

Planning Office review – Suggested changes are indicated in red type below the affected sections. Where there is no comment below a section, no changes to proposed language are recommended.

Chapter 340, Zoning.

- A. Section 340-2.4 is amended as indicated: “...passage of this chapter, or an amendment thereto, lawful use of land exists...”
- B. Section 340-2.6C is amended as indicated: “...provided that the Board, ~~or~~ by making findings of fact in the specific case...”
- C. In § 340-3.14
 - (1) Subsection A is amended to change “development plan” to “site plan.”
 - *“Development plan” is the proper statutory term, do not change to “site plan.”*
 - (2) Subsection B (4) is amended as indicated: “...shall exceed 20 feet in height. Sign heights shall be regulated by § 340-4.26 of this chapter.”
- D. Section 340-3.17 is amended to change each instance of the phrase “accessory family dwelling unit” to “accessory dwelling unit.”
 - *Amend line 3 in the introduction as follows: “accessory family dwelling...”*
- E. Section 340-3.18E(2)(b) is amended as indicated: “...and Narragansett Electric (or its successor) transmission towers...”
- F. In § 340-3.19C:
 - (1) The introductory paragraph is amended as indicated: “...shall be allowed in the Business-Neighborhood District, Local Commercial District and Manufacturing District by...”
 - *Change “Local Commercial District” to “Limited Commercial District”*
 - (2) Subsection C (1) is amended to change “Chapter 800” to “Chapter 80.”
- G. Section 340-2.20B is amended as indicated: “...use of ground-mounted solar arrays (i.e., net metering behind the meter) shall...”
 - *The addition of “ground mounted” precludes all other types of solar arrays. Is this the intent? If not, removing the specific reference to “ground mounted” will allow provisions to be applied to all types of solar arrays.*
- H. Section 340-3.34 is amended to read as follows:
 - A. *The following type of proposals shall be subject to the requirements of site plan review, as set forth in Article XXV of this chapter:*
 - *Change “site plan review” above to the proper statutory term “development plan review”*
 - (1) *Projects consistent with the MU Zoning District in which the size of a lot or lots being developed/redeveloped is 1.5 acres or less and in which a proposed building or buildings are 5,000 GSF or less. Such projects may be reviewed by the Planning Board using the site plan review procedure in Article XXV of this chapter.*
 - *Change “site plan review” in (1) to the proper statutory term “development plan review”*
 - B. *Proposals requiring major land site plan review.*
 - *Change B. “major land site plan review” to “major land development plan review.”*

(1) *The following type of proposals shall be subject to the requirements of a major land development site plan review, as set forth in Article 3 of the North Smithfield Land Development and Subdivision Regulations. Such proposals shall be reviewed and approved by the Planning Board.*

- *Change (1) “major land development site plan review” to “major land development plan review”*
 - (a) *Any new use, change in use, or expansion that contains more than 5,000 GSF of floor area.*
 - (b) *Any new use, change in use, or expansion being proposed on a lot greater than 1.5 acres.*
 - (c) *Any use approved under this article as part of a land development project before the adoption of this chapter when seeking approval for an expansion that would increase its building footprint by more than 5,000 GSF.*

(2) *However, the Planning Board may grant a waiver to this requirement and allow such projects to be reviewed and approved by the streamlined site plan review process for such expansions or changes in use if an applicant can establish that strict compliance to the major land development review process is not necessary to achieve the goals and purpose of this chapter and that:*

- (a) *Development activity as part of the expansion or change of use enhances pedestrian circulation on the site or within the district;*
- (b) *Where applicable, expansion or change of use increases the economic or housing diversity within the district;*
- (c) *Expansion or change of use is consistent with goals to activate the street edge or promote shared parking.*

(3) *Otherwise, no building permit shall be granted for construction of any structure until final approval has been granted for a land development project by the Planning Board and recorded in the land evidence records as provided in the Land Development and Subdivision Regulations (“Regulations”).*

(4) *Projects independently developed in accordance with an approved master plan shall be encouraged. Therefore, where master plan approval has been granted for a phased project, preliminary plan approval and final plan approval may be granted at the discretion of the Planning Board, for an individual phase or phases, and construction may commence on that phase or phases independent of other phases.*

I. In § 340-3.35:

(1) The introductory paragraph is amended as indicated: “...major land development site plan applications...”

- *Remove the word site from “major land development site plan.”*

(2) Subsection E is amended to change “development plan” to “site plan.”

