

**ZONING & STATE LEGISLATION COMPARISON TABLE**

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## Sec. 13.06 Subdivision control.

The city plan commission shall continue to have the power to frame, adopt and amend rules and regulations governing the platting and subdivision of land within the city following a public hearing thereon notice of which shall be published as a paid advertisement in a newspaper of general circulation in the city twice a week for three successive weeks. After the completion of this hearing the city plan commission shall submit its proposals to the council and when approved with or without modification by the council by ordinance such rules and regulations shall become binding and effective. No such rule or regulation relating to subdivision control shall be adopted, amended or repealed by the council except as above provided. All plats of subdivisions shall be submitted to the city plan commission before filing and no such plat shall be accepted by the city clerk for filing or used as the basis for the sale of lots unless it is endorsed with the approval of the city plan commission signed by its secretary.

Appeals may be taken from the decision of the city plan commission to [the Superior Court in Providence County pursuant to the provisions of R.I.G.L. RIGL Chapter 45-23-et seq.](#) ~~the zoning board of review hereby designated as the platting board of review. The zoning board of review shall have power to sustain, overrule or modify the decision of the city plan commission appealed from and to authorize exceptions and variations from the strict terms of the subdivision regulations but in conformity with their general purpose, under conditions and to such extent as provided by law and ordinance.~~

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## 17.04.030 Definitions.

A Zone. See "zone A."

"Abutter" means one whose property abuts, that is, adjoins at a border, boundary or point with no intervening land.

"Accessory retail" means retail sale activity at a warehouse or manufacturing establishment, offering for sale only those goods manufactured or wholesaled from that establishment. Said activities shall not be more than the lesser of twenty-five (25) percent of the total GFA of the parent establishment or seven thousand five hundred (7,500) square feet.

"Accessory structure" means a structure which is on the same parcel as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

"Accessory use" means a use of land or of a building or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use may be restricted to the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related.

[Adaptive Reuse](#). "[Adaptive Reuse](#)" as defined in [RIGL § 42-64.22-2](#)

"Addition" (for use with Chapter 17.76 flood hazard districts only) means a walled and roofed expansion to the perimeter of a structure in which the expansion is connected by a common load-bearing wall other than a firewall. A walled and roofed expansion, which is connected by a firewall or is separated by independent perimeter load-bearing walls, shall be treated as new construction.

"Adult day care" means a facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

"Adult entertainment" means businesses and commercial establishments where a "substantial portion" of the establishment includes an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort or modeling agency, massage parlor (excluding day spa) or other adult entertainment use or any combination thereof.

"Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

"Adult bookstore" (also "adult novelty" or "adult video store") means an establishment that has a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
2. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

"Adult cabaret" means a night club, bar, restaurant or similar establishment that regularly or occasionally features live performances that are characterized by the exposure of specified anatomical areas.

"Adult motel" means a motel, hotel or similar commercial establishment which offers public accommodations, for any form of consideration and also offers patrons closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the

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availability of this type of entertainment by means of a sign visible from the public right-of-way or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television.

"Adult motion picture theater" means an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other similar photographic reproductions are shown and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

"Adult theater" means any theater, concert hall, auditorium or similar commercial establishment which, for any form of compensation, regularly features live performances of persons who expose specified anatomical areas.

"Aggrieved party" means:

1. Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering the zoning ordinance of a city or town; or
2. Anyone requiring notice pursuant to this chapter.

"Agricultural land" means as defined in RIGL Section 45-22.2-4.

"Agricultural operations" means any commercial enterprise which has as its primary purpose horticulture, viticulture, viniculture, floriculture, forestry, stabling of horses, dairy farming, or aquaculture, or the raising of livestock, including for the production of fiber, furbearing animals, poultry, or bees, and all such other operations, uses, and activities as the Director of the Rhode Island Department of Environmental Management, in consultation with the chief of division of agriculture may determine to be agriculture, or an agricultural activity, use or operation.

"Alternative energy generation" means any facility or installation such as a windmill or hydroelectric unit, which is designed and intended to produce energy from natural forces such as wind, water, or geothermal heat, for offsite use.

"Animal day care" means a facility providing care for domestic animals that do not reside in the facility, that are present primarily during daytime hours and that do not board. An animal day care may include incidental grooming.

"Animal grooming service" means any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

Antenna. See telecommunications definitions.

"Antique shop" means a premises used for the sale or trading of articles of which ninety (90) percent or more of the inventory are over fifty (50) years old or have collective value.

"Appeal" (for use with Chapter 17.76, flood hazard districts only) means a request to the Zoning Board of Review to review the Inspector of Buildings' interpretation of any provision of this Chapter or a request for a variance.

"Applicant" means an owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.

"Application" means the completed form or forms and all accompanying documents, exhibits and fees required of an applicant by an approving authority for development review, approval or permitting purposes.

"Area of shallow flooding" means a designated AO, AH, AR/AO, AR/AH, or VO zone on a FIRM with a one percent or greater annual chance of flooding to an average depth of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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Area of Special Flood Hazard. See definition for "special flood hazard area."

"Artisan's workshop (studio)" means any establishment for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather craft, hand-woven articles and related items.

"Arts and crafts manufacturing" means any manufacturing establishment that produces on the premises articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

"Asphalt, cement or concrete plant" means an industrial facility used for the production of asphalt, cement or concrete, or asphalt or concrete products, used in building or construction, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

"Assisted living facility" means a non-institutional shared living environment which integrates shelter and service needs for functionally impaired and older persons who can maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care as provided by an institution. Each congregate unit has its own bedroom and may have a separate or shared living room, kitchen, dining area or bathroom.

"Automobile body repair shop/paint shop" means activities involving the repair, painting, or undercoating of the body or frame of vehicles. Body and frame repair does not include mechanical engine or power train repair.

B Zone. See "zone B."

"Balloons" means any inflated or inflatable object, with or without copy.

"Bakery, retail" means an establishment primarily engaged in the retail sales of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

Bakery, Wholesale. "Wholesale bakery" means a bakery in which there is production and/or wholesaling of baked goods, but where over-the-counter or other retail dispensing of baked goods shall be prohibited.

"Band" means a clearly defined range of radio frequencies dedicated to a particular purpose.

"Bank, financial institution" means a financial institution that is open to the public and engaged in depository banking and that performs closely related functions such as making loans, investments, and fiduciary activities. A bank, financial institution may include a drive thru activity.

"Banner" means any sign of lightweight fabric or similar material that is temporarily or permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

"Banquet facility" means an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

"Barber shop/beauty salon" means any establishment where cosmetology services are provided including hair care, nail care and skin care on a regular basis for compensation.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base flood elevation (BFE)" means the elevation of surface water resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year. The BFE is shown on the FIRM for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1- A30, AR/AH, AR/AO, V1-V30 and VE.

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"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

"Body art establishment" means a place or premises where the practices physical body adornment using, but not limited to the following techniques: Body piercing, tattooing, branding and scarification are performed. This definition does not include practices that are considered medical procedures by the board of registration in medicine in the state, such as implants under the skin and for the application of permanent make-up.

"Book, stationary, gift shop" means a retail establishment that, as its primary business, engages in the sale, rental or other charge for use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software or any other printed or electronically conveyed information or media, excluding adult entertainment.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Brew pub" means an eating place that includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting. The area used for brewing, including bottling and kegging, shall not exceed twenty-five (25) percent of the total floor area of the commercial space. The brewery shall not produce more than one thousand five hundred (1,500) barrels of beer or ale per year. A barrel is equivalent to thirty-one (31) gallons.

"Brewery" means an establishment that brews ales, beers, meads, and/or similar beverages on site, excluding brew pub. Breweries are classified as a use that manufactures more than fifteen thousand (15,000) barrels of beverage (all beverages combined) annually.

"Broadcasting studio" means commercial and public communications uses including radio, satellite and television broadcasting and receiving stations and studios, with facilities entirely within buildings.

"Buffer" means land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

Building. See definition for "structure."

"Building envelope" means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height and bulk by other regulations; and/or any combination thereof.

"Building height" means the vertical distance from grade to the highest point of the structure. Grade shall be the average ground level of the portion of the lot adjoining and within ten (10) feet of the building where it sets back from the street line ten (10) feet or more. In determining building height of belfries, steeples, chimneys, towers and other similar projections, the vertical distance measured shall be as set forth herein, to the highest point of said projection. For commercial, institutional and multi-family buildings exceeding ten thousand (10,000) square feet of gross floor area this measurement shall be taken where the exterior wall meets the roofline only if conditions articulated in Section 17.24.010 can be met.

"Building marker" means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

"Business professional office" means a building or portion thereof where services, clerical work, professional duties and related activities are carried out. Services offered are on an individual basis as opposed to services performed on objects or personal property. Business/professional include, but are not limited to, brokerage offices, insurance offices, professional offices (i.e. accountants, engineers, lawyers, etc.) real estate offices, ticket offices and travel agencies. Business/professional offices do not include banks or medical clinics.

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"Business/trade school" means an enterprise offering instruction and training in a trade, service or the arts such as construction, secretarial, cosmetology, commercial artist, computer software, legal, and similar training, provided that such enterprise does not offer student housing or athletic facilities at the site.

"Capacity or land capacity" means the suitability of the land, as defined by geology, soil conditions, topography and water resources, to support its development for uses such as residential, commercial, industrial, open space or recreation. Land capacity may be modified by provision of facilities and services.

"Car wash/detailing" means a building or premises or portions thereof used for washing, cleaning or detailing of automobiles.

"Catering service" means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

"Cemetery" means land used or dedicated to the burial of the dead (humans and pets), including crematoriums, mausoleums, necessary sales and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.

"Check-cashing facility" means a person or business that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check cashing facility" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for minimum flat fee not exceeding two dollars (\$2.00) as a service that is incidental to its main purpose or business.

"Cluster" means a site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally, historically, culturally or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the ordinance and may include, but are not limited to, reduction in lot areas, setback requirements and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development there is no increase in the number of lots that would be permitted under conventional development except where ordinance provisions include incentive bonuses for certain types or conditions of development. All cluster type developments in Cranston shall conform to the requirements of Article VII.

"Coastal A zone" means those parts of the city's coastal floodplain, inland from the mapped V zone, that are subject to the damaging effects of waves, velocity flows, erosion, scour or combination of those forces. The boundary of the coastal A zone shall be the limit of moderate wave action as shown on the FIRM.

