

Zoning Ordinance

Town of Little Compton

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Town of Little Compton

Zoning Ordinance

This document reflects the ordinance as adopted through September 2026.

§ 14-1. INTRODUCTION

§ 14-1.1. Preamble

[Ord. 6/23/94, Art. 1]

In accordance with Sections 45-24-27 through 45-24-72 of the General Laws of Rhode Island, 1956, as amended, also known as the Rhode Island Zoning Enabling Act of 1991, the zoning ordinance of the Town of Little Compton is hereby amended to read as follows:

§ 14-1.2. Purpose

[Ord. 6/23/94, Art. 1]

The regulations set forth in this chapter are made in general conformity with the Comprehensive Community Plan of the Town of Little Compton adopted on June 23, 1994 and prepared, adopted, and as may be amended in accordance with chapter 22.2 of the General Laws and shall be designed to address the following purposes. These purposes have equal priority and are numbered for reference purposes only.

- a. Promoting the public health, safety, and general welfare of the Town.
- b. Providing for a range of uses and intensities of use appropriate to the character of the Town and reflecting current and expected future needs.
- c. Providing for orderly growth and development which recognizes:
 - 1. The goals and patterns of land use contained in the Comprehensive Community Plan of the Town of Little Compton;
 - 2. The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
 - 3. The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - 4. The values of unique or valuable natural resources and features;
 - 5. The availability and capacity of existing and planned public and/or private services and facilities;
 - 6. The need to shape and balance settled areas of the Town with rural development; and
 - 7. The use of innovative development regulations and techniques.
- d. Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
- e. Providing for the protection of the natural, historic, cultural, and scenic character of the Town or areas therein.
- f. Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.
- g. Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
- h. Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
- i. Promoting safety from fire, flood, and other natural or man made disasters.
- j. Promoting a high level of quality in design in the development of private and public facilities.
- k. Promoting implementation of the Comprehensive Community Plan of the Town.
- l. Providing for coordination of land uses with contiguous municipalities, other municipalities, the State, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.
- m. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.
- n. Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances and special-use permits.

§ 14-1.3. Compliance with Chapter

[Ord. 6/23/94, Art. 1]

Except as may be specifically authorized, the uses and dimensional requirements set forth in this chapter shall govern the following:

- a. **Conformance with Permitted Use.** No land shall be used and no building, structure or sign shall be erected, modified, enlarged or used unless such action conforms to this chapter. No building or structure or sign shall be moved to a new site unless that site is zoned to permit the use intended for such building structure or sign.
- b. **One Building Per Lot.** Every building, structure or sign hereafter erected and every use hereafter initiated shall be located on a lot as defined in this chapter and there shall be no more than one main or principal building, together with its accessory buildings or uses, on one lot, except where specifically authorized in this chapter.
- c. **Dimensional Conformance.** Except as hereinafter provided, no building, structure or sign shall be erected, enlarged, or reconstructed to exceed the dimensional limits established for the zone wherein such building, structure or sign is located.

- d. Lot Area Conformance. No new lot shall be created, nor shall an existing lot be reduced or diminished except in conformance with the dimensional requirements of this chapter, nor shall the number of dwelling units or occupancy thereon be increased in any manner except in conformance with the dimensional requirements of this chapter. The lot areas or yard dimensions of buildings existing at the time this chapter became effective shall not be diminished below the requirements herein provided. The required yard or parking area for a building shall not be included as a part of the required yard or parking area of any other building.

§ 14-1.4. Zoning Districts and Zoning Map

[Ord. 6/23/94, Art. 1; Ord. 8/23/07]

- a. Zoning Districts. For the purpose of this chapter the Town of Little Compton is hereby divided into the following zoning districts:
 - 1. Residence (R) District. This district includes areas which are considered suitable for residential, agricultural and related development at densities consistent with the ability of the soils to yield potable domestic water supplies and provide for domestic waste disposal.
 - 2. Business (B) District. This district includes areas of existing and proposed limited business and commercial development within and in the vicinity of village centers where patterns of business development have been established. Such development will be subject to standards of performance with regard to any potentially disturbing effects upon neighboring uses and subject to all other requirements of this chapter.
- b. Zoning Map. The boundaries of these zoning districts are hereby established as shown on a set of Town Assessor's plats entitled "Little Compton Zoning Map - March 2021," at a scale of one inch equals 200 feet, on file at the office of the Town Clerk. In interpreting this Map, the following guidelines shall apply:

[Amended 2-4-2021]

- 1. Zoning district boundaries which are located within a street, right-of-way, stream or water body shall be interpreted as following the center line of such feature.
 - 2. Zoning district boundary lines which are located along shorelines shall be construed as following the shoreline at the mean high water line and; where any alteration of the shoreline, either natural or artificial, is made; shall be interpreted as relocating to the new shoreline location.
 - 3. Where a zoning district boundary is located approximately parallel to, in extension of or following a lot line or other mapped feature; it shall be so construed.
 - 4. Where a lot or parcel is divided by a zoning district boundary, the regulations of either district may be applied for a maximum distance of 30 feet either side of said zoning district boundary.
 - 5. Distances not specified on the zoning map shall be determined by use of the linear scale indicated on the map.
- c. Interpretation of Chapter. It shall be the duty of the building official to interpret and apply the provisions of this chapter including clarification of the zoning map. Such interpretation and application shall be subject to appeal to the Board. In interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of health, safety, convenience or the general welfare.

This chapter shall be consistent with the Comprehensive Community Plan, as amended, of the Town of Little Compton, adopted on June 23, 1994 pursuant to Chapter 45-22.2 of the general laws of Rhode Island, and in the instance of uncertainty in the construction or application of any section of this chapter, this chapter shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of such Comprehensive Community Plan.

§ 14-2. NONCONFORMANCE

§ 14-2.1. Definitions

[Ord. 6/23/94, Art. 2]

- a. **NONCONFORMANCE** – A nonconformance is a building, structure, sign, or parcel of land, or use thereof, which was lawfully established at the time of the adoption or amendment of this Zoning Chapter, and not in conformity with the provisions of such ordinance or amendment.
- b. **LAWFULLY ESTABLISHED** – A building, structure, sign, or parcel of land, or use thereof, was lawfully established if it was in existence prior to May 13, 1968, or was established in conformance with the Zoning Chapter in effect at the time the use was first established. For the purposes of this chapter, the placement or use of a sign, with or without any other structure or use, is considered a use of land. A lot was lawfully established if it was shown on a deed or recorded plat prior to May 13, 1968, or is shown on a legally recorded plat or deed that conformed to requirements in effect at the time of the recording. Any building, structure, sign, or parcel of land, or use thereof, that was not lawfully established at the time of the adoption or amendment of this Zoning Chapter, is not protected by this section.
- c. **NONCONFORMING BY USE** – A lawfully established use of land, building, or structure which is not a permitted use in the zoning district in which it is located, as set forth in § 14-3, is nonconforming by use. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter shall also be nonconforming by use.
- d. **NONCONFORMING BY DIMENSION** – A lawfully established building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter is nonconforming by dimension. Dimensional regulations include all regulations of this chapter, other than those pertaining to the permitted uses. A lawfully established building, structure, parcel of land, or use thereof, not in compliance with the parking regulations of this chapter, as set forth in § 14-8, is also nonconforming by dimension.
- e. **SUBSTANDARD LOT OF RECORD, NONCONFORMING BY DIMENSION** – A lawfully established lot that is not in compliance with the dimensional regulations of the Zoning Chapter, including, but not limited to, those regulations for minimum lot size, lot width and lot frontage, also known as a substandard lot of record, is also nonconforming by dimension.

§ 14-2.2. Most Restrictive Regulations To Apply

[Ord. 6/23/94, Art. 2]

A building, structure or parcel of land nonconforming by more than one factor, such as by use, dimension, area or parking, shall comply with all applicable regulations of this section. Where the regulations conflict, the most restrictive regulations shall apply.

§ 14-2.3. Existence By Variance or Special Use Permit

[Ord. 6/23/94, Art. 2; amended 6-12-2025]

A nonconforming building, structure, sign, or parcel of land or the use thereof, which exists by virtue of a variance or a special use permit (or a special exception) granted by the permitting authority, shall not be considered a nonconformance for the purposes of this section, and shall not acquire the rights of this section. Rather, such building, structure, sign, parcel of land, or use thereof, shall be considered a use by variance or a use by special use permit and any moving, addition, enlargement, expansion, intensification or change of such building, structure, sign, parcel of land or use thereof, to any use other than a permitted use or other than in complete conformance with this chapter, shall require a further variance or special use permit from the permitting authority.

§ 14-2.4. Building or Structure Nonconforming By Use

[Ord. 6/23/94, Art. 2; amended 6-12-2025]

- a. Continuanace of Use. Nothing in this chapter shall prevent or be construed to prevent the continuance of a nonconforming use of any building or structure for any purpose to which such building or structure was lawfully established.
- b. Maintenance and Repair. A building or structure containing a nonconforming use may be maintained and repaired except as otherwise provided in this section.
- c. Moving. A building or structure containing a nonconforming use shall not be moved in whole or in part either on or off the lot on which it is located unless the use contained within such building or structure is made to conform to the use regulations of the zone in which it is relocated.
- d. Addition and Enlargement. A building or structure containing a nonconforming use shall not be added to or enlarged in any manner, including any addition or enlargement of floor area or volume, unless the use contained within such building or structure, including such addition and enlargement, is made to conform to the use regulations of the zone in which it is located, provided however that limited addition or enlargement may be granted by the Board as a special use pursuant to Subsection i below.
- e. Expansion. A nonconforming use of a building or structure shall not be expanded into any other portion of the building or structure which contains a conforming use or which is unoccupied or unused, provided however that limited expansion may be granted by the Board as a special use pursuant to Subsection i below.
- f. Intensification. A nonconforming use of a building, structure or land shall not be intensified in any manner. Intensification shall include, but not be limited to, increasing hours of operation, increasing the number of dwelling units or increasing the seating capacity of a place of assembly. However, this section shall not prohibit the reconfiguration of lawfully established dwelling units within a building or structure so long as such reconfiguration complies with the requirements of Subsection e above, provided however that limited intensification may be granted by the Board as a special use pursuant to Subsection i below.
- g. Change of Use. A lawful nonconforming use shall not be changed to another nonconforming use but may be changed to a use conforming to the provisions of this chapter, or to a use within the same use code as listed under § 14-3. Once a lawful nonconforming use is changed to a conforming use, it may not be changed back to a nonconforming use.
- h. Abandonment. If the lawful nonconforming use of any land, building, structure or sign is abandoned, it shall not be allowed to resume except in conformity with all applicable provisions of this chapter. Abandonment of a nonconforming use shall consist of some overt act, or failure to act, which would lead one to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use unless the owner can demonstrate an intent not to abandon the use. For the purposes of this section, the intent to abandon a lawful nonconforming use shall be demonstrated by one or more of the following actions:
 - 1. Voluntary demolition of the building, structure or sign.
 - 2. Failure to apply for or lapse of any permits, licenses or certifications required for continuation of the use or failure to appeal any denial of any such permit, license or certification within 12 months of any such lapse or denial.
 - 3. Removal of fixtures, equipment, machinery or inventory necessary for the continuation of the use from the site, building or structure.

An involuntary interruption of a nonconforming use, such as by fire and natural catastrophe, does not establish the intent to

- i. Special Use Permit for Addition, Enlargement, Expansion or Intensification. As a special use in compliance with the provisions of § 14-9 of this chapter, the lawful nonconforming use of a building, structure, sign or land may be added to, enlarged, expanded or intensified provided that such addition, enlargement, expansion or intensification shall not exceed 50% in excess of the existing floor area or land or intensity used for the nonconforming use at the time the use became lawfully nonconforming. Said increased use shall comply with all other dimensional and area requirements of this chapter. In

granting such a special use permit, the permitting authority may place such restrictions on such increase as it may deem necessary to minimize its effect upon neighboring property and uses.

- j. Destruction or Demolition. If a nonconforming use is damaged or destroyed by accident or act of God, it may be restored or repaired provided the use, total floor area or land area of use and the location on the site is not altered or increased. Such repair or restoration shall comply in all respects with all applicable codes, ordinances and other applicable regulatory systems.

§ 14-2.5. Building or Structure Nonconforming by Dimension

[Ord. 6/23/94, Art. 2]

- a. Continuance. Nothing in this chapter shall prevent or be construed to prevent the continuance of the use of any building or structure nonconforming by dimension for any purpose to which such building or structure was lawfully established.
- b. Maintenance and Repair. A building or structure nonconforming by dimension may be maintained and repaired except as otherwise provided in this section.
- c. Moving. A building or structure which is nonconforming by dimension shall not be moved in whole or in part to any other location on the lot in which it is located unless every portion of such building or structure is made to conform to all of the dimensional requirements of the zone in which it is located.
- d. Addition and Enlargement. A building or structure nonconforming by dimension may be added to or enlarged only if such addition or enlargement is not more than 50% of the original building or structure, and only if such addition or enlargement conforms to all of the dimensional regulations of the zone in which the building or structure is located.
- e. Expansion. A conforming use within a building or structure which is nonconforming by dimension (other than by lot area per dwelling unit) may be expanded into any other portion of the building or structure which is unoccupied or unused.
- f. Demolition. If a building or structure nonconforming by dimension is involuntarily demolished, destroyed, or damaged; it may, by right, be repaired or rebuilt to the same size and dimension as previously existed. If a building or structure nonconforming by dimension is voluntarily demolished or destroyed, it shall not be reconstructed, unless it conforms with the dimensional regulations of the zone in which it is located. Provided however, that the Zoning Board may grant a special use permit to allow any such building or structure, whether voluntarily or involuntarily demolished, damaged or destroyed, to be reconstructed not in conformance with the dimensional regulations of the zone in which it is located, if the Board finds that:
 - 1. In the case of voluntary demolition or destruction, the owner has applied to the Board prior to demolition, and demolition has not yet taken place; and
 - 2. In either case, the new building or structure will not be more than 50% larger than the existing building or structure; and
 - 3. In either case, the nonconforming dimensional aspects of the new building or structure shall be of no greater impact on the surrounding neighborhood than those of the original building or structure.
- g. Intensification. A conforming use within a building or structure which is nonconforming by dimension may be intensified, provided that such intensification is in conformance with the use and lot area per dwelling unit regulations, if applicable, for the zone in which it is located.
- h. Change in Use. A conforming use within a building or structure which is nonconforming by dimension may be changed to any other conforming use.

§ 14-2.6. Land Nonconforming by Use

[Ord. 6/23/94, Art. 2]

- a. Continuance. The lawfully established nonconforming use of land, where no building is involved, may be continued, provided that no such nonconforming use of land shall in any way be expanded or intensified either on the same or adjoining property.

- b. Change of Use. The nonconforming use of land shall not be changed to a different use, unless such use conforms to the use regulations of the zone in which it is located.

§ 14-2.7. Land Nonconforming by Area

[Ord. 6/23/94, Art. 2; amended 12-7-2023]

Amendment to § 14-2.7 Land Nonconforming by Area.

- a. Enlargement of Undersized Lots. Lawfully established lots which have less than the minimum area requirements, may be maintained and may be changed by adding additional land to such lots, if recorded with a proper plat plan and with the approval of the Planning Board where otherwise necessary, without prejudice to the rights of the owner of such resulting lots pursuant to the provisions of this section. Any lawfully established lots which have been merged by the owner and shown on the Assessor's Plats as one lot shall be deemed to be one lot and shall not be redivided, unless in conformance with the dimensional regulations of this chapter, and with the approval of the Planning Board.

Use of Substandard Lots of Record. A lawfully established lot that is nonconforming with the dimensional regulations of this chapter, also known as a substandard lot of record, may be used for any use permitted in the district provided that all other requirements of this chapter are met.

The setback, frontage and/or lot width requirements of the zoning district in which the lot is located shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. All proposals exceeding such reduced requirement shall proceed with a modification request or a dimensional variance, whichever is applicable.

- b. Use of Substandard Lots of Record. A lawfully established lot that is nonconforming with the dimensional regulations of this chapter, also known as a substandard lot of record, may be used for any use permitted in the district provided that all other requirements of this chapter are met.

The setback, frontage and/or lot width requirements of the zoning district in which the lot is located shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. All proposals exceeding such reduced requirement shall proceed with a modification request or a dimensional variance, whichever is applicable.

§ 14-2.8. Buildings and Structure Nonconforming by Parking

[Ord. 6/23/94, Art. 2]

A building or structure is considered nonconforming by parking if the lawfully established use of the building or structure does not meet the parking requirements of § 14-8.

- a. Addition, Enlargement, Expansion and Intensification. A building or structure, or use of land, nonconforming by parking, may be added to, enlarged, expanded or intensified provided additional parking space is supplied to meet the requirements of § 14-8 for such addition, enlargement, expansion or intensification.
- b. Change of Use. A building or structure nonconforming by parking, may be changed to a different use, pursuant to all other provisions of this chapter, provided that such new use meets the following parking requirements. The number of additional parking spaces required shall be the difference between the number of spaces required for the proposed use and the number of spaces required for the previous use. In the event that the new use requires less parking spaces than the previous use, no additional parking spaces need be supplied. However, none of the existing parking spaces shall be eliminated unless the total number of spaces required by this chapter for the new use are provided.