- *Change “site plan” to “development plan review”*

J. Section 340-3.36E is amended as indicated: “Provides useful open space. ~~See comment on open space below.~~”

K. Section 340-3.39A is amended to read as follows:

A. The following standards shall apply to new development in the MU-1 District:

- *Reinstate (1) The maximum height of any building in the MU 1 Zone shall be fifty (50) feet.*
- *Change (1) to (2) The minimum front yard setback from public or private road (right-of-way/property line) shall be three feet. The maximum setback shall be 15 feet.*
- *Change (2) to (3) Subject to the buffer zone requirement in Subsection A (1) above, the minimum side or rear yard setback shall be zero feet in the MU-1 Zone and 20 feet in the MU-2 Zone.*

L. Section 340-3.39B(8)(a) is amended to change “development plan” to “site plan.”

- *Change “site plan” above to the proper statutory term “development plan review”*

M. In § 340-3.45B, a new Subsection B (5) is added to read as follows:

Members of the Commission shall serve without compensation.

- *Recommend removing statement about HDC compensation as this is not a zoning requirement.*

N. Section 340-3.45D(2)(a) is amended as indicated “... within seven days of receipt ~~to~~ by the Building/Zoning Official.”

O. Section 340-3.53 is amended to read as follows:

- A. *The Building/Zoning Official may bring an action against any property owner who fails to comply with the requirements of this article. Such actions shall be brought in the Superior Court having jurisdiction where the violation occurred or is likely to occur. Plaintiffs may seek restraining orders and injunctive relief to restrain and enjoin violations or threatened violations of this article.*
- B. *Every person who shall have any historical building, or portion of a historical building, demolished without the requisite permits as required by R.I.G.L. Title 45, Chapter 24.1, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$500 and/or imprisonment of up to one year.*
- *above is a zoning amendment.*

P. Section 340-4.7 is amended to read as follows:

Swimming pools must comply with the Rhode Island Swimming Pool and Spa Code incorporated as part of the State Building Code § 23-27.3-100.1 et seq. Swimming pools may be located in side and rear yards only.

- *The language above is a zoning amendment. Add a comma after the phrase “may be located in...”*

Q. Section 340-4.9I is amended as indicated: “...apartments, townhouses, row dwellings, ~~duplexes~~ two-family dwellings, and double...”

R. Section 340-4.13G (5) is amended to change “development plan” to “site plan.”

S. Section 340-4.14E is amended to change “households” to “dwellings.”

T. Section 340-4.17B is amended to delete the entry reading “RV - 1.”

- *Removal of “RV-1” is a zoning amendment.*

U. Section 340-4.18 is amended as indicated: “...permitted in enclosed buildings and carports. ~~Open~~ Except as provided in Subsection E, open storage of only one of the above is permitted...”

V. In § 340-4.23, a new Subsection L is added to read as follows:

Temporary signs in accordance with § 340-4.28 of this article.

W. Section 340-4.24 is amended to add a new introductory paragraph to read as follows:

The following signs are prohibited in all zoning districts:

X. Section 340-4.25B is amended as indicated: "...No such sign shall exceed ~~six~~ three square feet in area, ~~and shall not~~ nor shall any such sign be illuminated."

X. above reduces the size of signs from 6 feet to 3 feet. This is a zoning amendment.

Y. In § 340-4.26:

(1) The introductory paragraph is amended as indicated: "...manufacturing districts (BN, BH, PS, LC and M) shall be governed..."

• *"PS" is no longer a zoning designation. As a result, "PS" shall also be removed from Table D and the table in subsection G (3).*

(2) In Subsection G (3), the table entries for the BH District are amended to read as follows:

<i>BH</i>	<i><100,000 square feet</i>	<i>100/10</i>
	<i>100,000 to 200,000 square feet</i>	<i>175/12</i>
	<i>>200,000 to 400,000 square feet</i>	<i>200/15</i>
	<i>>400,000 square feet</i>	<i>350/30</i>

• *Remove "PS" from the table (above) in subsection G (3).*

Z. Section 340-4.29A is amended as indicated: "...size and illumination of ~~such political, election and noncommercial free speech~~ signs, and not..."

AA. Section 340-4.35B (8) is amended as indicated: "...below the lowest floor shall be:"

BB. In § 340-4.36, the original definitions of "coastal A Zone," "existing manufacture home park or manufactured home park subdivision," "expansion to an existing manufactured home park or manufactured home subdivision," "freeboard," "functionally dependent use or facility," "manufactured home park or manufactured home subdivision" and "new manufactured home park or manufactured home subdivision" of the 1994 Code are repealed.