"Coastal features" means as defined in Chapter 23 of Title 46 of the General Laws of the state of Rhode Island.

"Channel" means a segment of a frequency band. Also referred to as "frequency."

"Co-location" means locating wireless communications equipment from more than one provider on a single tower or structure within a single site.

"Commercial message" means any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

"Commercial day care" means any other day care center which is not a family day care home.

"Commercial laundry, dry cleaning service" means a building, portion of a building, or premises used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents.

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"Commercial off-street parking" means a structure or lot of any part thereof for the storage of licensed motor vehicles for a fee. No fuel service activities may be carried on in said facility. Off-site parking authorized under Section 17.64.010(B) shall not be defined as commercial off-street parking.

"Commercial recreation" means any establishment whose main purpose is to provide the general public with an amusing or entertaining activity and where tickets are sold or fees are collected for the activity. Includes, but not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard halls, but not movie theaters. This use shall not include adult entertainment uses.

"Common ownership" means either:

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

"Communications service" means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or broadcasting or communication towers. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

"Community residence" means a home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. This shall include, but not be limited to, the following:

1. Whenever six or fewer mentally challenged children or adults reside in any type of residence in the community, as licensed by the state pursuant to Chapter 24 of Title 40.1 of the General Laws of Rhode Island. All requirements pertaining to local zoning are waived for these community residences;
2. A group home providing care or supervision or both, to not more than eight mentally disabled or mentally handicapped or physically handicapped persons and licensed by the state pursuant to Chapter 24 of Title 40.1 of the RIGL;
3. A residence for children providing care or supervision or both, to not more than eight children including those of the care giver and licensed by the state pursuant to Chapter 72.1 of Title 42 of the RIGL;
4. A community transitional residence providing care or assistance or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance and/or to persons who are victims of crimes, abuse or neglect and who are expected to reside in that residence not less than sixty (60) days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms and will receive appropriate social services for the purpose of fostering independence, self-sufficiency and eventual transition to a permanent living situation.

"Comprehensive plan" means the comprehensive plan adopted and approved pursuant to Chapter 22.2 of Title 45 of the RIGL and to which any zoning adopted pursuant to this chapter shall be in compliance.

"Consignment shop" means an enclosed facility in which used personal items such as clothes, jewelry, or artifacts or small furniture is resold through a broker for the owner at an agreed upon price.

"Container storage" means the placement or storage of a container designed for transportation of freight and for the storage of containers for refuse to be recycled or trucked to another location.



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"Convenience store" means a single store, the ground floor area of which is five thousand (5,000) square feet or less and which offers for sale primarily bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles.

"Corner lot" means a lot at the junction of and fronting on two or more public ways intersecting at an angle of less than one hundred thirty-five (135) degrees.

"Contractor yard" means a premise used by a construction contractor for the storage of equipment and supplies, fabrication of subassemblies and parking of wheeled or tracked equipment. Said yard shall be fenced and secured.

"Cost" (for use with Chapter 17.76 flood hazard districts only) means the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: The cost of materials (including interior finishing elements), structural elements, utility and service equipment (including heating and air conditioning and utility meters); sales tax on materials, building equipment and fixtures; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time and contractor's overhead and profit. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

"Crematory" means an establishment where human or animal body or body parts are reduced by direct flame to residue which includes bone fragments and the pulverization of said bone fragments to coarse powdery consistency.

"Critical Facility" means a structure or other improvement that; because of its function, size, service area, or uniqueness; has the potential to cause serious bodily harm, extensive property damage or disruption of vital socioeconomic activities if it is destroyed or damaged or if its functionality is impaired. Critical facilities include the following categories:

1. Structures or facilities that produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.
2. Hospitals, nursing homes and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood.
3. Police and fire stations, vehicle and equipment storage facilities and emergency operations centers that are needed for flood response activities.
4. Utility facilities that are vital to maintaining or restoring normal services to flood areas.
5. Facilities which, if flooded, would cause loss of irreplaceable public records.

"Cultural use" means a library, museum or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interests in one or more of the arts or sciences.

"Data processing facility" means facilities where electronic data is processed by employees, including, without limitation, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.

"Day spa" means an establishment that provides state licensed, professionally administered therapeutic massage and body treatments. A day spa services may include body wraps, skin exfoliation, electrolysis, body toning, waxing, aromatherapy, and facial treatments. Full service beauty shops/salons, makeup consultation and applications, manicure and pedicure services, and body tanning may be provided as accessory services to a day spa.

"Days" means calendar days.

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Density, Residential. "Residential density" means the number of dwelling units per unit of land.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment; the storage, deposition, or extraction of materials; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

"Development" (for use with Chapter 17.76 flood hazard districts only) means any man-made change to improved or unimproved real estate, including but not limited to the construction of structures; mining, dredging, filling, grading, paving, excavation or drilling operations or the storage of equipment or materials.

"Development plan review" means the process whereby authorized local officials review the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of the ordinance.

"Director" means the inspector of buildings as defined in the city charter (see Section 9.07, Department of Inspections) or his or her designee.

"Dish antenna" means a dish-like antenna ranging from two feet to eight feet in diameter used to link communications sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.

"Distillery" means an establishment that produces by distillation spirits for consumption; the sales of which are subject to state and federal regulation.

"Distribution center" means a facility for the receipt, transfer, short-term storage and dispatching of goods transported primarily by truck. Included in the use type would be express and other main and packing distribution facilities.

District. See zoning use districts.

"Dormitory" means a structure specifically designed for a long-term stay by students of a higher education institution for the purpose of providing rooms for sleeping. One common kitchen and some common gathering rooms for social purposes may also be provided.

"Drainage system" means a system for the removal of water from land by drains, grading or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and groundwaters and the prevention and/or alleviation of flooding.

"Drive-in restaurant" means any restaurant that encourages or permits customers to receive services, obtain goods or food while remaining in their motor vehicles.

"Driveway" means a private way for vehicles to move between a street and a location within a lot.

"Drug store" means a store where the primary business is the filling of medical prescriptions and the retail sale of drugs, medical devices and supplies and nonprescription medicines, but where non-medical products are sold as well at retail. A drug store may include a drive thru activity.

"Dry floodproofing" means any combination of structural and non-structural waterproofing measures incorporated in a structure that is not elevated to the BFE or the elevation required by the Rhode Island Building Code, whichever is greater, that keeps water from entering the building in order to prevent or minimize flood damage.

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"Dwelling unit" means a structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and containing a separate means of ingress and egress.

"Educational institution (pre-school, primary, secondary, charter)" means a pre-school, primary, secondary or charter institution that provides instruction to students. This definition does not include trade or business schools or higher education institutions.

"Elderly" means any person sixty (60) years of age or older.

"Electronic and computer component recycling" means a facility used to extract, recover, and reclaim materials for reuse from discarded electronic waste.

"Elevated structure" means a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid (perimeter) foundation walls are not an acceptable means of elevating buildings in V and VE zones.

"Elevation certificate" means a statement certified by a professional engineer (PE) or professional land surveyor (PLS), on a FEMA approved form, which verifies a structure's elevation and other related information needed to verify compliance with this chapter.

"Enclosure" means that portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls.

"Encroachment" means the physical advance or infringement of uses, plant growth, or development into a floodplain.

"Escort or model" means a person who, for any form of consideration, agrees or offers to privately perform strip teases which expose specified anatomical areas or offers or agrees to model lingerie or other types of clothing which expose specified anatomical areas.

"Escort or modeling agency" means a person or business association who furnishes, offers to furnish or advertises to furnish escorts or models, as herein defined, as one of its primary business purposes for a fee, tip or other consideration.

"Existing construction" (for use with Chapter 17.76 flood hazard districts only) means any structure for which the start of construction commenced before January 1, 1975.

"Existing manufactured home park" or "manufactured home subdivision" (for use with Chapter 17.76 flood hazard districts only) means a manufactured (mobile) home park or subdivision for which the construction of facilities servicing the lots on which the manufactured (mobile) homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 27, 1974.

"Expansion to an existing manufactured home park" or "existing manufactured home subdivision" (for use with Chapter 17.76 flood hazard districts only) means the preparation of additional sites by the construction of facilities servicing the lots on which the manufacturing (mobile) homes are to be placed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Extractive industry" means the extraction of minerals, including: Solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; gravel pits; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

"Family" means a person or persons related by blood, marriage or other legal means. See also "household."

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"Family day care home" means any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six or less individuals who are not relatives of the care giver, but may not contain more than a total of eight individuals receiving day care.

"Federal Emergency Management Agency (FEMA)" means the federal agency under which the NFIP is administered.

"Federally insured or assisted housing" means:

1. Low income housing units insured or assisted under Sections 221(d)(3) and 236 of the National Housing Act (12 U.S.C. Section 1701 et seq.);
2. Low income housing units produced with assistance under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. Section 1401 et seq.); and
3. Rural low income housing financed under Section 515 of the Housing Act of 1949 (12 U.S.C. Section 1715Z).

"Finished living space" (for use with Chapter 17.16, special flood hazard districts only) means fully enclosed areas below the base flood elevation that are not considered a basement cannot have finished living space and needs to be designed to be exposed to flood forces. These spaces can only be used for parking, building access or limited storage. Finished living space can include, but is not limited to, a space that is heated and/or cooled, contains finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

"Five-hundred year flood (five hundred (500) year flood)" means the flood that has a 0.2 percent chance of being equaled or exceeded in any given year.

"Flag" means any fabric, banner or bunting containing distinctive colors, patterns or symbols, conveying a commercial message used as a means of advertisement.

"Floating zone" means an unmapped zoning district adopted within the ordinance which is established on the zoning map only when an application for development, meeting the zone requirements, is approved.

"Flood" or "flooding" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

"Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

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"Flood insurance study (FIS)" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Floodplain" means any land area susceptible to being inundated by flood waters from any source. (See definition of flood or flooding.)

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodproofing certificate" means a statement certified by a PE or a registered architect, on a FEMA approved form, stating that a non-residential structure, together with attendant utilities and sanitary facilities is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and that all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Florist shop" means a retail business whose principal activity is the selling of plants which are not grown on the site.

"Food/beverage processing establishment" means a manufacturing establishments producing or processing foods for human consumption and certain related products. Includes: (1) bakery products, sugar and confectionery products (except facilities that produce goods only for on-site sales with no wider distribution); (2) dairy products processing; (3) fats and oil products (not including rendering plants); (4) fruit and vegetable canning, preserving, and related processing; (5) grain mill products and by-products; (6) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); (7) miscellaneous food preparation from raw products and bottling of soft drinks.