§ 14-3. ZONING DISTRICT REQUIREMENTS

§ 14-3.1. Compliance with Regulations

[Amended 7-11-2019; Ord. 5/31/06, §§ 1 — 3; Ord. 6/23/94, Art. 3; 6-12-2025]

The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. In addition, § 14-4 contains dimensional regulations and § 14-5 contains supplementary regulations which apply to specific conditions, areas or uses.

- a. Principal Use. Table 1-A - Table of Principal Use Regulations is designed to regulate principal land uses in two zoning districts in the Town. A principal use is the main or primary use of the land or building.
- b. Accessory Use. Table 1-B - Table of Accessory Use Regulations is designed to regulate accessory uses. An accessory use is any use of land or of a building (or portion thereof) that is customarily incidental to and subordinate to the principal use of the land or building. An accessory use shall be restricted to the same lot as the principal use and shall not be permitted without the principal use to which it is related. Home occupations (see Subsection 14-5.6) are accessory uses.
- c. Use Code. Each land use or use group is identified by a use code number and is a separate use. The use code is a classification system designed to limit and aid in the interpretation of the use regulations. To the extent a proposed land use is not specifically listed in Table 1A, Table 1B or subsection 14-5.6, the property owner may submit a written request to the Building Official for an evaluation and determination of whether the proposed use is of a similar type, character, and intensity as a listed use requiring a special-use permit. The Building Official will have 15 days to provide a written evaluation to the property owner. Upon such determination, the proposed use may be considered to be a use requiring a special-use permit.
- d. Public Utilities and Public Services. The provisions of this chapter shall not be construed so as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes of main line and conduits, including, but not limited to electric light and electric power transmission and distribution lines, telephone lines, cable television lines, water and sewer mains, natural gas pipes and incidental appurtenances and installations.
- e. Use Regulations. Permitted uses are denoted with a "Y" for yes. Uses which are not permitted are denoted with an "N" for no. Uses permitted only upon approval of the Zoning Board or Planning Board are denoted with an "S" for special use permit. A special use permit shall only be approved in accordance with the provisions of this chapter. Any number of uses may be located on a lot provided each use is permitted and all other requirements of this chapter are met.

Table 1-A - Table of Principal Use Regulations

Use #	Principal Uses
A	AGRICULTURAL & FISHING
A1	Agricultural uses including the growing, processing, value added production, displays, education, promotion and sales
A2	Agricultural uses-raising of pigs, provided that there are not more than 2 adult pigs per acre, not to exceed 25 pigs
A3	Aquacultural uses - storage of nets, sealed bait barrels, lobster traps, and related fishing equipment.
A4	Handling and transfer of seafood, but not processing.
A5	Aquacultural uses including raising, harvesting, sales, promotion, and displays of aquacultural products including,
R	RESIDENTIAL
R1	Single-family detached dwelling.
R2	Duplex (2 household units) on 3 acres, provided that 1 unit is affordable with affordability restrictions in place and
R2A	Duplex (2 household units) on 2 acres, provided that 1 unit is affordable with affordability restrictions in place and
R2B	Duplex (2 household units) on any legally established lot of record less than 2 acres provided both units shall be a
R3	Multiple family dwelling structure housing a maximum of 6 dwelling units, with no limitations on number of bedro
R3A	Conversion of lawfully existing commercial structures which are legal nonconforming by use into multiple-househol
R4	Bed and breakfast establishment.
R5	Hotel.
O	OPEN SPACE USES

O1	Reservation for the conservation of animal, plant or marine life or the protection of a natural or historic resource.
O2	Golf course, including driving range as part of the golf course and those facilities normally associated with a country club.
O3	Tennis courts, pickleball courts, or basketball courts, outdoors and not lighted.
O4	Tennis courts, pickleball courts, or basketball courts, outdoors and lighted.
O5	Public or quasi-public park, playground or athletic field.
O6	Riding stable.
O7	Public or private bathing beach or public swimming pool.
O8	Day camp for children or youth.
O9	Cemetery, mausoleum or columbarium.
I	INSTITUTIONAL
I1	Local government building, facility, office.
I2	Public safety building.
I3	Government facility for waste disposal, waste transfer, or public works
I4	Church or other place of worship.
I5	Public transit shelter or station.
I6	Public utility facility for electric power, natural gas, telephone, cable television, public water supply or public sewer
I7	Public utility facility which is customarily open for public business.
I8	Charitable institution, club, lodge or community center operated by a nonprofit organization, not including any co
I9	Medical treatment facility.
I10	Day care - Family day care home.
I11	Public, private or quasi-public day care center, nursery, kindergarten, elementary, secondary or higher education fa
I12	Nursing home.
I13	Community residence.
I14	Public utility structure other than an office.
C	COMMERCIAL
C1	Temporary real estate office for an area under development, limited to a duration of 1 year.
C2	General business office or office building.
C3	Bank or other financial institution.
C4	Retail store, drug store or specialty shop, grocery or other food store 10,000 square feet GFA or less.
C5	Shop providing service to the public such as: watch repair, small appliance repair, barber shop, beauty shop, shoe
C6	Commercial off-street parking facility.
C7	Commercial boat dock, pier or wharf.
C8	Mortuary or funeral home.
C9	Trade or professional school.
C10	Commercial recreation building.
C11	Commercial school offering instruction in music, dance, voice and others.
C12	Office or retail outlet for a wholesale or manufacturing use.
C13	Restaurant, lunch room, cafe, tavern.
C14	Fast food restaurant.
C15	Package liquor store.
C16	Dry-cleaning plant or coin-operated laundry.
C17	Theatre or concert hall.
C18	Automotive, trailer, e-bike, or other vehicle sales or rental establishment.
C19	Gasoline service station.
C20	Retail or wholesale business involving the storage of machinery, building materials, sand, gravel or fuels.
C21	Shop providing repair and related services for small appliances, machinery, tools, agricultural implements and othe
C22	General automotive repairs, including the parking or storage of motor vehicles and other motorized equipment.
C23	Kennel, dog day care or training center.
C24	Principal solar energy systems or virtual metering systems that produce electricity to be sold.
M	MANUFACTURING
M1	Seafood processing.
M2	Manufacturing, packaging, assembling, fabricating and storage of products made on the premises from previously p
M3	Bakery or catering establishment with no more than 3,000 square feet of GFA.

M4 Manufacture of articles from metal, wood, stone, clay, glass, ceramics, paper, leather or similar materials for display

*The Town Council will consider zoning amendments from the R Zone to the B Zone, for affordable housing proposals with

Table 1-B - Table of Accessory Use Regulations

Use #	Accessory Uses	Residential (R)	Business (B)
1	Structures and/or activities normally accessory to and required for the operation of a permitted use. Such an accessory use or structure shall be located on the site of the principal use and may include such items as parking facilities, agricultural buildings, sheds, garages and similar uses or structures.	Y	Y
2	Structures and/or activities normally accessory to and required for the operation of any special use permit listed above, provided that such facility or use shall be located on the site of the principal use.	S	S
3	Living quarters accessory to business use for the sole occupancy of the proprietor, owner or a representative of either of the principal business uses.	S	S
4	The renting of no more than 2 bedrooms in an existing residential structure.	Y	Y
5	Roof-mounted accessory solar system located within historically critical areas described in subsection 14-5.14e4.	N/A	S

6	Ground-mounted accessory solar system equal to or less than 1,000 square feet (subsection 14-5.14)	Y	Y
7	Ground-mounted accessory solar system greater than 1,000 square feet (subsection 14-5.14)	S	S
8	Accessory-principal agricultural solar energy system (subsection 14-5.14)	S	S
9	Wireless communication facility (subsection 14-5.12)	S	S

§ 14-4. Dimensional Regulations

§ 14-4.1. Dimensional, Area and Density Requirements

[Ord. 6/23/94, Art. 4; Ord. 5/6/99, §§ 1, 3; Ord. 6/21/01; Ord. 5/31/06, § 4; Ord. 10/27/11; amended 6-12-2025]

The following requirements shall apply to all structures, buildings and activities hereafter located in or initiated in all zoning districts and to any extension of an existing structure, building or activity.

Dimension	Residence (R)
Minimum lot area*	2 acres, exclusive of an
Minimum lot width at the building line	175 feet and the 175 fe
Minimum street frontage	175 feet. Cul-de-sac 10
Minimum front yard depth from the street line to the building line	50 feet
Minimum rear yard depth	25 feet
Minimum side yard width	25 feet, each side yard
Minimum distance from an R District boundary	N/A
Maximum coverage of lot by all structures	10%
Maximum height of structure	30 feet***
Maximum height of accessory structures, exclusive of barns, silos and other agricultural structures	24 feet. Accessory barn

*The construction of a second, detached single-family dwelling unit on a 3-acre parcel is permitted by right, provided that DEM OWTS approval is obtained and affordability restrictions are in place for 1 unit. See definitions for "affordable housing" and "affordability restrictions."

**As of October 2011 any new subdivided lots within both Residence (R) or Business (B) districts must meet the 2 acre minimum if the use will be for a dwelling unit. Business use shall have no minimum lot size if it is located within the Business (B) district.

***Reference §§

14-10b21

and

14-10b51

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§ 14-5. SUPPLEMENTARY REGULATIONS

§ 14-5.1. Manufactured Homes

[Ord. 6/23/94, Art. 5]

In order to maintain affordable housing in the Town, the placement of a manufactured home may be permitted in a Residence (R) District subject to the following requirements:

- a. The manufactured home shall comply in all respects with applicable provisions of the Rhode Island State Building Code and all other applicable codes, ordinances and regulations.
- b. The manufactured home shall be properly affixed to a permanent foundation and connected to a safe and adequate water supply and sewage disposal system, approved for the intended use by the Rhode Island Department of Environmental Management or other agency of jurisdiction. Wheels and all other running and towing gear shall be removed and the space beneath the structure shall be fully screened.
- c. The lot upon which such manufactured home is to be located shall conform in all respects to the dimensional, area and density requirements for the district within which it is located or shall be an acceptable substandard lot as described in Subsection 14-2.7b of this chapter.
- d. A building permit shall be required for the placement of any manufactured home, and the permit application shall be accompanied by a site plan showing the location of the manufactured home on the lot, access drive(s), accessory structures, the location of the water supply and sewage disposal system.

§ 14-5.2. Supplementary Dimensional Regulations

[Ord. 6/23/94, Art. 5; Ord. 5/6/99, § 2; Ord. 10/27/11]

The following dimensional regulations apply to all uses and lots, in addition to those regulations of § 14-4 of this chapter.

- a. Vision Clearance at Corners. In all districts, where abutting streets intersect at an angle of less than 135°, in the triangle formed by the extension of the front lot lines of a corner lot and a line joining points on such extended front lot lines 30 feet from their point of intersection, such triangle shall be clear of all buildings, structures and vegetation between a height of 2.5 and 10 feet above the plane through the grades of the intersecting streets. This shall not apply to structures, buildings or vegetation so located prior to the date of this amendment.
- b. Front yards on a through or corner lot. At each street frontage of a through or corner lot, there shall be a front yard depth maintained as specified for the district in which such lot is located. At least one of the front yards shall have at least 175 feet of street frontage.
- c. Fences and walls. Fences and walls may be erected in a side or rear yard area to a height of no greater than six feet. In front yard setbacks, the maximum height of any fence or wall shall be four feet, subject to the vision clearance requirement for corner lots.
- d. Dimensional requirements for single household residence in Business District. The minimum lot area coverage and dimensional requirements for a single-household detached dwelling in the Business (B) District shall be the same as those required in the Residence (R) District. With all new subdivisions the minimum lot area shall be two acres for a dwelling unit in the Residence (R) District or Business (B) District.
- e. Minimum lot area in Business District - Requirements. Notwithstanding the lack of a minimum lot area requirement for nonresidential uses in the Business (B) District, any lot or site proposed for

development or for the extension of development shall be of sufficient area to accommodate the required off-street parking and loading area and shall have a safe and adequate water supply and sewage disposal system, approved for the intended use by the Rhode Island Department of Environmental Management or any other agency of jurisdiction.

- f. Accessory structures prohibited in yard setbacks. No accessory building or structure shall be located in or extend into a required front, side or rear yard setback.
- g. Screening of trash containers. All commercial and industrial uses, and residential uses of four families or more, shall provide trash and/or garbage collection areas enclosed on at least three sides by a solid wall, opaque fence or compact planting screen of at least five feet in height, if such area is not within an enclosed building or structure. In order to provide adequate vehicular access to and from dumpsters, there shall be a minimum vehicular access of nine feet in width between any such dumpster and any principal structure.
- h. Screening of on ground utilities. Utility structures, substations, telephone exchange substations, dish antennas and similar uses shall be enclosed on at least three sides by a vegetative screen of hardy evergreens or shrubs at least three feet high at time of planting and which shall be sufficient to effectively provide a visual screen.

§ 14-5.3. Authorized Departures From the Dimensional Requirements

[Ord. 6/23/94, Art. 5; Ord. 5/6/99, § 2]

- a. Projections. Projections of cornices, window sills, bay windows and other ornamental features may extend up to one foot into any required yard area.
- b. Structures Allowed Above the Height Limits.
 - 1. Attached structures and appurtenances such as flagpoles, antennas, weather vanes, and the like, shall be allowed to exceed the maximum height permitted by up to 10 feet.
 - 2. Unoccupied decorative areas of a building such as towers, cupolas, widows' walks, and the like, shall be allowed to exceed the maximum height permitted by up to five feet.
 - 3. Detached and freestanding structures and appurtenances, such as windmills and antennas, and the like, shall be allowed to exceed the maximum height permitted by up to five feet.
 - 4. (Reserved)
 - 5. Flagpoles used for noncommercial purposes shall be allowed to exceed the maximum height permitted by up to 20 feet.

§ 14-5.4. Accessory Uses - Miscellaneous

[Ord. 6/23/94, Art. 5]

- a. Private garage or shed. A private garage or shed may be used to store vehicles, boats, recreational vehicles or similar equipment owned by the occupant. Storage of tractor trailers is prohibited in the R Zone.
- b. Storage of vehicles. No recreational vehicle shall be used for residential occupancy. No recreational vehicle shall be stored unless owned by the occupant of the lot, nor stored for a period in excess of one year unless it is in a condition for safe and effective performance of the function for which it is intended. No unregistered vehicles shall be stored in the required front yard setback. (See also § 14-8 for further restrictions.)
- c. Swimming pools. A residential swimming pool, including portable pools capable of maintaining a depth of 30 inches of water, shall be classified as an accessory structure and shall provide the following:
 - 1. A lockable enclosure not less than four feet in height and locked when not in use or under supervision, surrounding the immediate pool area.
 - 2. An apron between the enclosure and the edge of the pool not less than four feet in width.

§ 14-5.5. Accessory Uses - Dwelling Units

[Ord. 6/23/94, Art. 5; Ord. 5/31/06 § 5; removed 12-7-2023; added 2-22-2024; amended 6-12-2025]

In order to maintain affordable housing in the Town, accessory dwelling units are allowed, subject to all of the requirements set forth herein.

- a. Eligibility. One accessory dwelling unit (ADU) per lot shall be allowed by right under the following circumstances:
 - 1. On an owner-occupied property as a reasonable accommodation for family members with disabilities; or
 - 2. On a lot with a total lot area of 20,000 sq. ft. or more for which the primary use is residential; or
 - 3. Where the proposed ADU is located within the existing footprint of the primary structure or existing accessory attached or detached structure and does not expand the footprint of the structure.
- b. Standards for all accessory dwelling units.
 - 1. The accessory dwelling unit shall be designed for year-round occupancy. The accessory dwelling unit shall be provided with a safe and adequate water supply as defined in the subdivision regulations and an on-site wastewater treatment system approved by the Rhode Island Department of Environmental Management. A separate OWTS is not required if the existing system has sufficient capacity and is approved for the expanded use. The accessory dwelling unit shall also have adequate protections for stormwater runoff as necessary.
 - 2. Any existing principal residence and accessory dwelling unit shall comply with all requirements of the Rhode Island State Building Code, the Rhode Island Housing Maintenance and Occupancy Code, and other Federal, State and local codes, ordinances and regulations and all other applicable provisions of this chapter.
 - 3. All such accessory dwelling units shall be required to obtain a building permit and certificate of occupancy, whether or not any construction is required.
 - 4. Detached accessory dwelling units shall comply with all dimensional zoning regulations for an accessory structure in the district in which the lot is located. Detached ADUs located within legally existing accessory structures may be permitted even if the structure does not meet current setback requirements, provided that no expansion or enlargement of the structure is proposed.
 - 5. Short-term residential rentals are prohibited in accessory dwelling units. For purposes of this section, "short-term residential rentals" means the use of any accessory dwelling unit for occupancy for less than a 30-consecutive-day term of tenancy, whether on a short-term or long-term basis, including any occupancy by an employee or guests of a business entity for less than 30 consecutive days where payment for the accessory dwelling unit is contracted for or paid by the business entity.
 - 6. The floor area of an accessory dwelling unit shall not exceed the following thresholds:
 - For a one-bedroom ADU: 900 square feet or 60% of the floor area of the principal dwelling, whichever is less.
 - For a two-bedroom ADU: 1,200 square feet or 60% of the floor area of the principal dwelling, whichever is less.
- c. Procedural requirements.
 - 1. An ADU which meets the requirements of RIGL § 45-24-31 and § 45-24-73(a) shall be permitted through an administrative building permit process only.
 - 2. ADUs shall be allowed as part of applications for new primary dwelling units or subdivisions. For proposed ADUs that are part of a larger development proposal, such ADUs shall not be counted toward density of the proposal. Any application that includes ADUs may be considered through a unified development review process.