• *Do not remove the terms "Freeboard" and "new manufactured home park or manufactured home subdivision," from definitions. These are included in the enabling legislation.*

CC. In § 340-4.38, Subsection B of the definition of "hazardous waste" is amended as indicated: "...of the State of Rhode Island ~~and Providence Plantations~~, as amended."

DD. Section 340-4.44C is amended as indicated: "...and shall send a copy thereof to the ~~Planning~~ Zoning Board and the applicant within ~~45~~ 30 days of receipt of the application by such board or agency. Failure to make a written recommendation or submit a written report within the ~~thirty-five day~~ thirty-day period shall be deemed..."

• *Change language above "by such board or agency" to "from that board" (see RIGL section 45-24-41(b).*

EE. Section 340-4.46A (3) is amended as indicated: "...RS 15%, RU 25%, ~~PS~~ 40%, BN 40%, and all other..."

FF. Section 340-4.77A is amended as indicated: "...to existing single-family or ~~duplex homes~~ two-family dwellings or related structures..."

GG. Section 340-5.9B (3) is amended as indicated: “Dumpsters ~~less than 20 cubic yards~~ or less in size shall be...”

HH. Section 340-5.10 is amended as indicated: “...each to hold office for the term of five years, with terms limited as set forth in § 5-15 of this Code; provided, however, that...”

II. Section 340-5.14A is amended as indicated: “...and decide appeals in a timely fashion within 65 days of the date of the filing of the appeal where it is alleged...”

JJ. Section 340-5.18B is amended as indicated: “...shall ~~fix a reasonable time for the hearing of~~ hear and decide such appeal within 65 days of the date of the filing of the appeal. It shall publish notice of the hearing at least once ~~each week for two successive weeks~~ prior to the date of such hearing in a newspaper...”

KK. Section 340-5.19A is amended as indicated: “...shall request that the Planning Board and/or staff report its findings and recommendations...”

LL. Section 340-5.20C is amended as indicated: “... shall publish notice of the hearing at least once ~~each week for two successive weeks immediately~~ prior to the date of such hearing in a newspaper of general circulation in the Town, the date of the first notice shall be at a minimum 14 days prior to the date of the hearing. Notice of hearing shall be sent by certified mail with return receipt requested first-class mail to the applicant...”

- *This is a zoning amendment as it changes the current notification requirements, making them less restrictive.*

MM. Section 340-5.20E (2) is amended as indicated: “...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~~. The fact that use...”

NN. In § 340-5.25:

- (1) Subsection A is amended as indicated: “...shall be mailed to the ~~associate director of the division of planning of the Rhode Island Department of Administration, and, where applicable, to the parties specified...~~”
- (2) Subsection A (3) is amended as indicated: “...describe the matter under consideration as long as the intent and effect of the proposed ordinance is expressly written in that notice;”
- (3) A new Subsection C is added to read as follows:

Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city or town. The notice shall be given at least two weeks prior to the hearing at which the text amendment is to be considered, with the content required by Subsection A. If the zoning ordinance contains an existing merger clause to which the nonconforming lots would be subject, the notice shall include reference to the merger clause and the impacts of common ownership of nonconforming lots. The sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, and the certificate or an electronic copy thereof shall be retained to demonstrate proof of the mailing.

- (4) Subsection D (2) is amended as indicated: “...or within an adjacent city or Town. 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 amendment. Such notice shall be sent by registered, or certified or first-class mail to the last known address of such owners as shown on the current real estate tax assessment records of the Town in which the property is located; provided, for any notice sent by

first-class mail, the sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, PS Form 3817, or any applicable version thereof, to demonstrate proof of such mailing. For proposed Local Historic Districts, property owners within not less than 200 feet of the boundary of the area proposed for change shall be notified.”

(5) A new Subsection K is added to read as follows:

Any person or entity may register with the Town's public notice registry for electronic notice of any changes to this chapter; provided, however, that notice pursuant to the public notice registry does not alone qualify a person or entity on the registry as an "aggrieved party" under R.I.G.L. § 45-24-31(4).

- *Should more closely reflect the language in RIGL 45-34-53 (g)(1) below.*

Notwithstanding any of the requirements set forth in subsections (a) through (e), each municipality shall establish and maintain a public notice registry allowing any person or entity to register for electronic notice of any changes to the zoning ordinance. The city or town shall provide public notice annually of the existence of the electronic registry by publication of notice in a newspaper of general circulation within the city or town. In addition, each municipality is hereby encouraged to provide public notice of the existence of the public notice registry in all of its current and future communications with the public, including, but not limited to, governmental websites, electronic newsletters, public bulletins, press releases, and all other means the municipality may use to impart information to the local community.

