Town's natural environment, enhance its built
971 environment, improve its visual character, and sustain a high quality of life through review of plans
972 for new development and redevelopment of existing uses. High standards of design; landscaping
973 (including landscaped parking lots); improved community appearance; preservation and protection
974 of environmental quality; buffering and screening of conflicting land uses from other land uses and
975 from public streets; and traffic and pedestrian safety are goals to be achieved through development
976 plan review.

977
978 B. New or redeveloped uses, activities or facilities requiring development plan review by the
979 Planning Board include:

- 980 a. Construction of any new multi-family residential structure, or combination of structures, with
981 three or more units, except for those projects that require review under R.I. Gen. Laws §§ 45-
982 23-38 or 39.
- 983 b. Construction of any new commercial, industrial, or mixed-use structure or combination of
984 structures, with a gross floor area of 1,000 square feet or more, except for those projects that
985 require review under R.I. Gen. Laws §§ 45-23-38 or 39.
- 986 c. Construction of any addition or expansion of impervious surface, of at least 1000 square feet
987 or 25 percent of the impervious surface, whichever is less, to an existing multi-family,
988 commercial, industrial, or mixed-use structure, or combination of structures.
- 989 d. New development, or the redevelopment, reconstruction, relocation, or enlargement of an off-
990 street parking area or loading facility.

991
992 C. Exempt activities. Development plan review by the Planning Board shall not be required for the
993 following activities:

- 994 a. Any activity associated with a change of use of any land or any structure if such a change:
995 i. Does not involve physical alteration of the land; or
996 ii. Involves interior modifications to a building only; or
997 iii. Involves exterior modifications to a building which results in an increase in the
998 area of the lot which is covered by impervious surface of less than 1000 square feet
999 or 25 percent of the impervious surface, whichever is less.
- 1000 b. Single or two-household detached residential structures, and subdivisions that require review
1001 under R.I. Gen. Laws §§ 45-23-38 or 39.
- 1002 c. Upon the written decision of the Town Planner finding that the change in use or occupancy
1003 and construction will not affect existing drainage, circulation, relationship of buildings to
1004 each other, landscaping, buffering, lighting and other considerations of development plan
1005 review, and that the existing facilities do not require upgraded or additional site improvements
1006 to become or remain consistent with this Section.

1008 D. Administrative Review.

- 1009 a. A Zoning Submittal application and the written opinion of the Zoning Officer shall precede
1010 any development plan review application. The Office of Planning shall provide the necessary
1011 forms for development plan review and shall review the plans for completeness. Before
1012 submitting a development plan, an applicant may meet with a staff member of the Planning
1013 Office to discuss the proposed project, and to establish which of the requirements set forth in
1014 the Development Plan Review Checklist are applicable. The required contents of the
1015 development plan submission will depend on the scope and complexity of the proposed
1016 project, as determined by the Town Planner. This provision does not affect the authority of
1017 the Planning Board to request additional information or documentation from the applicant.
1018 The application fee for development plan review shall be equal to \$500.00 plus \$20.00 per
1019 commercial/residential unit.
- 1020 b. At the discretion of the Town Planner, an application will be certified as complete. A
1021 complete application shall be referred by the Town Planner to Zoning Officer, Town Engineer
1022 and Utilities, other Boards and public safety personnel for review and comment as applicable.
- 1023 c. Any application for development plan review which includes new construction including
1024 additions, signs and other advertising features, exterior lighting and/or landscaping shall first
1025 be reviewed by the Architectural Review Board (ARB). Such review by the ARB shall be
1026 advisory to the Planning Board, Zoning Board and other permitting authority and shall
1027 include a recommendation with respect to any relief requested or conditions required for
1028 consistency with the standards of Section 260-45F.

1029
1030 E. Planning Board Action.

- 1031 a. Any development or redevelopment permitted under the zoning ordinance and requiring
1032 development plan review under this section may be either approved, approved with
1033 conditions, or denied on the merits of the proposed plan by the Planning Board. Unless the
1034 Planning Board decision is advisory to the Zoning Board, the written decision of the Planning
1035 Board shall be recorded in the land evidence records within twenty (20) days of the Planning
1036 Board vote. The decision of the Planning Board may be appealed to the Zoning Board within
1037 thirty (30) days of the date the decision is recorded.
- 1038 b. Any development or redevelopment that also requires a variance, special use permit, Zoning
1039 Ordinance amendment or zoning map change, shall complete development plan review by
1040 the Planning Board prior to the hearing of the permitting authority. Development plan review
1041 by the Planning Board shall be advisory to the permitting authority and shall include a
1042 recommendation with respect to any relief requested or conditions required for consistency
1043 with the standards of Section 260-45F and the Comprehensive Plan. Under these
1044 circumstances the decision of the Planning Board cannot be appealed.
- 1045 c. Final development plan review approval shall be provided by the Town Planner. If a
1046 development proposal is modified by the Zoning Board or other local or state permitting
1047 authority, the Town Planner may grant final approval upon finding that all revisions are done
1048 in accordance with the provisions of this chapter and with any conditions to which the original
1049 approved plan is subject. However, any revision to a development plan determined by the

1050 Town Planner to be a substantial modification will require submission of an application for
1051 final plan approval by the Planning Board. Whether approved administratively by the Town
1052 Planner or by the Planning Board, the application fee for final approval shall be \$100.00.
1053

1054 F. Standards for Development Plan Review. In addition to the appropriate standards set forth in
1055 Article XI and Article XII, the following standards shall be applied by the Town Planner and the
1056 Planning Board for review and disposition of applications for development plan approval. The Town
1057 Planner may waive any standards that are not applicable to the application. Development plan
1058 approval shall be granted unless the development plan fails to meet one or more of the following
1059 standards.

1060 (1) Relation of proposed buildings, structures and appurtenances to those in the vicinity. The
1061 design and layout of the buildings, other structures and appurtenances shall be harmonious with
1062 the terrain and with existing buildings in the vicinity. In the review by the ARB and Planning
1063 Board, visual compatibility, not uniformity, with the surrounding area shall be emphasized, with
1064 attention given to the scale (mass), height, and proportions of the proposed buildings and other
1065 structures, the nature of the setbacks and open spaces surrounding the buildings, the design of the
1066 buildings (including roof style, facade, architectural style and detailing), and building materials.
1067 If the proposed buildings, structures and appurtenances are within an Historic District or within
1068 200 feet of an Historic Property or Historic District Boundary, the ARB and Planning Board shall
1069 consider the effect which the proposed development will have on the historic resources. In
1070 conducting its development plan review of oceanfront historic hotels, in addition to obtaining the
1071 recommendations of the Rhode Island Historical Preservation and Heritage Commission, the
1072 Planning Board shall engage one expert and may engage up to three experts in historical
1073 preservation and architecture as consultants, at the expense of the applicant, for advice in
1074 reviewing the development plan's consistency with these standards.

1075 -(2) Vehicular access. The proposed layout of access points shall be designed to avoid multiple
1076 "curb cuts" and unnecessary adverse impacts on existing vehicular, bicycle and pedestrian traffic
1077 patterns. Consideration shall be given to the location, number and limitation of access points, bike
1078 lane/sidewalk location and accessibility, capacity of adjacent streets, traffic flow, site distances,
1079 turning lanes, directional signage and existing or proposed traffic signalization. Provisions shall
1080 be made for safe emergency vehicle access to all buildings and structures on the site. Development
1081 plan approval shall be conditioned on the receipt of necessary alteration permits and access
1082 easements.

1083 (3) Parking and interior circulation. The layout and design of vehicular, bicycle and pedestrian
1084 circulation on the parcel, including walkways, interior drives, and parking areas shall be safe and
1085 convenient and, insofar as practicable, enhance the pedestrian use within the parcel and of the
1086 vicinity thru connections to sidewalks, bike lanes, walking trails, and adjacent parcels. Particular
1087 attention shall be given to safe separation of pedestrian and vehicular traffic, service and truck
1088 traffic, drive-up facilities, loading areas, handicap accessibility, bicycle racks and the arrangement
1089 and use of parking areas.

1090 (4) Surface water drainage. Adequate provision shall be made for surface drainage so that
1091 modifications of surface water drainage will not adversely affect neighboring properties,

1092 downstream conditions, or the public storm drainage system. Storm water runoff shall be held to
1093 a zero-percent off-site increase after development. The intent is to adequately control the flow
1094 rate, total volume, and velocity of storm water drainage. On-site infiltration shall be utilized to
1095 minimize discharges and reduce pollutant loads whenever possible. Consideration should also be
1096 given to the existing surface water drainage contributing to the natural hydrology of wetlands and
1097 watercourses on adjacent properties. Modifications to surface water drainage should not result in
1098 significant adverse impacts to the hydrologic regime of surrounding water resources (i.e., duration
1099 and depth of inundation in wetlands, periodicity, discharge, and/or velocity of flow in
1100 watercourses).

1101 All development shall be required to meet the provisions of Chapter 224 “Stormwater
1102 Management”. All drainage calculations shall be based on a twenty-five-year storm frequency.
1103 Emphasis shall be placed on the protection of the waters of the Pawcatuck River, floodplains,
1104 coastal waters, salt ponds, wetlands and preservation of stream corridors. Maintenance procedures
1105 shall be reviewed to determine the adequacy of stormwater management and its long-term
1106 viability. Development plan approval shall be conditioned on final approval and permitting of a
1107 stormwater management plan and certification of all stormwater infrastructure.

1108 (5) Utilities. All utilities included in the development plan shall be reviewed by the Department
1109 of Public Works as to their adequacy, safety, and impact on town services and facilities and
1110 surrounding properties. The development plan shall show what provisions are proposed for water
1111 supply, wastewater, and solid waste disposal. Whenever feasible, all electric, telephone, fiberoptic
1112 and other utility lines shall be installed underground. Any utility installations aboveground shall
1113 be located to have minimum negative impact on the site and the vicinity. Development plan
1114 approval shall be conditioned on final approval and permitting of water supply, wastewater, and
1115 solid waste disposal by appropriate authority.

1116 (6) Signs/other advertising features. The size, location, design and lighting of all exterior signs
1117 and advertising structures or features shall meet the requirements of the Zoning Ordinance or
1118 obtain relief from the Zoning Board including Section 260-86. The ARB shall review all signage
1119 packages for multi-occupant developments as required by 260-86 and ensure signs and other
1120 advertising features do not detract from the layout of the site, the design of proposed buildings
1121 and structures or those in the vicinity and shall not interfere with safe vehicular or pedestrian
1122 circulation. Development plan approval shall be conditioned upon the receipt of a Sign Permit
1123 and zoning relief.

1124 (7) Exterior lighting. All exterior lighting shall be designed to encourage energy efficiency, to
1125 ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring
1126 properties and public ways.

1127 (8) Landscaping. Landscaping shall be designed to ameliorate the appearance of off-street parking
1128 areas, to enhance the appearance of the site, reduce air and noise pollution and to minimize any
1129 negative visual impact of the development on neighboring properties and on public ways.
1130 Attention shall be paid to the use of plantings to break up parking areas and other grade changes
1131 shall be in harmony with the general character of adjacent properties and neighboring uses.
1132 Landscaping shall be provided as part of the overall site design and integrated into building
1133 arrangements, topography, and for buffering and screening of conflicting land uses from other

1134 land uses and from public streets. Parking lot landscaping is also required for heat mitigation,
1135 stormwater management, defining circulation and to break up large expanses of pavement.

1136 (9) Special features. Exposed storage areas, exposed machinery installations, service areas, truck
1137 loading areas, potential hazardous materials, utility buildings and structures, protective fencing,
1138 retaining walls and similar accessory uses and structures shall be subject to such construction and
1139 screening methods as may reasonably be required to minimize their negative impact on the site
1140 and surrounding properties and public ways.

1141 (10) Environmental factors. Protection, impact mitigation, and enhancement of environmentally
1142 sensitive areas shall be addressed by the applicant as part of the development application.
1143 Environmentally sensitive areas include, but are not limited to, the Pawcatuck River, the salt
1144 ponds, Little Narragansett Bay, woodland areas, agricultural soils, unique vegetation, flood hazard
1145 areas, wetlands, steep slopes and rare and endangered species. Wherever possible, the proposed
1146 development project shall be designed to use sensitive areas as visual or recreational open space,
1147 greenways or undisturbed space. A development plan shall not be approved if it would result in
1148 water pollution, damage to shoreline vegetation, or inhibition of public access to waters. All
1149 bioretention shall be conducted in accordance with the performance standards described in Section
1150 A261-30.1.