§ 14-5.6. Accessory Uses - Customary Home Occupations

[Ord. 6/23/94, Art. 5; amended 6-12-2025]

In order to maintain the rural agricultural character of the Town, which is distinctly different from a rural residential character, and which rural agricultural character traditionally includes a variety of other occupational uses on the land in combination with and in addition to the agricultural use and the agricultural accessory uses, customary home occupation uses are allowed as accessory uses in the Residence (R) District.

All customary home occupation accessory uses shall comply with subsection 14-5.11, Performance Standards for All Uses, and the following conditions and regulations:

- a. There shall be a single household detached dwelling on the lot, and the operator of the customary home occupations shall occupy such dwelling unit as his or her primary and legal residence and domicile.
- b. There shall not be more than one such customary home occupation accessory use per lot allowed by right. Two or more customary home occupations shall require approval of a special use permit by the permitting authority pursuant to subsection 14-9.5 of this chapter.
- c. Home occupation must remain secondary to the principal residential use, both in scale and purpose. The gross floor area used for the home occupation should not exceed 50% of the gross floor area of the principal residential structure. For home occupations permitted by right, use of more than 50% of the gross floor area shall require a special use permit.
- d. There shall not be more than two nonresident employees, associates or partners.
- e. There shall be no sale of commodities other than either those principally created or repaired on the premises or related incidental retail sales.
- f. There shall be a 25-foot setback between any structure or accessory structure containing a home occupation, including any outdoor activity related to such home occupation, such as a driveway or parking of vehicles, and the nearest adjoining lot line.
- g. Visible alteration of the premises and any exterior display shall maintain the residential character, and exterior signage shall conform with the requirements of Section 14-7 of this chapter.
- h. There shall be off-street parking provided to meet the requirements of Section 14-8 of this chapter, both for the principal residential use and for the customary home occupation as a separate use.
- i. All such customary home occupation accessory uses shall require a zoning certificate from the Building Official and, if any construction is required, a building permit.
- j. The provisions of this section do not relieve the operator of the requirement to obtain any and all other licenses and permits that may be required by the Town, State or Federal Government for the operation of the use.
- k. All customary home occupation accessory uses shall comply with Chapter 3, Section 3-1, Disturbing the Peace, of the Little Compton Code of Ordinances.
- l. Conditions for termination. The home occupation shall cease under any of the following circumstances:
 - 1. The proprietor-resident vacates the premises.
 - 2. The use is abandoned, as defined in Subsection 14-2.4h.
 - 3. There are violations of Subsection 14-5.11, Performance Standards for All Uses.
 - 4. The scope, intensity, or character of the activity expands beyond the approved limits.
- m. Requirements for specific classes of home occupation accessory uses.

Use or Use Category		By Right or Special Use Permit	Special Conditions
a.	Customary home occupation limited to activities customarily carried out within a residential structure or an existing accessory structure using only tools, equipment or facilities normally utilized within a residence. Examples are sewing, knitting, painting, drawing, drafting, individual tutoring or instruction, handicraft manufacture, small	Y	1. It shall be carried out in an accessory structure such as a detached garage or barn and/or within the principal residential structure using no more than 50% of the area of 1 floor.

			2.	Use of more than 50% of the area and more than of 1 floor shall require a special use permit pursuant to Subsection 14-9.5 of this chapter.
			3.	Vehicle traffic related to deliveries or customers is prohibited between 9:00 p.m. and 6:00 a.m.
			4.	There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service.
b.	Residential professional art studio including a studio operated by a visual artist, designer, or craftsperson, for the purpose of creating and teaching painting, sculpture, visual and industrial design, ceramics, glass, woodworking, and occupations of a similar nature and intensity.	Y	1.	It shall be carried out in an accessory structure such as a detached garage or barn and/or within the principal residential structure using no more than 50% of the area of 1 floor.
			2.	Use of more than 50% of the area and more than 1 floor shall require a special use permit pursuant to Subsection 14-9.5 of this chapter.
			3.	Vehicle traffic related to deliveries or customers is prohibited between 9:00 p.m. and 6:00 a.m.

		4.	Teaching of such arts or crafts shall be limited to 6 individual pupils at any 1 time and no more than 12 pupils in any 24-hour period.
		5.	There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service.
c.	Residential professional music and performing arts studio including a studio operated by a musician or performing artist for the purpose of creating and teaching music, dance, theater, and occupations of a similar nature or intensity.	S	1. It shall be carried out within an accessory structure such as a detached garage or barn and/or the principal residential structure.
		2.	Vehicle traffic related to deliveries or customers is prohibited between 9:00 p.m. and 6:00 a.m.
		3.	Teaching of such music and performing arts shall be limited to 6 individual pupils at any 1 time and no more than 12 pupils in any 24-hour period.
		4.	There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service.

d.	Residential professional photography studio	Y	5.	Approval shall be subject to compliance with Chapter 3, § 3-1, Disturbing the Peace, of the Little Compton Code of Ordinances.
			1.	It shall be carried out within an accessory structure such as a detached garage or barn and/or the principal residential structure.
			2.	Use of more than 50% of the area and more than 1 floor shall require a special use permit pursuant to Subsection 14-9.5 of this chapter.
			3.	There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service.
			4.	The total number of customers permitted within a 24-hour period shall not exceed 6.

e.	Residential professional office including an office operated by an attorney, engineer, architect, planner, accountant, real estate agent or other professional person licensed by law or certified by a recognized professional organization or society.	Y	1. 2. 3.	It shall be carried out in an accessory structure such as a detached garage or barn and/or within the principal residential structure using no more than 50% of the area of 1 floor. Use of more than 50% of the area and more than 1 floor shall require a special use permit pursuant to Subsection 14-9.5 of this chapter. There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service. It shall be carried out within an accessory structure such as a detached garage or barn and/or the principal residential structure.
f.	Residential medical professional office including an office operated by a physician, surgeon, dentist, optometrist, chiropractor, osteopath, nurse or other medical professional licensed by law or certified by a recognized professional organization or society.	S	1.	It shall be carried out within an accessory structure such as a detached garage or barn and/or the principal residential structure.

			2.	Approval of a residential medical professional office shall be based on a submission of a management plan or procedure indicating the storage and use of related equipment such as devices used for X-rays, laboratory testing, use of chemicals on site and the disposal of medicinal wastes.
			3.	There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service.
g.	Residential professional business office including an office operated for secretarial, consulting, interior decorating, transportation, delivery, security, employment services and business office occupations of a similar nature or intensity.	Y	1.	It shall be carried out in an accessory structure such as a detached garage or barn and/or within the principal residential structure using no more than 50% of the area of 1 floor.
			2.	Use of more than 50% of the area and more than one floor shall require a special use permit pursuant to Subsection 14-9.5 of this chapter.

h.	Residential repair shop for small appliances, machinery, tools, agricultural and marine implements and repair occupations of a similar nature or intensity.	Y	3.	There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service.
			1.	It shall be carried out in an accessory structure such as a detached garage or barn and/or within the principal residential structure using no more than 50% of the area of 1 floor.
			2.	Use of more than 50% of the area and more than 1 floor shall require a special use permit pursuant to Subsection 14-9.5 of this chapter.
			3.	All other outdoor uses shall occupy not more than 50% of the lot area.
			4.	There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service.
			5.	There shall be no motor vehicle traffic, whether delivery, customer or client, connected with the use, between the hours of 9:00 p.m. and 6:00 a.m.

i.	Residential professional landscape contractor office, parking, or storage area operated by a landscaper, stonewall mason, excavator and occupations of a similar nature or intensity.	S	6.	All vehicles and equipment shall either be stored inside a building or shall be screened by either a six-foot high fence and/or the equivalent visual barrier of suitable landscaping.
			1.	It shall be carried out within an accessory structure such as a detached garage or barn and/or the principal residential structure.
			2.	All other outdoor uses shall occupy not more than 50% of the lot area.
			3.	There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service.
			4.	There shall be no motor vehicle traffic, whether delivery, customer or client, connected with the use, between the hours of 9:00 p.m. and 6:00 a.m.

		5.	All vehicles and equipment shall either be stored inside a building or shall be screened by either a six-foot high fence and/or the equivalent visual barrier of suitable landscaping.
		6.	Approval shall be subject to compliance with Chapter 3, § 3-1, Disturbing the Peace, of the Little Compton Code of Ordinances.
j.	Residential professional or licensed building contractor or tradesman office, workshop and parking area operated by a carpenter, plumber, welder, well driller, electrician, woodworker, mason, machinist or occupations of a similar nature or intensity.	S 1.	It shall be carried out within an accessory structure such as a detached garage or barn and/or the principal residential structure.
		2.	There shall be no more than 5 trips per week by a commercial vehicle for the delivery and/or pick-up of material or commodities, excluding the US mail service.
		3.	There shall be no motor vehicle traffic, whether delivery, customer or client, connected with the use, between the hours of 9:00 p.m. and 6:00 a.m.

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| 4. | All vehicles and equipment shall either be stored inside a building or shall be screened by either a six-foot high fence and/or the equivalent visual barrier of suitable landscaping. |
| 5. | Approval shall be subject to compliance with Chapter 3, § 3-1, Disturbing the Peace, of the Little Compton Code of Ordinances. |
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§ 14-5.7. Specific and Objective Criteria for Uses Requiring a Special Use Permit

[Ord. 6/23/94, Art. 5; amended 6-12-2025]

- a. Aquacultural uses including raising, harvesting, sales, promotion, and displays of aquacultural products, including but not limited to fish farming shall be permitted by special use permit in the Residential District and Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Permits. Applicant must submit proof of rights to use the water resource, including any necessary state or federal permits.
 - 2. Management Plan. Applicant must submit detailed plans outlining the scale of operation, species to be farmed, and management practices. Plans must demonstrate sustainable practices minimizing environmental impacts, such as responsible feed use, waste management, health monitoring, and habitat protection, along with measures to control for noise, odor and aesthetic impacts.
- b. A duplex (two household units) on two acres, provided one unit is affordable, shall be permitted by special use permit in the Residential District and Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Deed restriction. The applicant must demonstrate that one unit will be restricted as affordable to households earning at or below 80% of Area Median Income (AMI), as defined by HUD. The restriction must be recorded and enforceable for a minimum of 99 years.
 - 2. Monitoring agreement. Compliance with affordability standards shall be monitored by a qualified housing agency or municipality, with annual certifications submitted. Submission of a monitoring agent agreement is required.
- c. A bed-and-breakfast establishment shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Number of guest rooms. There shall be no more than four guest bedrooms.

- 2. Food service. No restaurant shall be permitted. Food service is limited to breakfast and may only be provided to overnight guests.
 - 3. Residency and management. The establishment must be owner-occupied and managed within the principal single-family structure. Use of accessory structures for guest accommodations may be allowed, subject to approval.
 - 4. Residential character. The principal building must maintain the appearance of a single-family dwelling, with no visible signs of business activity from the exterior.
 - 5. Screening. Parking areas must not encroach on required yard setbacks and must be screened to minimize visual and noise impact on neighboring properties.
 - 6. Noise and activities. No amplified music, outdoor parties, or similar activities for commercial purposes are allowed unless a separate permit is obtained. Limits on frequency, size, and duration of such events may be imposed.
 - 7. Permit renewal. Upon a change in ownership, the new proprietor must apply for renewal of the special use permit.
- d. A hotel shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Parking requirements. Adequate off-street parking must be provided, with one space per guest room and additional spaces for employees and shared facilities.
 - 2. Screening. Parking areas must not encroach on required yard setbacks and must be screened and landscaped to minimize visual and noise impact on neighboring properties.
 - 3. Noise and activities. No amplified music, outdoor parties, or similar activities for commercial purposes are allowed unless a separate permit is obtained. Limits on frequency, size, and duration of such events may be imposed.
 - 4. Traffic impact. For proposed hotels greater than six rooms, a traffic circulation plan and traffic impact study shall be submitted that provides estimated traffic counts and mitigates any adverse impacts on surrounding streets and intersections.
 - 5. Management and security. A dedicated manager or operator must reside on-site or be available 24/7 to address guest concerns and ensure compliance with local regulations.
 - 6. Permit renewal. Upon a change in ownership, the new proprietor must apply for renewal of the special use permit.
 - e. Tennis, pickleball, or basketball court, outdoor and not lighted, shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Minimum Lot Size: A minimum lot size of one acre is required to accommodate the court and necessary buffers.
 - 2. Setbacks: Courts must be located at least 75 feet from any abutting residentially zoned property line to ensure adequate separation and minimize potential disturbances. Pickleball courts must be located at least 250 feet from any residential structure on another lot.
 - 3. Noise mitigation. For pickleball courts, sound barriers, such as acoustic fences or dense vegetation, must be installed around the playing surface to minimize noise disturbances.
 - f. Tennis, pickleball, or basketball court, outdoor and lighted, shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied:
 - 1. Minimum lot size. A minimum lot size of one acre is required to accommodate the court and necessary buffers.
 - 2. Setbacks. Courts must be located at least 75 feet from any abutting residentially zoned property line to ensure adequate separation and minimize potential disturbances. Pickleball courts must be located at least 250 feet from any residential structure on another lot.
 - 3. Noise mitigation. For pickleball courts, sound barriers, such as acoustic fences or dense vegetation, must be installed around the playing surface to minimize noise disturbances.
 - 4. Lighting. Outdoor lighting must be oriented and shielded to prevent light trespass onto adjacent

- properties or public rights-of-way. All outdoor lighting shall comply with Section 14-8, Outdoor Lighting Ordinance, and be designed to minimize light pollution and protect night sky visibility. Outdoor lighting must be extinguished by 9:00 p.m.
- g. Riding stables shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Minimum lot size. Four acres, ensuring adequate space for stable facilities, grazing areas, and buffer zones.
 - 2. Stable facilities. Must have a roof, floor, and four sides, and provide sufficient space for each animal to stand, lie down, and turn freely. Floors must be kept clean and dry with proper drainage.
 - 3. Shade and outdoor areas. A separate shaded area must be provided outside the stable for all animals.
 - 4. Setbacks. All equestrian-related structures must be at least 100 feet from any residentially zoned lot line or residential structure not occupied by the property owner.
 - 5. Boarding requirements. Overnight boarding must occur indoors to minimize disturbances.
 - 6. Water supply. A frost-free potable water supply must be available.
 - 7. Sanitation and manure management. A management plan must be submitted to ensure proper sanitary conditions and odor control.
 - 8. Environmental protection. Drainage and runoff must be managed to prevent contamination of wetlands and adjacent properties.
 - 9. Permits and inspections. Facilities must undergo regular inspections by local authorities.
 - h. Public or private bathing beach or public swimming pool shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Setback requirements. All structures, including pools, bathhouses, parking areas, and any outdoor facilities, must be located at least 200 feet from any residential property line.
 - 2. Wastewater and septic. Restroom and shower facilities must connect to an approved septic system capable of handling the projected capacity, designed in accordance with RIDEM regulations.
 - 3. Noise control. Activities must comply with local noise ordinances, and amplified sound systems are prohibited unless specifically permitted for special events.
 - 4. Emergency access. The site must include provisions for safe emergency access for fire, police, and medical vehicles. Parking and landscaping along the sides of the building shall be designed to allow for passage and stationing of fire and rescue vehicles.
 - 5. Water safety compliance. The applicant must provide evidence of compliance with all RIDEM and Rhode Island Department of Health (RIDOH) requirements for bathing beaches and public pools, including water testing and lifeguard certifications.
 - 6. Fencing: Public swimming pools must be fully enclosed by a secure fence that is: at least six feet in height, constructed to prevent climbing or squeezing through, with no gaps or openings that could allow children to pass through or under, and equipped with self-closing, self-latching gates.
 - 7. Facility capacity. The facility must establish and adhere to a maximum capacity based on state health regulations to avoid overcrowding and ensure patron safety.
 - 8. Inspections: The facility must undergo annual inspections by local officials to ensure compliance with all health, safety, and environmental regulations.
 - i. Day camp for children or youth shall be permitted by special use permit in the Residential District and Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. State licensing. The applicant shall provide proof of state licensing, if applicable.
 - 2. Drop-off area. A designated drop-off area shall be provided to ensure safe and efficient pick-up and drop-off operations.
 - 3. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated

- pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles and pedestrians.
- 4. Hours of operation. Day camps shall operate between 8:00 a.m. and 6:00 p.m., Monday through Friday. Weekend activities are permitted only with prior approval for special events. Overnight camping or lodging is prohibited unless specifically authorized by the permitting authority.
- 5. Wetlands and water resources. A wetlands assessment must be conducted, and no camp activities may encroach within the regulated setback and buffer zones unless approved by RIDEM.
- 6. Wastewater and septic. Restroom and sanitation facilities must connect to an approved septic capable of handling peak capacity. Temporary portable restrooms are allowed only for special events and must be serviced regularly.
- 7. Supervision standards. The applicant must provide a staffing plan demonstrating compliance with state child- to-staff ratios as required by the Rhode Island Department of Children, Youth, and Families (DCYF).
- 8. Emergency plan. An emergency response plan, including evacuation procedures, first aid provisions, and fire safety measures, must be submitted and approved by local fire and police departments.
- 9. Water safety. If water activities such as swimming or canoeing are offered, certified lifeguards must be present, and water quality must meet RIDOH standards.
- 10. Outdoor activities. High-impact or noisy activities, such as sports or group games, must be located at least 200 feet from residential property lines.
- 11. Inspections. The facility must undergo annual inspections by local officials to ensure adherence to health, safety, and environmental standards.
- j. Cemetery, mausoleum, or columbarium shall be permitted by special use permit in the Residential District and Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Setbacks. No burial or memorial plots shall be located closer than 50 feet to any residential lot line, except when a dense evergreen hedge or wall or landscaped strip at least six feet in height provides complete visual screening from all adjacent residential properties. Burial or memorial plots with headstones, monuments, or other grave markers limited to less than six feet in height may be located as close as 25 feet to any residential property line. No building for a cemetery use shall be located closer than 50 feet to a lot line.
 - 2. Screening. Service buildings and entrances shall be screened from the view of adjacent residential property.
 - 3. Accessory uses. No companion crematory shall be allowed.
- k. Local government building, facility, office shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles and pedestrians.
 - 2. Emergency vehicle access. Parking and landscaping along the sides of the building shall be designed so as to allow for passage and stationing of fire and rescue vehicles.
 - 3. Sustainable building and energy standards. Where feasible, the facility should incorporate renewable energy systems such as solar panels or geothermal heating and cooling.
- l. Public safety building shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Circulation. A pedestrian and vehicular circulation plan shall be provided that specifies a dedicated pedestrian pathway from any parking area to the building entrance(s). The circulation plan shall be reviewed and approved by local emergency officials.
 - 2. Emergency vehicle access. Parking and landscaping along the sides of the building shall be

- designed so as to allow for passage and stationing of fire and rescue vehicles.
 - 3. Sustainable building and energy standards. Where feasible, the facility should incorporate renewable energy systems such as solar panels or geothermal heating and cooling.
- m. Government facility for waste disposal, waste transfer, or public works shall be permitted by special use permit in the Residential District and Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles and pedestrians.
 - 2. Setbacks and screening requirements. A minimum setback of 50 feet is required from all property lines abutting residential zones. All outdoor storage areas shall be screened from public view with a solid fence or a dense vegetative buffer.
 - 3. Odor and noise mitigation. Odor control measures, including enclosed processing areas and negative air pressure systems, shall be implemented to minimize off-site impacts. Waste processing shall be conducted indoors where feasible to reduce noise, odors, and visual impacts.
 - 4. Compliance. Facilities must submit a comprehensive operations plan, including waste handling protocols, emergency response plans, and compliance with state and federal waste disposal regulations.
 - 5. Security and safety standards. A security plan shall be submitted, outlining surveillance camera locations, fencing requirements, and restricted access areas. Emergency spill containment and hazardous material handling protocols must be in place.
- n. Church or other place of worship shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Traffic. A traffic impact assessment shall be required if seating capacity exceeds 100 persons.
 - 2. Permitted uses. Non-religious uses (e.g., childcare centers, schools, or community centers) must be permitted separately unless clearly incidental. No overnight accommodations shall be provided unless explicitly approved (e.g., rectory, convent).
 - 3. Emergency access. The site must include provisions for safe emergency access for fire, police, and medical vehicles. Parking and landscaping along the sides of the building shall be designed to allow for passage and stationing of fire and rescue vehicles.
 - 4. Special events. An "event" in this case refers to any gathering or activity at a place of worship outside of regular religious services. No amplified music, outdoor parties, or similar activities are allowed unless a separate permit is obtained. Limits on frequency, size, and duration of such events may be imposed.
- o. Public transit shelter or station shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Safety and accessibility. The design must ensure safety for users and comply with accessibility standards.
 - 2. Location. Transit shelters must be located directly at the transit stop to facilitate easy access.
 - 3. Seating capacity. Transit shelters shall accommodate a minimum seating capacity of four persons and have adequate space for strollers and wheelchairs.
 - 4. Weather protection. Transit shelters must be constructed with durable, weather-resistant materials and incorporate a roof and side panels to shield transit users from the elements.
 - 5. Transit information. Clear and accessible information about transit schedules and routes shall be incorporated into the design.
 - 6. Amenities. All transit shelters shall include bicycle parking facilities within 50 feet to encourage multi-modal transportation.
- p. Charitable institution, club, lodge, or community center operated by a nonprofit organization (not including any commercial activity) shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards

for All Uses. In addition, the following specific and objective criteria shall be satisfied.

- 1. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles and pedestrians.
- 2. Emergency access. The site must include provisions for safe emergency access for fire, police, and medical vehicles. Parking and landscaping along the sides of the building shall be designed to allow for passage and stationing of fire and rescue vehicles.
- 3. Off-street parking. Off-street parking shall not be located within required yard setbacks.
- 4. Noise and activities. Limits on frequency, size, and duration of outdoor events may be imposed.
- q. Medical treatment facility shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Regulatory compliance. The facility must comply with all applicable state health department regulations and obtain necessary licenses.
 - 2. Accessibility. All facilities shall meet ADA standards for accessibility, including entrances, restrooms, and pathways.
 - 3. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles and pedestrians.
 - 4. Emergency access. The site must include provisions for safe emergency access for fire, police, and medical vehicles. Parking and landscaping along the sides of the building shall be designed to allow for passage and stationing of fire and rescue vehicles.
 - 5. Parking screening. Parking shall be screened along interior side and rear lot lines with a solid fence, stone wall, or landscaping buffer when the proposed use abuts a residential use or district.
 - 6. Off-street parking. Off-street parking shall not be located within required yard setbacks.
 - 7. Hours of operation. Medical treatment facilities shall operate between the hours of 7:00 a.m. and 9:00 p.m.
- r. Public, private, or quasi-public day care center, nursery, kindergarten, elementary, secondary, or higher education facility shall be permitted by special use permit in the Residential District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. State licensing. The applicant shall provide proof of state licensing, if applicable.
 - 2. Drop-off area. A designated drop-off area shall be provided to ensure safe and efficient pick-up and drop-off operations.
 - 3. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles, buses and pedestrians.
 - 4. Emergency access. The site must include provisions for safe emergency access for fire, police, and medical vehicles. Parking and landscaping along the sides of the building shall be designed to allow for passage and stationing of fire and rescue vehicles.
 - 5. Emergency plan. An emergency response plan, including evacuation procedures, first aid provisions, and fire safety measures, must be submitted and approved by local fire and police departments.
- s. Nursing home shall be permitted by special use permit in the Residential District and Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. License. Applicant shall provide proof of state licensure (RIDOH) or eligibility. The operator shall maintain current state licensure at all times.
 - 2. Parking screening. Resident, employee and visitor parking shall be screened by a solid fence or vegetation from neighboring uses. Off-street parking shall not be located within required yard setbacks.

- 3. Drop-off area. A designated drop-off area for residents and visitors shall be provided near an entrance to the building, with a queuing area that does not block off-street vehicle parking spaces or emergency access.
- 4. Service and delivery entrances. Entrances for cooking and maintenance facilities must be located a minimum of 75 feet from adjacent residential properties.
- 5. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles and pedestrians.
- 6. Emergency access. The site must include provisions for safe emergency access for fire, police, and medical vehicles. Parking and landscaping along the sides of the building shall be designed to allow for passage and stationing of fire and rescue vehicles.
- t. Public utility structure other than an office shall be permitted by special use permit in the Residential District and Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Security. The site must be secured against unauthorized access through fencing, locked gates, and surveillance if appropriate. A maintenance and emergency contact plan shall be submitted, listing responsible utility personnel, 24-hour contact numbers, and response procedures.
 - 2. Permitting. If the utility use is subject to oversight by the Rhode Island Public Utilities Commission (PUC) or another state/federal regulatory agency, the applicant must submit documentation of: applicable regulatory approvals or exemption status, compliance with siting or environmental standards as required by state or federal law.
 - 3. Floodproofing. Utility structures located within Special Flood Hazard Areas (SFHA) as designated on the most recent FEMA Flood Insurance Rate Maps (FIRM) as Flood Elevation (BFE) plus three feet of freeboard, or dry flood-proofed.
- u. Commercial boat dock, pier, or wharf shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. No dock, pier, or wharf shall be constructed, expanded, or altered without obtaining all required state and federal permits. All applications must include a copy of the CRMC preliminary determination or assent request.
 - 2. Best Management Practices (BMPs): The owner/operator of the commercial dock, pier, or wharf shall maintain a written Wharf Use Agreement or Operating Manual governing all users of the facility, including tenants, contractors, and visiting vessels. The agreement shall include enforceable provisions requiring all users to: prohibit the discharge of fuel, oil, sewage, graywater, paint, solvents, and garbage into coastal or inland waters; use designated pump-out stations or off-site waste facilities; follow RIDEM and CRMC regulations related to fueling, vessel maintenance, and pollution prevention; contain all fueling operations within a spill-prevention plan and have spill kits readily available on-site; prevent runoff from washdowns, maintenance, or fish processing into the waterbody. Clear signage must be posted on the dock outlining prohibited discharges, contact information for the operator, and emergency spill response steps.
- v. Mortuary or funeral home shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Building design. The funeral home shall maintain the appearance and design characteristics of a residential dwelling.
 - 2. Companion crematory prohibition. No companion crematory shall be allowed.
 - 3. Parking screening. Off-street parking shall be screened along side and rear property lines with a solid fence, wall, or vegetated buffer at least six feet in height.
- w. Trade or professional school shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. State licensing. The applicant shall provide proof of state licensing, if applicable.

- 2. Drop-off area. A designated drop-off area shall be provided to ensure safe and efficient pick-up and drop-off operations.
- 3. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles and pedestrians.
- 4. Emergency access. The site must include provisions for safe emergency access for fire, police, and medical vehicles. Parking and landscaping along the sides of the building shall be designed to allow for passage and stationing of fire and rescue vehicles.
- 5. Parking screening. Off-street parking shall be screened along side and rear property lines with a solid fence, wall, or vegetated buffer at least six feet in height.
- x. Commercial recreation building shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles and pedestrians.
 - 2. Emergency access. The site must include provisions for safe emergency access for fire, police, and medical vehicles. Parking and landscaping along the sides of the building shall be designed to allow for passage and stationing of fire and rescue vehicles.
 - 3. Drop-off area. A designated drop-off area shall be provided to ensure safe and efficient pick-up and drop-off operations.
 - 4. Hours of operation. Facility shall operate between the hours of 7:00 a.m. and 9:00 p.m.
- y. Commercial school offering instruction in music, dance, voice, and other arts shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Noise control. All instructional and performance activities shall be conducted within an enclosed building to minimize noise impact. Soundproofing measures shall be implemented for music and vocal instruction areas.
- z. Office or retail outlet for a wholesale or manufacturing use shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Site. The office or retail outlet use must be located on the same parcel as the wholesale or manufacturing use.
 - 2. Parking requirements:
 - * (a) Retail area: 1 space per 300 square feet of retail floor area.
 - * (b) Office area: 1 space per 300 square feet of office floor area.
 - * (c) Wholesale or manufacturing area: 1 space per 1,000 square feet of warehouse/storage floor area, or 1 space for each two employees during largest shift.
 - * (d) Loading spaces. Refer to Subsection 14-8.2, Off-Street Loading Space Required.
 - 3. Loading and delivery operations. Loading docks shall be located at the rear or side of the building and screened from public view. Loading/unloading activities shall be restricted to 6:00 a.m. to 9:00 p.m.
- aa. Restaurant, lunch room, cafe, tavern shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Drive-thru facilities are expressly prohibited. Restaurants shall be designed to encourage pedestrian access and walkability. No restaurant shall include a drive-thru lane, ordering kiosk, service window accessible to vehicles, or any configuration that enables ordering, paying for, or receiving food or beverages without the customer exiting their vehicle.
 - 2. Outdoor seating and dining. Outdoor seating areas, if provided, shall be integrated into the

site in a manner that complements the surrounding streetscape and minimizes visual or noise impacts to abutting residential uses. Outdoor dining areas shall not be located within public rights-of-way and shall be setback a minimum of 20 feet from residential property lines. Outdoor dining shall comply with local noise ordinance. Live entertainment or amplified music shall require additional permitting.

- 3. Waste management and odor control. Trash and recycling bins shall be fully enclosed and screened from public view. Grease traps shall be maintained regularly, and outdoor grease storage is prohibited. Exhaust and ventilation systems shall be positioned to minimize odor impact on adjacent properties.
- 4. Alcohol service (if applicable). Taverns or restaurants serving alcohol must comply with local liquor licensing requirements. Outdoor alcohol service shall be within a designated area and comply with state liquor control regulations.
- 5. Parking. One off-street parking space for each three seats or one space for each 300 square feet of gross floor area, whichever is greater.
- bb. Package liquor store shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. No consumption of alcohol is permitted on the premises, and signage to that effect must be posted at all public entrances.
 - 2. Proximity buffer. The applicant shall submit a scaled vicinity map that includes: a radius of 200 feet, measured from all property boundaries of the proposed establishment, identifying: all schools, places of public worship, playgrounds, and daycare centers.
- cc. Theatre or concert hall shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Acoustic control. Acoustic deadening must be installed in all performance areas. Indoor theaters shall be designed with soundproofing.
 - 2. Security plan. A security plan outlining entrance procedure, police details, and video and lighting locations in case of an emergency must be approved by the Chief of Police or their designee. Updates to the security plan shall be submitted and approved by the Chief of Police or their designee. To the maximum extent possible, the security plan and any updates shall be deemed confidential documents.
 - 3. Noise control. The levels of noise generated by the use, measured at any property line, may not exceed the noise levels allowed under the Noise Ordinance. The applicant must provide a noise mitigation plan demonstrating how compliance will be achieved.
 - 4. Pedestrian and vehicular circulation. A circulation plan shall be provided, specifying dedicated pedestrian pathways from parking areas to building entrances. The circulation plan shall be reviewed and approved by local emergency officials to ensure safe movement of vehicles and pedestrians.
 - 5. Emergency access. The site must include provisions for safe emergency access for fire, police, and medical vehicles. Parking and landscaping along the sides of the building shall be designed to allow for passage and stationing of fire and rescue vehicles.
- dd. Automotive, trailer, e-bike, or other vehicle sales or rental establishment shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Traffic and access. Loading and unloading of vehicles shall occur on-site and shall not obstruct public roads, sidewalks or rights-of-way.
 - 2. Outdoor display. Vehicle display areas shall be set back at least 10 feet from the front property line. No vehicles shall be displayed within required setbacks.
 - 3. Environmental compliance. All vehicle servicing or maintenance (if applicable) shall occur inside a fully enclosed building. No hazardous materials, including fuels, oils, or solvents, shall be stored outdoors.
 - 4. Batteries. E-bike batteries must be stored, charged, and maintained in compliance with fire

- safety codes to prevent overheating, fires, or other hazards. Charging areas must be indoors or within covered outdoor areas with adequate ventilation.
 - 5. Noise control. Vehicle engine testing or loud mechanical work shall be restricted to 8:00 a.m. to 6:00 p.m.
 - 6. Test drive restrictions. Test drives shall follow designated routes as approved by the Town.
 - 7. Helmets and safety gear must be available and encouraged for customers renting e-bikes.
- ee. Gasoline service stations shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Licenses. Prior to the issuance of a certificate of occupancy, the applicant shall provide proof of the following required licenses: A valid Filling Station License from the Rhode Island Division of Taxation (per R.I. Gen. Laws § 31-37-1). A Petroleum Dealer License from the Rhode Island Department of Labor and Training (DOLT), renewed annually (per DOLT standards). Registration of Weights and Measures-compliant fuel dispensing equipment. All licenses must be kept current and displayed on-site.
 - 2. Setback requirements:
 - * (a) Minimum setback between pump islands, compressed air connections, and similar equipment and any lot line: 25 feet.
 - * (b) Minimum setback between the canopy and the street line: 12 feet.
 - * (c) Minimum setback between any canopy and any interior lot line: 25 feet.
 - 3. Tank requirements. All fuel storage must comply with the Rhode Island Department of Environmental Management (RIDEM) UST Regulations. Tanks shall be located a minimum of: 100 feet from any public or private drinking water well, and 200 feet from wetlands or surface waters unless approved by RIDEM. Evidence of a current UST permit and inspection report from RIDEM must be submitted to the Town.
 - 4. Repairing and washing vehicles. Repairing shall be limited to minor repair work, such as tire or tube repairing, battery charging, lubrication, engine tune-ups, and similar activities. All repair work must be conducted wholly within a building. Storage of all merchandise, auto parts, and supplies shall be conducted wholly within a building. If vehicle washing occurs inside or outside a building, the entire washing area shall be paved, and all water used in washing shall be properly drained on-site in compliance with Rhode Island Department of Environmental Management (RIDEM) regulations, ensuring no runoff enters the public right-of-way.
 - 5. Screening. All outdoor activities shall be screened from adjoining properties by an evergreen screen or tight board fence.
- ff. Retail or wholesale business involving the storage of machinery, building materials, sand, gravel, or fuels shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Minimum lot size. The parcel shall have a minimum lot size of two acres to ensure adequate space for storage, parking, loading, and buffering.
 - 2. Setbacks and buffers. No materials, vehicles, equipment, or storage piles may be located within 100 feet of any property line. Storage piles (e.g., sand, gravel, bulk materials) shall: Not exceed 15 feet in height, and be located a minimum of 150 feet from any residential property. Bulk fuel storage tanks shall be sited at least 500 feet from any residential zone, and comply with all applicable state and federal safety regulations. No storage or loading may occur within designated landscaped buffers or required setback areas.
 - 3. Outdoor storage and screening. A landscape buffer at least 10 feet wide, with dense evergreen plantings and/or fencing, shall be provided along all property lines abutting residential or agricultural uses. All outdoor storage areas, loading areas, and truck parking zones must be screened from public view and residential properties.
 - 4. Traffic, access, and deliveries. Sites must prioritize direct access from a state highway to limit heavy truck traffic on local roads. A Traffic Impact Study (TIS) is required for any use generating more than 20 daily truck trips. A truck staging area shall be designated to prevent on-street queuing and ensure safe vehicle maneuverability. Idling of delivery trucks is limited to