"Foundry" means an establishment where metals are forged, casted or melted and poured into molds.

"Fraternity or sorority house" means a house occupied by a college or university fraternity or sorority containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining area maintained exclusively for members of the fraternity or sorority and their guests or visitors.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Fuel station, full service" means a facility limited to retail sales to the public of gasoline, motor oil, lubricants, motor fuels, travel aides, and minor automobile accessories. In addition, such a facility may provide car washing, towing, minor vehicle servicing, minor repairs and maintenance, and may provide engine rebuilding but not including reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair.

Fuel Station, Minimart. "Minimart fuel station" means a facility associated with the sale of gasoline products that also offers for sale food items and tangible consumer goods primarily for self-service by the consumer.

"Funeral home" means an establishment for the conducting of funerals, wakes and related activities such as embalming.

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"Golf club and course" means a facility, other than a miniature golf course, for the playing of golf at which there may be a club house including rest rooms and locker rooms. A golf course may provide accessory services such as swimming, outdoor recreation and related sales and may include a restaurant and cocktail lounge.

"Garden center" means an establishment where retail and wholesale products and produces are sold. The items sold may include nursery products and stock, soil and fertilizers, light power equipment and machines, garden and farm tools and utensils. This definition shall include greenhouses.

"Groundwater" (and associated terms) means as defined in RIGL Section 46-13.1-3.

"Guyed tower" means a communication tower that is supported, in whole or in part, by guy wires and ground anchors.

"Halfway houses" means a residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

Hardship. See RIGL Section 45-24-41.

"Hardware store" means a facility of thirty thousand (30,000) or fewer square feet GFA, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery; if greater than thirty thousand (30,000) square feet, such a facility is a home improvement center.

"Hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous or semisolid form which because of its quantity, concentration or physical, chemical or infectious characteristics may:

1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
2. Pose a substantial present or potential hazard to human health and/or the environment.

Such wastes include, but are not limited to, those which are toxic, corrosive, flammable, irritants, strong sensitizers, substances which are assimilated or concentrated in and are detrimental to tissue or which generate pressure through decomposition or chemical reaction.

"Hazardous waste disposal facility" means all structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste, including all operations or storage areas, diked overflow, or emergency spillway areas. A hazardous waste disposal facility may include injection wells and may consist of several treatment, storage, or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled, or processed.

"Hazardous waste incinerator" means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste. Examples of incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

"Hazardous waste processing facility" means any commercial facility, as defined Rhode Island Department of Environmental Management (RIDEM) rules for which a RIDEM pollution control agency permit is required, treating hazardous waste generated at any off-site location, that is designed and operated to modify the chemical composition or chemical, physical, or biological properties of a hazardous waste by means such as reclamation, distillation, precipitation, or other similar processes, which neutralizes the waste or renders it nonhazardous, safer for transport, amenable for recovery, storage, or reduced in volume, excepting "elementary neutralizing units" and "pretreatment units," as defined in (RIDEM) rules. Hazardous waste processing does not include incineration or disposal.

"Hazardous waste transfer station" means the intermediate point in the transport of hazardous wastes where such wastes are brought stored and transferred to vehicles for movement to other intermediate points or to the point of ultimate storage, treatment or disposal.

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"Health and fitness club" means a building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, which can be open only to bona fide members and guests of the organization or open to the public for a fee.

"Higher education institution" means a self-governing constituent body of a college or university offering instruction towards the granting of an associate, bachelor or graduate degree. Accessory uses of a college or university may include, but shall not be limited to facilities such as: Athletic complexes, auditoriums, bookstores, dormitories, dining halls and administrative offices.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic district" or "historic site" means as defined in RIGL Section 45-222-4.

"Historic district" means one or more historic sites and intervening or surrounding area property significantly affecting or affected by the quality and the character of the historic site or sites and has been registered or is deemed eligible to be included, on the state register of historic places pursuant to Rhode Island General Laws Section 42-45-5.

"Historic site" means any real property, manmade structure, natural object or configuration or any portion or group of the foregoing which has been registered or is deemed eligible to be included, on the state register of historic places pursuant to Rhode Island General Laws Section 42-45-5.

"Historic structure" (for use with Chapter 17.76 flood hazard districts only) means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

"Home improvement center" means a facility of more than thirty thousand (30,000) square feet GFA, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, house wares and household appliances, garden supplies, and cutlery.

"Home occupation" means any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

"Hospital" means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical and mental conditions and including as an integral part of the institution, related facilities such as laboratories, out-patient facilities and/or training facilities. This use includes rehabilitation hospitals, extended care facilities, intermediate care facility, chronic disease hospital and central services facility serving one or more such institutions.

"Household" means one or more persons living together in a single dwelling unit, with common access to and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for

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determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

1. A family, which may also include servants and employees living with the family; or
2. A person or group of unrelated persons living together, the number of which shall not exceed three. This shall not apply in any educational zone in the city of Cranston.

"House trailer" means a trailer or portable shelter designated for living or sleeping purposes and provided with any or all of the following systems and equipment: Plumbing, heating, electrical, cooking and refrigeration.

"Incentive zoning" means the process whereby the local authority may grant additional development capacity in exchange for the developer's provision of a public benefit or amenity as specified in local ordinances.

"Industrial equipment rental" means establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

"Infrastructure" means facilities and services needed to sustain residential, commercial, industrial, institutional and other activities.

"Kennel" means any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded for compensation or said animals are bred or raised for sale purposes.

Kiosk, Freestanding Exterior. "Freestanding exterior kiosk" means a free standing exterior structure of less than five hundred (500) square feet for drive-up or walk-up window services or retail sales.

"Land development project" means 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.

"Landscape service" means a business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

"Latticed tower" means a self-supporting communications tower, generally with three or four sides, open and made of a steel frame.

"Laundromat" means a facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

"Library" means a public facility for the use, but not sale, of literary, musical, artistic or reference materials.

"Limit of moderate wave action (LiMWA)" means the inland limit of the area affected by waves greater than 1.5 feet. The LiMWA is determined based on the landward limit of the one percent annual chance coastal flood that can support a 1.5-foot wave.

"Lodge/fraternal organization" means a membership organization that holds regular meeting and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This use shall not include fraternities or sororities and golf club and course.

"Lodging house" means a building occupied by a resident family related by blood, marriage or adoption, with not more than two guest rooms where lodging is provided for compensation.

"Loft space (live work) (areas)" means within buildings that are jointly used for commercial/industrial and residential purposes.



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"Lot" means either:

1. The basic development unit for determination of lot area, depth and other dimensional regulations; or
2. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

"Lot area" means the total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.

"Lot building coverage" means that portion of the lot that is or may be covered by buildings and accessory buildings.

"Lot depth" means the distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

"Lot frontage" means that portion of a lot abutting a street.

"Lot line" means a line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and shall include:

1. Front: The lot line separating a lot from a street right-of-way in accordance with Sections 17.20.090 and 17.20.100;
2. Rear: The lot line opposite and most distant from the front lot line or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and
3. Side: Any lot line other than a front or rear lot line in accordance with Section 17.20.090(E).

Lot, Through. "Through lot" means a lot which fronts upon two parallel streets or which fronts upon two streets which do not intersect at the boundaries of the lot.

"Lot width" means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

"Lowest adjacent grade" means the lowest point of the ground level immediately next to a building. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

"Lowest floor" means the lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements.

"Manufactured (mobile) home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park" or "manufactured home subdivision" means a parcel or contiguous parcels of land divided into 2 or more manufactured home lots for rent or sale.

"Manufacturing heavy" means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This use includes but is not limited to chemical manufacturing; fabrication of metal products; manufacturing of agricultural, construction, or mining machinery; motor vehicle manufacturing; lumber milling; and ship or boat construction.

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"Manufacturing light" means the manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building. Further, "light industrial" shall mean uses such as the jewelry assembly and refining; millwork products, furniture and fixtures; manufacture of electronic instruments, musical instruments, pharmaceuticals, precision instruments and scientific equipment, sporting goods and toys, stone, clay or class products, textile mill products and apparel or the like. "Light industrial" shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries.

"Manufacture of rubber and plastics" means the manufacture of rubber products including: Rubber footwear; mechanical rubber goods; heels and soles; flooring; and rubber sundries from natural, synthetic, or reclaimed rubber. Also includes: Establishments engaged in molding primary plastics for the trade, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing; and fiberglass application services.

"Marina" means a commercial dock or basin providing secure moorings or slips for boats.

"Market value" means the price of a structure that a willing buyer and seller agree upon as determined by an independent appraisal by a professional appraiser; a property's tax assessment minus land value; the replacement cost minus depreciation of the structure or the structure's actual cash value.

"Marquee" means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

"Massage parlor" means any establishment where, for any form or consideration or gratuity, the administering of massage, alcohol rub, administering of fomentations, electric or magnetic treatments or any other treatment and manipulation of the human body is performed by a person or persons who exposes specified anatomical areas.

"Mean sea level (MSL)" means the National Geodetic Vertical Datum {NGVD} of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

"Medical or dental clinic" means a facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis. This use shall not include a clinic for the dispensing of medical cannabis.

"Medical/diagnostic laboratory" means a facility for scientific laboratory analysis of medical resources materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes medical or veterinary laboratories for the collection and analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

Mere Inconvenience. See Section 17.92.010(C)(2) or Rhode Island General Laws Section 45-24-41.

"Metal plating" means a process to apply a thin layer or coating on metals such as gold or silver.

"Mixed use" means a mixture of land uses within a single development, building or tract.

"Monopole tower" means a communication tower consisting of a single pole, constructed without guy wires or ground anchors.

"Motel, hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house or tourist home or bed and breakfast as herein defined.

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"Motor and recreational vehicle and watercraft sale" means the use of any building, land area or other premise for the display and sales of new or used automobiles, panel trucks or vans, trailers or recreation vehicles and boats and including any warranty repair work and other repair services conducted as an accessory use.

"Motor vehicle repair and service establishment, heavy" means repair of motor vehicles ten thousand (10,000) GVW or greater such as construction equipment, commercial trucks, agricultural implements and similar heavy equipment.

Motor Vehicle Repair and Service Establishment, Light. "Light motor vehicle repair and service establishment means the business of minor repairs to any motor vehicle less than ten thousand (10,000) GVW including repairs and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and replacement of shock absorbers.