1151
1152 G. Recording and expiration of development plan approval. A decision of the Planning Board and
1153 final approval of the Town Planner on the development plan shall be recorded in the Land Evidence
1154 Records. Unless the use of the land has commenced, or a building permit is issued, within one year
1155 from the date of final approval, said approval shall expire. Upon the request of the applicant, approval
1156 of the development plan may be extended for up to two additional one-year periods if all factors of
1157 the original development plan review are the same and the applicant requests extension prior to the
1158 expiration of the original approval period.

1159
1160 **Section 15. The following new § 260-45.1 shall be added.**

1161
1162 **§ 260-45.1 Land Development Projects.**

1163
1164 The Planning Board is hereby authorized to act on land development projects in accordance with
1165 Title 45, Chapter 23 of the Rhode Island General Laws, through the requirements and procedures of
1166 Chapter A261 “Land Development and Subdivision Regulations”. Compliance with the “Standards
1167 For Development Plan Review” adopted pursuant to Section 260-45F shall be considered by the
1168 Planning Board in conjunction with the required findings in A261-14.

1173 **Section 16. The following changes shall be made within Article X. Overlay Zoning Districts.**

1174 ***

1175 ***
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1177 **§ 260-52. Aquifer Protection Overlay District.**

1178 ***

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1180
1181 E. Aquifer protection permits.

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1183 (1) Application:

1184 (a) An application for an aquifer protection permit may be made by any person, group, agency
1185 or corporation with a legal interest in the land to which it applies by filing in the office of the
1186 zoning enforcement officer an application describing the request, together with the pertinent
1187 application fee.

1188
1189 (b) The form and such data and/or evidence which comprise such an application shall be as set
1190 forth in forms provided by the Zoning Official.

1191
1192 i. The Zoning Official shall have the authority to waive submission of any portion of
1193 the application. The Zoning Official's decision to waive submission of any portion
1194 of the application, or to deny a request to waive any required submission, may be
1195 appealed in accord with Article VIII of the Zoning Ordinance.

1196
1197 ii. Each application for an aquifer protection permit shall at a minimum require the
1198 following items be submitted:

1199 1. The original application and ten (10) copies of a site plan prepared by, and
1200 signed and stamped by, a professional engineer and/or professional land
1201 surveyor, as required by Rhode Island General Laws, at a scale of not less
1202 than one inch equals 40 feet, clearly showing the following:

1203 a. Name and address of property owner(s);

1204 b. Date, North arrow, graphic scale, lot dimensions and area in square
1205 feet or acres;

1206 c. Plat and lot, zoning district(s) and front, side and rear yard setbacks;

1207 d. Existing and proposed structures, and their relationship and distances
1208 from lot boundary lines;

1209 e. FEMA flood hazard zone, wetlands and coastal features boundaries,
1210 if present;

1211 f. Existing and proposed topography at two-foot intervals;

1212 g. Existing and proposed driveways, parking areas and walkways;

1213 h. Existing and proposed landscaping, as it relates to the request;

1214 i. Existing streets, 911 address, wells, septic system; and

1215 j. Any peculiar site conditions or features;

1216 2. List of names and addresses of all property owners within 200 feet of the
1217 subject property, and 10 copies of a separate map showing all property

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owners within 200 feet of the subject property and/or all those property owners and entities that require notice under R.I. Gen. Laws § 45-24-53, also depicting any zone district boundary and uses of all neighboring properties;

3. Letter from a biologist indicating that there are no coastal or freshwater wetland on or in proximity to the site. In cases where the application is regulated by the Rhode Island Freshwater Wetlands Act or the Rhode Island Coastal Resources Management Council (“CRMC”), a physical alteration permit issued by the Rhode Island Department of Environmental Management (“RIDEM”) and, where applicable, the United States Army Corps of Engineers shall be required;
4. Where construction requires approval by RIDEM Office of Water Resources for an OWTS (on-site wastewater treatment system) or change of use permit for the proposed activity, attach a copy of the required application;
5. Soil erosion and stormwater control plan with supporting calculations based on standards approved by the USDA Natural Resources Conservation Service and in conformity with the Rhode Island Erosion and Sediment Control Handbook;
6. Evidence that there is sufficient water supply to support the proposed activity and that this supply is of drinking water quality.

iii. Each application form for an aquifer protection permit shall, at a minimum, require the following:

1. Name and address of applicant, property owner, and lessee;
2. Location of the lot given as the street address, tax assessor’s plat and lot number, and 911 address;
3. Zoning district the lot is located in;
4. Dimensions of the lot, in feet, to include frontage, depth, and area;
5. Present and proposed use of the lot;
6. Identification of all structures on the lot including their size in feet;
7. How long the current owner has owned the lot;
8. The year that the lot was platted and recorded;
9. Whether the owner or applicant has received a Notice of Violation for this or any property in the Town of Westerly and the status of that alleged violation. If a Notice of Violation was issued, a copy is to be attached to the application.
10. Whether you have submitted plans related to this request to the Zoning Official;
11. Whether you have requested a permit related to this request and if so whether the permit has been refused. If the permit request was refused, a copy of the written denial is to be attached;
12. Identification of the section of the Zoning Ordinance under which this application is filed;
13. Describe in detail the wastewater generated by the proposed activity;

- 1263 14. Describe in detail the stormwater runoff generated by the proposed
1264 activity;
1265 15. List and describe in detail all chemicals, solvents, detergents, petroleum
1266 products, etc. (including but not limited to all substances required to be
1267 identified by the Rhode Island Right to Know Law), to be stored or used
1268 on the premises and the precautions and/or container systems proposed;
1269 16. A specific statement of the grounds for which the relief is sought;
1270 17. Identification of, and explanation for, the application submission(s) that the
1271 applicant seeks to have waived;
1272 18. The application is to be signed by the applicant or owner.

1273
1274 iv. Upon receipt of a completed application and all required submissions, the Zoning
1275 Official shall:

- 1276 1. Transmit a copy to the Zoning Board and Town Planner;
1277 2. Order the matter for advertisement in accord with the Rhode Island
1278 General Laws and Zoning Ordinance for the next practicable meeting of
1279 the Zoning Board; and
1280 3. Notify the applicant that the application has been determined complete and
1281 the date it is scheduled to be heard by the Zoning Board.

1282
1283 v. The Zoning Board shall have the authority to require additional materials reasonably
1284 related to its analysis of the application.

1285
1286 ~~(2) Planning Board recommendation: The Planning Board shall conduct its development plan~~
1287 ~~review and give its advisory opinion to the Zoning Board.~~

1288
1289 ~~(3) Notice and hearing: The Zoning Board Official shall give public notice of the time and place~~
1290 ~~of hearing at least 14 days prior to the date of hearing in a newspaper of general circulation in the~~
1291 ~~Town. Notice of hearing shall be sent by the applicant by both first-class mail, postage prepaid,~~
1292 ~~and by certified mail, return receipt requested, to all those owners of real property or other entities~~
1293 ~~which and to all who would require notice under RIGL 45-24-53 at least 21-14 days prior to the date~~
1294 ~~of the hearing. Notice shall be sent to the last known mailing address as shown on the current real~~
1295 ~~estate tax assessment records, and if such address is different from the property address, also to said~~
1296 ~~property address by first-class mail, postage prepaid. Said notice shall include the street address of~~
1297 ~~the property for which the aquifer protection permit is sought. Prior to the hearing, the applicant or~~
1298 ~~its legal representative shall file with the Board a notarized affidavit that the notice provisions have~~
1299 ~~been satisfied.~~

1300
1301 ~~(4) Findings of Zoning Board: In granting an aquifer protection permit, the Zoning Board shall be~~
1302 ~~satisfied by legally competent evidence that all best practices and procedures to minimize the~~
1303 ~~possibility of any adverse effects on the aquifer have been considered and will be employed,~~
1304 ~~including but not limited to considerations of soil erosion, water supply protection, septic disposal~~
1305 ~~and wetland protection.~~

1307 **§ 260-58 Granite Street Overlay District.**

1308
1309 A. Purpose. This district is comprised of properties with frontage on Granite Street from Grove
1310 Avenue intersection to its Tower Street intersection which is currently HDR-6. Professional offices
1311 are currently interposed within this area. This overlay district is intended to permit additional
1312 professional offices and artistic studios to compliment this area between Downtown Commercial - 1
1313 and the more intense highway commercial use which commences at the Tower Street intersection.

1314
1315 B. Use.

1316 (1) Those uses permitted as of right or by special permit in ~~a~~the HDR-6 District shall continue to be
1317 so permitted.

1318 (2) The following uses shall also be permitted in the Granite Street Overlay District by special use
1319 permit.

1320 (a) General and professional offices.

1321 (b) Artistic and photo studios.

1322
1323 ~~C. Development standards. Any property which is intended for Ddevelopment or redevelopment~~
1324 ~~within this overlay district shall may be submitted as part of therequire development plan review~~
1325 ~~process approval in accordance with Section 260-45and shall further require a special use permit~~
1326 ~~from the Zoning Board of Review which may impose such additional conditions as it may deem~~
1327 ~~appropriate.~~

1328
1329 ~~D~~-Dimensional regulations. Dimensional regulations for such structures within this overlay district
1330 shall conform to the underlying HDR-6 zoning.

1331
1332 **§ 260-59 Wells Street Overlay District.**

1333
1334 A. Purpose. The purpose of this overlay district is that the development of the hospital and
1335 professional offices along Wells Street has impacted the properties on the opposite side of the
1336 street. It is therefore intended to permit the north side of Wells Street to become professional,
1337 provided that such change of use adheres to the regulations set forth herein.

1338 B. Uses.

1339 ~~(1)~~ Those uses permitted as of right or by special use permit in ~~a~~the HDR-6 or P-15 District shall
1340 also be permitted in this overlay district by right or by special use permit as the case may be.

1341 ~~(2) Those uses presently permitted as of right or by special use permit under the underlying district~~
1342 ~~of P-15 shall also be allowed in the Wells Street overlay district and shall be permitted by special~~
1343 ~~use permit.~~

1344 ~~C. Development standards. Any property which is intended for development Development or~~
1345 ~~redevelopment within this overlay district with a use permitted under a P-15 and not permitted under~~
1346 ~~HDR-6 shall be submitted as part of the may require development plan review process approval in~~
1347 ~~accordance with Section 260-45 and shall fully require a special use permit from the Zoning Board~~
1348 ~~of Review which may impose such further conditions as it may deem appropriate.~~

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Section 17. The following changes shall be made within Article XI. Development Standards for Particular Uses.

§ 260-60. Residential development standards.

- A. No more than one ~~residential building~~ single-family residential dwelling unit shall be permitted on a lot. ~~The structural interconnecting of buildings to meet this requirement is prohibited.~~ A single-family dwelling unit shall have substantial and permanent interconnection of all household functions which must include foundation, walls and a roof.
- B. A residence shall not be converted to increase the number of dwelling units, unless:
 - a. it is for an accessory dwelling unit or when multiple-unit dwellings are allowed in the district in which the building is located; ~~and;~~
 - b. the yard dimensions and lot area meet the dimensional and area requirements of the zoning district; and
 - c. the appropriate permits for proper disposal of sewage are obtained including but, not limited to, building, electrical, plumbing, sewage and water.
- C. Soil erosion and sediment controls shall be installed prior to the start of ~~work-construction at the direction of the Westerly Zoning Official and/or the Building Official~~ in accordance with best management practices (BMPs) contained in the Rhode Island Soil Erosion and Sediment Control Handbook, as amended, and said safeguards shall remain in place until such time as the site is completely stabilized with loam and seed or other materials.
- D. All lots, ~~single family, two family or multifamily,~~ shall conform to the Rhode Island Department of Environmental Management Stormwater Design and Installation Standards Manual, December 2010, or as amended, latest edition.
- E. No lot shall have a paved front yard for parking or a driveway that exceeds 16 feet in width. Existing sidewalks and curbing shall not be removed without an alteration permit ("curb cut"). Driveway openings shall be no greater than 20 feet in width.