- a maximum of three minutes to reduce noise and emissions.
 - 5. Dust, noise, and environmental controls. Dust control measures such as misting systems, windbreaks, or paved surfaces must be implemented to minimize airborne particles. Crushing, grinding, or mixing of materials must occur indoors or within a fully enclosed structure to contain noise and dust.
- gg. General automotive repairs, including the parking or storage of motor vehicles and other motorized equipment shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Outdoor storage and screening. All repair work and outside areas shall be screened so they are not visible from off the premises. No parking of damaged vehicles except on a temporary basis not to exceed 72 hours. Junk parts and vehicles shall not be kept outside of the building.
 - 2. Noise control. Engine revving, testing, or loud mechanical work shall be restricted to 8:00 a.m. to 6:00 p.m.
 - 3. Fire and safety compliance. Fire suppression systems shall be required for buildings with multiple service bays. All hazardous materials, including oil and fuel, shall be stored in approved, leak-proof containers. The business must maintain compliance with local fire and building codes regarding ventilation, spill prevention, and emergency response plans.
- hh. Principal solar energy systems or virtual metering systems that produce electricity to be sold shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Refer to standards listed in Subsection 14-5.14.
- ii. Manufacture of articles from metal, wood, stone, clay, glass, ceramics, paper, leather, or similar materials for display, wholesale, or retail sales shall be permitted by special use permit in the Business District, subject to compliance with the requirements set forth in Subsection 14-5.11, Performance Standards for All Uses. In addition, the following specific and objective criteria shall be satisfied.
 - 1. Size and floor area limitations. The total Gross Floor Area (GFA) dedicated to manufacturing operations shall not exceed 2,500 square feet. A minimum of 10% and maximum of 25% (unless separately permitted as a retail use) of the total GFA shall be allocated for display, retail, or wholesale sales to ensure a customer-facing component.
 - 2. Traffic and loading. No more than five commercial deliveries per day are permitted.
 - 3. Parking requirements. One space per 1,000 square feet of warehouse/storage floor area, or one space for each two employees during largest shift. Loading spaces: refer to Subsection 14-8.2 Off-Street Loading Space Required.
 - 4. Loading and delivery operations. Loading docks shall be located at the rear or side of the building and screened from public view. Loading/unloading activities shall be restricted to 6:00 a.m. to 9:00 p.m.

§ 14-5.8. Water Bodies and Wetlands

[Ord. 6/23/94, Art. 5; Ord. 6/21/01; Ord. 5/31/06; Ord. 9/21/06; amended 6-12-2025]

The following are minimum requirements mandated by this chapter. All other requirements of any other Town agency or commission, the State of Rhode Island, or of the United States of America shall also be met.

- a. New Subdivisions: Setbacks from Water Bodies and Wetlands. For all lots created after the effective date of this subsection, no building, structure or septic system may be located within 100 feet of any freshwater or coastal wetland as defined by the Rhode Island Department of Environmental Management and/or the Coastal Resources Management Council. Administrative subdivisions shall be excluded from this provision. For the purposes of this section the term freshwater wetlands excludes from the definition, Areas Subject to Storm Flowage (ASSF) and the land area within 50 feet of any freshwater wetland, defined by DEM as the perimeter wetland and commonly referred to as the wetland buffer zone. Boat sheds, piers, bathhouses, cabanas, fences and similar structures are exempt from these setback provisions.

- b. Lots of Record: Administrative Approval. In order to minimize the impact to the wetland on lots of record existing as of the effective date of this subsection, no building, structure or septic system shall be installed within the 100-foot wetland buffer without first obtaining an administrative approval from the Building Official. The Building Official may issue an administrative approval, and where applicable a building permit, for a septic system, building or structure between the 50 foot RIDEM wetland buffer and the 100-foot Little Compton wetland buffer, where due to site constraints and/or the configuration of the lot, the septic system, building or structure cannot meet the requirements of Subsection a above. Prior to issuing the administrative approval or building permit, the Building Official must determine that the following standards have been met. Boat sheds, piers, bathhouses, cabanas, fences and similar structures are exempt from these setback provisions. All administrative approvals shall be posted at Town Hall for a period of 10 days.
 - 1. Septic Systems.
 - * (a) The septic system design has been approved by RIDEM and once in use, will not pose a threat to the public health and safety nor cause any degradation of ground or any surface water quality, including adverse effect due to cumulative impact.
 - * (b) An enhanced on-site wastewater treatment system, approved by RIDEM, must be installed in order to remove either increased pathogens and/or nitrogen as determined on a case by case basis by the Building Official based upon the adjacent wetland resource.
 - * (c) The type of septic system to be installed must be accepted by the Rhode Island Onsite Wastewater Training Center or RIDEM as capable of meeting the following performance standards:
 - (1) Denitrification. Minimum total nitrogen removal of 50% or a reduction to 19 mg/l, and biochemical oxygen demand and total suspended solids each reduced to less than or equal to 30 mg/l; all as measured at the outlet of the treatment unit prior to discharge to a drain field.
 - (2) Pathogen. Reduces fecal coliform to less than or equal to 1,000 fecal coliform counts/100ml and reduces biochemical oxygen demand and total suspended solids to less than or equal to 10 mg/l as measured at the outlet of the treatment unit prior to discharge to a drain field.
 - * (d) The septic system must be located as far from the water body, stream, river, shoreline, coastal/tidal wetlands and/or freshwater wetlands as is practical in the context of the lot. The RIDEM-verified wetland edge must be shown on the site plan.
 - * (e) Where, due to site constraints and/or lot configuration, it is impossible to locate the septic system both 100 feet from a drinking water well and 100 feet from the wetland, the distance from the septic system to the well shall be maximized even if it means constructing the septic system closer to the wetland.
 - 2. Buildings, Structures and ISDS.
 - * (a) The applicant has provided an erosion and sediment control plan that also depicts the demarcation of the undisturbed wetland buffer.
 - * (b) There shall be no net increase in off-site run-off.
 - * (c) Where, due to site constraints and/or lot configuration, it is impossible to locate both the septic system and the house 100 feet from wetland, the distance from the wetland to the septic system shall be maximized.
- c. Failed Systems. Persons with a failed ISDS as defined by RIDEM, within the 100-foot wetland buffer shall notify the Building Official prior to the repair or replacement of the system. System repairs that include replacement of the drainfield shall be subject to the following performance standards:
 - 1. An enhanced on-site wastewater treatment system, approved by RIDEM, must be installed in order to remove either increased pathogens and/or nitrogen as determined on a case by case basis by the Building Official based upon the adjacent wetland resource.
 - 2. The type of ISDS to be installed must be accepted by the Rhode Island Onsite Wastewater Training Center or RIDEM as capable of meeting the following treatment standards. Discharge to a shallow drainfield shall be required where technically feasible.
 Denitrification. Minimum total nitrogen removal of 50% or a reduction to 19mg/l, and biochemical oxygen demand and total suspended solids each reduced to less than or equal to 30 mg/l; all as

measured at the outlet of the treatment unit prior to discharge to a drain field.

Pathogen. Reduces fecal coliform to less than or equal to 1,000 fecal coliform counts/100ml and reduces biochemical oxygen demand and total suspended solids to less than or equal to 10 mg/l as measured at the outlet of the treatment unit prior to discharge to a drain field.

- 3. The owner is encouraged to locate the septic system as far away from the wetland as practical within the context of the lot.
- d. ISDS Alterations and Upgrades. An ISDS alteration or upgrade within the 100-foot buffer, required because of improvements to the home and associated with a RIDEM System Suitability Determination, must comply with the performance standards in Subsection c above. In addition the applicant must provide a soil and erosion control plan.
- e. Technical Review and Assistance.
 - 1. The contracted services of professionals with expertise in enhanced onsite wastewater treatment systems, soils, and site plan review shall be made available to the Building Official by the Town on an as needed basis.
 - 2. A list and schematic drawings of treatment systems that meet the treatment standards of Subsection 14-5.8b1(c) of this subsection shall be kept on file in the Building Official's Office.
 - 3. Guidelines for determining whether an enhanced nitrogen and/or enhanced pathogen removal system is required shall be kept on file in the Building Official's Office. In general, denitrification will be required only when the system is within the buffer of a coastal wetland.
- f. Maintenance. All enhanced onsite wastewater treatment systems shall be regularly inspected and maintained. A maintenance contract shall be required on any system with mechanical components such as pumps, timers and alarms. The owner shall provide a copy of said contract and subsequent renewals to the Building Official.
- g. Fees.
 - 1. The applicant for an administrative determination, building permit or special use permit under this section shall be charged an administrative fee as listed in the schedule of fees, which shall be kept on file in the Building Official's Office.
 - 2. In addition to the administrative fee the applicant shall bear additional costs that may be incurred by the Town in conjunction with its evaluation of the application.
- h. New Subdivisions. The Zoning Board of Review may issue a special use permit allowing an exception to Subsection a hereof for a new subdivision which results in the creation of no more than one additional lot, with no potential for further subdivision, and otherwise in accordance with § 2.2.2(a) of the Little Compton Subdivision Regulations. In order for the Zoning Board of Review to grant a special use permit, the applicant must demonstrate that the proposal meets the standards of Subsection 14-5.8b and the general conditions for the granting of a special use permit as per Subsection 14-9.5 of this chapter. The fact that the granting of a special use permit would result in less expense to the applicant in implementing a permitted use shall not be used by the permitting authority as a justification for granting the permit or by the Building Official in issuing a building permit or an administrative approval.
- i. Freshwater Wetlands. No freshwater wetland or associated areas as defined by Title 2, Chapter 1 of the General Laws of Rhode Island, as amended, shall be excavated, drained, filled or otherwise disturbed. Nor shall any extraneous materials be placed into such wetland, or water flow diverted out of such wetland. Neither shall any other change or alteration be made to the natural condition of such wetland without a permit issued by the Rhode Island Department of Environmental Management under rules promulgated pursuant to said Title 2, Chapter 1.
- j. Coastal Resources. In any coastal area subject to the jurisdiction of the Rhode Island Coastal Resource Management Council, no construction of any building or structure and no alteration by filling, excavation or alteration of the natural land forms will be permitted without the approval of said Council.

§ 14-5.9. Special Flood Hazard Areas

[6/23/94, Art. 5; Ord. 5/6/99, § 4; Ord. 3/18/10; Ord. 7/25/13]

The purpose of this subsection is to ensure public safety; minimize hazards to persons and property from

flooding, to protect watercourses from encroachment, and to maintain the capability of floodplains to retain and carry off floodwaters. The Town of Little Compton elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

- a. Applicability.
 - 1. Special Flood Hazard Areas. The special flood hazard areas are herein established as a floodplain overlay district. The district includes all special flood hazard areas within the Town of Little Compton designated as Zone A, AE, AH, AO, A99, V, or VE on the Newport County Flood Insurance Rate Map (FIRM) and digital FIRM issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Newport County FIRM that are wholly or partially within the Town of Little Compton are Panel Numbers: 4405C0109J, 4405C0116J, 4405C0117J, 4405C0118J, 4405C0119K, 4405CO206K, and 4405CO207K, dated July 6, 2021; and 4405C0112J, 4405C0114J, 4405C0138J, 4405CO202J, 4405CO204J, 4405CO208J, and 4405CO226J, dated September 4, 2013; and 4405C0136H, dated April 5, 2010. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Newport County Flood Insurance Study (FIS) report dated July 6, 2021.. The Office of the Building Official is responsible for floodplain management. The FIRM and FIS report and any revisions thereto are incorporated herein by reference and are on file with the Town Clerk and the Building Official, both located at 40 Commons, Little Compton, Rhode Island. In addition, the Town of Little Compton's website shall include links to the FIRMs including plat and lot zones.

[Amended 3-16-2020; 7-9-2020; 5-20-2021]

- b. Administrative Provisions.
 - 1. Building Permit. All proposed construction or other development within a Special Flood Hazard Area shall require a permit.

The National Flood Insurance Program Special Flood Hazard Area requires permits for all projects that meet the definition of development, not just "building" projects. Development projects include any filling, grading, excavating, mining, drilling, storage of materials, temporary stream crossings. If the construction or other development within a Special Flood Hazard Area is not covered by a building permit, all other nonstructural activities shall be permitted by either the Rhode Island Coastal Resources Management Council and/or the Rhode Island Department of Environmental Management as applicable. Therefore if another State agency issues a permit, the local Building Official must have the opportunity for input and keep a copy of the respective permit in their files.

Prior to the issuance of a building or development permit, the applicant shall submit evidence that all necessary permits and approvals have been received from all government agencies from which approval is required by Federal or State law, including the Town of Little Compton Zoning Ordinance.

A permit fee (based on the cost of the construction) may be required to be paid to the Town of Little Compton and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the Code Enforcement Officer and/or Zoning Board of Review needs the assistance of a professional engineer.

- 2. Disclaimer of Liability. The degree of flood protection required by the subsection is considered reasonable but does not imply total flood protection.
- 3. Severability. If any section, provision, or portion of this subsection is adjudged unconstitutional or invalid by a court, the remainder of the subsection shall not be affected.
- 4. Abrogation and Greater Restriction. This ordinance shall not in any way impair/remove the necessity of compliance with any other applicable laws, ordinances, regulations, etc. Where this ordinance imposes a greater restriction, the provisions of this subsection shall control.

- 5. Enforcement. The Building Official shall enforce all provisions as applicable in reference to RIGL § 23-27.3-108.1.
- 6. Penalties. Every person who shall violate any provision of this ordinance shall be subject to penalties put forth in RIGL § 23-27.3-122.3.
- c. Notification of Watercourse Alteration.

[Amended 4-30-2020]

- 1. In a riverine situation, the Building Official shall notify the following of any alteration or relocation of a watercourse.

Adjacent Communities (Tiverton, RI and Westport, MA)
NFIP State Coordinator
Rhode Island Emergency Management Agency
645 New London Avenue
Cranston, RI 02920
Risk Analysis Branch
Federal Emergency Management Agent, Region I
99 High Street, 6th Floor
Boston, MA 02110

The carrying capacity of the altered or relocated watercourse shall be maintained. Within six months, notify FEMA of chan

- d. Use Regulations.
 - 1. Reference to Existing Regulations. The Special Flood Hazard Areas are established as a floodplain overlay district. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with the following:
 - * (a) Rhode Island State Building Code (as established under Rhode Island General Law § 23-27.3)
 - * (b) Coastal Resources Management Act, Rhode Island Coastal Resource Management Council (RIGL § 46-23)
 - * (c) Freshwater Wetlands Act, Rhode Island Department of Environmental Management (RIGL § 2-1-18)
 - * (d) Minimum Standards Related to Individual Sewage Disposal Systems, Rhode Island Department of Environmental Management (RIGL § 5-56, 5-56.1, 23-19.15, 23-19.5, 23-24.3, 42-17.1 and 46-13.2)
 - * (e) Town of Little Compton Zoning Ordinance, Subsection 14-5.8 Water Bodies and Wetlands.
 - * (f) Endangered Species Act, Rhode Island Department of Environmental Management (RIGL § 20-1-2)
 - * (g) Water Quality Regulations, Rhode Island Department of Environmental Management (RIGL § 42-17.1 and 42-17.6 and 46-12)

Any variances from the provisions and requirements of the above referenced State regulations may only be granted in accor

- 2. Other Use Regulations.
 - * (a) Within Zones AH and AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
 - * (b) Within Zones AO on the FIRM, new and substantially improved residential structures shall have the top of the lowest floor at least as high as the FIRM's depth number above the highest adjacent grade and nonresidential structures shall be elevated or flood-proofed above

- the highest adjacent grade to at least as high as the depth number on the FIRM. On FIRMs without a depth number for the AO Zone, structures shall be elevated or flood-proofed to at least two feet above the highest adjacent grade.
- * (c) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Newport County FIRM encroachments are prohibited in the regulatory floodway, which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - * (d) All subdivision proposals must be designed to assure that:
 - (1) Such proposals minimize flood damage;
 - (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided to reduce exposure to flood hazards.
 - * (e) Detached accessory structures in Zones A, AE, A1- 30, AO, and AH (i.e., garages, sheds) do not have to meet the elevation or dry flood-proofing requirement if one or more of the following standards are met:
 - (1) The structure has a value less than \$1,000.
 - (2) The structure has unfinished interiors and must not be used for human habitation. An apartment, office or other finished space over a detached garage is considered human habitation and would require the structure to be elevated.
 - (3) The structure is used solely for parking of vehicles and/or limited storage.
 - (4) The accessory must be wet flood-proofed and designed to allow for the automatic entry and exit of floodwater.
 - (5) The accessory structure shall be firmly anchored to prevent flotation, collapse and lateral movement.
 - (6) Service facilities such as electrical, mechanical and heating equipment must be elevated or flood-proofed to or above the base flood elevation.
 - (7) The structure must not increase the flood levels in the floodway.
 - (8) The structure is not in the floodway.
 - (9) The structure is not used for storage of hazardous materials.
 - * (f) Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
 - * (g) No person shall change from business/commercial to residential use of any structure or property located in the floodway of a Special Flood Hazard Area so as to result in a use or expansion that could increase the risk to the occupants.
 - * (h) The space below the lowest floor:
 - (1) Free of obstructions as described in FEMA Technical Bulletin 5 "Free of Obstruction Requirements for Buildings Located in Coastal High Hazard Area in Accordance with the National Flood Insurance Program;" or
 - (2) Constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or
 - (3) Designed with an enclosed area less than 300 square feet that is constructed with nonsupporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
- 3. Variance Regulations. Where strict application of the requirements of this subsection would create an undue hardship, the Zoning Board of Review, in accordance with the procedures outlined in § 14-9 of this chapter, may grant a variance from the application of the provisions of this subsection. In granting such a variance, in addition to such provisions, the Board of Review shall grant the least variance required to reduce said hardship and, further, shall:
- * (a) Make a written decision containing findings that strict compliance with said provision(s) would result in undue hardship that is confiscatory in extent and would prevent all beneficial use of the land or structure.
 - * (b) Describe in its written decision the exact extent of the variance granted.
 - * (c) Indicate in its written decision that the grant of said variance may affect the flood insurance

- rates as they apply to the subject property.
- * (d) Forward a copy of its written decision to the applicant, the Building Official and the Statewide Planning Program of the State of Rhode Island.
- 4. Base Flood Elevation and Floodway Data.
 - * (a) Floodway Data. In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - * (b) Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.
 - * (c) Base Flood Elevations in A Zones. In the absence of FEMA BFE data and floodway data, the best available Federal, State, local, or other BFE or floodway data shall be used as the basis for elevating residential and nonresidential structures to or above the base flood level and for flood proofing nonresidential structures to or above the base flood level.
- e. Definitions. Unless specifically defined below, words and phrases used in this ordinance pertain to floodplain management, have the same meaning as they have in common usage to give this ordinance most reasonable application. The definitions found below shall prevail for all properties located within a Special Flood Hazard Area.