(1) Provided, however, notice pursuant to a public notice registry as per this section does not alone qualify a person or entity on the public notice registry as an "aggrieved party" under § 45-24-31(4).

OO. Section 340-6.1A is amended to change “development plan” to “site plan.”

- *Retain the term “development plan” as the statutorily correct term.*

PP. Section 340-6.2 is amended to change each instance of the phrase “development plan” to “site plan.”

- *Retain the term “development plan” as the statutorily correct term.*

QQ. Section 340-6.3 is amended to change each instance of the phrase “development plan” to “site plan.”

- *Retain the term “development plan” as the statutorily correct term.*

RR. Section 340-6.4C is amended to read as follows:

A filing fee in an amount as specified in Appendix A, Schedule of Zoning Fees, Charges and Expenses.

- *This reference of fees for development plan review should be removed. Development plan reviews are conducted by the Planning Board and the fees are included in the Land Development and Subdivision Regulations, not the zoning ordinance.*

SS. Section 340-6.8B(3)(c) is amended to change “development plans” to “site plans.”

- *Retain the term “development plan” as the statutorily correct term.*

TT. Section 340-6.10 is amended to change “development plan” to “site plan.”

- *Retain the term “development plan” as the statutorily correct term.*

UU. In § 340-7.27, the definition of “multifamily” is amended as indicated: “...including but not limited to apartments, condominiums, duplexes two-family dwellings, and townhouses.”

VV. In § 340-8.2:

(1) A new introductory paragraph is added to this section to read as follows:

In addition to the terms defined in other sections of this chapter, the following terms shall have the meanings indicated:

(2) The original definition of “accessory family dwelling unit” of the 1994 Code is repealed.

(3) A new definition for the term “accessory dwelling unit” is added to read as follows:

A dwelling unit i) rented to and occupied either by one or more members of the family of the occupant or occupants of the principal residence; or ii) reserved for rental occupancy by a person or a family where the principal residence is owner-occupied and that meets the following provisions:

- *Definition of ADU above does not comply with the RIGL, statute prohibits limiting ADU's to family members and or owner-occupied residences.*

A. In zoning districts that allow residential uses, no more than one accessory dwelling unit may be an accessory to a single-family dwelling.

B. An accessory dwelling unit shall include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The accessory dwelling unit shall be within, or attached to, the principal dwelling-unit structure or within an existing structure, such as a garage or barn, and designed so that the appearance of the principal structure remains that of a one-family residence.

(4) The definition of “automotive heavy repair garage” is amended as indicated: “...mechanical repair of motor vehicles ~~ever~~ 15,000 pounds or over. No auto...”

(5) The definition of “building height” is amended to read as follows:

For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flagpoles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island Coastal Resources Management Council (CRMC) Suggested Design Elevation Three-Foot Sea Level Rise (CRMC SDE 3 SLR) Map as being inundated during a 100-year storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:

A. The base flood elevation on the FEMA FIRM plus up to five feet of any utilized or proposed freeboard, less the average existing grade elevation; or

B. The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a 100-year storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every 10 years, or as otherwise necessary.

(6) The definition of “cardholder” is amended as indicated: “A For purposes of medical marijuana special permits, a qualifying patient...”

- *Remove language, “For purposes of medical marijuana special permits” above, does not comply with definition in RIGL 21-28.6-3 (4) which reads “Cardholder” means a person who has been registered or licensed with the department of health or the department of business regulation pursuant to this chapter and possesses a valid registry identification card or license.*

(7) The definition of “community residence” is amended to read as follows:

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:

- A. *Whenever six or fewer children or adults with intellectual and/or developmental disability reside in any type of residence in the community, as licensed by the state pursuant to Rhode Island General Laws Section 40.1-24-1.*
 - *Add second sentence, “All requirements pertaining to local zoning are waived for these community residences.” Following “RIGL Section 40.1-24-1” above.*
- B. *A group home providing care or supervision, or both, to not more than eight persons with disabilities, and licensed by the state pursuant to Rhode Island General Laws Section 40.1-24-1.*
- C. *A residence for children providing care or supervision, or both, to not more than eight children, including those of the caregiver, and licensed by the state pursuant to Rhode Island General Laws Chapter 42-72.1.*
- D. *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 crime, abuse, or neglect, and who are expected to reside in such residence not less than 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.*

(8) The definition of “development plan review” is amended to change the term itself to “site plan review.”