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1380

1381 **Section 18. The following changes shall be made to §-260-66 “Accessory Structures”.**

1382
1383 **§ 260-66 Accessory structures and uses.**

1384
1385 A. ~~As used in this section, the~~The following terms shall have the meanings indicated:

1386
1387 **ACCESSORY STRUCTURE ~~OR USE~~**

1388 A structure ~~or use~~ that is clearly incidental to and customarily found in connection with a principal
1389 ~~building use, and does not include residential occupaney, It~~ is subordinate in size and intensity of
1390 use to and serves a principal ~~building structure, is located on the same lot as the principal structure~~
1391 being served and contributes to the comfort, convenience, or necessity of the occupants, business,
1392 or industry located in the principal ~~building structure use being~~ served. ~~It is located on the same lot~~
1393 ~~as the principal building served~~

1394
1395 **ACCESSORY USE**

1396 A. The ~~A~~ use of land or ~~of a~~ structures ~~building, or portion thereof, customarily incidental and~~
1397 subordinate to the principal use of the land or building. An accessory use may be restricted
1398 to the same lot as the principal use. An accessory use shall not be permitted without the
1399 principal use to which it is related.

1400
1401 ~~A.~~B. Permitted accessory structures and uses. Accessory structures and uses are permitted if
1402 they are under the same ownership and on the same lot as the principal use and principal
1403 structure. Any accessory use or ~~building structure~~ which is accessory to a legally
1404 nonconforming use or structure shall be treated in the same manner and subject to the same
1405 regulation as the principal use and principal structure.

1406
1407 C. Location of accessory structures. No accessory structure ~~or use~~ may be located in any part
1408 of the required front or corner side yards. The side and rear setbacks of accessory structures
1409 are set forth in the district dimensional tables in this chapter.

1410
1411 ~~B.~~D. Connected structures. Where ~~an accessory~~ structure is within six feet ~~or attached to of toof~~
1412 the principal ~~building structure or has substantial and permanent interconnection~~
1413 interconnected to the principal structure (which must include a foundation, walls and a in a
1414 substantial manner as by a wall, roof) or breezeway, such structure is no longer accessory,
1415 but wholly or use shall be considered part of the principal ~~building structure~~, and the
1416 dimensional and use requirements for a principal structure shall apply. setbacks for the
1417 principal building shall apply to the accessory structure as well.

1418
1419 ~~C.~~E. Height. Maximum height of accessory structures is set forth in district dimensional tables
1420 in this chapter.

1421
1422 F. Size. No accessory structure or use shall be permitted which exceeds the size of the
1423 principal structure or use. Accessory building setbacks may only be utilized if the accessory
1424 structure does not exceed 550 square feet total in floor area, is a single story and does not

1445 **Section 19. The following changes shall be made to § 260-67 “Swimming pools”.**

1446
1447 **§ 260-67. Swimming Pools.**

1448
1449 No private swimming pool capable of containing more than 24 inches of water shall be
1450 allowed in any district except as an accessory use, and in accordance with the following
1451 requirements:

1452 A. The pool must be intended and used principally for the enjoyment of the residents of the
1453 property upon which it is located.

1454
1455 B. The pool ~~or the property on which it is located shall be walled or fenced according to~~ shall
1456 meet the barrier requirements listed in ~~RI~~ Rhode Island State Building Code.

1457
1458 C. The pool and ~~any accessory buildings~~ its equipment shall be no closer than 15 feet to any side
1459 or rear lot line and shall not be located in any required front yard setback.

1460
1461 D. Any lighting shall be ~~faced~~ shielded and directed away from abutting property and adjacent
1462 streets.

1463
1464 ~~E. In-ground pool aprons shall be contained within the required fence or wall. If the entire property~~
1465 ~~is fenced or walled, the inground pool apron shall be no less than 15 feet from any side or rear~~
1466 ~~setback line.~~

1467
1468 **Section 20. The following changes shall be made to § 260-72 “Golf driving ranges”.**

1469
1470 **§ 260-72. ~~Golf driving ranges. Reserved.~~**

1471
1472 ~~A. Development plan. The development plan required pursuant to § 260-45 shall show the layout~~
1473 ~~of the property and indicate the location of all driving ranges, putting greens, fences and structures.~~

1474 ~~B. Accessory uses. Accessory uses shall be limited to a maintenance shed and a pro shop.~~

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1478 **Section 21. The following changes shall be made to § 260-73 “Golf courses”.**

1479
1480 **§ 260-73. Golf courses.**

1481
1482 A. ~~Development plan. The development plan required pursuant to § 260-45 shall show the layout of~~
1483 ~~the property and indicate the location of any clubhouses, all tees, fairways, greens, fences, walls,~~
1484 ~~any pro shops, maintenance sheds and other structures, practice ranges, putting greens and other~~
1485 ~~features appurtenant to the golf course. A golf course shall be considered a land development~~
1486 ~~project and shall, in addition to obtaining any other required approval, be reviewed and approved~~
1487 ~~by the Planning Board in accordance with the provisions of Chapter A261.~~

1488
1489 B. Principal uses. The principal uses ~~of a golf course shall be~~ include the tract or tracts of land laid
1490 ~~out for playing a game of golf and improved with tees, greens, fairways, and hazards; practice~~
1491 ~~ranges and putting greens; maintenance buildings and equipment; other features appurtenant to a~~
1492 ~~golf course and and structures shall be the golf course itself and any the clubhouse, which may~~
1493 ~~include -offices, “pro-shop”, dining facilities, fitness center, restrooms and locker rooms~~
1494 ~~on the~~
1495 ~~premises.~~

1496 C. Accessory uses. Accessory uses ~~and the a stand alone “pro shop”, any maintenance buildings~~
1497 ~~and facilities,~~ to a golf course may include tennis courts and other recreational facilities, golf villas
1498 ~~or guest cottages, lodging, workforce housing and a limited suite hotel.~~

- 1499 i. ~~Golf villas or guest cottages, shall contain no more than four bedrooms each and; may~~
1500 ~~include access to common household functions.~~
- 1501 ii. ~~Lodging means a building intended or used principally for sleeping accommodations~~
1502 ~~furnished to employees, students, trainees, conference attendees or a temporary workforce~~
1503 ~~and may include access to common household functions.~~
- 1504 iii. ~~Workforce housing is a dwelling unit, either owned or rented, that can be afforded by~~
1505 ~~moderate to middle income (as defined by R.I. Gen. Laws § 45-128-8.1) critical and service~~
1506 ~~workers who maintain full time residence in Westerly.~~
- 1507 ~~iv. A limited suite hotel means a building or group of buildings with at least 75% of its suites~~
1508 ~~or hotel rooms having access from within a single building or set of buildings. Suites may~~
1509 ~~comprise no more than 2/3 of the total number of available units and contain a maximum of~~
1510 ~~two bedrooms. Limited suite hotel must include publicly accessible elements providing food~~
1511 ~~service and meeting areas; and; may include facilities and services such as fitness room,~~
1512 ~~salon, spa and swimming pool. tennis and other recreational facilities and golf villas or~~
1513 ~~guest cottages, provided that any such villa or cottage shall contain no cooking facilities and~~
1514 ~~shall contain no more than four bedrooms each and shall not be occupied by any guest for a~~
1515 ~~period longer than two consecutive weeks.~~

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1518

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1519 Section 22. The following changes shall be made to § 260-75 “Boatyards/marinas”.

1520

1521 § 260-75. Boatyards/ming Marinas.

1522

1523 A. A marina shall be considered a land development project and shall, in addition to all other
1524 required approvals, be reviewed and approved by the Planning Board in accordance with the
1525 provisions of Chapter A261. ~~Location. Marinas shall be located adjacent to water suitable for use by~~
1526 ~~pleasure and cruise boats.~~

1527

1528 B. Size. The size of the marina shall be determined by the carrying capacity of the land and the
1529 adjacent water, the capacity for dry storage on land, the capacity for off-street parking, the
1530 availability of sanitation facilities and the accessibility of adjacent roads.

1531

1532 C. Use of docks. Dock use shall be as permitted by the RI Coastal Resources Management Council.
1533 ~~Docks are to be used by transient boats. Docks and adjacent areas shall not be used for dry-stacking~~
1534 ~~facilities.~~

1535

1536 D. ~~Residence use prohibited. The marina shall not provide residence facilities nor shall any boat~~
1537 ~~docked at the marinas be used as a residence.~~

1538

1539 ~~E.~~ Marine service structures. Docks, ramps, moorings and related marine service structures shall
1540 conform to accepted siting and engineering standards, ~~the application of which shall be evidenced~~
1541 ~~as part of development plan review.~~

1542

1543

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1545 **Section 23. The following changes shall be made to § 260-77 “Off-street parking regulations”.**

1546
1547 **§ 260-77. Off-street parking regulations.**

1548
1549 A. Parking required. ~~Any~~ Except as otherwise provided in this Chapter, any structure or use,
1550 erected or developed ~~after the date of passage of this chapter,~~ must provide off-street parking
1551 facilities ~~including garage~~ in accordance with the following ~~regulations~~ minimum standards. ÷

1552 (1) Residential dwelling units:

1553 (a) ~~Two~~ (2) car spaces for each dwelling unit except as follows:

1554 i. One (1) car space for an accessory dwelling unit

1555 ii. Multi-family dwellings of four (4) or more units shall provide one (1) assigned car
1556 space per one (1) bedroom unit and one (1) additional unassigned car space per unit
1557 with two (2) or more bedrooms.

1558 (2) Hotels/motels and inns: one (1) car space per room plus one for every three employees on the
1559 largest shift, plus one (1) car space per four seats capacity for each accessory use open to the
1560 public. ~~of all meeting/assembly rooms and associated restaurants.~~

1561 (3) Restaurants, theaters and other places of public assembly:

1562 (a) Restaurants, Taverns and Bars: one (1) car space for every three seats ~~or every~~ or every
1563 three persons of capacity.

1564 (b) Theaters and other places of public assembly: one (1) car space for every four seats of
1565 capacity.

1566 (4) Hospitals, nursing homes and congregate housing.

1567 (a) Hospitals or institutions: one (1) car space for each bed, and one (1) car space for every
1568 staff member/employee on largest shift.

1569 (b) Nursing homes: one (1) car space per two beds plus one (1) car space per employee on
1570 largest shift.

1571 (c) Assisted living complex: one (1) car space per two beds, plus one (1) car space per
1572 employee on largest shift.

1573 (d) Congregate housing complex: one (1) car space per bed, plus one (1) car space per
1574 employee on largest shift.

1575 (5) Office use: one (1) car space for every 250 square feet of ~~gross~~ floor space, excluding stair
1576 ways, service areas, storage and equipment areas. Not applicable to office space ancillary to a
1577 commercial use.

1578 (6) Retail and service business: ~~4.5~~ parking-car spaces for every 1,000 square feet of gross floor
1579 area up to 10,000 square feet; ~~4.75~~ parking-car spaces for every 1,000 square feet of gross floor
1580 area greater than 10,000 square feet.

1581 (7) Outdoor recreation use:

1582 (a) Camp or campground: one (1) car space per employee, plus one (1) car space per
1583 campsite, plus one (1) car space per three campsites, if visitors are permitted.

1584 (b) Golf course: four (4) car spaces per green, plus one (1) car space per employee, plus those
1585 spaces as otherwise required for all accessory uses, such as restaurant, banquet facility, etc.

1586 (c) Recreational vehicle park: One and one half (-1.5) car spaces per RV site, plus one (1) car
1587 space per employee, plus one (1) car space per five sites, if visitors are permitted.

1588 (d) For all other outdoor recreation uses: one (1) car parking space for every three persons of
1589 total capacity.

1590 (8) Industrial and wholesale uses:

1591 (a) Manufacturing uses: one (1) car space per each two employees on largest shift, plus one
1592 (1) car space per 500 square feet of floor space devoted to customers and visitors.

1593 (b) Wholesale/warehouse uses: one (1) car space per two employees and one (1) car space per
1594 truck ~~operated bay and/or loading dock from the premises.~~

1595 (9) All other nonresidential uses: One (1) car space for every 300 square feet of gross floor area.