"Motor vehicle storage" means a land used for the storage of motor vehicles awaiting transport to a wholesale, retail or recycling site. Said storage shall not exceed thirty (30) days.

"Multi-family dwelling" means a building or structure containing three or more dwelling units.

"Municipal park playground" and "outdoor sport field" means any area that is predominately open space, used principally for active or passive recreating, and not used for a profit making purpose. Any area designated by the city as a park.

"Municipal services other than those listed elsewhere" means services traditionally provided by local government such as water and sewer, roads and parks.

"Museum" means a building having public significance by reason of its architecture or former use or occupied as a repository for a collection of natural, scientific or literary curiosities or objects of interest or works of art and arranged, intended and designed to be used by members of the public for viewing and which may include as an accessory use the sale of goods to the public.

"Music, dance studio" means a building or portion of a building where dance or music is taught. However, this shall not include nightclubs or other places of commercial entertainment.

"National Flood Insurance Program (NFIP)" means the program of flood insurance coverage and floodplain management administered under the Act and applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations, Subchapter B.

"New construction" means for floodplain management purposes, structures for which the "start of construction" commenced on or after November 27, 1974.

"New manufactured home park" or "manufactured home subdivision" means a manufactured (mobile) home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured mobile homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed on or after November 27, 1974.

"Nightclub" means a commercial establishment dispensing food and beverages for consumption on the premises and in which dancing, musical and live entertainment are permitted.

"Nonconformance" means a building, structure or parcel of land or use thereof, lawfully existing at the time of the adoption of the zoning ordinance of January 1, 1966 or any amendment thereof and not in conformity with the provisions of such ordinance or amendment. Nonconformance shall be of only two types:

1. Nonconforming by Use. A lawfully established use of land, building or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use; or

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2. Nonconforming by Dimension. A building, structure or parcel of land not in compliance with the dimensional regulations of the zoning ordinance. Dimensional regulations include all regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

"Nursery" means an operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on site or established in the ground prior to sale, and for related accessory sales and uses.

"Nursing home" means an institution that is licensed or approved by the state of Rhode Island to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood or adoption.

"Obstruction" means any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"Open space area" means any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; (2) protect streams or water supply; (3) promote conservation of soils, wetlands, beaches, or total marshes; (4) enhance the value to the public of abutting or neighborhood parks, forests, wildlife preserves, nature reserves or sanctuaries or (5) enhance recreation opportunities.

"Other adult entertainment uses" means any live exhibition, performance, display or dance of any type, including but not limited to talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages, products or entertainment, pantomiming, modeling, removal of clothing or any service offered for amusement on any premises to which the public, patrons or members are invited or admitted, including any private club or membership organization and including but not limited to business establishments identified as an adult arcade, escort agency, juice bar, coffee shop, cigar shop, victualler, nude modeling studio, sexual encounter center, massage parlor or similar or like business establishments.

"Outdoor advertising, billboards" means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

"Outdoor retail" means retail activity that takes place in an open lot, tent, trailer, motor vehicle, enclosure or structure that is not permanently affixed to the land.

"Overlay district" means a district established in a zoning ordinance that is superimposed on one or more districts or parts of districts and that imposes specified requirements in addition to, but not less, than those otherwise applicable for the underlying zone.

"Paint production" means a facility used to formulate and create paints from solid pigments to a liquid form.

"Panel antenna" (also known as "sector antennas") means antennae that have vertical and horizontal planes that aim signals in specific directions. Panel antennae generally measure four to five feet in height, six to twelve (12) inches in width and six to eight inches in depth.

"Passenger transportation terminal" means a facility or location where the principal use is the handling, receiving, and transfer of passenger traffic for rail or bus service, and may include as an accessory use the loading, unloading, storing, receiving, assembling, dispatching, weighing, consolidating, classifying, switching, distribution, movement, or transfer of freight, as well as all equipment and facilities used to accomplish the foregoing activities.

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"Pawn shop" means an establishment that engage, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property and is also subject to the provisions of Chapter 26 of Title 19 of the RIGL.

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

"Performance standards" means a set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

"Permitted use" means a use by right which is specifically authorized in a particular zoning district.

"Person" means any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

"Personal services establishment" means an establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature, including packaging and shipping. Typical uses include, but are not limited to shoe repair shops, tailor shops and custom dressmaking shops.

Plan, Common Signage. "Common signage plan" means an accurate plot plan of the zone lot(s), scaled to the reasonable requirements set forth by the director, indicating the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown. The plan must include location of buildings, parking lots, driveways, landscaped areas, total sign area, total area for individual signs, height of signs, number of freestanding signs on the zone lots, and an accurate set of elevations depicting the location and size of all proposed freestanding and building signs. Plans must specify standards addressing consistency among all signs on the zone lots affected by the plan with regards to: Color scheme, lettering or graphic style, lighting, material and proportions to other advertisements on any freestanding signs.

Plan, Master Signage. "Master signage plan" means an accurate plot plan of the zone lot, scaled to the reasonable requirements set forth by the director, indicating the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown. Plans shall include location of buildings, parking lots, driveways, landscaped areas, total sign area, total area for individual signs, height of signs, number of freestanding signs on the zone lot, and an accurate set of elevations depicting the location and size of all proposed freestanding and building signs.

"Planned development" means a "land development project," as defined herein, and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

"Planning board or commission" means the body established by the city charter which has the responsibility to prepare a comprehensive plan and make recommendations concerning that plan to the municipal legislative body.

"Pre-application conference" means a review meeting of a proposed development held between applicants and reviewing agencies as permitted by law and municipal ordinance, before formal submission of an application for a permit or for development approval.

"Principal building" means the building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

"Print shop" means an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

"Printing and publishing" means a commercial facility of ten thousand (10,000) square feet or more for the designing and reproducing written, typed or graphic materials.

"Professional engineer (PE)" means a person who has been registered and licensed by the state board of registration for professional engineers in accordance with RIGL Chapter 5-8.

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"Professional home office or studio" means an office or studio located within the principal premises of resident architect, artist, author, attorney, clergymen or engineer.

"Professional land surveyor (PLS)" means a person who has been duly registered as a professional land surveyor by the board established under RIGL 5-8.1, and who is a professional specialist in the technique of measuring land, educated in the basic principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence and all to surveying of real property and engaged in the practice of land surveying as defined in this section.

"Public safety facility" means a governmental facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

"Radio" means a generic term referring to communication of impulses, sounds and pictures through space by means of electromagnetic waves.

"Recreation membership clubs" means club or recreation facility for which a membership charge may be made and which are open only to bona fide members and their guests.

"Recreational vehicle" means a vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

"Recycling facility" means a facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets. The presence of power-driven processing equipment distinguishes a processing facility from a collection facility. The facility receives and processes only residential and commercial recyclables.

Regulatory Floodplain. See definition "special flood hazard area (SFHA)."

Regulatory Floodway. See definition for "floodway."

"Religious worship (place of)" means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. This use includes synagogues, temple, mosque or other such place for worship and religious activities.

"Research/development facility" means an establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

"Residence above first story of business uses" means a mixed use property housing a business use on the first level with residential uses on the upper level(s).

"Restaurant" (without drive in facility) means an establishment where food and drink is prepared, served and consumed primarily within the principal building.

"Retail heating fuel supplier" means a facility for the storage of household heating fuels and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.

"Retail laundry, dry cleaning establishment" means an establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry and where there may be the cleaning of fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents for items collected on site.

Retail Sales Establishment, Large Scale. "Large scale retail sales establishment" means an establishment of greater than ten thousand (10,000) square feet primarily devoted to the sale or rental of goods or merchandise to

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the general public for personal or household consumption or to services incidental to the sale or rental of such goods or merchandise.

**Retail Sales Establishment, Small Scale.** "Small scale retail sales establishment" means an establishment of ten thousand (10,000) square feet or less primarily devoted to the sale or rental of goods or merchandise to the general public for personal or household consumption or to services incidental to the sale or rental of such goods or merchandise.

"Rooming/boarding house" means a dwelling or part thereof in which lodging is provided by the owner or operator to more than two but less than ten (10) boarders.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Sanitation services" means a business engaged in the removal of waste, refuse effluent, sludge, and any other materials from septic tanks, cesspools, and any other similar facilities. Said activity may include the storage of portable personal sanitation facilities for use off of site.

"Second hand shop" means a premises used for the retail sales of previously used merchandise, such as clothing, household furnishings or appliances and sports/recreational equipment. This use does not include the sale of secondhand motor vehicles, parts or accessories.

"Self storage, mini storage" means a building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.

"Setback line or lines" means a line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

Sheet Flow. See definition for "area of shallow flooding."

"Sign" means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public.

**Sign, Animated.** "Animated sign" means any sign that uses movement or change of lighting to depict action or create a special effect or scene. Also, a sign on which the text message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purpose of this chapter.

**Sign, Billboard.** "Billboard sign" means any sign erected outdoors, often freestanding, that displays copy which is generally not pertinent to the primary use of the premises (see Section 17.24.010(A)(1), (2) and (B)(I), (2) entitled billboards).

**Sign, Building.** "Building sign" means any sign attached to any part of a building, as contrasted to a freestanding sign.

**Sign, Canopy.** "Canopy sign" means any sign that is a part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

**Sign, Changeable Copy.** "Changeable copy sign" means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this chapter.

**Sign, Freestanding.** "Freestanding sign" means any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure.

**Sign, Incidental.** "Incidental sign" means a sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone" and other

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similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Sign, Marquee. "Marquee sign" means any sign attached to, in any manner or made a part of a marquee.

Sign, Monument. "Monument sign" means any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure. Monument signs within ten (10) feet of an existing driveway or street, shall not exceed thirty (30) inches in height.

Sign, Nonconforming. "Nonconforming sign" means any sign that does not conform to the requirements of this chapter.

Sign, Political. "Political sign" means any sign which has the purpose of advertising, promoting or displaying a political party, platform, referenda or candidate for office and/or a promotion of its ideals, beliefs or philosophy.

Sign, Projecting. "Projection sign" means any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Sign, Real Estate. "Real estate sign" means any sign erected for the purpose of informing the public that a certain parcel, property, dwelling or structure(s) is for sale, rent, lease or to be auctioned.