ACCESSORY STRUCTURE — Shall mean a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SHALLOW FLOODING — Shall mean designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of one 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.

AREA OF SPECIAL FLOOD HAZARD — See definition for "Special Flood Hazard Area."

BASE FLOOD — Shall mean the flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) — Shall mean the elevation of the crest of the base flood or 100-year flood. The height, as established in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum where specified), in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

BASEMENT — Shall mean any area of the building having its floor sub grade (below ground level) on all sides.

BUILDING — See definition for "Structure."

COASTAL A ZONE — Shall mean area within a special flood hazard area, landward of a V Zone or landward of an open coast without mapped V Zones. The principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1.5 feet.

COST — Shall mean as related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, costs to correct code violations subsequent to a violation notice, 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.

DEVELOPMENT — Shall mean any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION — Shall mean a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured 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 the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR EXISTING MANUFACTURED HOME SUBDIVISION — Shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — Shall mean the Federal agency that administers the National Flood Insurance Program (NFIP).

FLOOD INSURANCE RATE MAP (FIRM) — Shall mean the 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 a community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS) — Shall mean the official study of a community in which the Federal Emergency Management Agency (FEMA) has conducted a technical engineering evaluation and determination of local flood hazards, flood profiles and water surface elevations. The Flood Insurance Rate Maps (FIRM), which accompany the FIS, provide both flood insurance rate zones and base flood elevations, and may provide the regulatory floodway limits.

FLOOD OR FLOODING — Shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROOFING — Shall mean any combination of structural and nonstructural 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.

FLOODWAY — Shall mean 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. For the purposes of these regulations, the term "regulatory floodway" is synonymous in meaning with the term "floodway."

FREEBOARD — Shall mean a factor of safety usually expressed in feet above a flood level for purposes of floodplain 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.

FUNCTIONALLY DEPENDENT USE OR FACILITY — Shall mean a use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities.

HIGHEST ADJACENT GRADE (HAG) — Shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE — Shall mean any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) 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 (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

LIMIT OF MODERATE WAVE ACTION (LIMWA) — Shall mean an advisory line indicating the limit of the 1.5-foot wave height during the base flood.

LOWEST FLOOR — Shall mean the lowest floor of the lowest enclosed area (including 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 building so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME — Shall mean 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 — Shall mean a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE — Shall mean the price of a structure that a willing buyer and seller agree upon. This can be determined by an independent appraisal by a professional appraiser; the property's tax assessment, minus land value; the replacement cost minus depreciation of the structure; the structure's actual cash value.

NEW CONSTRUCTION — Shall mean structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION — Shall mean a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured 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) is completed on or after the effective date of floodplain regulations adopted by the community.

RECREATIONAL VEHICLE — Shall mean a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY — See definition for "Floodway."

SHEET FLOW AREA — See definition for "Area of shallow flooding."

SPECIAL FLOOD HAZARD AREA (SFHA) — Shall mean the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. After detailed ratemaking

has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

START OF CONSTRUCTION — Shall mean for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement 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 erections 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.

STRUCTURE — 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. 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 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 recreational vehicle or a park trailer or other similar vehicle, except as described in Subsection (3) of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE — Shall mean damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Shall mean any reconstruction, rehabilitation, additions or other improvements to a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) any project 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."

VARIANCE — Shall mean a grant of relief by a community from the terms of the floodplain management ordinance that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

VIOLATION — Shall mean failure of a structure or other development to be fully compliant with the community's floodplain management ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

§ 14-5.10. Availability of Water Supply

[Ord. 6/23/94, Art. 5]

No building permit, other than a foundation permit, shall be issued for the construction of a building which would necessitate the use of water therein, unless a well providing a safe and adequate supply of water is legally existent, either on the subject lot or on a neighboring lot if such well meets all local and State requirements. Satisfactory proof of the right to use the well shall be furnished.

§ 14-5.11. Performance Standards For All Uses

[Ord. 5/6/99, § 5; Ord. 6/23/94, Art. 5; 8-25-2022; amended 6-12-2025]

- a. General Requirements. The Building Official in issuing a permit or the permitting authority in granting a special use permit for the development or extension of any use may, if appropriate, require the submission of affidavits or other evidence that the applicant will observe the standards of performance set forth in this section. All uses of land are required to comply with these standards and any noncompliance with said standards will be considered a violation of this chapter. The Building Official is hereby authorized to have measurements made of any characteristic covered in these standards to determine compliance with said standards.
- b. Noise. No use shall emit noise which exceeds the requirements of that part of Chapter 3, entitled Excessive Noise Prohibited, of the Code of Ordinances of the Town of Little Compton.
- c. Air Pollution. Smoke and other airborne emissions of all uses shall conform to the standards of the "Air Pollution Control Regulations" of the Rhode Island Department of Environmental Management, issued under the authority of Title 23, Chapter 25 of the General Laws of Rhode Island, as amended. Said regulations are hereby incorporated as part of this chapter.
- d. Radiation Emission. No use shall cause the emission of radiation which exceeds the safe limits established in the rules and regulations of the United States Nuclear Regulatory Commission or any other agency of competent jurisdiction. These limits shall apply to emissions from radioactive materials and wastes, electromagnetic radiation, x-ray radiation, microwave radiation and other forms of radiation which present a potential hazard to the health of employees or residents within or abutting the use.
- e. Heat and Glare. No use shall generate heat, glare, or reflective light perceptible at the property line, excluding normal illumination. Outdoor lighting must be oriented and shielded to prevent light trespass onto adjacent properties or public rights-of-way. All outdoor lighting shall comply with Section 14-8, Outdoor Lighting Ordinance and be designed to minimize light pollution and protect night sky visibility. In most cases, outdoor lighting must be extinguished by 9:00 p.m., except for required security lighting, which shall be motion-activated and shielded to prevent offsite glare.
- f. Vibration. No use shall generate vibration which is discernible to the human sense of feeling at the property line of the use or activity for a cumulative total of three minutes or more duration in any hour between 7:00 a.m. and 7:00 p.m. or for a cumulative total of 30 seconds or more in any hour between 7:00 p.m. and 7:00 a.m.
- g. Sewage and Liquid Waste Disposal. No discharge of sewage or other liquid waste shall be permitted into any stream, wetland or other water body. The Building Official or the Zoning Board of Review, where appropriate, will require certification from the Rhode Island Department of Environmental Management that the design of any disposal system will provide for the proper, safe and sanitary disposal of any sewage or other liquid waste. The Building Official or Zoning Board of Review, upon the advice of said department, may require the pretreatment of liquid waste prior to discharge into the disposal system or may require that such liquid waste be transported to an approved treatment or disposal facility in a manner complying with all applicable State and Federal requirements.
- h. Water Supply. Approval of any land use or expansion thereof is contingent upon submission of evidence demonstrating a safe, reliable, and sufficient water supply for all proposed uses, including potable, sanitary, and process-related needs. (See also Subsection 14-5.10.)
- i. Solid Waste. The Building Official or the Zoning Board of Review, where appropriate, may condition the development or extension of any use of land upon the submission of evidence that any solid waste generated by such use of land will be stored and disposed of in a manner complying with all Town,

State and Federal requirements. Under no conditions will the storage or disposal of hazardous waste be authorized or permitted by any use in the Town of Little Compton.

- j. Septic Systems/Onsite Wastewater Treatment Systems (OWTS). All uses requiring on-site wastewater treatment must utilize systems approved by the Rhode Island Department of Environmental Management (RIDEM). Advanced OWTS technologies may be required based on site-specific soil, slope, and hydrology characteristics. Systems must be designed, installed, and maintained to prevent contamination of groundwater or nearby surface waters. Evidence of ongoing maintenance contracts or inspection schedules may be required as a condition of permit approval.
- k. Stormwater Management Plan. All new development and redevelopment projects that result in 600 square feet or more of new impervious surface, or disturb 10,000 square feet or more of land area, shall implement a Stormwater Management Plan consistent with the Rhode Island Stormwater Design and Installation Standards Manual. A stormwater management plan must demonstrate that post-development runoff does not exceed pre-development levels. Projects shall incorporate Low Impact Development (LID) strategies, including but not limited to: vegetated swales, rain gardens, and permeable pavement. A long-term maintenance plan shall be submitted and recorded for all stormwater BMPs, identifying responsible parties for inspection, maintenance, and reporting.
- l. Impervious surface and parking. The use of asphalt or bituminous concrete as a surface material for parking areas, driveways, or access ways serving commercial or industrial uses is discouraged but not prohibited. Asphalt or concrete may be used where necessary to comply with the Americans with Disabilities Act (ADA), including accessible parking spaces, walkways, and access routes. Where a private driveway, access way, or parking area intersects with a public road, a paved apron shall be required for the first 10 to 20 feet from the edge of the paved road. The specific length shall be determined by the permitting authority based on site conditions, traffic volume, and potential for gravel migration onto the public road. The use of impervious materials such as asphalt or concrete is permitted for parking areas providing 10 or more spaces, but permeable alternatives are strongly encouraged to reduce stormwater runoff and maintain a rural aesthetic. Pervious materials such as gravel, grass pavers, or permeable pavers are preferred for all other surfaces to reduce stormwater runoff and promote natural infiltration.

§ 14-5.12. Wireless Communications Facilities (WCF)

[Ord. 5/6/99, § 7]

- a. Purpose and Goals. The purpose of this section to minimize the visual and environmental impacts of wireless communications facilities (WCFs), by enabling the review and approval of WCFs in keeping with this Zoning Ordinance and existing patterns of development in Little Compton, including the size and spacing of structures and open spaces. The regulation of WCFs is consistent with the purposes of the Little Compton Comprehensive Community Plan to further the conservation and preservation of developed, natural and undeveloped areas, wildlife, flora and habitats for endangered species; the preservation of coastal resources; protection of the natural resources of Little Compton; balanced economic growth; the provision of adequate capital facilities; the coordination of the provision of adequate capital facilities; and the preservation of historical and cultural values.
- b. Definitions.
 - 1. ANTENNA ARRAY – Shall mean one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure defined below.
 - 2. ATTACHED WIRELESS COMMUNICATION FACILITY (ATTACHED WCF) – Shall mean an antenna array that is attached to an existing building or structure (attachment structure), which structures shall include but not be limited to utility poles, signs, water towers, with any accompanying pole or device (attachment device) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.
 - 3. COLOCATION/SITE SHARING – Shall mean use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of

- communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.
- 4. EQUIPMENT FACILITY – Shall mean any structure used to contain ancillary equipment for a WCF which includes cabinets, shelters, a buildout of an existing structure, pedestals, and other similar structures.
 - 5. HEIGHT – When referring to a WCF, shall mean the distance measured from grade to the highest point on the WCF, including the antenna array (see also § 14-10b51 of this chapter).
 - 6. SETBACK – Shall mean the required distance from the property line of the lot on which the WCF is located to the support structure (see also § 14-10b90 of this chapter).
 - 7. SUPPORT STRUCTURE – Shall mean a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting (lattice) tower, guywire support tower and other similar structures. Any device (attachment device) which is used to attach an attached WCF to an existing building or structure (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.
 - 8. TEMPORARY WIRELESS COMMUNICATION FACILITY (TEMPORARY WCF) – Shall mean a WCF to be placed in use for 90 or fewer days.
 - 9. WIRELESS COMMUNICATIONS – Shall mean any personal wireless services as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.
 - 10. WIRELESS COMMUNICATION FACILITY (WCF) – Shall mean any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.
- c. Applicability. No WCF shall be erected, constructed, altered or maintained on any lot within the Town after May 6, 1999, without complying with the terms of this section. Nothing herein shall be deemed to prohibit or regulate any public antenna or WCF used in the exercise of a governmental function, or any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. Pre-existing WCFs for which a permit has been issued prior to the effective date of this section shall not be required to meet the requirements herein. This section shall supersede all conflicting requirements of other codes and ordinances regarding the locating and permitting of WCFs.
 - d. Use-General. WCFs are permitted in all zones, subject to the following limitations, prohibitions and conditions:
 - 1. Attached WCFs and equipment facilities that are proposed to be attached and located within an existing building are permitted by right and may apply to the Building Official, subject to application requirements provided herein.
 - 2. WCFs requiring one or more new support structures or any equipment facility requiring a new structure or any temporary WCF shall be subject to a special use permit, as provided in Article 9 generally, and specifically in Subsection 14-9.5 of this Ordinance.
 - 3. All WCFs, support structures and equipment facilities are further subject to the use limitations, application requirements, submission documentation, dimensional standards, and performance standards as provided in this section.
 - e. Use Limitations.
 - 1. Prohibited in certain locations. WCFs are prohibited on any lot west of West Main Road, south to and including both sides of Sakonnet Point Road; both sides of Warren's Point Road, and easterly to Briggs Marsh, and from there, any lot located within one-half mile of the south shoreline extending easterly to the Little Compton Town line.
 - 2. Commons. WCFs are prohibited on any lot located within a 1,500-foot radius measured from a point at the western tip of Pike's Peak.
 - f. Application Requirements. An application for a permit to construct, install or erect a WCF (temporary or otherwise), or to install, mount or erect an attached WCF, shall be subject to a building permit, an electrical permit, payment of all permit and inspection fees to the Town of Little Compton, posting

of a bond to support the removal of a WCF upon abandonment (in accordance with Subsection k below) and proof of ownership of the land upon which the WCF is proposed to be constructed, installed, erected, mounted or attached or a copy of an appropriate easement, lease, or rental agreement.

- g. Submission Documentation - Attached WCFs. Each applicant requesting a permit for an attached WCF or an equipment facility within an existing structure (with no new structure proposed) shall submit to the Building Official a report prepared by a professional radio frequency engineer, with the following information:
 - 1. A description of the WCF and the technical, economic and other reasons for its design;
 - 2. A description of the capacity of the WCF including the number and type of transmitters and receivers that it can accommodate and the basis for the calculation of capacity;
 - 3. Demonstration that the WCF proposal complies with this section; and
 - 4. Any other information required by the Building Official to determine compliance with the State Building Code, the Zoning Ordinance and other applicable local, State and Federal laws.
- h. Submission Documentation - Unattached WCFs. Each applicant requesting a special use permit for WCFs requiring one or more new support structure(s) or a new equipment facility and any temporary WCF shall submit, in addition to the documentation described in Subsection g above, a site plan prepared by a Professional Engineer (PE) registered in the State of Rhode Island, which shall include a scaled plan at one inch equals 40 feet or larger, with existing and proposed topography at two-foot contour intervals (limited to areas of proposed disturbance) and a scaled elevation with other supporting drawings, calculations and other relevant documentation to the Zoning Board of Review, that shows the following:
 - 1. The location and dimensions (including height) of the WCFs support structure and equipment facility;
 - 2. Accessory building(s) for switching equipment;
 - 3. Fencing, landscaping and screening;
 - 4. Access and parking;
 - 5. Lighting;
 - 6. Areas to be cleared of vegetation and trees;
 - 7. Site boundaries;
 - 8. Description of adjacent land uses; and,
 - 9. All other improvements associated therewith, including information concerning support structure specifications, antenna locations and equipment facilities.

The Board may require additional information relevant to its consideration of whether the application meets the dimensional and performance standards provided herein. Following Board approval, the applicant may file for a building permit as described in Subsection g above.