1596 (10) In the DC-1H, DC-2 and NB zoning districts the following standards shall apply:

1597 (a) Dwelling units. One (1) car space for each dwelling-unit containing up to two (2)
1598 bedrooms, and one (1) additional car space for any unit with more than two (2) bedrooms.

1599 (b) Restaurants, Taverns and Bars. One (1) car space for every four (4) seats or every four (4)
1600 persons of capacity.

1601 (c) Theatres and other places of assembly. One (1) space for every six (6) seats or every six
1602 (6) persons of capacity.

1603 (d) When an existing unit in a multi-unit commercial or mixed-use building is repurposed
1604 with no expansion in gross floor area, no additional off-street parking shall be required
1605 regardless of use.

1606
1607 B. Plans and specifications for off-street surface parking facilities. Plans and specifications for ~~the a~~
1608 required off-street surface parking facility and its access drives shall be submitted at the time of
1609 application for a permit for the development or redevelopment of the main use of the property. In
1610 allocating area for off-street surface parking facilities, each parking space shall have a minimum
1611 width of ~~nine~~ 9 feet, a minimum length of 18 feet and shall be served by suitable aisles to permit
1612 access into all parking spaces. For driveways serving two-way traffic the -aisle width shall be 24'
1613 and drive aisles serving one-way traffic shall have a -aisle width of 15'. In no case shall the gross
1614 area per parking space be less than 270 square feet. Such plans and specifications for off-street
1615 surface parking shall include circulation, planted islands and buffers as well as a landscape,
1616 directional signage and lighting plan.

1617
1618 C. Regulations for off-street parking facilities. All parking facilities provided under this section
1619 must be developed on the site of the main use unless otherwise specified herein. Any off-site
1620 facilities must be located within 500 feet of the main use, provided that they are located within a
1621 Commercial or Industrial District as defined in § 260-12. ~~business or manufacturing district.~~

1622
1623 D. Parking lots shall conform to the following regulations:

1624 (1) The area shall be paved and provided with bumper guards where needed, except in areas
1625 designated as critical resource areas by Coastal Resources Management Council or otherwise
1626 ~~provided for in this chapter (i.e., inns) where a dust-free pervious surface may be~~
1627 ~~permitted~~ required for stormwater infiltration. The Planning Board, as part of its development

1628 ~~plan~~-review and approval, may ~~permit~~-require all or part of the parking area surface to be
1629 pervious, or a combination of pervious and impervious.

1630 (2) The surface parking lot shall have a five (5) foot wide perimeter buffer that shall be
1631 landscaped with ground cover, shrubs and trees that are salt-tolerant and of seasonal interest.
1632 The buffer should be undulating and have a variety of materials to provide interest and
1633 separation from the site's parking surface. Where such area adjoins a residential district, a solid
1634 wall or opaque fence not less than five feet nor more than seven feet in height or a compact
1635 evergreen screen not less than five feet in height shall be erected and maintained between the
1636 buffer ~~such area~~ and the adjoining residential district.

1637 (3) Parking lot surfaces, curbing and landscaping shall be maintained, including but not limited
1638 to, regular sweeping, plowing, repaving and striping, replacement of curbing, irrigation, pruning,
1639 and leaf collection. ~~Any light used to illuminate the area shall be arranged to reflect the light~~
1640 ~~away from adjoining property in a residential district and away from the adjacent streets.~~

1641 ~~(4) Trailer trucks and heavy construction equipment may not be stored or parked overnight in any~~
1642 ~~residential area, except for heavy construction equipment during the active on-site construction~~
1643 ~~period.~~

1644
1645 E. Oceanfront historic hotel. Parking required for an oceanfront historic hotel may be located on
1646 and/or off the site of the hotel on any property which has heretofore been used for parking in
1647 conjunction with such hotel.

1648
1649 F. Adult entertainment. All parking for employees and customers shall be located between the
1650 building and the street on which the building has frontage.

1651
1652 G. Trailer trucks, heavy construction equipment, and associated trailers may not be stored or parked
1653 greater than one (1) hour in any 24-hour period in any residential area, except for heavy
1654 construction equipment during the active on site construction period.

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1658 **Section 24. The following changes shall be made to § 260-82 “Motor vehicle junkyard”.**

1659

1660 **§ 260-82. Motor vehicle junkyard.**

1661

1662 A. ~~Development plan. The development~~Special Use Permit. In conjunction with the special use
1663 permit application, the applicant shall provide a plan required pursuant to § 260-45 shall showing
1664 the location of all buildings and the location of storage areas ~~designed for use for automobiles and~~
1665 ~~other vehicles, parts, lubricants, fuel and other storage.~~

1666

1667 B. Screening. A solid or opaque fence of not less than seven feet in height shall be required.

1668

1669 C. Storage of fuel and oil substances. All lubricant and fuel oil substances which are to be stored on
1670 site shall be stored with all necessary precautions taken to prevent their leakage and/or surface or
1671 subsurface drainage into water bodies. A plan detailing how these materials will be stored in
1672 compliance with this requirement shall be submitted with the application.

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1676 **Section 25. The following changes shall be made to § 260-83 “Drive-in uses”.**

1677
1678 **§ 260-83. Drive-in-thru or Drive-up lanes uses.**

1679
1680 The Zoning Board may grant a special use permit for a Drive-thru or Drive-up lane associated with
1681 any retail use provided that the following requirements are met.

- 1682
- 1683 a) ~~A.~~ Minimum site area. The minimum site area for a drive-in-thru lane use, not within a
1684 plaza, shall be 20,000 square feet with a minimum street frontage of 150 feet.
- 1685
- 1686 b) ~~B.~~ Setbacks. The front, side and rear yard setbacks shall be no less than the minimum
1687 applicable dimension specified in the Standard Zoning Districts Dimensional Tables in §
1688 260-19 of this chapter, unless the lot abuts a residential zone with greater minimum yard
1689 setbacks, in which case, the setback of the yard with the drive-upthru lane which abuts the
1690 residential zone shall be ~~twice equal to the setback that of the abutting the~~ residential zone.
- 1691
- 1692 c) ~~C. Driveways~~ Drive-thru lanes. ~~Driveways~~ Drive-thru lanes shall be at least ~~24-15~~ feet wide
1693 and shall have no more than two access points ~~onto a single street from all public rights of~~
1694 ~~way and shall be harmonious with the interior circulation within the parcel.~~ No ~~driveway~~
1695 ~~drive-thru lane~~ shall be less than 100 feet from any street intersection, 10 feet from any side
1696 lot line, or 50 feet from any other driveway.
- 1697
- 1698 d) ~~D.~~ Lighting. Lighting fixtures used to illuminate drive-in-thru uses lanes shall be no higher
1699 than 14 feet above the ground. At the close of business, all lighting shall be limited to that
1700 necessary for security.
- 1701
- 1702 e) ~~E.~~ Stacking lanes. Stacking lanes shall be provided in accordance with the following
1703 requirements:
- 1704 ~~i) (1)~~ Stacking lanes shall be separated from other circulation lanes and shall be identified
1705 by pavement rumble strips, curbs or landscaping.
- 1706 ~~ii) (2)~~ No exit from or entrance to such lanes shall be within 100 feet of a street
1707 intersection.
- 1708 ~~iii) (3)~~ Each ~~entrance stacking~~ lane shall provide a queueing length of ~~5 five to 10 25~~
1709 spaces, depending on the intensity of use, each ~~space having with~~ a dimension of 10 feet by
1710 18 feet. ~~The applicant shall provide documentation to support the number of spaces~~
1711 ~~proposed for the queue length based on the proposed use. The Planning Board shall set~~
1712 ~~the precise number of spaces required in the development plan review process.~~
- 1713 ~~iv) (4)~~ The distance from the pick-up window to the egress onto the street shall be a
1714 minimum of 90 feet to a maximum of 180 feet.
- 1715
1716

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1718 **Section 26. The following changes shall be made to § 260-84 “Hazardous waste management**
1719 **facility siting”.**

1720
1721 **§ 260-84. Hazardous waste management facility siting.**
1722

1723 A. Purpose. It is the intent of this chapter to regulate the siting of a hazardous waste management
1724 facility to the extent permitted by Chapter 19.7 of Title 23 of the General Laws of Rhode Island, as
1725 amended, that said facility be permitted ~~with development plan review~~ by special use permit in a
1726 General Industrial Zone subject to the provisions contained herein and Chapter 19.7 of Title 23 of
1727 the General Laws of the State of Rhode Island.
1728

1729 **Section 27 Repeal and Replace existing Section 260-86 with the following text.**
1730

1731 **§ 260-86 Sign Regulations.**
1732

1733 **A. Intent and purpose.**

1734 (1) The intent and purpose of this Section shall be to regulate, restrict and place limitations on
1735 the size, location, alteration, type and illumination of all signs; to provide for the use of
1736 signs as a means of communication in a manner that is consistent with the aesthetic qualities
1737 of the Town and with pedestrian and traffic safety; and to achieve the following general
1738 purposes:

- 1739 (a) To protect and enhance commercial and residential property values by creating a
1740 visually harmonious environment;
1741 (b) To promote the general business interests of the Town by maintaining and improving
1742 the visual quality of commercial areas;
1743 (c) To provide for the general safety of the public; and
1744 (d) To enhance the traditional qualities and characteristics of the Town of Westerly, and to
1745 further the objectives of the Comprehensive Community Plan.
1746

1747 (2) This Section shall apply to all signs which may be erected, placed, displayed, established,
1748 created, used, altered, replaced or maintained in the Town. Signs which are not expressly
1749 permitted by these regulations are prohibited. The Zoning Board of Review may hear and
1750 grant relief from the provisions of this article by way of a dimensional variance as provided
1751 in Section 260-33 unless otherwise noted.
1752

1753 (3) Due to the complexities of site engineering and vehicle/pedestrian circulation associated
1754 with multi-occupant developments, such as shopping centers, educational and medical
1755 institutions, office parks, recreational facilities and mixed-use facilities, the owners of such
1756 development shall submit to the Planning Board an integrated signage package for any
1757 Minor or Major Land Development Project approval pursuant to Chapter A261.
1758

1759 (a) In addition to the submission requirements for a land development project, the
1760 application shall include the information required by this section for the issuance of a
1761 sign permit and the opinion and recommendation of the Zoning Officer on consistency
1762 of the proposed signage with the Zoning Ordinance.

1763 (b) In approving an integrated sign package, the Planning Board shall apply the standards
1764 applicable to land development projects under Chapter A261 and find that:

1765 a. Such signage program would be consistent with the intent and purpose of this
1766 section;

1767 b. The placement of signs within the multi-occupant development would be
1768 harmonious with the other aspects of the site plan; and;

1769 c. Such signage program would result in a more comprehensive and attractive
1770 arrangement and display of signs than could otherwise be accomplished under
1771 the standards of this section.

1772 (c) Planning Board approval of the integrated sign package does not waive the requirement
1773 that the applicant obtain the necessary relief from the Zoning Official or Zoning Board.
1774 In the event that the applicant's integrated sign package requires any relief from existing
1775 Zoning requirements, the applicant shall apply for that relief from the Zoning Board and
1776 shall seek an advisory recommendation from the Planning Board for the relief sought.
1777

1778 B. Definitions.

1779 For the purposes of this Section, the following terms shall have the meaning stated herein:

1781 ABANDONED SIGN

1782 A sign which has not identified or advertised a business, service, owner, product, or activity for a
1783 period of at least one-hundred and eighty (180) days.

1785 ALTERATION

1786 A change in the size, shape, or structure of the sign or its support, a change in the mechanical
1787 facilities, type of illumination or mode of operation of an existing sign. Copy or color change of an
1788 existing sign is not an alteration.

1790 BILLBOARD SIGN

1791 A sign for which the message display is mounted on a permanent structure, that meets any of these
1792 criteria:

1793 (1) A permanent structure sign which is used for the display of off-site products, goods, services,
1794 facilities, events or attractions not made, sold, used, served or available on the lot displaying such
1795 sign; or

1796 (2) A permanent structure sign which constitutes a principal, separate or secondary use, as opposed
1797 to an accessory use, of the parcel on which it is located; or

1798 (3) A permanent structure outdoor sign used as advertising for hire, e.g., on which display space is
1799 made available to parties, other than the owner or operator of the sign or occupant of the lot (not

1800 including those who rent space from the sign owner, when the message on the sign is for the entity
1801 operating at the site), for a rent or other consideration.