- *Retain the definition of Development Plan Review. RIGL 45-24-31 (21) which reads: 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.*

(9) The definition of “district” is amended to read as follows: *See “zoning district.”*

- *Remove the reference of “Professional Services” from the definition as it is no longer included in as a zoning district.*

(10) The definition of “family” is amended to read as follows: *A person or persons related by blood, marriage, or other legal means. See also “household.”*

- *Zoning statute does not include a definition of family, but it includes definition of “Family member” as “A person, or persons, related by blood, marriage, or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.”*
- *Consider replacing Family with Family Member.*

- (11) A new definition for the term "farm stand" is added to read as follows: *A temporary structure, not to exceed 180 days, visible from a street, used for display and sale of produce and dairy products without space for customers within the structure itself.*
- (12) The definition of "land development project" is amended to read as follows: *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 one or more 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 this chapter.*
- (13) A new definition for the term "lot area, minimum" is added to read as follows:
The smallest land area established by the local zoning ordinance upon which a use, building or structure may be located in a particular zoning district.
- (14) A new definition for the term "lot size, minimum" is added to read as follows:
See "lot area, minimum."
- (15) The original definition of "mere inconvenience" of the 1994 Code is repealed.
- (16) The definition of "overlay district" is amended as indicated: "...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. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts consistent with other applicable state and federal laws.~~"
 - *Definition should match the definition in RIGL as follows: "Overlay district. A district established in a zoning ordinance that is superimposed on one or more districts or parts of districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts consistent with other applicable state and federal laws."*
- (17) A new definition for the term "recreational vehicle (RV)" is added to read as follows: *A motor vehicle or trailer which includes living quarters designed for accommodation. Types of RVs include motor homes, camper vans, coaches, caravans (also known as "travel trailers" and "camper trailers"), fifth-wheel trailers, popup campers, and truck campers.*
- (18) The original definitions of the terms "roadside stand," "seasonal stand," "sign," "sign, off-site" and "sign, on-site" of the 1994 Code are repealed.
- (19) A new definition for the term "self-storage facility" is added to read as follows: *Any structure or structures intended for the rental, lease, or purchase of storage space by the general public for the storage of nonhazardous material.*
- (20) A new definition for the term "slope of land" is added to read as follows: *The grade, pitch, rise or incline of the topographic landform or surface of the ground.*
- (21) The original definitions of "storage facility" and "waste storage" of the 1994 Code are repealed.
- (22) The definition of "waters" is amended to read as follows: *As defined in R.I.G.L. 46-12-1, Subsection (23).*
- (23) The definition of "wetland, coastal" is amended to read as follows: *As defined in R.I.G.L. 45-22.2-4.*

WW. Attachment 2 of this chapter, District Use Regulations Table, is amended as indicated:

<i>Chicken hens per ordinance § 123-27 of the Town Code</i>	Y	Y	Y	N	N	N	N	N	N	N	N
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XX. Attachment 3 of this chapter, Residential and Nonresidential District Regulations Table, is amended as follows:

- (1) Footnote 2 is amended as indicated: "...use within BH, BN, LC, or M Zones Districts shall conform..."
- (2) A new Footnote 3 is added to the entry for the BN District, to read as follows:

For regulations pertaining specifically to shopping centers, refer to § 340-3.8F (2).

- *Reference to 340-3.8F (2) is incorrect there is NO section 3.8F(2). Reference should be 340-3.14 "Shopping centers."*

YY. Attachment 6 of this chapter, Appendix A: Schedule of Zoning Fees, Charges and Expenses, is amended to read as follows:

- *Recommend removing the schedule of fees from the zoning ordinance. Every time the town desires to amend the fees it constitutes a zoning amendment, and the town must comply with RIGL 45-24-53. "Adoption." This process is time consuming, costly, and cumbersome.*
- *Suggest that the Town Council consider eliminating the fee schedule and adopting the fees by way of Town Council Resolution. This will allow the town to accept input when the fees are amended but will not require a technical zoning amendment.*

A. Residential Use:

1. Single-family dwellings:	\$450
Additional request:	\$100
Advertising fee (minimum):	\$300
Abutters' notifications (per abutter):.....	<i>current postage rate</i>
2. Two-family dwellings:	\$450
Additional request:	\$100
Advertising fee (minimum):	\$300
Abutters' notifications (per abutter):.....	<i>current postage rate</i>
3. Multifamily/Condominiums	\$500 (\$50 per additional request)
<i>(Also, to include additions or accessory uses)</i>	
<i>(Plus \$45 per each unit included in the application)</i>	
Advertising fee (minimum):	\$300
Abutters' notifications (per abutter):.....	<i>current postage rate</i>

Any application for more than one of the above add \$100 to the applicable fee.