Sign, Residential. "Residential sign" means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located; provided that, offering such service at such location conforms with all requirements of the zoning ordinance.

Sign, Roof. "Roof sign" means any sign erected wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Sign, Integral Roof. "Integral roof sign" means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Sign, Suspended. "Suspended sign" means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Sign, Temporary/Portable. "Temporary/portable sign" means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business, an advertising display constructed of cloth, canvas, plywood or other light material and designed or intended to be displayed for a short period of time. Flags, banners and portable signs shall be treated as temporary signs.

Sign, Wall. "Wall sign" means any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface.

Sign, Window. "Window sign" means any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

"Single-family accessory dwelling unit" means an accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress and egress. (See Section 17.24.010(F))



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"Single-family dwelling" means a detached building containing one dwelling unit.

"Site plan" means the development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

"Solar power" means electrical power generated through the utilization of photovoltaic cells, non-mechanical semiconductor devices that convert sunlight into direct current electricity.

"Solid waste transfer facility" means a place or facility where nonhazardous solid waste materials are taken from a collection vehicle or dumpster, temporarily stored or stockpiled and placed in a transportation unit for movement to another facility.

"Special flood hazard area (SFHA)" means an area having special flood, mudslide (i.e. mudflow) or flood-related erosion hazards and shown on a flood hazard boundary map (FHBM) or a flood insurance rate map (FIRM) zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V.

"Special use" means a regulated use which is permitted pursuant to the special-use permit issued by the authorized governmental entity, pursuant to RIGL Section 45-24-42.

"Specified anatomical areas" means any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth as noted above.

"Start of construction" (for use with Chapter 17.16 flood hazard districts only): (Includes substantial improvement,) the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State agency" means any department, commission, board or other administrative unit of state government.

"Street" means a public or private thoroughfare used or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

"Street classification" means a method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories:

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1. "Arterial" means a major street that serves as an avenue for the circulation of traffic into, out of or around the municipality and carries a high volume of traffic.
  2. "Collector" means a street whose principal function is to carry traffic between local streets and arterial streets but that also may provide direct access to abutting properties.
  3. "Limited access highway" means a freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.
  4. "Local" means streets whose primary function is to provide access to abutting properties.

"Street, cul-de-sac" means a local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

"Street frontage" means that portion of a lot abutting a street.

"Street line" means the dividing line between the street and the lot.

Street, Private. "Private street" means a thoroughfare established as a separate tract for the benefit of multiple adjacent properties and meeting specific municipal improvement standards. This definition shall not apply to driveways.

Street, Public. "Public street" means all public property reserved or dedicated for street traffic.

Street, Stub. "Stub street" means a portion of a street reserved to provide access to future development, which may provide for utility connections.

"Structure" means a combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below, the surface of land or water.

"Structure (for use with Chapter 17.16 flood hazard districts only) means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
2. A manufactured home ("a manufactured home," also known as a mobile home, is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

"For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank. Subsidized rates mean the rates established by the Federal Insurance Administrator involving in the aggregate subsidization by the Federal Government.

"Substandard lot of record" means any lot lawfully existing at the time of adoption of the zoning ordinance of January 1, 1966 or any amendment thereof and not in conformance with the dimensional and/or area provisions of that ordinance.

"Substantial damage" (for use with Chapter 17.16 flood hazard districts only) means damage of any origin sustained by a structure during a five-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

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"Substantial improvement" (for use with Chapter 17.16 flood hazard districts only) means any reconstruction, rehabilitation, addition, or other improvement of a structure during a five-year period, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Substantial portion" means for the purposes of determining whether a "substantial portion" of an establishment includes an adult entertainment use, the following factors shall be considered:

1. The overall amount of floor area accessible to customers devoted to adult purposes;
2. The amount of floor area devoted to adult purposes as compared to the total commercial floor area of the establishment; and
3. The amount of stock of a sexually explicit nature as compared to the total stock.

If the ratio, as formulated above, is equal to or greater than forty (40) percent, the adult entertainment use is considered to comprise a "substantial portion" of the establishment.

"Supermarket" means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies more than five thousand (5,000) square feet of gross floor area.

"Swimming pool" means any constructed pool which is used, is designed for use as or is intended to be used as a swimming pool and has a minimum capacity of five thousand (5,000) gallons and a minimum depth of thirty-six (36) inches.

"Tavern/neighborhood bar" means a commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises. Bars include taverns, pubs and similar facilities serving alcoholic liquor.

"Telecommunications antenna" means a device used in communications which transmits and/or receives telecommunications signals as authorized by the FCC. Examples of such devices include dish, panel and whip antennae.

"Telecommunications facility" means a land use facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. Communications facilities include structures or towers and accessory buildings.

"Telecommunications tower" means a tower intended to support equipment used to transmit and/or receive telecommunications signals, including lattice and guyed wire towers.

"Theater/movie cinema" means a building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Tower. See telecommunications definitions.

"Towing operation" means an establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

"Tourist home, bed and breakfast" means an owner occupied dwelling in which not more than five guestrooms are used to provide or offer overnight accommodations to transient guests for compensation. A guestroom shall be occupied by a tenant for not more than fifteen (15) consecutive days.

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"Trailer" means a vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle.

"Tree service" means tree service shall mean a building or premises used primarily in support of a business engaged in tree and stump removal, tree and shrub trimming, stump grinding, insect and disease control, tree nutrients, processing wood chips and firewood, and land clearing. The premises may be used for the processing and storage of tree related products and byproducts produced only by the business located on the premises and the parking of trucks, grinders and related equipment, but no retail sales of products shall be allowed on the premises.

"Trucking terminal" means a facility that provides for storage, parking, servicing, leasing and otherwise dealing with trucks, tractors, trailers or other similar motor vehicles. A trucking terminal may also include an area and building where cargo is stored and where trucks load and unload cargo on a regular basis.

"Two-family dwelling" means a detached building containing two dwelling units.

"Upholstering shop" means a business that repairs and replaces upholstery to household and office furnishings and boat and motor vehicle upholstery.

"Urgent care facility" means an establishment where human patients who are not lodged overnight are admitted for emergency examination and treatment by a group of physicians other health care professionals.

"Use" means the purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

"Utilities" (for structures) means plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration and fire-fighting facilities essential for the occupancy of structure. Utilities include but are not limited to furnaces, boilers, air conditioning compressors, air and heating ducts, water supply pipes electric, gas and water meters, control panels, electrical wiring, and gas pipes.

"Variance" means permission to depart from the literal requirements of the zoning ordinance. An authorization for the construction or maintenance of a building or structure or for the establishment or maintenance of a use of land, which is prohibited by this chapter. There shall be only two categories of variance, a use variance or a dimensional variance.

1. "Use variance" means permission to depart from the use requirements of the zoning ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.
2. "Dimensional variance" means permission to depart from the dimensional requirements of this chapter, ~~under the applicable standards set forth in RIGL § 45-24-41 where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.~~

"Variance" means for floodplain management purposes a grant of relief by a community from the terms of a flood plain management regulation.

"Veterinarian hospital or clinic" means a place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital/clinic use.

"Violation (for use with Chapter 17.16 flood hazard districts only): The failure of a structure or other development to be fully plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided

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Warehousing, Commercial. "Commercial warehousing" means facilities characterized by extensive warehousing, frequent heavy trucking activity but not involved in manufacturing or production.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Waters. As defined in RIGL Section 46-12-1(b).

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum of 1929 (NGVD), North American Vertical Datum of 1988 (NAVD) or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Welding shop, metal fabrication" means a facility that provides for the assembly of metal parts, including blacksmith and welding shops; sheet metal shops; machine shops and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates and similar products.

"Wet floodproofing" means measures designed to minimize damage to a structure or its contents by water that is allowed into a building.

"Wetland coastal" (as defined in RIGL Section 2-1-14) means a salt marsh bordering on the tidal waters of this state and contiguous up-lands extending no more than fifty (50) yards inland therefrom.

"Wetland freshwater" (as defined in RIGL Section 2-1-20) means a marsh, swamp, bog, pond, river, river or stream floodplain or bank, area subject to flooding or storm flowage; emergent or submergent plant community in any body of fresh water or area within.

"Wholesale sales" means an establishment primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, professional business users, other wholesalers; or acting as agents or brokers and buying and selling merchandise for, or selling merchandise to, such individuals or companies.

"Whip antenna" means an antenna that transmits signals in three hundred sixty (360) degrees. Whip antennae are typically cylindrical in shape and are less than six inches in diameter and measure up to eighteen (18) feet in height, also called omnidirectional, stick or pipe antennas.

"Yacht club" means an institutional use that is classified as either a private club or community club that consists of structures and related grounds and/or moorage used for social and recreation purposes related to pleasure boating the use of which is primarily restricted to members and their guests.

"Yard" means the required open, unoccupied and unobstructed setback area as set forth in Section 17.20.110, which establishes the outer boundaries of the maximum building envelope of any lot or parcel of land.

Yard, Corner Side. "Corner side yard" means a required side yard adjacent to a public way.

Yard, Front. "Front yard" means a required yard extending across the full width of the lot adjacent to the front street line.

Yard, Interior Side. "Interior side yard" means a required side yard not adjacent to a public way.

Yard, Rear. "Rear yard" means a required yard adjacent to the rear lot line and between side yards or extending across the full width of the lot where no side yards are required.

Yard, Side. "Side yard" means a required side yard extending from the rear of the required front yard or from the street line where no front yard is required, to the rear lot line.

Zone. See Zone C [Section 17.16.050].

"Zone A" means the special flood hazard Area (except coastal V zones) shown on a community's flood insurance rate map. There are seven types of A zones:

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1. A: SFHA where no base flood elevation is provided.
  2. AE: SFHA where base flood elevations are provided. AE-Zone delineations are used on newer FIRMs instead of A# zones.
  3. AO: SFHA with sheet flow, ponding, or shallow flooding. Base flood depths (feet above grade) are provided.
  4. AH: Shallow flooding SFHA. Base flood elevations in relation to a national datum are provided.
  5. AR: A temporary designation for an area where a flood control system that no longer provides protection from the base flood is expected to be improved so it will provide protection to the base flood again in the future. This zone is considered part of the special flood hazard area or "regulatory floodplain," but properties in this zone do not receive the "in SFHA" CRS premium discount (see Table 110-1).

"Zone B" means area of minimal flood hazard, usually depicted on older FIRM's as between the limits of the base and five hundred (500) year floods of the primary source of flooding.