1802
1803 **CANOPY SIGN**

1804 A sign which is part of or attached to an awning, canopy, or other fabric, plastic or structural
1805 protective cover over a door, entrance, window, walkway or outdoor service area.

1806
1807 **COMMUNITY EVENT SIGN**

1808 Freestanding temporary portable signs to be used by government, quasi-government, institutions,
1809 libraries, schools and non-profit organizations for promotion of special limited duration events.

1810
1811 **FLAG**

1812 Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors,
1813 patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or
1814 anchored at only two corners, including “feather signs”.

1815
1816 **FOOTCANDLE**

1817 A unit of incident light (on a surface) stated in lumens per square foot and measurable with an
1818 illuminance meter, a.k.a. footcandle or light meter. One footcandle is equal to one lumen per square
1819 foot

1820
1821 **FREESTANDING SIGN**

1822 A sign placed on the ground or supported by one or more uprights, poles or other supports placed in
1823 or upon the ground. A freestanding sign does not include temporary signs placed on sidewalks.

1824
1825 **GOVERNMENT/REGULATORY SIGN**

1826 Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad
1827 crossing signs, and signs of public service companies indicating danger or construction, which are
1828 erected by or at the order of a public officer, employee or agent thereof, in the discharge of official
1829 duties.

1830
1831 **IDENTIFICATION SIGN**

1832 A sign, located on the premises, which indicates the names, 911 address, and/or identifying symbol
1833 of:

- 1834 (1) A development containing two or more occupants such as a professional office building, a
1835 residential building, an industrial park or commercial building center; or
1836 (2) A school, church, park, hospital, or other public or semipublic institution or facility.

1837
1838 **INFLATABLE SIGN**

1839 A sign in the form of an air-inflated object of various shapes that is made of flexible fabric and
1840 placed on the ground or a structure.

1842 **MARQUEE**

1843 A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a
1844 building and providing protection from the elements.

1846 **MARQUEE SIGN**

1847 Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a
1848 theater, performing arts center, cinema, or other similar use, it may also advertise films or
1849 productions.

1851 **MANUAL CHANGEABLE COPY SIGNS**

1852 A sign or portion thereof on which the copy or symbols are changed manually through placement
1853 or drawing of letters or symbols on a sign face.

1855 **MULTI-OCCUPANT SIGN**

1856 A freestanding sign used to advertise businesses that occupy a shopping center or complex with
1857 greater than one occupant.

1859 **NONCONFORMING SIGN**

1860 A sign that was legally erected and maintained at the effective date of the Zoning Ordinance, or
1861 amendment thereto, that does not currently comply with sign regulations of the district in which it
1862 is located.

1864 **PORTABLE SIGN**

1865 A sign designed to be transported or moved and not permanently attached to the ground, a building,
1866 or other structure.

1868 **PROJECTING SIGN**

1869 A sign which is wholly or partly dependent upon a building for support and which projects more
1870 than fifteen (15) inches from the building.

1872 **ROOF SIGN**

1873 A sign mounted on, against or directly above the roof or on top of or above the parapet of a
1874 building or structure.

1876 **SANDWICH BOARD SIGN**

1877 A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at
1878 the top and whose message is targeted to pedestrians (Also known as A-frame sign).

1880 **SNIPE/BANDIT SIGN**

1881 A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes,
1882 fences, public benches, streetlights, or other objects, or placed on any public property or in the
1883 public right-of-way.

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VEHICULAR SIGN

A type of freestanding, portable, temporary sign affixed to a vehicle in such a manner that the sign is used primarily as a stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle’s primary purpose.

WALL SIGN

A sign attached to the exterior wall of a structure in such a manner that the wall becomes the support for, or forms the background surface of, the sign and which does not project more than fifteen (15) inches from the structure.

WINDOW SIGNS

Any sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and which is visible from any public or private sidewalk, street or highway. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

C. Sign permits.

New signs shall not be erected, and legally existing signs shall not be replaced, relocated or altered, without a permit granted in accordance with the provisions of this Section. Applications for a sign permit shall be submitted to the Zoning Official on the appropriate form provided by the Zoning Office. The application shall include plans and specifications of the proposed sign, which, at a minimum, describes dimensions, area, maximum and minimum height, proposed message and design, materials, colors, method of construction, method of illumination for each sign, and clearly indicates the location of each sign on the property on which it is to be displayed and any other information required by the Zoning Official. Such application shall be signed by the owner of the property on which the sign or signs will be located.

D. General standards.

Unless otherwise specified, the following standards shall apply in all zoning districts:

(1) Sign construction. Every sign shall be constructed in a permanent manner and shall be assembled and permanently affixed in such a fashion that it shall not be ordinarily affected by weather. No sign shall be painted directly onto any building, fence, utility pole, rock, tree or other similar object.

(2) Sign illumination and motion. All signs, billboards and digital media display panels that are self-illuminated utilizing light-emitting diodes (LED), organic light-emitting diodes (OLED) panels, LCD or plasma screens for the purposes of advertisement in public display are not allowed in any zoning district. Further, no such signage may be computer or processor driven to allow the illuminated projection or illuminated movement of any form of digital media except for of a sign stating “open” which does not exceed a size of two square feet, “time and temperature,” and “fuel prices.” Said “open” signs, signs indicating “time and temperature” and/or “fuel prices” shall be prohibited in the NB zoning district. No sign may be illuminated

1926 such that it is brighter than 0.3 footcandles above ambient light levels, as measured at 150 feet
1927 from the sign. In addition, the following rules shall apply to all illuminated signs intended to be
1928 viewed from the exterior.

1929 (a) Internally illuminated freestanding signs shall not be illuminated during nonbusiness
1930 hours of the business advertised by such sign. The same rule shall apply to signs
1931 constituting an integral part of vending machines or similar devices.

1932 (b) Illuminated tubing or strings of lights that outline properties, sales areas, rooflines,
1933 doors, windows, or similar areas are prohibited except for temporary use in observance
1934 of holidays.

1935 (3) Sign location. Unless permitted under Section K, Existing Nonconforming Signs, signs, shall be
1936 located only on the property of the business, organization or activity they are intended to
1937 identify and, unless otherwise permitted, shall not project over any property line. In addition,
1938 the following rules shall apply:

1939 (a) No sign shall be located on any corner so as to violate the corner visibility
1940 requirements of Chapter 260, Zoning.

1941 (b) No sign shall be so located as to obstruct or interfere with the visibility or movement
1942 of vehicular or pedestrian traffic.

1943 (c) No sign shall be located on a sidewalk unless otherwise permitted.

1944 (4) Computation of sign area.

1945 (a) The area of a sign shall be computed from the inner dimensions of the frame, trim or
1946 molding by which the sign is enclosed.

1947 (b) When a sign consists of individual letters, symbols, or characters, and it is not framed,
1948 its area shall be computed as the area of the smallest rectangle which encloses all the letters,
1949 symbols or characters.

1950 (c) When a sign consists of two or more faces, only one face of the sign shall be used in
1951 computing the sign area if the faces are parallel to and within 12 inches of each other, (e.g. a
1952 sandwich board sign). Otherwise, all faces of the sign shall be used to compute the sign
1953 area.

1954 (5) Wall sign standards.

1955 (a) No wall sign shall extend beyond the outer edge of any wall or above the eaves of the
1956 building to which it is attached.

1957 (b) A wall sign shall be parallel to the wall to which it is attached and shall not project more
1958 than 15 inches therefrom.

1959 (c) No wall sign shall be painted directly upon any wall.

1960 (d) The size for all wall signs shall be as hereinafter set forth.

1961 (6) Freestanding sign standards.

1962 (a) If the lot on which the sign is located does not contain a principal building, the sign shall
1963 not exceed a height of six feet. The height of the sign shall be measured from the ground to
1964 the top of the sign.

1965 (b) No part of any freestanding sign shall be located within 10 feet of any lot line.

1966 (c) Only one freestanding sign shall be permitted on a lot even if there is more than one
1967 building or use on that lot.

1968 (d) The size and height for all freestanding signs shall be as hereinafter set forth.

1969 (7) Projecting signs standards.

1970 (a) The bottom edge of a projecting sign shall be at least eight feet above ground level when
1971 located in an area where the public walks.

1972 (b) No projecting sign shall extend more than five feet from the wall to which it is attached
1973 and shall be no more than 10 square feet except for temporary banners announcing
1974 community events.

1975 (c) The size for all projecting signs shall be as hereinafter set forth.

1976 (8) Maintenance of signs. All signs, including all supports, braces, guys and anchors, shall be kept
1977 in good repair and shall be kept clean, neatly painted and free from all hazards so as not to
1978 endanger the public health or safety. Such areas shall be maintained in a clean, sanitary and
1979 healthful condition.

1980 (9) Changeable copy signs. Manual changeable copy signs are permitted only when integrated
1981 into a freestanding, marquee, wall, or portable sign. A permit shall not be required to change the
1982 message of the manual changeable copy sign.

1983 (10) Prohibited signs. The following signs are prohibited in all Zoning Districts, unless otherwise
1984 permitted by this Section:

1985 (a) Billboard signs;

1986 (b) Snipe, or bandit signs;

1987 (c) Inflatable signs;

1988 (d) Abandoned signs;

1989 (e) Flags displaying commercial content;

1990 (f) Roof signs;

1991 (g) Banners; and

1992 (h) Vehicular signs.

1993
1994 (11) Unlawful cutting of trees or shrubs. No person may, for the purpose of increasing or
1995 enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other
1996 vegetation located in any area where landscaping is required pursuant to a zoning approval or
1997 within the right-of-way of any public street or highway, unless the work is with the written
1998 authorization of the Public Works Director. A copy of such written authorization shall be submitted
1999 to the Zoning Official.

2000
2001 E. Signs permitted by right.

2002 Unless otherwise specified, the following signs are permitted by right in all zoning districts and do
2003 not require a sign permit:

2004 (1) Signs not exceeding six (6) square feet in area that are not of a commercial nature, such as:

2005 (a) Identification signs as described herein;

2006 (b) Signs on mailboxes or newspaper tubes; and

2007 (c) Signs posted on private property relating to private parking or warning the public against
2008 trespassing, hunting or danger from animals.

- 2009 (2) Government/regulatory signs erected by or pursuant to the authorization of a governmental, or
2010 quasi-governmental, body, including legal notices, identification and informational signs, and
2011 traffic, directional, or regulatory signs.
- 2012 (3) Integral decorative or architectural features of buildings or works of art, so long as such features
2013 do not contain letters, trademarks, moving parts, or lights.
- 2014 (4) Signs directing and guiding traffic that bear no advertising matter.
- 2015 (5) Signs proclaiming religious or political activities that do not exceed one per lot and 12 square
2016 feet in area and that are not internally illuminated. Signs erected in connection with elections or
2017 political campaigns shall be erected no more than 60 days prior to the election and shall be
2018 removed within seven (7) days following the election or end of the campaign.
- 2019 (6) Real estate signs, giving notice that the property on which the sign is located is for sale, lease,
2020 or rent, together with information identifying the owner or agent. Such signs shall not exceed
2021 six (6) square feet. No more than one such sign shall be located on any lot and shall be
2022 removed immediately after sale, lease, or rental.
- 2023 (7) Community event signs. Such signs are not intended to be permanent and shall be limited to
2024 display ten (10) days prior to the special event and are to be removed immediately thereafter.
2025 Community event signs shall not obstruct sight-line vision of motor vehicles or constitute a
2026 hazard to pedestrians.
- 2027 (8) Temporary signs (such as for yard sales) not covered in the foregoing categories, so long as
2028 such signs meet the following restrictions:
- 2029 (a) No more than one such sign may be located on any lot.
- 2030 (b) No such sign may exceed two (2) square feet.
- 2031 (c) Such sign may not be displayed for longer than three (3) consecutive days nor more than ten
2032 (10) days out of any three-hundred-sixty-five (365)-day period.
- 2033 (9) Temporary window signs in or on the window of a building, which are visible from any public
2034 or private street or highway, provided that such sign shall not occupy more than 25% of the area
2035 of said window and shall not be in place more than thirty (30) days.
- 2036 (10) The flag of a foreign nation, the United States, State of Rhode Island and Providence
2037 Plantations, Town of Westerly, associated with the United States military, National Guard,
2038 police and fire departments.