- i. Dimensional Standards. All WCFs and equipment facilities shall comply with the following dimensional requirements:
 - 1. Maximum height of any WCF shall not be greater than 150 feet.
 - 2. WCFs shall be setback from all property lines a minimum of one foot for each one foot of support structure height, with a minimum setback from all property lines of 25 feet.
 - 3. All WCF supports and peripheral anchors shall be located entirely within the boundaries of the development site.
 - 4. Supports and/or peripheral anchors shall not encroach upon the minimum landscaped screening area, as required by the Zoning Ordinance.
 - 5. All supports and anchors shall have at a minimum a ten-foot horizontal setback from any overhead utility line.
 - 6. Attached WCFs shall be permitted as an accessory use to any commercial, industrial, office, institutional, multifamily or public utility structure provided that:
 - * (a) The antenna array is not higher than 20 feet above the highest point of the structure;
 - * (b) The antenna array complies with applicable FCC and FAA regulations; and

- * (c) The antenna array complies with all applicable zoning requirements and building codes.
 - 7. WCFs shall not be allowed within one mile distance from any existing WCF and/or WCF that have received a valid building permit.
- j. Performance Standards. All WCFs and equipment facilities shall comply with the following performance requirements, which shall be the basis upon which the Building Official and Zoning Board make their respective findings of fact in either approving or denying the application for a WCF.
 - 1. For any unattached WCF, the applicant shall demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna array, with the following evidence submitted to demonstrate the case:
 - * (a) Written proof that owners of existing towers or structures within service area of the proposed WCF location or within a one mile radius of the proposed WCF, whichever is greater, have been contacted and that permission was sought to install a device on those structures, and that permission was denied or a reasonable agreement could not be reached.
 - * (b) No existing towers or structures are located within the service area of the proposed WCF location or within a one mile radius of the proposed WCF, whichever is greater.
 - * (c) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - * (d) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna array and related equipment.
 - * (e) The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing exceed the costs of construction of a new WCF and support structure.
 - 2. Every WCF approved under this section shall be subject to the condition that the WCF owner must allow colocation/site sharing, as defined herein. The application shall contain a statement that the site will physically support colocation/site sharing, and that any new applicant willing to sign a commercially reasonable lease, shall be allowed to collocate at that site.
 - 3. The required report from the radio frequency engineer shall contain a statement justifying the height of the proposed WCF.
 - 4. Town-owned sites which are located in the prospective development area and which could potentially accommodate the proposed WCF shall be identified. Such Town-owned sites shall be given preference over other sites in locating an unattached WCF. If the applicant chooses a site other than a Town-owned site, the applicant shall provide written proof that a Town-owned site is either unavailable or unsuitable for the WCF.
 - 5. All WCFs shall be constructed and situated in such a manner as to fit in with the topography and features of the surrounding environment. WCF Equipment Facilities shall be completely screened from all adjacent properties and streets, and appropriately camouflaged, if required. Plantings shall be of such a height and density to ensure complete screening. Existing vegetation shall be preserved to the maximum extent possible and may be used as a substitute for or supplement towards meeting the landscaped screening requirement. The owner of the property shall be responsible for all maintenance and shall replace any dead plantings within 30 days.
 - 6. Notwithstanding any other provisions in this subsection, WCFs shall be enclosed by a fence no less than eight feet in height or more than 10 feet in height from finished grade. Any portion of the fence, located within 200 feet of a street or an abutting residence, shall be tightly screened from view by evergreen trees, shrubs or other suitable plant material. Access shall be through a locked gate.
 - 7. WCFs shall not be artificially lighted except as required for public safety purposes, by the Federal Aviation Administration (FAA), or by the Town.
 - 8. No signs shall be allowed on any WCF except as required for public safety purposes, by the Federal Communications Commission (FCC) or by the Town, or by the property owner.
 - 9. There shall be no symbols, flags, banners or other devices or things attached to or painted or inscribed upon any WCF.
- k. Abandonment and Removal of WCFs. All WCFs which have not been used for their intended purpose for a period of one year or more shall be considered abandoned and shall be dismantled, removed and the site restored to a condition consistent with the character of the surrounding area, at

the owner's expense. The property owner shall remove, or cause to be removed, the WCF within 90 days of receipt of notice from the Building Official. The applicant shall post a bond or cash security with the Town sufficient to cover the cost of removal and restoration of the site prior to the issuance of a building permit for the WCF. The amount of said bond or security shall be estimated by the Building Official. If such WCF is not removed within 90 days of receipt of notice, the Town may take the necessary action to remove the facility and restore the site to a condition consistent with the character of the surrounding area, at the owner's expense.

§ 14-5.13. Ground Lease Program

[Ord. 5/31/06, § 6]

Any authorized Town agency is permitted to purchase land or lease or sublease land for 99 years in order to be eligible for State or Federal funding sources to build or cause to be built affordable housing as defined herein, and subject to all other provisions of this chapter. This provision applies to existing Town-owned land.

§ 14-5.14. Solar Energy Systems

[Added 7-11-2019; amended 6-12-2025]

- a. Purpose. The purpose of this section is to regulate the installation of solar energy systems and promote the safe, effective and efficient use of solar energy systems that are compatible with the neighboring properties and rural character in which they are located, that minimize impacts on scenic, natural, and cultural resources, and provide clean, domestically-sourced alternatives to our existing energy supply.
- b. Definitions. As used in this section, the following terms shall have the meanings indicated:

ABANDONMENT — Ground-mounted solar energy systems which have not been used for their intended purpose for a period of one year or more.

ACCESSORY SOLAR ENERGY SYSTEM — A solar energy system for electrical or thermal energy generation for the benefit of the owner of the property in support of the primary use of the property. An accessory solar energy system cannot exist without a principal use on the same lot.

ACCESSORY-PRINCIPAL AGRICULTURAL SOLAR ENERGY SYSTEM — A solar energy system or virtual metering system that produces electricity for sale that is on a lot of land enrolled in and classified as "farmland" in the State of Rhode Island's Farm, Forest Open Space program. Accessory-principal agricultural solar energy systems are not permitted without the principal use of an agricultural operation and shall be incidental and subordinate to that principal use.

AGRICULTURAL OPERATION — Any commercial enterprise that 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.

ARRAY — The entire group or section of PV panels.

ARRAY AREA — The total area occupied by the solar panel array, including panel area and interpanel spaces.

GROUND-MOUNTED SYSTEM — A solar energy system that is structurally appended to the ground and is not supported by a structure or building.

KILOWATTS or KW — A measure of 1,000 watts of electrical power.

PHOTOVOLTAIC (PV) — Panels are solar panels designed to absorb sunlight as a source of energy to generate electricity. Panels are comprised of a series of solar cells, using the photovoltaic process.

PRINCIPAL SOLAR ENERGY SYSTEM — Any solar array/solar energy system, interconnected with a public utility electrical distribution system that is the primary use of a lot or lots, designed for commercial generation of power that is sold.

ROOF-MOUNTED ACCESSORY SOLAR SYSTEM — A solar energy system that is structurally appended to the roof of a building or structure, for the purpose of electrical or thermal energy generation. A roof-mounted accessory solar system cannot exist without a principal use on the same lot.

SOLAR ENERGY SYSTEM — The equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing or using incident solar energy for water heating, space heating, cooling, manufacturing and generating electricity, or other applications that would otherwise require the use of a conventional carbon based source of energy such as petroleum or natural gas. This shall include photovoltaic arrays and installations that utilize roof-mounted and/or ground-mounted systems.

SOLAR ENERGY SYSTEM SIZE — The total area of the solar/collector panels in a solar energy installation, measured as the length multiplied by width, and inclusive of inter-row spacing and solar panel/collector spacing, as well as spacing between solar panel/collector and any security fencing.

VIRTUAL NET METERING SYSTEM — A system owned by a town or municipality that is remote from the municipal building it serves.

WOODLANDS — A dense growth of trees, including young regenerating forest, which has been established either through natural regeneration or planting.

- c. Applicability. The provisions of this section shall apply to the expansion of any existing solar energy system and the construction of any new solar energy system undertaken after the adoption of this section.
- d. Application requirements.
 - 1. Prior to the installation of a solar energy system, the property owner or installer shall receive a building permit from the Building Official. An application for a solar energy installation shall be made on the Single Statewide Solar Building and Electric Permit Application for all sizes of solar projects that are submitted to the Building Official.
 - 2. The Building Official will determine if the proposed system, whether roof-mounted or ground-mounted, meets all of the applicable dimensional standards of this section, or if a dimensional variance is required.
 - 3. Roof-mounted systems are considered separate from, and shall be reviewed for compliance independently of, ground-mounted systems on the same lot. In the event that the system is comprised of both a roof-mounted system and a ground-mounted system, both systems shall be included in the same application.
- e. Review procedure.
 - 1. Accessory solar systems.
 - * (a) Accessory solar energy systems that are ground-mounted systems with a solar energy system size equal to or less than 1,000 square feet and roof-mounted accessory solar systems of any solar energy system size are permitted by right in all zoning districts unless located within historically critical areas described in § 14-5.14e4.
 - * (b) Accessory solar energy systems that are ground-mounted systems with a solar energy system size greater than 1,000 square feet but less than 2,000 square feet require a special use permit (§ 14-9.5).
 - * (c) Accessory solar energy systems that are ground-mounted systems with a solar energy system size greater than 2,000 square feet require both a special use permit (§ 14-9.5) and development plan review by the Planning Board.
 - 2. Accessory-principal agricultural solar energy systems. All accessory-principal agricultural solar energy systems require a special use permit (§ 14-9.5) and development plan review by the Planning Board.

- 3. Principal solar energy systems. All principal solar energy systems require a special use permit (§ 14-9.5) and major plan review by the Planning Board.
- 4. Historically critical areas.
 - * (a) Any solar energy system to be located within a 1,500 feet radius of Pikes Peak, also known as Plat 20, Lot 4-A, requires a special use permit (§ 14-9.5) by the Zoning Board and major plan review by the Planning Board.
 - * (b) Any solar energy system to be located within the Business Zoning District of Adamsville requires a special use permit (§ 14-9.5) and major plan review by the Planning Board.
- f. Prohibitions.
 - 1. Principal solar energy systems are prohibited in the Residential Zone.
 - 2. Ground-mounted solar energy systems and any associated equipment or structures shall not be allowed on land held under conservation easement or land for which the development rights have been sold, transferred, or otherwise removed from the parcel, unless the conditions of the existing easement, existing deed, or other existing applicable legal document specifically allow the installation of a solar energy system.
 - 3. Ground-mounted solar energy systems and any associated equipment or structures shall not be located within 100 feet of any freshwater or coastal wetland as defined by the Rhode Island Department of Environmental Management and/or the Coastal Resources Management Council.
- g. Dimensional standards.
 - 1. A minimum front setback of 300 feet and side and rear setbacks of 100 feet are required for accessory-principal agricultural solar energy systems that are ground-mounted systems.
 - 2. A ground-mounted accessory solar system must meet dimensional standards set forth in § 14-4.1.
 - 3. A ground-mounted solar energy system shall not exceed 12 feet in height, as measured from the natural grade to its highest point, including the top of any support structure or panel when adjusted to its highest seasonal position.
 - 4. The solar energy system size of ground-mounted systems shall count towards the maximum lot coverage calculation for the zoning district in which the system is located, as set forth in § 14-4.1.
 - 5. Solar collectors or panels which are mounted on the roof of a building are exempt in the calculation of the building's height, but may not extend above the highest point of the roof, regardless of its total height, by more than one foot unless a dimensional variance is obtained. In no case shall a solar panel extend beyond the edge of the roof. In addition, the distance between the surface of the roof and the upper surface of the solar panels shall not be more than four feet, i.e., the panel shall not be higher than four feet above the plane of the roof.
- h. Performance standards for all solar energy systems.
 - 1. Solar energy systems shall be sited and designed to maximize rural character and minimize negative impact on neighboring properties, or on prominent viewsheds.
 - 2. All solar energy systems shall be designed and located to minimize reflective glare toward any inhabited building or roadway.
- i. Performance standards for ground-mounted solar energy systems.
 - 1. Clearing of natural vegetation shall be strictly limited to what is necessary for the construction (drainage, retention ponds, mechanical storage, etc.), operation and maintenance of the solar energy system. In no case shall more than 20% of the area inclusive of inter-row and panel/collector spacing covered by the solar panels, be on cleared woodlands. In no case shall the total area of cleared woodland exceed 20,000 square feet.
 - 2. On-site drainage management and erosion and sedimentation control shall conform to the latest Rhode Island Stormwater Design and Installation Standards manual, and the Rhode Island Soil Erosion and Sediment Control Handbook, as well as applicable Town regulations.
 - 3. The land beneath the solar energy system should be seeded after installation with low-growth vegetation suitable for agricultural grazing and/or pollinator habitat. The opportunity to utilize

this area for additional economic and ecological benefit should be explored. Design and maintenance of solar energy systems should encourage minimal use of herbicides. No topsoil shall be removed from the site. Gravel and/or stone shall not be used as the ground cover.

- 4. Anchor footing types shall be used, so as to minimize disturbance of the soils during installation, and facilitate post-use restoration.
 - 5. All utility connecting lines from the solar energy system shall be placed underground.
 - 6. Lighting of the solar energy system shall be limited to that required for safety and operational purposes. All site lighting shall be directed downwards and incorporate full cutoff fixtures to reduce light pollution and confine the light footprint to the solar energy system site.
 - 7. Access to the solar energy system shall be designed to prevent unauthorized access subject to the review and approval of the Planning Board as well as the Director of Public Works and the Fire Marshal.
 - 8. The solar energy system design shall incorporate appropriate landscaping and design elements to visually screen the installation from view of public roads and abutting properties. Vegetative buffers are to be composed of plant materials listed in the University of Rhode Island's native plant database, with a preference for pollinator-friendly materials to the maximum extent practicable.
- j. Abandonment and removal.
 - 1. Owners of all ground-mounted principal solar energy systems and accessory-principal agricultural solar energy systems which have not been used for their intended purpose for a period of one year or more shall provide notice to the Town of this lack of use and be considered abandoned and shall be dismantled, removed and the site shall be restored at the owner's expense. Stabilization and revegetation of the site may be required to prevent erosion and/or reestablish original habitat of the property.
 - 2. The owner shall remove, or cause to be removed, the solar energy system within 120 days of receipt of notice from the Building Official.
 - 3. The applicant for a ground-mounted principal solar energy system shall post a bond or cash security with the Town sufficient to cover the cost of removal and restoration of the site prior to the issuance of a building permit for the solar energy system. The amount of said bond or security shall be determined jointly by the Building Official and the Planning Board as part of the major plan review.

§ 14-6. PLANNED DEVELOPMENTS AND OVERLAY ZONES

(Reserved)

§ 14-7. SIGNS

§ 14-7.1. Signs Permitted in the Residence (R) District

[Ord. 6/23/94, Art. 7]

- a. A name plate or identification sign, not exceeding 1 1/2 square feet in area, indicating the name of the occupant or identifying a permitted home occupation or residential professional office. Such a sign shall be illuminated only by continuous, white, indirect light with no animation or movement and shall be located on the site of the use to which it is attached.
- b. A temporary unlighted sign not exceeding 12 square feet in area nor exceeding eight feet in height, pertaining to the prospective sale or lease of the premises upon which it is located. This may also include a temporary political or voting sign. Such a temporary sign shall be limited to six months duration.
- c. A sign or announcement board, not exceeding 12 square feet in area nor exceeding eight feet in height, pertaining to a permitted religious, institutional or government use or to a lawful nonconforming use. Such sign shall be located on the site of the principal use and may be lighted only by continuous, white indirect light with no movement or animation.

- d. Regulatory signs not exceeding one and one-half square feet in area indicating restrictions on or prohibitions on the use of public or private property.
- e. Signs required in connection with uses permitted as special use permits shall be considered as special use permits, subject to authorization by the Zoning Board of Review.
- f. All signs, except regulatory signs, shall be located at least 15 feet from any side or rear lot line except where such sign is located on the wall of a building or structure. No sign shall extend over or onto a public right-of-way and any illumination shall be oriented so as to direct glare away from neighboring property and highways.
- g. Billboards or other outdoor advertising devices, not related to a use or activity on the premises, are prohibited.

§ 14-7.2. Signs Permitted in the Business (B) Districts

[Ord. 6/23/94, Art. 7]

- a. Signs permitted in the R District as listed in Subsection 14-7.1a through d.
- b. One sign in connection with a permitted or lawful nonconforming use, provided that such sign shall pertain to and be located on the site of the principal use. Such signs shall be no greater than 12 square feet in area and shall be located no closer than 30 feet to any R District. Such signs shall project no more than 5 feet above the main cornice line of the structure to which they pertain. Signs shall be located no closer than 5 feet to a front lot line except where they are attached to a structure housing the principal use. In such cases, no part of any sign shall project over a public right-of-way and no portion of any projecting sign shall be less than 10 feet above the grade of the land below. Signs shall be illuminated only by continuous, white, indirect lighting with no animation or movement.
- c. Signs in connection with a use permitted as a special use permit shall be considered as special use permit, subject to action by the Zoning Board of Review.
- d. No sign shall exceed 12 square feet in area except where the Zoning Board of Review grants a dimensional variance to exceed such limit.
- e. Billboards or other outdoor advertising devices, not related to a use or activity on the premises, are prohibited.