"Zone lot" means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use and that can provide such yards and other open spaces as required by the zoning regulations.

"Zone table" means any one of twelve (12) tables depicting the permitted sum of the area of all individual signs, sign dimensions and characteristics for each zone lot by zoning district (see Section 17.72.010).

"Zone V" means the special flood hazard area subject to coastal high hazard flooding. There are three types of V zones: V, V#, and VE, and they correspond to the A-Zone designations.

"Zone X" means newer flood insurance rate maps show zones B and C (see above) as zone X. The shaded zone X corresponds to a zone B and the unshaded zone X corresponds to a zone C.

"Zoning" means the reservation of certain specified areas within a community or city for building structures or use of land, for certain purposes with other limitations such as height, lot coverage and other stipulated requirements.

"Zoning certificate" means a document signed by the zoning enforcement officer, as required in this chapter, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this zoning ordinance or in an authorized variance or modification therefrom.

"Zoning map" means the map or maps which are a part of the zoning ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the city or town.

"Zoning ordinance" means an ordinance enacted by the city council pursuant to Rhode Island General Laws Sections 45-24-27 through 45-24-72 and in the manner providing for the adoption of ordinances in the city by the city charter, which sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the comprehensive plan defined in Rhode Island General Laws Section 45-22.2, which includes a zoning map, and which complies with the provisions of this chapter.

"Zoning use districts" means the basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. The districts include, but are not limited to: agricultural, commercial, industrial, institutional, open space and residential. Each district may include subdistricts.

(Ord. 05-31 § 1; Ord. 04-51 § 5; prior code § 30-3)

(Ord. No. 2009-11, § 1, 2-23-09; Ord. No. 2010-28, § 1, 9-27-10; Ord. No. 2012-25, § 1, 9-24-12; Ord. No. 2013-26, § 1, 8-26-13; Ord. No. 2015-27, § 1, 8-24-15; Ord. No. 2015-31A, § 1, 11-23-15)

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**17.20.030 Schedule of uses.**

The following pages enumerate principal uses accepted by the city and identify the zoning districts within which they are permitted.

TABLE OF PRINCIPAL USE\* ++

	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G
<b>RESIDENTIAL** +++</b>																	
Community residence	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	Y
Dormitory	N	N	N	N	N	N	N	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	N	N	N	Y	Y
Family day care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Fraternity/sorority house	N	N	N	N	N	N	<del>S-N</del>	N	N	N	N	N	N	N	N	Y	N
Manufactured home park/manufactured home subdivision	N	N	N	N	N	N	N	N	N	N	<del>S-N</del>	N	N	N	N	N	N
Multi-family dwelling	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	Y	N
Residence above first story business use	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	Y	Y
Rooming, boarding house	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
Single-family accessory dwelling unit	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	Y	N
Tourist home, bed and breakfast	<del>S-N</del>	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	N
Two-family dwelling	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	Y	N
<b>INSTITUTIONAL** +++</b>																	
Assisted Living facility	N	N	Y	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N
Cemetery	<del>S-Y</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	N	N	N	N	N	N	N	Y	N	Y
Cultural use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<del>S-Y</del>	<del>S-Y</del>	N	N	Y	Y	Y
Educational institution-preschool, primary, secondary, charter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N
Higher education institution	N	N	N	N	N	N	N	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-Y</del>	<del>S-Y</del>	N	N	N	Y	Y
Hospital	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	N	N	<del>S-Y</del>	<del>N-Y</del>	N	N	N	N	Y
Lodge/fraternal organization	N	N	N	N	N	N	<del>S-N</del>	Y	Y	Y	N	N	N	N	<del>S-N</del>	Y	N



Municipal services other than those listed elsewhere	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nursing home	N	N	Y	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Religious worship (place of)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<del>S</del> -Y	<del>S</del> -Y	N	N	Y	Y	N	
State agency	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y
<b>OPEN SPACE/RECREATIONAL** +++</b>																		
Golf club and course	<del>S</del> -Y	<del>S</del> -N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
Marina	N	N	N	N	N	N	N	N	N	Y	N	N	Y	Y	<del>S</del> -N	N	N	
Open space area	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	Y	N	N	Y	Y	
Municipal park, playground, and outdoor sports field	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	Y	Y	Y	
Recreational membership club	<del>S</del> -Y	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	<del>S</del> -N	Y	Y	
Yacht club	N	<del>S</del> -N	<del>S</del> -N	<del>S</del> -N	<del>S</del> -N	<del>S</del> -N	<del>S</del> -N	N	N	<del>Y</del> -N	N	N	Y	Y	Y	<del>S</del> -Y	N	
<b>AGRICULTURAL** +++</b>																		
Agricultural operations	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
<b>BUSINESS** +++</b>																		
Adult day care	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	Y	
Adult entertainment (see Section 17.80.010)	N	N	N	N	N	N	N	N	N	N	N	N	S	S	N	N	N	
Animal Day Care	N	N	N	N	N	N	N	N	N	N	Y	<del>S</del> -Y	N	N	<del>S</del> -N	N	N	
Animal Grooming Services	<del>S</del> -N	N	N	N	N	N	N	Y	Y	Y	<del>S</del> -Y	<del>S</del> -Y	N	N	N	N	N	
Antiques, second hand shop, consignment shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N	
Artisan's workshop (studio)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	<del>S</del> -Y	<del>S</del> -Y	N	Y	N	
Bakery, retail	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	
Bakery, wholesale	N	N	N	N	N	N	N	N	N	N	<del>S</del> -Y	Y	Y	Y	N	N	N	
Bank, financial institution	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	<del>S</del> -N	<del>S</del> -N	N	Y	N	
Banquet facility	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N	
Barber shop, beauty salon	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N	

Body art establishment	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
Book, stationery, gift shop	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Brew pub	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
Business, professional office	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Business/trade school	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Car wash/detailing	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Catering service	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N
Check cashing facility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Commercial day care	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	Y	Y
Commercial off-street parking	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
Commercial recreation	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Communication service and broadcast studio	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N
Convenience store	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N
Crematory	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N
Day Spa	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
*Drive-in restaurant	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Drug store	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N
Florist shop	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N
Fuel station full service	N	N	N	N	N	N	N	N	S	S	Y	Y	S	S	N	N	N
Fuel station minimart	N	N	N	N	N	N	N	N	N	<del>S-N</del>	Y	Y	N	N	N	N	N
Funeral home	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Garden center	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	<del>S-N</del>	N	N
Hardware store	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N
Health, fitness club	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Home improvement center	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Kennel	<del>S-Y</del>	N	N	N	N	N	N	N	N	N	N	N	<del>S-Y</del>	<del>S-Y</del>	<del>S-N</del>	N	N
Kiosk, freestanding exterior	N	N	N	N	N	N	N	N	N	<del>S-Y</del>	<del>S-Y</del>	<del>S-Y</del>	N	N	N	<del>S-Y</del>	N
Landscape and tree services	<del>S-N</del>	N	N	N	N	N	N	N	N	N	N	Y	<del>S-Y</del>	<del>S-Y</del>	N	N	N
Laundromat	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N

Loft space (live/work)	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> -Y	<del>S</del> -Y	N	N	N
Medical or dental clinic	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N
Medical/diagnostic laboratory	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Motel, hotel	N	N	N	N	N	N	N	N	N	Y	Y	Y	<del>S</del> -N	<del>S</del> -N	N	Y	N
Motor and recreational vehicle and watercraft sale	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Motor vehicle repair and service establishment light	N	N	N	N	N	N	N	N	N	<del>S</del> -N	Y	Y	<del>S</del> -Y	<del>S</del> -Y	N	N	N
Music and dance studio	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	N
Night club	N	N	N	N	N	N	N	N	N	Y	Y	Y	<del>S</del> -N	<del>S</del> -N	N	N	N
Nursery	<del>S</del> -Y	N	N	N	N	N	N	N	N	N	Y	Y	<del>S</del> -Y	<del>S</del> -Y	Y	N	N
Outdoor retail	N	N	N	N	N	N	N	N	N	<del>S</del> -N	<del>S</del> -Y	<del>S</del> -Y	N	N	N	N	N
Passenger transportation terminal	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N
Pawn shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Personal services establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Print shop	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Restaurant without drive-in facility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	<del>S</del> -Y	<del>S</del> -Y	N	N	N
Retail laundromat and dry-cleaning establishment	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Retail sale large scale	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Retail sale small scale	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Supermarket	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Tavern/pub/neighborhood bar	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N
Theater, movie cinema	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	N
Towing operations w/storage	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> -N	<del>S</del> -Y	<del>S</del> -Y	N	N	N
Urgent care facility	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N
Veterinarian hospital or clinic	<del>S</del> -N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Wholesale sales	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
<b>INDUSTRIAL** +++</b>																	
Alternative energy generation	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> -Y	<del>S</del> -Y	<del>S</del> -Y	<del>N</del> -Y	<del>S</del> -Y

Arts and crafts manufacturing	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
Asphalt, cement or concrete plant	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Automobile body repair shop and paint shop	N	N	N	N	N	N	N	N	N	N	N	Y	<del>S-Y</del>	<del>S-Y</del>	N	N	N
Brewery or distillery	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Commercial laundry, dry cleaning service	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Container storage	N	N	N	N	N	N	N	N	N	N	N	N	<del>S-Y</del>	<del>S-Y</del>	N	N	N
Contractor yard	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
Data processing facility	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N
Distribution Center	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Electronic and computer component recycling	N	N	N	N	N	N	N	N	N	N	N	N	<del>S-Y</del>	<del>S-Y</del>	N	N	N
Extractive industries	N	N	N	N	N	N	N	N	N	N	N	N	<del>S-N</del>	<del>S-Y</del>	N	N	N
Food/beverage processing establishment	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Foundry	N	N	N	N	N	N	N	N	N	N	N	N	<del>S-N</del>	<del>S-Y</del>	N	N	N
Hazardous waste landfill and hazardous waste injection well	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hazardous processing facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hazardous waste transfer station, incinerator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Industrial equipment rental	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
Manufacture heavy	N	N	N	N	N	N	N	N	N	N	N	<del>S-N</del>	<del>S-Y</del>	<del>S-Y</del>	N	N	N
Manufacture light	N	N	N	N	N	N	N	N	N	N	N	<del>S-N</del>	Y	Y	N	N	N
Manufacture of rubber and plastics	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Metal plating	N	N	N	N	N	N	N	N	N	N	N	<del>S-N</del>	Y	Y	N	N	N
Motor vehicle repair and service establishment heavy	N	N	N	N	N	N	N	N	N	N	N	<del>S-Y</del>	<del>S-Y</del>	<del>S-Y</del>	N	N	N
Motor vehicle storage	N	N	N	N	N	N	N	N	N	N	N	N	<del>S-Y</del>	<del>S-Y</del>	N	N	N
Outdoor advertising, billboards	N	N	N	N	N	N	N	N	N	N	N	<del>S-N</del>	<del>S-N</del>	<del>S-N</del>	N	N	N