2039

2040 F. Signs permitted in all zoning districts.

2041 The following signs shall be permitted in all zoning districts subject to the issuance of a sign
2042 permit:

- 2043 (1) Construction signs. One construction or renovation sign, not to exceed six (6) square feet in
2044 residential zoning districts or twelve (12) square feet in all other zoning districts, when
2045 associated with a valid building permit, which shall be removed within thirty (30) days of work
2046 completion.
- 2047 (2) Land development identification signs. One real estate development identification sign at each
2048 entrance, not to exceed thirty-two (32) square feet, to identify an approved land development,
2049 which shall be removed within thirty (30) days of sales completion.
- 2050

2051 G. Signs permitted in all residential and OSR zoning districts.

2052 All signs in residential and OSR zoning districts shall comply with Section D, General Standards,
2053 of Section 260-86 unless specified below and shall be subject to the issuance of a sign permit. In
2054 addition to generally permitted signs (Subsection E) and signs permitted in all zoning districts
2055 (Subsection F), the following signs are permitted in residential zoning districts:

- 2056 (1) Identification sign. A sign identifying an area of open space for recreation, the name of a farm
2057 or agricultural activity, a subdivision or neighborhood not to exceed six (6) square feet or be
2058 higher than six (6) feet.;
2059 (2) Home occupation sign. Signs identifying a home occupation permitted pursuant to Section 260-
2060 65 not to exceed 1.5 square feet.;
2061 (3) Public recreation signs. A sign identifying public access is allowed to an area of open space for
2062 recreation, not to exceed 1.5 square feet in area.

2063
2064 H. Signs permitted in HC, GC, SC-G, CR, GI and LI zoning districts.

2065 All signs in the HC, GC, SC-G, CR, GI and LI zoning districts shall comply with Section D,
2066 General Standards, of Section 260-86 unless specified below and shall be subject to the issuance of
2067 a sign permit. In addition to generally permitted signs (Subsection E) and signs permitted in all
2068 zoning districts (Subsection F), the following signs are permitted in the HC, GC, SC-G, CR, GI and
2069 LI zoning districts:

- 2070 (1) A single-occupant parcel shall be allowed one of each of the following types of signs:
2071 (a) A freestanding sign, not exceeding thirty-six (36) square feet, which shall include the name
2072 and 911 address of the occupant. The freestanding sign shall not exceed the height of the
2073 building to which it is related or a height of sixteen (16) feet, whichever is less. A
2074 freestanding sign shall not be permitted for an individual occupant located in a multi-
2075 occupant building or in a multi-business shopping center;
2076 (b) A projecting sign which shall not exceed twelve (12) square feet;
2077 (c) A wall sign which shall not exceed one square foot for each linear foot of the street facing
2078 facade of the building to which the sign will be attached; and
2079 (d) A canopy sign which shall not exceed one square foot for each linear foot of the street
2080 facing facade to which the canopy sign will be attached.
2081 (2) Signs within a multi-occupant parcel shall be in accordance with the following:
2082 (a) One freestanding sign, not to exceed seventy-two (72) square feet, which shall identify the
2083 name and 911 address of the multi-occupant (i.e. center or plaza) and may list each of its
2084 occupants. The multi-occupant freestanding sign shall not exceed the average height of the
2085 buildings to which it is related or a height of sixteen (16) feet, whichever is less.
2086 (b) Each occupant within a multi-occupant parcel may have a wall sign not exceeding one
2087 square foot for each linear foot of the street facing facade of the unit or units occupied. The
2088 total area of all wall signs shall not exceed one square foot for each linear foot of the street
2089 facing facade of the building to which the signs will be attached.
2090 (c) The design, placement and location of signs within a multi-occupant parcel shall be
2091 harmonious with one another.

2092 (3) Exposed neon tube signs may be displayed in interior windows, provided that the neon tube
2093 shall not exceed 0.5 inch in diameter.

2094
2095 I. Signs permitted in the DC-1, DC-2, NB, MC and SC-WH zoning districts.

2096 All signs in the DC-1, DC-2, NB, MC and SC-WH zoning districts shall comply with Section D,
2097 General Standards, of Section 260-86 unless otherwise specified below, and shall be subject to the
2098 issuance of a sign permit. In addition to generally permitted signs (Subsection E) and signs
2099 permitted in all zoning districts (Subsection F), the following signs are permitted in the DC-1, DC-
2100 2, NB, MC and SC-WH zoning districts:

2101 (1) Window signs. Window signs, as defined in this section, for non-residential uses shall be
2102 permitted subject to the following regulations.

2103 (a) Area: A maximum of 15% of the total window area of any single storefront may be used for
2104 permanent signs that are etched, painted, or otherwise permanently affixed to the window.
2105 A maximum of 25% of the total window area of any single storefront may be covered by a
2106 combination of permanent and temporary window signs.

2107 (b) Illuminated signs, may be displayed in interior windows, provided that any neon sign tube
2108 shall not exceed 0.5 inch in diameter; no sign may be illuminated such that it is brighter
2109 than 0.3 footcandles above ambient light levels, as measured at 150 feet from the sign; and
2110 the light shall not be illuminated during nonbusiness hours

2111 (2) Wall signs. One wall sign which shall not exceed one square foot for each linear foot of the
2112 face of the building (or if the building contains two or more occupants, the portion thereof
2113 allocated to the occupant) to which the sign will be attached.

2114 (3) Freestanding signs. One freestanding sign per lot, provided that: it shall not exceed thirty-six
2115 (36) square feet; it shall not exceed six (6) feet in height, measured from the ground to the top
2116 of the sign, and it may abut the property line, but it shall not be located on or projected over a
2117 sidewalk. A freestanding sign shall not be permitted for an individual business located in a
2118 multi-occupant building or parcel; however, one multi-occupant freestanding sign may be
2119 permitted for the building or parcel to provide joint identification of the occupant business
2120 enterprises and the name of the building or center.

2121 (4) One projecting sign, per structure and/or unit, provided that:

2122 (a) A lot may have no more than one projecting sign per business.

2123 (b) No projecting sign shall extend more than five (5) feet from the wall to which it is attached,
2124 at a safe height over the sidewalk, and shall be no more than twelve (12) square feet except
2125 for temporary community event signs.

2126 (5) Portable signs, provided that:

2127 (a) No greater than one portable sign shall be on each sidewalk directly abutting the unit it
2128 advertises.

2129 (b) A portable sign shall not be greater than twelve (12) square feet and in the case of a
2130 sandwich board sign shall not be greater than four (4) feet tall and three (3) feet wide at the
2131 base.

2132 (c) A portable sign may only be displayed during the hours that the business is open, and it
2133 shall be removed from the sidewalk when the business closes each day.

2134 (d) The portable sign shall not inhibit pedestrian or handicap access to, or on, the sidewalk.

2135 (6) A marquee sign provided that:

2136 (a) The marquee and marquee sign are historic in nature and are approved by the Rhode Island
2137 Historical Preservation and Heritage Commission.

2138 (b) The marquee and marquee sign match the design and function of a previously permitted
2139 marquee at the site.

2140 (c) The marquee and marquee sign are approved by the Rhode Island Historical Preservation
2141 and Heritage Commission, which approval must be received and provided to the Zoning
2142 Official before the Zoning Official may issue a permit.

2143 (d) Use of modern technology, such as LED, OLED, and plasma screens, as well as computer
2144 or processor driven signage to allow illuminated projection or movement of any form of
2145 digital media, is permitted if it evokes and mimics the look, feel and function of the historic
2146 marquee sign being replaced, refaced, or refurbished.

2147 (e) Marquee signs employing the use of modern technology shall not operate between 2:00 am
2148 and 5:00 am.

2149 (f) Illuminated marquee signs may not be brighter than 0.3 footcandles above ambient light
2150 levels, as measured at 150 feet from the sign.

2151 (g) A permit shall not be required to change the message or content of a marquee sign.

2152 (7) Canopy Signs, provided that:

2153 (a) The bottom edge of the awning, canopy, or other fabric, plastic or structural protective
2154 cover over a door, entrance, window, walkway or outdoor service area shall be at least
2155 seven feet above ground.

2156 (b) The bottom edge of any hanging sign attached to the canopy shall be at least eight (8) feet
2157 above ground.

2158 (8) Banners, flags, and temporary signs are prohibited unless permitted in accordance with
2159 Subsection E.

2160 (9) Unless otherwise permitted by this Section, all signs must be for a business(es) on the same lot
2161 and for the unit that the sign is located on. Additional signs are not permitted on the basis that
2162 there is greater than one business on the lot.

2163 (10) The provisions of this Subsection shall govern any conflict between the provisions of this
2164 Subsection and any other Subsection of Section 260-86.

2165 J. Adult entertainment business.

2166 Signs for adult entertainment businesses shall be subject to the following restrictions and
2167 prohibitions:

2168 (1) Perpendicular or protruding signs are prohibited. Signs shall be parallel with and attached to a
2169 wall.

2170 (2) Freestanding signs and off-site signs are prohibited.

2171 (3) Signs or other advertising located on billboards or outdoor advertising structures are prohibited.

2172 (4) Signs that extend above the roofline of the structure in which the business is located or extend
2173 over a public sidewalk or right-of-way are prohibited.
2174

2175 (5) Display of merchandise or pictures in the window or on any facades, screens, or fencing facing
2176 inward toward or outward from the establishment of any adult entertainment business is
2177 prohibited.

2178
2179 K. Existing nonconforming signs.

2180 (1) Continuance. A nonconforming sign lawfully existing at the time of adoption or subsequent
2181 amendment of this Section may continue, although such sign does not conform to the
2182 provisions of this Section.

2183 (2) Maintenance. A nonconforming sign may be maintained in compliance with Section 260-
2184 86D(8), General Standards, without requiring a permit.

2185 (3) Repair or reface. A nonconforming sign may be repaired (including refacing); provided that a
2186 sign permit explicit to the specific scope of the repair is obtained and the sign shall not be
2187 structurally altered in any way unless it conforms with this article. If the cumulative cost during
2188 any twelve (12) month period to repair or reface the nonconforming sign exceeds fifty percent
2189 (50%) of the fair market value of the sign before the start of the repair or refacing then the
2190 repair or refacing shall be considered a replacement of the nonconforming sign.

2191 (4) Replacement, Relocation, or Alteration. Any sign replacing or relocating a nonconforming sign
2192 shall conform with the provisions of Section 260-86 and the nonconforming sign shall no
2193 longer be displayed. A nonconforming sign shall not be altered as defined herein. If a
2194 nonconforming sign is altered, the sign shall be made to conform with the provisions of Section
2195 260-86 and the nonconforming sign shall no longer be displayed.

2196
2197

2198 **Section 28. The following changes shall be made to § 260-87.3 “Retaining walls”.**

2199
2200 **§ 260-87.3 Retaining walls.**

2201
2202 A. Any retaining wall greater than six feet in vertical height, measured from grade at the bottom of
2203 the wall to the top of the wall, shall require a Building permit. An application for a building permit
2204 under this section shall be reviewed and approved by the Zoning Officer prior to the permit being
2205 issued.

2206
2207 B. A plot plan showing the property and the location of the proposed wall on the property, together
2208 with the location of driveways, sidewalks, patios, decks, pools and other structures and/or paving
2209 relative to the proposed wall, together with existing and proposed topography at two-foot intervals,
2210 shall accompany the permit application.

2211
2212 C. Retaining walls shall be designed to ensure stability against overturning, sliding, excessive
2213 foundation pressure and water uplift. Retaining walls shall be designed for a minimum safety factor
2214 of 1.5 lateral sliding and overturning (Reference: Rhode Island Building Code: Retaining Walls)
2215 ~~International Building Code 1610.2 – Retaining Walls).~~

2216
2217 D. Retaining walls in excess of six feet shall be designed ~~by a professional engineer licensed to~~
2218 ~~practice in the State of Rhode Island~~ for all loads specified in the applicable building code and in
2219 keeping with nationally recognized standards. Such designs shall be based on sound engineering and
2220 geotechnical principles. A site plan and of the wall design signed, stamped and dated by ~~the a~~
2221 professional engineer– licensed to practice in the State of Rhode Island shall also accompany the
2222 application.