B. Signs. The following fees are for each sign:

1. Residential zoning districts.....	\$225
2. Commercial/industrial zoning districts	\$250

C. Commercial/industrial or mixed uses:

1. Commercial/industrial buildings up to 5,000 square feet

Also, to include additions or accessory uses	\$600
Advertising fee (minimum):	\$300
Abutters' notifications (per abutter):.....	current postage rate

Fee is for each building and the square footage is calculated per each building's footprint that is included in the application.

2. Commercial/industrial buildings exceeding 5,000 square feet

up to a maximum of 10,000 square feet.....	\$600
Also, to include additions or accessory uses	\$600
Advertising fee (minimum):	\$300
Abutters' notifications (per abutter):.....	current postage rate

Fee is for each building and the square footage is calculated per each building's footprint that is included in the application.

3. Commercial/industrial buildings exceeding 10,000 square feet.....

Advertising fee (minimum):	\$300
Abutters' notifications (per abutter):.....	current postage rate

Also, to include additions or accessory uses

Plus \$0.10 for each square foot exceeding 10,000 square feet

Fee is for each building included in the application. The square footage shall be calculated per each building's footprint.

4. Uses without structures requiring special use permit or any other permit

Advertising fee (minimum):	\$300
Abutters' notifications (per abutter):.....	current postage rate

D. All Vertical Structures

Included, but not limited to, towers, cell towers, wind turbine towers, roof top mounted wind turbine, etc.	\$750
Advertising fee (minimum):	\$300
Abutters' notifications (per abutter):.....	current postage rate

E. Appeals

1. Appeal of Building/Zoning Official decision

2. *Appeal of a Planning Board or Historic Commission decision*..... \$450

Note: See Article 10 of the Land Development and Subdivision Regulations for additional fees.

F. Zoning Compliance:

1. *Building permit certificate of zoning compliance*..... \$50

2. *Temporary certificate of zoning compliance* \$50

G. Filing of site plan for review.

1. *Structures or uses 5,000 square feet or less* \$100

2. *Structures or uses greater than 5,000 square feet to 20,000 square feet* \$300

3. *Structures or uses greater than 20,000 square feet* \$500

Other suggestions/recommendations

1. Remove zoning section 340-6.3(B) “Precedence of approval” as it is not included in the “Rhode Island Zoning Enabling Act of 1991”. Precedence of approval is included in the Rhode Island Land Development and Subdivision Review Enabling Act of 1992”. See 45-23-61. Procedure — Precedence of approvals between planning board and other local permitting authorities.

• Also, the “Precedence of approval” as contained in the zoning code is incorrect as it improperly authorizes the Planning Board to refer applications to the ZBR prior to conducting its review. Precedence of approval is worded in RIGL as follows: “Where an applicant requires both a special-use permit under the local zoning ordinance and planning board approval, and the application is not undergoing unified development review pursuant to § 45-23-50.1 and the local zoning ordinance, the applicant SHALL first obtain an advisory recommendation from the planning board, as well as conditional planning board approval for the first approval stage for the proposed project...”

2. Article XXV entitled “Site Plan Review” should be entitled “Development Plan Review.”

• See § 45-24-47. Special provisions — Land development projects. Which reads, a zoning ordinance may provide for land development projects which are projects 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, industrial, recreational, open space, and/or mixed uses as may be provided for in the zoning ordinance.

• See also § 45-24-31. Definitions. (21) Development plan review. 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.

3. Zoning Ordinance Part 7 “Soil Erosion and Sediment Control and Stormwater Pollution Prevention Plan.” Remove this section from the zoning code and place it as a stand-alone section in the code of

ordinances. Soil erosion is not part of 45-24-27, the zoning statute, and is governed under RIGL Chapter 46 Soil Erosion and Sediment Control.

- 4. Article XVII “Illicit Discharge Stormwater” Remove this section from the zoning code and place it as a stand-alone section in the code of ordinances. Illicit Discharge Stormwater is not part of 45-24-27, the zoning statute, and is governed under RIGL Chapter 61.1 Storm Drainage System Maintenance.*