Paint production	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Printing and publishing	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
Recycling facility	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> -Y	<del>S</del> -Y	N	N	N	
Research/development facility	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	<del>S</del> -Y	N	
Retail heating fuel supplier	N	N	N	N	N	N	N	N	N	N	<del>S</del> -N	Y	Y	N	N	N	
Sanitation services	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	
Self storage, mini-storage	N	N	N	N	N	N	N	N	N	N	<del>S</del> -N	Y	Y	N	N	N	
Solar power	Y	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	<del>N</del> -Y	N	
!Minor accessory solar energy system	S!	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S!	Y	Y
Major accessory solar energy system	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	Y
Principal solar energy system	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	
Solid waste transfer facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Telecommunications antenna	S	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	S	S	Y
Telecommunications tower	S	N	N	N	N	N	N	N	N	N	S	S	S	S	S	S	Y
Upholstering Shop	N	N	N	N	N	N	N	N	N	<del>S</del> -Y	<del>S</del> -Y	Y	Y	Y	N	N	N
Trucking terminal	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	
Warehousing, commercial	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	
Welding shop, metal fabrication	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	

The symbols have the following meanings:

Y = use allowed by right

S = use allowed by special permit

N = use not allowed

\*Massage therapy establishment: See day spa.

\*\*~~Any~~Should any uses not be listed herein, the zoning official shall review the application using the criteria of the use most similar to the proposed use and also shall determine if the proposed use is similar in type, character, and intensity as a listed use requiring a special use permit., are deemed not allowed.

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!A special use permit is required for ground-mounted minor accessory SESs only. A special use permit is not required for roof-mounted SESs, building-integrated SESs or solar canopies.

++Uses authorized elsewhere in the use table.

+++For any use that requires s state license or permit, receipt of said license or permit shall be required as part of the definition.

(Ord. 06-48 § 1; Ord. 06-28 § 1; Ord. 04-51 § 6 Exh. A; prior code § 30-8)

(Ord. No. 2010-28, § 3, 9-27-10; Ord. No. 2012-24, § 1, 9-24-12; Ord. No. 2015-32 , § 1, 11-23-15; Ord. No. 2020-3 , § 1, 1-21-20; Ord. No. 2020-11 , § 1, 2-24-20)

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## 17.20.040 Conformance to district regulations required.

### A. Subdivision of Land.

1. Minor and major subdivisions of land, as defined by the city of Cranston Subdivision Regulations, as amended, shall not be approved unless all buildable lots are in conformity with the minimum lot area and minimum lot width and frontage as per Section 17.20.120, Schedule of intensity regulations.
2. Administrative subdivisions of land, as defined by the city of Cranston Subdivision Regulations, as amended, shall not be approved unless all buildable lots are in conformity with the minimum lot area and minimum lot width and frontage as per Section 17.20.120, Schedule of intensity regulations, unless the proposal results in the reduction of existing nonconformities and/or does not create or intensify any nonconformity.

### B. Development Proposals.

1. Primary structures shall be permitted on substandard lots of record ~~that have a minimum of two-thirds the lot area specified for the district which it is located~~ unless said lot is merged to form a conforming lot per Section 17.88.010, Substandard lots of records and lot mergers, and provided that the lot has sufficient accommodations for vehicular access including that required for emergency vehicles as determined by the fire chief or his/her designee. Such proposals shall not require conformance with minimum lot area and lot width and frontage. The setback, frontage, and/or lot width requirements for a structure subject to this sSection and Section 17.88.010 shall be reduced and the maximum building coverage shall be increased by by the same proportion as the lot area of the substandard lot is to the minimum lot requirement of the zoning district in which the lot is located. ~~\_-~~This provision shall not apply to ~~two-family or~~ multi-family development which are subject to Section 17.20.090, Specific requirements and Section 17.20.120, Schedule of intensity regulations.
2. Accessory structures may be permitted on substandard lots of record, in accordance with Chapter 17.60, Accessory Uses, and shall not require conformance with minimum lot area and lot width and frontage.
3. Additions, expansions or renovations to existing structures on substandard lots of record that do not result in a required increase of minimum lot area per Sections 17.20.090, Specific requirements and 17.20.120, Schedule of intensity regulations may be permitted and shall not require conformance with minimum lot area and lot width and frontage. Additions, expansions or renovations which result in a required increase in the minimum lot area per Section 17.20.090, Specific requirements and Section 17.20.120, Schedule of intensity regulations shall require conformance with minimum lot area and lot width and frontage.

### C. Changes of Use.

1. Changes of use which result in a required increase in minimum lot area per Sections 17.20.090, Specific requirements and 17.20.120, Schedule of intensity regulations shall require conformance with minimum lot area and lot width and frontage.
2. Changes of use which do not result in a required increase in minimum lot area per Sections 17.20.090, Specific requirements and 17.20.120, Schedule of intensity regulations shall not require conformance with minimum lot area and lot width and frontage.

No exemption in this section shall be meant to provide relief from any other section of the zoning code.

(Prior code § 30-9)

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( Ord. No. 2021-9 , § 1, 5-24-21)

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(Supp. No. 20)

Created: 2023-06-23 11:11:26 [EST]



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### 17.20.130 Modifications.

The building official is empowered to hear and grant modifications. Submission requirements for applications for such modifications shall be in accordance with Section 17.20.120 provided that references to the zoning board shall refer to the building official.

- ~~A.~~ A.—A modification may be requested for adjustments or deviations not exceeding twenty-five (25) percent of any of the requirements of dimensional or quantitative requirements of parking, signs, landscaping and other similar requirements of this section, yet excluding the moving of lot lines and lot area and density which are subject to the requirements of this section.
- B. A modification of five (5) percent or less shall be permitted by the building official, subject to the criteria of Paragraph ~~D~~E of the Section, without requiring any notice as detailed in Paragraph C of this Section.
- ~~BC.~~ BC. Prior to ruling on a modification on any modification of more than five (5) percent and less than twenty-five (25) of any dimensional or quantitative requirements of this ordinance, the building official shall give notice in the same manner as would be given for a variance application, pursuant to the Section 17.108.070 requirements, by ordinary mail, to all property owners within a four hundred (400) foot radius and publish in a newspaper having general-local circulation in the city of Cranston that he or she is considering such modification, the location of property in question, the nature of the proposed modification, a statement that such modification may be granted by the building official if no objection is received within thirty-fourteen (1430) days, and an invitation to allow any member of the public to inspect plot plans and application forms during normal working hours at the city hall.
- ~~CD.~~ CD. If one or more written and duly signed objections are received by the building official within twenty fourteen (1420) days of the date of such public notice, the modification shall forthwith be filed with the zoning board of review if the applicant so desires, as a request for a dimensional variance in accordance with the provisions of Sections 17.108.070 and 17.108.080 and the building official shall have no further role in deciding the case.
- ~~DE.~~ DE. If there are no objections within the specified time period as provided in subsection (BC) above, the building official shall render a decision no later than thirty-fourteen (1430) days after the date of the public notice. The following determination shall be made by the building official:
1. The modification requested is reasonable necessary for the full enjoyment of the permitted use;
  2. If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
  3. The modification requested is in harmony with the purposes and intent of the comprehensive plan and zoning ordinance of the city; and
  4. The modification requested does not require a variance of a flood hazard requirement.
- ~~EF.~~ EF. If the petitioner is aggrieved by a decision of the building official said petitioner may file an application for dimensional variance to the zoning board or review in accordance with Section 17.108.080.

(Ord. 03-59 § 1)

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## **Chapter 17.86 UNIFIED DEVELOPMENT REVIEW**

### **17.86.010 Authorization.**

A. In accordance with the provisions of RIGL § 45-23-50.1 and § 45-24-46.4, the city plan commission is hereby authorized to review and approve variances and/or special-use permits for properties undergoing review as subdivisions or land-development projects. This process is to be known as unified development review (UDR).

### **17.86.020 Application process.**

- A. An applicant shall file with the city plan commission's administrative officer an application for variance(s) and/or special-use permit(s) along with an application for the following project categories:
1. Minor subdivision or land development project: As part of the application materials for the preliminary plan stage of review, or if combined, the first stage of review.
  2. Development plan review: As part of the application materials for the preliminary plan stage of review.
  3. Major subdivision or land development project: As part of the application materials for the master plan stage of review, or if combined, the first stage of review.
- B. The administrative officer shall review the UDR application for completeness and for compliance with this section. The time period for the administrative officer to certify as complete or incomplete a UDR application shall be the same as the time period for certifying the accompanying application for a subdivision, development plan review, or land development project. The administrative officer's decision on a UDR application is appealable in the same manner as an appeal from any other decision of the administrative officer application.

### **17.86.030 Public hearing.**

- A. A public hearing on the application, including any variance and special-use permit requests shall be held prior to consideration of the preliminary plan by the city plan commission. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation within the city. Notice shall be sent to the applicant and to each owner within two hundred (200) feet of the perimeter of the area included in the subdivision and/or land development project by certified mail, return receipt requested, not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application.
- B. Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if: (1) The notice area extends into the adjacent municipality; or (2) The development site extends into the adjacent municipality; or (3) There is a potential for significant negative impact on the adjacent municipality.

Notice of the public hearing shall be sent by first-class mail to the planning board of any municipality where there is a public or quasi-public water source, or private water source that is used, or is suitable for use, as a public water source, located within two thousand feet (2,000') of the municipal boundaries.

Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used, or is suitable for use, as a public water source, located within either the municipality or two thousand feet (2,000') of the municipal boundaries; provided, that a map survey has been filed with the building inspector as specified in § 45-24-53(f).

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C. The notice for the public hearing shall include the following information:

1. The date, time, and place of the hearing;
2. The street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths of a mile; and,
3. The specific variance(s) to be considered for the subdivision and/or land development project.