2223
2224 E. Where multiple walls are situated in a terrace-like pattern, they shall be considered one wall for
2225 purposes of determining the height of wall if the horizontal separation between adjacent walls is less
2226 than or equal to the combined height of the walls multiplied by a factor of 0.75.

2227
2228 F. Adequate protection to prevent an individual's accidental fall over the retaining wall shall be
2229 erected and maintained in conjunction with the retaining wall thereafter.

2230
2231 ~~G. Development plan review by the Planning Board is required for all retaining walls which require~~
2232 ~~Building Permit, except those created in conjunction with a single family or two family residential~~
2233 ~~structure and uses accessory thereto, when the abutting property owner has endorsed the building~~
2234 ~~permit application. The Planning Board may require screening, to include, but not be limited to,~~
2235 ~~vegetation, natural stone veneer or a rusticated face.~~

2236
2237 ~~H. All retaining walls greater than six feet in height shall be subject to a development plan review by~~
2238 ~~the Planning Board which may grant relief from these requirements due to unique site conditions~~
2239 ~~and/or constraints.~~

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2242 **Section 29. The following changes shall be made to § 260-87.6 “Development standards for**
2243 **Shore Commercial-Watch Hill (SC-WH)”.**

2244
2245 **§ 260-87.6. Development standards for Shore Commercial - Watch Hill (SC-WH).**

2246
2247 A. Purpose; exceptions.

2248
2249 (1) The entire area of the Shore Commercial - Watch Hill Zoning District is within the Watch Hill
2250 Historic District, which is listed in the National Register of Historic Places. Essential to the
2251 preservation of this district is that those existing structures that define the historic character of the
2252 district be preserved and that any new construction be compatible with the existing architecture
2253 within this neighborhood. This section provides specific development plan review criteria for the
2254 Planning Board to ensure that the unique physical character of the Shore Commercial - Watch Hill
2255 District (District) is retained, while allowing for beneficial enhancements and redevelopment to
2256 occur. In general, the existing scale and proportions of buildings and the overall architectural
2257 character of the streetscape shall be preserved along Bay Street.

2258
2259 (2) Periodic maintenance and repair of buildings with replacement of in-kind building materials does
2260 not require development plan review. All modifications to the exterior of buildings, except such
2261 replacement, in-kind of building materials, requires development plan review. Nothing herein shall
2262 be deemed to reduce the authority of the Planning Board to waive development plan review and
2263 waive and/or modify requirements pursuant to RIGL 45-23-62.

2264
2265 B. Development plan review by the Planning Board shall be regulated by the following standards in
2266 conjunction with those contained in § 260-45F:

2267
2268 (1) The uniformity of the building heights, gable orientations, roof pitch, massing and bulk visible
2269 from Bay Street shall be used to guide construction of new buildings and additions to existing
2270 structures. New buildings shall be designed with traditional roof forms that are compatible with the
2271 character of the District.

2272
2273 (2) Architectural elements such as dormers and roof gables shall be in proportion to the overall
2274 building and shall also be in keeping with the surrounding building context. Exaggerated or
2275 excessively large (or tiny) architectural elements shall be avoided. Limitation of a second-story
2276 footprint to less than the first-floor footprint of any existing building is not intended by this
2277 subsection.

2278
2279 (3) The uniform rhythm or sequencing and design of architectural features, including, but not limited
2280 to, windows, bays, entryways and doors, storefronts, arcade columns and gables along Bay Street
2281 shall be replicated in any new building or retained in any existing building thereon.

2282

2283 (4) Traditional exterior building materials such as wooden shingles or clapboards, "Hardiplank" or
2284 similar product shall be used for building siding.

2285
2286 (5) Structures which have been determined by the Secretary of the Interior to be contributing to the
2287 historical significance of the District shall be reused whenever possible rather than demolished.
2288 Demolition of such buildings shall be permitted when the property owner demonstrates there is no
2289 reasonable and feasible alternative to demolition. In the event of demolition, it is preferred that such
2290 structures be replicated or reconstructed on their original building footprint and the design be
2291 substantiated by historical documentation, including pictorial and written descriptions or archived
2292 plans and elevation drawings.

2293
2294 (6) New construction shall be of pedestrian-scale, directly fronting the street with covered sidewalk
2295 arcades, unless otherwise governed by setback requirements of this chapter. Structures set behind
2296 expanses of asphalt or other impervious parking surfaces are prohibited. New construction shall be
2297 articulated with building hyphens, other architectural features, and roofline breaks and gables
2298 employed to scale-down building mass to match existing surrounding buildings.

2299
2300 (7) Long first-floor arcades projecting to public sidewalks shall be incorporated where appropriate in
2301 any new design, with arcade width, street-to-arcade setback and sidewalk width matching existing
2302 configuration on the street. Arcade roofs shall not be entirely recessed within the building fabric or
2303 building mass. The uniformity of existing covered sidewalk arcades, with galleries, decks and
2304 porches above, shall guide new construction.

2305
2306 (8) In addition to requirements and standards for signage in § 260-86, no freestanding signs shall be
2307 permitted.

2308
2309 (9) All awnings shall be covered with canvas. Backlit awnings and those displaying logos and/or
2310 signs shall be prohibited.

2311
2312 (10) Exterior lighting fixtures shall be shielded and directed toward the building or the ground.
2313 Electrical conduit and junction boxes shall be located so as to minimize or, if possible, eliminate their
2314 visibility from the public. Security devices shall not negatively impact the architectural character of
2315 the building and streetscape. Satellite dishes are not permitted on the street side of any structure, nor
2316 are they to be visible from Bay Street.

2317
2318 (11) HVAC mechanical devices shall not be visible from the street. Such devices may be screened
2319 with architectural elements or vegetation where appropriate.

2320
2321 (12) The Planning Board may allow historical features which previously existed to be replicated,
2322 provided such elements are substantiated by historical documentation, including pictorial and written
2323 descriptions or archived plans and elevation drawings, and such elements are in general compliance
2324 with the zoning ordinance dimensional requirements.

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(13) Visually and historically significant landscape features such as stone walls, fences, curbing treatments, sidewalks (and their width) and the like shall be preserved whenever possible or replaced in-kind. New features shall be designed to complement and enhance existing features. All new landscaping shall use low-growing material or species hardy to the area. Fixed streetscape features such as lighting standards and benches shall be of a consistent and traditional design type which will complement the architecture of the area. Landscaping shall be required to minimize the visual input of any bottomless sand filter or other components of individual septic disposal systems.

(14) In new building construction the following character-generating features of Bay Street are encouraged:

- (a) Natural wood roof shingles or dark-colored architectural grade roof shingles.
- (b) Substantially proportioned window and building trim, white in color.
- (c) White deck rail systems with a silhouette (size and detail) consistent with Building Code requirements and with those generally along Bay Street.
- (d) Arcade lighting mounted on the interior face of the arcade sidewalk column located just below the arcade soffit.
- (e) Signage using black background with gold letters, which is a Watch Hill business village tradition.
- (f) Generous use of multipaned glazing patterns, which are true divided lights or window grids that are applied to the exterior of the window and have the appearance of such true divided lights.

(15) In all construction, synthetic materials or substitutes may be used subject to Planning Board approval; samples of all such materials shall be submitted to the Planning Board as part of the review process.

(16) The property of Gail Forbes described as Assessor's Plat 179 Lot 85 shall be determined not to be contributing to the historical significance of the Watch Hill Historic District as defined by the Secretary of the Interior.

(17) Irrespective of any height limitation to the contrary contained in this ordinance, the height of an enclosed stair and an elevator for purposes of providing access, including handicap access, to a rooftop deck over residential unit(s) shall be permitted, provided it is no higher than necessary to achieve such access.

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2364

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2365

2366 **Section 30. The following changes are made to § 260-87.8 “Solar energy systems”.**

2367

2368 **§ 260-87.8. Solar energy systems.**

2369

2370 ***

2371

2372 E. Procedural requirements. In accordance with regulations promulgated by the Rhode Island
2373 Office of Energy Resources and General Laws Title 45, Chapter 68 "Statewide Municipal Solar
2374 Permit," solar energy permit is required for all solar installations. In addition, the following
2375 procedural requirements apply:

2376

2377 (1)-Development plan review by the Planning Board (§ 260-45) is required for all ground-mounted
2378 solar installations except when the solar energy system is accessory to a single-family or two-
2379 family residence. Accessory uses for installations excluding one- or two-family residences may be
2380 permitted administratively by the Zoning Official if less than 1,000 square feet or less than 25 kw.
2381 However, solar installations proposed within any historic district, on an historic property or site, or
2382 on any property, or structure registered, or proposed for registration as per Chapter 42-45 Rhode
2383 Island Historical Preservation and Heritage Commission, on the National Register of Historic
2384 Places shall be forwarded to the Architectural Review Board for an advisory opinion with regard to
2385 applicable historical and architectural standards, and to the Planning Board for development plan
2386 review approval as set forth in § 260-45. In addition to the requirements of § 260-45, the
2387 submission requirements of Subsection I shall also apply. On applications requiring a variance or
2388 special use permit, development plan review shall be advisory to the Zoning Board of Review.

2389

2390 H. Development standards for ground-mounted solar energy systems.

2391

2392 (1) Applicants proposing ground-mounted solar energy systems shall provide an appropriate buffer
2393 to adequately mitigate visual impacts on surrounding properties and the neighborhood in general.
2394 Selection of the proposed buffer should be based on the context and characteristics of the specific
2395 site. Choices include, but are not limited to, a fifty-foot wooded buffer, twenty-foot partial
2396 landscape screen, ten-foot full landscape screen, or fencing with design and materials that are
2397 appropriate to the surrounding natural and built environment. The vegetative buffer surrounding the
2398 perimeter of the installation shall consist of plants from Rhode Island native plant database.

2399

2400 (2) A security fence shall surround the perimeter of the installation and shall, at a minimum, be
2401 constructed pursuant to the National Electrical Code Section 110.31 as amended. ~~be consistent~~
2402 with fence requirements of the Westerly Zoning. The fence shall be of appropriate aesthetic and
2403 integrate into the surrounding area and the general character of the area.

2404

2405 (3) To the maximum extent practicable, all ground-mounted solar installations shall be located to
2406 take advantage of existing cleared land, and the clearing of meadow, forest or woodland shall be
2407 avoided. If clearing of meadow, forest or woodland is unavoidable, such clearing shall be limited
2408 to no more than 30 percent of the total lot area. The applicant shall provide a complete evaluation
2409 of the environmental resources on the site, including but not limited to, the quality and quantity of
2410 mature trees and, presence of flora and fauna located on the site. A determination that clearing of
2411 the site will not have an adverse impact on these natural resources or the environment and a carbon
2412 sequestration study shall also be provided. Botanists, wetland specialists, arborists, wildlife
2413 biologists and wildlife ecologists shall be consulted to perform such evaluations and shall be
2414 licensed professionals in their field of study. Clearing of natural vegetation shall be strictly limited
2415 to what is necessary for the construction, operation, and maintenance of the solar energy systems,
2416 ~~and as otherwise prescribed by applicable laws and regulations.~~ Excavation and filling of project
2417 sites shall be limited to what is necessary to stabilize the installation area. To the maximum extent
2418 practicable, all cleared areas below and surrounding a ground-mounted solar installation shall be
2419 maintained in a vegetated state to stabilize soils and prevent erosion.

2420
2421 (4) To the maximum extent practicable, all electrical connection and distribution lines shall be
2422 located entirely within the structure of the solar installation, underground, or within the structure to
2423 which the installation is supplying energy. Electrical equipment between the installation and the
2424 utility connection may be above ground if required by the utility.

2425
2426 (5) Ground-mounted solar energy systems are not permitted in ~~in~~ a flood zone or on prime farmland
2427 or farmland of statewide importance, as determined by the United States Department of Agriculture
2428 Natural Resources Conservation Service within the most recent Rhode Island soil survey. Ground-
2429 mounted solar energy systems located in the Aquifer Protection Overlay District (§ 260-52) shall
2430 meet the standards of the Aquifer Protection Overlay District and be designed and installed to
2431 ensure that the land beneath the solar energy system is restored after the solar array's installation
2432 with appropriate, sustainable and integrated low-growth vegetation that is listed in the University of
2433 Rhode Island's native plant database or other primary source to meet the stormwater, groundwater
2434 quality, aquifer protection standards and rules as well as fire safety requirements. If soils need to be
2435 removed from beneath the system for installation purposes, it shall be stored on site for future
2436 reclamation and replanted with grass or low-growth vegetation after decommissioning and removal.