D. The administrative officer shall review the UDR application for completeness and for compliance with this section. The time period for the administrative officer to certify as complete or incomplete a UDR application shall be the same as the time period for certifying the accompanying application for a subdivision, development plan review, or land development project. The administrative officer's decision on a UDR application is appealable in the same manner as an appeal from any other decision of the administrative officer application.

#### **17.86.040 Decision.**

- A. The city plan commission shall approve, approve with conditions, or deny the request(s) for variance(s) and/or special-use permit(s) before considering the project category application. Approval of the variance(s) and/or special-use permit(s) shall be conditioned upon approval of the final plan of the project category.
- B. The city plan commission shall address the same findings of fact required to be addressed by the zoning board of review and shall produce and record a written decision in the same manner as the zoning board of review.
- C. The time periods by which the city plan commission shall render a decision for variance(s) and/or special-use permit(s) shall be the same as the time periods by which the city plan commission shall render a decision on the applicable stage of review of the underlying type of project under review.

#### **17.86.050 Expiration of approval.**

- A. The expiration period of an approval on variance(s) and/or special-use permit(s) granted under this Section shall be the same as those set forth under the applicable project category.

#### **17.86.060 Appeals.**

- A. Appeals from a decision granted under this Section, including denials for requests for variance(s) and/or special-use permit(s) may be appealed in accordance with RIGL § 45-23-71.

#### **17.86.070 Interpretation, conflict, omission, violation, & severability.**

- A. If any requirements of this chapter conflict with other requirements of zoning, the city code, or any applicable state or federal law or regulation, the more restrictive requirements shall apply.
- B. An approval shall not relieve an applicant of the requirement to comply with any other city code or with any applicable state or federal law or regulation.
- C. Any violation of the requirements of this chapter or of any condition(s) of approval shall be subject to enforcement under the provisions of section 17.04.080 violations of zoning.
- E. Severability: See Section 17.04.090 severability.

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### 17.88.010 Substandard lots of record and lot mergers.

- A. "Substandard Lots of Record" Defined. A "substandard lot of record" is a lot which does not satisfy one or more dimensional requirements set forth in Section 17.20.120, but which was shown on a plat or deed recorded prior to January 1, 1966 or an approved plat recorded after January 1, 1966 which has otherwise been legally created and which has not been altered to become more nonconforming since its creation, except by approval of the city plan commission.
- B. Lot Mergers.
1. If two or more contiguous substandard lots of record are owned by the same person or entity as of January 1, 1966, or if one of any two abutting lots under common ownership by the same person or entity as of the same date is less than four thousand (4,000) square feet, such lots shall be considered to be combined to form conforming lots, unless the lot meets the exemption as outlined in subsection (3) below;
  2. In the event that there are multiple contiguous substandard lots of record with more than one way the lots could be merged, upon request of a zoning certificate, the zoning official shall determine which lots are merged. The determination shall be based upon factors including but not limited to the existing improvements on site, natural conditions, and/or the sum of the area and frontage of the substandard lots (those lots whose sum is closest to the minimum required in the underlying zoning district would be combined before lots with larger sums, all other conditions being equal).
  3. ~~In a block that is seventy five (75) percent or more developed in A-6, B-1 and B-2 zones, lots having an area equal to or greater than the average of fifty percent (50%) of those developed parcels within two hundred (200) feet of the lot which are on the same side of the street~~ need not be so combined, as confirmed by the zoning enforcement officer. Substandard lots of record that are merged shall be considered merged for the purposes of calculation of this provision. Non-buildable lots of record and lots with zoning designations other than the subject lot shall not be included in the calculation. Side corner lots and double frontage lots may qualify for this exemption by measuring from any of its available frontages, so long as that frontage becomes the primary front for the subsequent development of the lot.
- C. Where two or more lots are combined in accordance with this section, they ~~shall may not be subdivided regulated in accordance with Section 17.20.040, Conformance to district regulations required in a manner where the lot width, frontage or area of any resulting lot shall be less than the requirements fixed by this chapter. Notwithstanding, the failure of that lot or those lots to meet dimensional and/or quantitative requirements, and/or road frontage, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located.~~
- D. Any substandard lot of record which is not merged to a contiguous substandard lot of record under common ownership to form a conforming lot shall be regulated in accordance with Section 17.20.040, Conformance to district regulations required.

(Prior code § 30-19)

( Ord. No. 2021-9 , § 1, 5-24-21)

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## 17.92.010 Variances.

- A. An application for relief from the literal requirements of a zoning ordinance because of hardship may be made by any person, group, agency or corporation by filing with the zoning enforcement officer or agency an application describing the request and supported by such data and evidence as may be required by the zoning board of review or by the terms of the ordinance. The zoning enforcement officer or agency shall immediately transmit each application received to the zoning board of review and shall transmit a copy of each application to the planning commission for their review and recommendation.
- B. In granting a variance, the zoning board of review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;
  2. That the hardship is not the result of any prior action of the applicant ~~and does not result primarily from the desire of the applicant to realize greater financial gain~~and;
  3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance codified in this title or the comprehensive plan upon which the ordinance is based;~~and~~
  4. ~~That the relief to be granted is the least relief necessary.~~
- C. The zoning board of review shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
1. In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
  2. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean ~~that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property~~that the relief sought is minimal to the reasonable enjoyment of the permitted use to which the proposed property is devoted. The fact that a use may be more valuable after the relief is granted shall not be grounds for relief. ~~The Zoning Bboard of Rreview-, or the city plan commission where under unified development review is enabled pursuant to RIGL §§ 45-254-46.4 and 45-23-50.1, the city planning commission shall have the power to grant dimensional variances where the use is permitted by special-use permit.~~
- D. In granting a variance relating exclusively to the construction of wireless service towers on sites located in historic districts, the zoning board of review shall consider all of the following criteria in addition to the other applicable criteria set forth in Sections 17.24.010 through 17.84.130.
1. Evidence of the lack of space on suitable existing towers, buildings or other structures to co-locate the proposed antenna, cells, micro cells and the lack of space on existing tower sites to construct a tower for the proposed antenna within the service area;
  2. Whether the wireless service provider will be unable to provide wireless services without the tower site;
  3. Whether the application represents a request for multiple use of a tower or site or use on a site contiguous to an existing tower site;

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4. Whether the application contains a report that other potential uses of the site and tower have been contacted, and they have been contacted and they have no current plans, to the best of their ability to determine, that could be fulfilled by joint use;
  5. Whether the application shows how the tower or site will be designated or laid out to accommodate future multiple users. Specific design features evaluated shall include but not be limited to height, wind loading and coaxial cable capacity.
  6. Whether the proposed tower is to be located in an area where it would be unobtrusive and would not substantially detract from aesthetic or neighborhood character or property values, due either to location, shape of the tower (such as an imitation pine tree tower) or to the nature of surrounding uses (such as industrial use) or to lack of visibility caused by natural growth, landscaping or other factors.
  7. Anything in the "hardship clause" to the contrary notwithstanding, for purposes of wireless service towers only, hardship sufficient for the granting of a variance shall include the effect upon the applicant's ability to provide wireless service.
  8. The applicant shall have the duty of presenting evidence relating to the criteria set forth herein.
- E. Any application submitted for a variance relating to the installation of signage that exceeds the maximum allowed area regulated by Section 17.72.010 signs; shall include as part of the submittal, an architectural elevation of the building drawn to scale with the proposed signage located on the building also correctly drawn to scale. Freestanding signs shall also be drawn to scale and accurately located on a scaled perspective drawing of the building and site. Photographs with superimposed photo shop images of the signs, or renderings with no scale, shall not be accepted in lieu of perspective drawings. Photographs of the site with superimposed photo shop images of the signs that are of an accurate scale, may be submitted in addition to the scaled perspective drawings.

(Prior code § 30-28)

(Ord. No. 2010-21, § 1, 7-26-10)

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### 17.108.070 Public hearings.

No action shall be taken by the board until after a public hearing has been held upon the proposed action before the board, which shall first give written notice of the time and place of such public hearing and the nature and purpose thereof, to the petitioner and to all owners of any real property within four hundred (400) feet of the perimeter of the real property which is the subject matter of the petition, by ordinary mail at least ~~twenty~~ ~~(20)~~fourteen (14) days before the date of such hearing and by publication of such notice in a ~~daily~~ newspaper of ~~general~~local circulation within the city at least ~~twenty~~ ~~(20)~~fourteen(14) days prior to the date of such hearing. The same Notice shall be posted in the City clerk's office and one other municipal building within the City and the City must shall make the notice accessible on the home page of its website at least fourteen (14) days prior to the hearing. ~~-The posting is for information purposes only and does not constitute required notice of a public hearing.~~ Within four (4) days after a decision has been rendered by the board, the board shall mail, by ordinary mail, a copy of the decision to the all owners and applicant of the real property that is the subject matter of the application, and to any other person or entity requesting said decision from the zoning official, who were originally notified of the hearing before the board, the applicant, to the zoning enforcement officer and to the Associate Director of the Division of Planning of the Rhode Island Department of Administration. ~~The notice required by this section~~ indicating the time and place for such public hearing and the nature and purpose thereof, shall also contain a statement that the recipient of such notice shall be allowed to address the zoning board on the subject matter of the notice and if he or she so desires, he or she may be represented by an attorney and have expert witnesses testify on his or her behalf. Should the decision of the zoning board be unfavorable, the petitioner may appeal same to the Providence County Superior Court within a period of twenty (20) days following the recording of the zoning board decision, in accordance with RIGL Sections 45-24-69, 45-24-70 and 45-24-71. The zoning board and the ~~planning board~~city plan commission upon closing the testimonial portion of the hearing on a matter shall proceed to deliberate and vote on that matter before beginning the testimonial portion of the public hearing on any other matter.

(Prior code § 30-42(g))

(Ord. No. 2012-3, § 2, 1-23-12)

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### 17.108.100 Quorum.

~~In conducting hearings and arriving at its decisions the board shall at all times consist of five participating members. A minimum of four (4) members, which may include any alternates, shall form a duly constituted~~ Quorum. The concurring vote of three (3) members shall be necessary to reverse any requirement, order, decision, or determination of the ~~inspector of buildings~~ building official. The concurring vote of ~~three (3) four~~ three (3) members shall be required to decide in favor of an applicant on any matter concerning special exceptions, special use permits, ~~uses~~ or variances, upon which it is required to pass under this chapter.

(Prior code § 30-42(j))