2437
2438 (6) Reasonable efforts shall be made to minimize visual impacts by preserving natural vegetation,
2439 screening abutting properties, repositioning of systems on other areas of the property, or other
2440 appropriate measures. Solar energy systems shall be considered part of the overall design of a site
2441 plan or structure. The location, positioning, scale and general aesthetics of a ground-mounted
2442 system shall be integrated into the approved site plan.

2443
2444 (7) Lighting of solar energy systems shall be directed downward and shall incorporate full cut-off
2445 fixtures to reduce light pollution. Lighting of other parts of the installation, such as appurtenant

2446 structures, shall be limited to that required for safety and operational purposes, and shall be
2447 shielded from adjacent properties.

2448
2449 **(8)** The ground-mounted solar energy system owner or operator shall maintain the facility in good
2450 condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity
2451 of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief.
2452 The owner or operator shall be responsible for the cost of maintaining the solar energy system and
2453 any access road(s), unless such road is a public way.

2454
2455 ***

2456 **Section 31. § 260-90 “Landscaping requirements” is repealed.**

2457
2458 **§ 260-90 Landscaping requirements.**

2459
2460 ~~A. Front yard landscaping. In addition to the requirements of § 260-20, at least 5% of the front yard~~
2461 ~~area of any development shall be landscaped. These landscaped areas shall contain evergreen or~~
2462 ~~deciduous trees at least two inches in caliper, evergreen and deciduous shrubs one to three feet in~~
2463 ~~height and continuous living ground cover.~~

2464 ~~B. Landscaping plans. Plans for meeting the screening and landscaping requirements described~~
2465 ~~above shall be submitted by the applicant for review and approval as part of the development plan~~
2466 ~~review process when required or as part of the construction plan required for the issuance of a~~
2467 ~~building permit. When no development plan is required, the Town Planner shall have authority to~~
2468 ~~approve screening and landscaping.~~

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EXHIBIT A – Zoning Use Table Additions

		Standard Use Tables																								
Code	Use	RR 60	LDR 43	LDR 40	MD R30	MD R20	HDR1 5	HD R10	HDR 6	PI 5	DC 1	DC 2	N B	H C	G C	SC- WH	SC- G	M C	G I	LI AT	OR R	OS R	C R	AP O	Comments	
	A. RESIDENTIAL																									

19	Accessory apartment family dwelling unit	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P/Q See § 260-9.
	<u>F. Commercial Cultural</u>																									
1	<u>Artist Studio – General</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
2	<u>Artist Studio – Artisan Manufacturing</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
3	<u>Arts Studio – Commercial</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

ZONING
260 Attachment 10

EXHIBIT B

Town of Westerly

Schedule of Dimensional Regulations

[Amended 12-13-1999 by Ch. No. 1286; 10-12-2004 by Ch. No. 1510; 6-13-2005 by Ch. No. 1544;
2-6-2006 by Ch. No. 1561; 10-21-2013 by Ch. No. 1800]

This Amendment is found on Page 10:5, Footnote 6.

Zoning District/Use	Minimum Dimensional Regulations										
	Minimum Lot Size		Maximum % Impervious Surface	Maximum Height (feet)		Minimum Yard Dimensions (feet)			Accessory Buildings		
	Area (square feet)	Frontage ¹		Principal Building	Accessory Building	Front	Crn. S.	Side	Rear	Side	Rear
RR-60											
Single-family dwelling	60,000	200	22.5%	35	20	50	45	40	50	20	25
Barn as accessory building					35	50	45	40	50	35	35
Cluster development - See § 260-46.											
All other permitted uses	60,000	200	22.5%	35	20	50	45	40	50	20	25
LDR-43											
Single-family dwelling	43,560	200	22.5%	35	20	35	32.5	30	40	20	25
Cluster development - See § 260-46.											
All other permitted uses	43,560	200	22.5%	35 ^s	20 ^s	35 ^s	32.5 ^s	30 ^s	40 ^s	20 ^s	25 ^s
LDR-40											
Single-family dwelling	40,000	150	22.5%	35	20	40	35	30	50	20	25
Cluster development - See § 260-46.											
All other permitted uses	40,000	150	22.5%	35	20	40	35	30	50	20	25
MDR-30											
Single-family dwelling	30,000	120	22.5%	35	20	35	30	20	40	20	25
Cluster development - See § 260-46.											
All other permitted uses	30,000	120	22.5%	35 ^s	20 ^s	35 ^s	30 ^s	20 ^s	40 ^s	20 ^s	25 ^s
MPR-20											
Single-family dwelling	20,000	100	32.5%	35	20	30	25	20	35	15	20
All other permitted uses	20,000	100	32.5%	35	20	30	25	20	35	15	20

ZONING

Minimum Dimensional Regulations											
Zoning District/Use	Minimum Lot Size		Maximum % Impervious Surface	Maximum Height (feet)		Minimum Yard Dimensions (feet)				Accessory Buildings	
	Area (square feet)	Frontage ¹		Principal Building	Accessory Building	Front	Crn. S.	Side	Rear	Side	Rear
HDR-15											
Single-family dwelling	15,000	100	37.0%	35	20	30	22.5	15	35	10	20
Multifamily - See § 260-62.	4 acres/ 15,000 per unit	150	37.0%	35	20	30	30	30	35	30	30
All other permitted uses	15,000	100	37.0%	35	20	30	22.5	15	35	10	20
HDR-10											
Single-family dwelling	10,000	80	35.0%	35	20	30	22.5	15	30	15	20
Single-family dwelling (flood hazard) See § 260-20A.	10,000	80	25.0%	25 ⁷	20	30	22.5	15	30	10	20
All other permitted uses	10,000	80	35.0%	35	20	30	22.5	15	30	10	20
HDR-6											
Single-family dwelling	6,000	60	60.0%	35	20	20	15	10	25	10	15
Two-family	12,000	100	50.0%	35	20	25	20	15	25	10	15
Three-family	18,000	120	40.0%	35	20	25	22.5	20	25	15	15
Multifamily	2 acres/ 6,000 per unit	140	40.0%	35	20	25	22.5	20	25	20	20
All other permitted uses	6,000	60	50.0%	35	20	20	15	10	25	10	15
P-15											
Single-family dwelling	Any residential use permitted in P-15 Zone shall conform to the dimensional regulations of the nearest residentially zoned property.										
Two-family											

ZONING

Minimum Dimensional Regulations												
Zoning District/Use	Minimum Lot Size		Maximum % Impervious Surface	Maximum Height (feet)		Minimum Yard Dimensions (feet)			Accessory Buildings			
	Area (square feet)	Frontage ¹		Principal Building	Accessory Building	Front	Crn. S.	Side	Rear	Side	Rear	
Any permitted use where the P-15 Zone abuts RR-60, LDR-43, LDR-40, MDR-30 and MDR-20	20,000	100	37.5%	35	20	30	25	20	35	15	20	20
All other permitted uses	15,000	100	60.0%	40	20	20	15	10	25	10	20	20
Downtown Center-1												
Any permitted use	6,000	60	100.0%	50	50	0	10	10	25	0	25	25
All structures shall be at least 20 feet from any adjoining residential district boundary.												
Downtown Center-2												
Single-family dwelling	Any residential use permitted in DC-2 Zone shall conform to the dimensional regulations of HRD-6.											
Two-family												
Three-family												
Any permitted use	12,000	100	50.0%	35	20	20	15	10	25	10	15	15
Neighborhood Business												
Single-family dwelling	Any residential use permitted in a Neighborhood Business Zoning District shall conform to the dimensional regulations of the nearest residentially zoned property.											
Two-family												
Three-family												
Any permitted use	12,000	60	60.0%	40	20	20	15	10	25	10	15	15
Highway Commercial²												
Any permitted use	40,000	150	75.0%	35		50	35	20	30			

ZONING

Minimum Dimensional Regulations											
Zoning District/Use	Minimum Lot Size		Maximum % Impervious Surface	Maximum Height (feet)		Minimum Yard Dimensions (feet)			Accessory Buildings		
	Area (square feet)	Frontage ¹		Principal Building	Accessory Building	Front	Crn. S.	Side	Rear	Side	Rear
General Commercial³											
Any permitted use	10,000	100	75.0%	50		15	12.5	10	25		
Shore Commercial-WH											
Any permitted use	12,000	80	55.0%	25 ^{6,7}		0 ⁴	0 ⁴	0 ⁴	20		
Shore Commercial-G											
Any permitted use	12,000	80	55.0%	35 ^{5,7}		15 ⁵	12.5 ⁵	10 ⁵	20 ⁵		
Marine Commercial											
Any permitted use	6,000	60	75.0%	40		15	12.5	10	25	10	20
Light Industry											
Any permitted use	12,000	120	50.0%	50		25	25	25	25		
General Industry											
Any permitted use	40,000	150	70.0%	35		50	35	20	30		
		Setback from residential zone 75 feet.									
Office Research, Assembly and Technology											
Any permitted use	40,000	150	65.0%	40		50	35	20	30		
		Setback from residential zone 75 feet.									

ZONING

Minimum Dimensional Regulations										
Zoning District/Use	Minimum Lot Size		Maximum % Impervious Surface	Maximum Height (feet)		Minimum Yard Dimensions (feet)			Accessory Buildings	
	Area (square feet)	Frontage ¹		Principal Building	Accessory Building	Front	Crn. S.	Side		Rear
Commercial Recreation										
Golf course structures located at least 500 feet from all lot lines	200,000	150	50.0%	55	30	500	500	500	150	150
All other permitted uses, including golf course structures located less than 500 feet from any lot line	40,000	150	50.0%	35	20	50	37.5	25	30	25
Open Space Recreation										
Any permitted use	Structures in Open Space Recreation shall be permitted only by special permit with the locations determined in accordance with topography and other land features to have the least visual impact from streets and adjoining property.									

NOTES:

¹ In approving a subdivision the Planning Board may approve a lot with less than the required frontage on a cul-de-sac or curve, provided the minimum lot width at the front set back equals the frontage requirement.

² The setback from residential zones shall be 75 feet; provided, however, that the seventy- five-foot rear setback may be reduced by one foot for every foot the lot depth is less than 235 feet. The seventy-five-foot setback to the sides may be reduced by one foot for every foot of the lot less than 150 feet; provided, however, that a minimum of forty-foot buffer zone on the rear and side must be maintained, 10 feet of which must be maintained as determined by the Planning Board in its development plan review when this provision is utilized. When such reduction in setbacks is utilized, noise-, odor- and light-generating activities, where possible, will be located at least 75 feet from the residential zone line.

³ The setback from residential zones shall be 75 feet; provided, however, that the seventy- five-foot rear setback may be reduced by one foot for every foot the lot depth is less than 235 feet. The seventy-five-foot setback to the sides may be reduced by one foot for every foot of the lot less than 150 feet; provided, however, that a minimum of forty-foot buffer zone on the rear and side must be maintained, 10 feet of which must be vegetated as determined by the Planning

Board in its development plan review when this provision is utilized. When such reduction is setbacks is utilized, noise-, odor-, and light-generating activities, where possible, will be located at least 75 feet from the residential zone line.

⁴ On lots which about residentially zoned property, structures must be located with a front setback of 25 feet and side setbacks from the residential boundary of 20 feet.

⁵ On any lot where the use "Oceanfront Historic Hotel," as defined herein, is proposed and existing structure(s) are to be renovated, restored and/or replaced, these dimensional regulations shall apply, except that the maximum building height may be equal to the maximum height of the existing principal structure and the front, side and rear setbacks of the existing structure where less than those in this table are reduced but only to the extent of such present nonconformity.

⁶ ~~It is intended that any structure in this district be limited to two stories. The Planning Board in its development plan approval may allow building elements to exceed the twenty-five-foot height limit to accommodate access to rooftop deck(s) over residential use and/or architectural features with the recommendation of the Rhode Island Historical Preservation Commission pursuant to §§ 260-45E(2)(g) and 260-45F(1) hereof. See 260-87.6B(1).~~

⁷ See § 260-20A Building height.