§ 14-7.3. Portable or Mobile Signs

[Ord. 6/23/94, Art. 7]

Portable or mobile signs designed for movement to a site by truck or hauled to a site on its own running gear and not permanently installed at the site are prohibited in all zoning districts.

§ 14-8. OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 14-8.1. Off-Street Parking Required

[Ord. 6/23/94, Art. 8; Ord. 5/6/99 § 6; amended 6-12-2025]

Any building, structure or use initiated or enlarged after the effective date of this chapter shall, at the time of such initiation or enlargement, provide off-street parking spaces in accordance with the following requirements: (See Subsection 14-2.8).

- a. Requirements for Specific Classes of Use.

(a) Dwellings	2 spaces for each dwelling unit
(b) Hotels, motels and lodging houses	2 spaces for each unit or room to be rented
(c) Office uses	1 space for each 250 square feet of gross floor area
(d) Retail and service business	1 space for each 300 square feet of gross floor area

(e)	Restaurants, theatres and other places of public assembly	1 space for each 3 seats or 1 space for each 300 square feet
(f)	Manufacturing and wholesale	1 space for each 2 employees on the largest shift
(g)	Place of worship	1 space for each 3 seats plus 1 per room
(h)	School or library	1 space per each 500 square feet of gross floor area
(i)	Government building including police and fire station	1 space per each 500 square feet of gross floor area
(j)	Outdoor recreation facility	1 per 5 persons that the facility is designed to accommodate
(k)	Other uses	Same as for office uses

- b. Site Improvements for Off-Street Parking Facilities.
 - 1. For parking facilities requiring 10 or more spaces, the parking area may have a dust-free bituminous surface and shall be provided with wheel stops if abutting a street or body of water.
 - 2. For parking facilities requiring less than 10 spaces, the parking area shall use previous material, such as gravel or crushed stone.
 - 3. Where a parking facility lies within or adjoins an R District, an opaque fence or a double-row compact evergreen screen not less than four feet in height shall be erected or planted and maintained between the parking facility and an adjoining R District.
 - 4. Fixtures used to illuminate any such parking facility shall be oriented to reflect light away from adjoining properties and streets.
 - 5. Any parking areas with 10 or more spaces shall be landscaped with one tree per five spaces with vegetation or ground cover at the street frontage.
- c. Off-Street Parking Facility Location. All parking facilities provided under this subsection shall be developed on the same lot as the principal use or on an abutting lot. Shared accessory parking for more than one principal use or parking on noncontiguous lots may be permitted by special use permit by the permitting authority.
- d. Plans and Specifications for Off-Street Parking Facilities. Plans and specifications for any required parking facility and its access drives shall be submitted to the Building Official for determination for compliance with this chapter at the time of application for the permit for the principal use. Each parking space shall contain the following minimum dimensions affecting the width and length of individual parking stalls and the width of aisles in all districts, exclusive of necessary drives and other access ways. A driveway may be considered a required parking space only for a single-family dwelling.

Minimum width	8-1/2 feet
Minimum length	18 feet
Minimum aisle width	
90° angle	24 feet
60° angle	18 feet
45° angle	13 feet*
30° angle	11 feet*
0° or parallel parking, minimum length 23 feet	12 feet*

*The minimum aisle, or line, width for two-way traffic shall be 18 feet.

Angle parking of less than 90° must be able to exit in the entering direction. When an exit lane or aisle is not accessible, the

- e. Parking or Storage of Commercial Vehicles in R Districts. Except for the storage of farm vehicles and the intermittent parking of commercial vehicles providing emergency service to residential occupants, the parking or storage of commercial vehicles of over 1 1/2 tons capacity shall not be permitted in an R District except in connection with a permitted or lawful customary home occupation or nonconforming use.

- f. **Parking or Storage of Recreation Vehicles in R Districts.** The parking or storage of recreation vehicles owned by an occupant, including travel trailers, pickup truck campers, tent trailers, motor homes, boats and boat trailers; shall be governed by the following requirements:
 - 1. No such recreation vehicle, while parked or stored in an R District, shall be used for permanent living or house- keeping purposes.
 - 2. No such recreation vehicle shall be stored in a required front yard area nor closer than 10 feet to a side or rear lot line.
 - 3. No such recreation vehicle shall be stored outdoors unless in condition for its intended function or can be brought to functional condition within a six-month period.

§ 14-8.2. Off-Street Loading Space Required

[Ord. 6/23/94, Art. 8]

No land shall be used and no structure shall be erected or used for any nonresidential purpose which requires provision for the loading and unloading of goods or equipment unless off-street loading space is provided.

- a. **Off-Street Loading Specification.**
 - 1. For each nonresidential use or structure under 1,000 square feet of gross floor area or ground area in which commodities are stored, sold, displayed, repaired, serviced, fabricated or altered as the principal use of the land or buildings; one off-street loading space shall be provided.
 - 2. For each such use of over 1,000 square feet of gross floor area or more; one off-street loading space for the first 1,000 square feet of gross floor area and an additional off-street loading space for each 10,000 square feet of gross floor area shall be provided.
 - 3. Each off-street loading space shall consist of the following dimensions:

Length	60 feet
Width	14 feet
Clearance	15 feet

- b. **Location of Off-Street Loading Space.** Required off-street loading space shall be on the lot of the principal use or on a contiguous lot and shall be designed to prevent intrusion of loading or unloading vehicles into any street or sidewalk during loading or unloading. In no case shall any of the required off-street loading space be part of the area used to fulfill the off-street parking requirement associated with the intended use of the land or structure.

§ 14-9. ADMINISTRATION, ENFORCEMENT, AND RELIEF

§ 14-9.1. Enforcement

[Ord. 6/23/94, Art. 9; Ord. 5/31/06, § 7; amended 12-7-2023; 6-12-2025]

- a. **Building Official.** It shall be the duty of the Building Official to interpret and enforce the provisions of this chapter in the manner and form and with the powers provided in the laws of the State and in the Charter and Ordinances of the Town. The Building Official shall:
 - 1. Provide for the issuance of modifications from the literal dimensional requirements of the zoning ordinance in the instance of the construction, alteration, or structural modification of a structure or lot of record. The Building Official is authorized to grant modification permits. The zoning ordinance shall permit modifications that are fifteen percent (15%) or less of the dimensional requirements specified in the zoning ordinance. A modification does not permit moving of lot lines. Within 10 days of the receipt of a request for a modification, the Building Official shall make a decision as to the suitability of the requested modification based on the following determinations:
 - * (a) The modification requested is reasonably necessary for the full enjoyment of the permitted use;

- * (b) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
 - * (c) The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and
 - * (d) The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.
 - 2. Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the Building Official shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than five percent (5%), the Building Official shall notify, by first class mail, all property owners of record of land within 200 feet of the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city or town that the modification will be granted unless written objection is received within fourteen (14) days of the public notice. If written objection is received within fourteen (14) days, the request for a modification shall be scheduled for the next available hearing before the zoning board of review on application for a dimensional variance following the standard procedures for such variances, including notice requirements provided for under this chapter. If no written objections are received within fourteen (14) days, the Building Official shall grant the modification. The Building Official may apply any special conditions to the permit as may, in the opinion of the Building Official, be required to conform to the intent and purposes of the zoning ordinance. The Building Official shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received. Costs of any notice required under this subsection shall be borne by the applicant requesting the modification.
 - 3. Refer all applications for variances greater than 15% of the dimensional requirements specified in the zoning ordinance, special use permits and other appeals to the Zoning Board of Review. The Building Official shall make a determination in writing, within 15 days, to any written complaint received, regarding a violation of this chapter. In order to provide guidance or clarification, the Building Official shall, upon written request, issue a zoning certificate or provide information to the requesting party within 15 days of the written request. Any determination of the Building Official may be appealed to the Board in accordance with subsection 14-9.7 of this chapter.
- b. Permit.
 - 1. No land shall be used and no building, structure or sign shall be erected, modified, enlarged or placed into use until all necessary permits have been issued by the Building Official. This requirement shall not apply to uses lawfully existing at the time of adoption of this amendment but shall apply to any new or expanded use of land or structure initiated subsequent to the effective date of this amendment. No permit may be issued for any action or use not in conformity with the provisions of this chapter, except where the Building Official is notified by the Zoning Board of Review of the granting of a special exception or variance.
 - 2. Application for a permit shall be made to the Building Official on forms available for that purpose. If such application is disapproved, all copies shall be so endorsed and one copy returned to the applicant stating the reasons for disapproval.
 - 3. A permit shall be valid for the duration of the use which was the subject of the original issuance and shall expire upon termination of that use. Where a permit authorizes the construction of a building, structure, sign or other improvement; said construction shall be initiated within one year and shall be diligently prosecuted until completion. Where said construction is not initiated within one year, the permit shall expire and a new application shall be submitted.
 - 4. Pursuant to Chapter 53 of the Rhode Island General Laws, as amended the Low-and Moderate-Income Housing Act, the Little Compton Planning Board shall have the authority to issue a comprehensive permit for low- and moderate-income housing. Rules and regulations governing comprehensive permits are contained in Appendix C Subdivision Regulations of the Town of Little Compton, Rhode Island.
 - c. Vested Rights.
 - 1. Any application for development under this chapter, including an application for a building permit, special use permit, variance, or planned development, shall be deemed substantially complete

when all required documents, including plans, together with required fees, are received by the official designated herein to receive such applications. Required documents shall include only those documents specified either by this chapter or by rules adopted and published by the permitting authority prior to the time the application is filed.

- 2. Any application for development under this chapter that has been granted, or that is substantially complete, prior to the enactment or amendment of this chapter, shall be reviewed according to the regulations applicable in the Zoning Chapter in force at the time the application was submitted. If such application has been granted, or is subsequently approved, the applicant must begin construction, or exercise the right granted in the application if no construction is involved, not more than one year after the date of such approval. All construction must be completed not more than two years after the date of such approval, unless specifically set forth to the contrary in the original approval.
- d. Other Codes, Ordinances, Regulations and Rules. The requirements of this chapter shall not relieve the applicant of the responsibility of obtaining such permits or approvals as may be required under applicable provisions of other codes, ordinances, regulations or rules of any unit of local, State or Federal government. Where such codes, ordinances, regulations or rules require approval as a prerequisite to the issuance of a permit, evidence of such approval shall be submitted at the time of application for the permit.
- e. Minimum Requirements. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of health, safety, convenience or the general welfare.
- f. Conflicts of Law. All departments, officials and public employees of the Town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this chapter. Any permit or license, issued in conflict with the provisions of this chapter, shall be null and void.
- g. Special Use Permit For Detrimental Reliance. Notwithstanding Subsection f above, upon application, the Zoning Board shall have the authority to grant a special use permit to allow a building or structure, but not a use, that is in conflict with the provisions of this chapter, where the Board finds, in addition to the findings required in Subsection 14-9.5:
 - 1. That an error was made by a Town official that directly caused the owner to rely on such error to the owner's detriment; and
 - 2. That the owner exercised due diligence and did not mislead the Town official or otherwise contribute to the error; and
 - 3. That the doctrines of "laches" and "clean hands" do not bar the owner from receiving such relief; and
 - 4. That the interests of equity and fairness require such relief to be granted.
- h. Penalties. Any person or corporation, whether as principal, agent, employee or otherwise, who violates or is the owner of property in violation of any of the provisions of this chapter shall be fined up to \$500 for each offense, such fine to inure to the Town. Each day of the existence of any violation shall be deemed a separate offense. The erection, construction, enlargement, intensification, conversion, moving or maintenance of any building or structure and the use of any land or building or structure which is continued, operated or maintained, contrary to any of the provisions of this chapter is hereby declared to be a violation of this chapter and unlawful. The Building Official shall be empowered to levy such fines, with appeal thereupon to the District Court. The Town Council, through the Town Solicitor, shall also be empowered to institute an injunction, abatement or any other appropriate action in any appropriate court to prevent, enjoin, abate or remove such violation, or compel compliance with the provisions of this chapter. The Town Solicitor may consolidate an action for injunctive relief and/or fines under this chapter in the Superior Court for Newport County. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

§ 14-9.2. Zoning Board of Review

[Ord. 6/23/94, Art. 9; Ord. 8/22/96; Ord. 2/24/00]

- a. Establishment and Procedures. A Zoning Board of Review, herein called the Board, is hereby created. The Board, with the approval of the Town Council, may engage technical assistance to aid in the discharge of its duties. The Secretary of the Zoning Board (the "Secretary") shall serve as staff to the Board. The Town Solicitor or Assistant Town Solicitor shall serve as legal counsel to the Board. The Board shall establish written rules of procedure within six months of the adoption of this chapter. Appeals and correspondence to the Board shall be sent to the Board in care of the Secretary. The Secretary shall file all records and decisions of the Board.
- b. Membership. The Zoning Board of Review shall consist of five members who are residents of the Town, appointed by the Town Council, each to hold office for the term of five years; provided, however, that the original appointments shall be made for terms of one, two, three, four, and five years respectively. The Zoning Board of Review for the Town of Little Compton shall also include three alternates to be designated as the first, second, and third alternate members for terms of five years. These alternate members shall sit and may actively participate in hearings. The first alternate shall vote if a member of the board is unable to serve at a hearing; the second shall vote if two members of the board are unable to serve at a hearing; and the third shall vote if three members of the board are unable to serve at a hearing. In the absence of the first alternate member, the second alternate member shall serve in the position of the first alternate. No member or alternate may vote on any matter before the Board unless they have attended all hearings concerning such matter. No member or alternate may participate in any way whatsoever on any matter for which they would have a conflict of interest as defined by the Rhode Island law and the Rhode Island Ethics Commission. Vacancies in unexpired terms of Board members shall be filled by the Town Council no more than 90 days following the vacancy. Members may be removed by the Town Council for due cause and for not attending three consecutive meetings.

All members and alternate members of the Board shall be voters of the Town of Little Compton and no member or alternate member shall be an elected official or salaried employee of the Town. If any vacancy occurs in the membership or alternate membership of the Board, the Town Council shall fill said vacancy for the remainder of the unexpired term.

- c. Prior Members. Members of the Board serving on the effective date of adoption of this chapter shall be exempt from provisions of this section respecting terms of originally appointed members until the expiration of their current terms.
- d. Organization. The Board shall organize annually by electing, from its membership, a Chairperson and a Vice-chairperson. The Board may engage the services of a secretary using funds available for that purpose or may elect a secretary from its membership.
- e. Rules and Meetings. The Board shall adopt such rules of procedure as it may deem necessary to perform the duties assigned to it. Meetings shall be held at the call of the Chairperson, or if absent, the Vice-chairperson; or at such times as the Board may determine. The Chairperson, or if absent, the Vice-chairperson may administer oaths and compel the attendance of witnesses and the submission of data pertinent to the subject of the meeting.

§ 14-9.3. Powers and Duties

[Ord. 6/23/94, Art. 9]

The Zoning Board of Review shall have the powers and duties described as follows:

- a. To hear and decide appeals in a timely fashion where it is alleged there is error in any order, requirement, decision, or determination made by an administrative officer or agency in the enforcement of interpretation of this chapter.
- b. To authorize upon application, in specific cases of hardship, variances in the application of the terms of this chapter.
- c. To authorize upon application, where specified in this chapter, special use permits.
- d. To refer matters to the Planning Board and/or to other boards or agencies of the Town as the Board may deem appropriate, for findings and recommendations.

- e. To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more State or Federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked, upon motion of the Board, after a public hearing with due notice, in the instance where any necessary State or Federal agency approvals are not received within a specified time period.
- f. To hear and decide such other matters, according to the terms of this chapter or other statutes, and upon which the Board may be authorized to pass under this chapter or other statutes.

§ 14-9.4. Voting

[Ord. 6/23/94, Art. 9; amended 12-7-2023]

The Board shall be required to vote as follows:

- a. Four active members shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall excuse himself/herself, and shall not sit as an active member and shall take no part in the conduct of the hearing. Only five active members shall be entitled to vote on any issue.
- b. The concurring vote of three of the five members of the Board sitting at a hearing shall be necessary to reverse any order, requirement, decision or determination of any Zoning Administrative Officer from whom an appeal was taken.
- c. The concurring vote of a majority of members sitting at a hearing shall be required to decide in favor of an applicant on any matter within the discretion of the Board upon which it is required to pass under this chapter, including variances and special use permits.

§ 14-9.5. Special Use Permit

[Ord. 6/23/94, Art. 9; amended 12-7-2023; 6-12-2025]

- a. Findings. In granting a special use permit, the permitting authority shall require that evidence of the following standards be entered into the record of the proceedings:
 - 1. That the special use meets all the criteria set forth in the subsection of this chapter authorizing the special use; and Subsection 14-5.11, Performance Standards For All Uses.
- b. Special Conditions. In granting a special use permit, or in making any determination upon which it is required to pass after public hearing under this chapter, the permitting authority may apply such special conditions. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, be incorporated into the decision, and may include, but are not limited to, provisions for:
 - 1. Minimizing adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;
 - 2. Controlling the sequence of development, including when it must be commenced and completed;
 - 3. Controlling the duration of use or development and the time within which any temporary structure must be removed;
 - 4. Assuring satisfactory installation and maintenance of required public improvements;
 - 5. Designating the exact location and nature of development; and
 - 6. Establishing detailed records by submission of drawings, maps, plats, or specifications.
 - 7. Requirements for additional setback from lot lines and for landscaping and screening from adjacent properties and elements of the street system.
 - 8. Limitations on storage and other accessory activities on the site, both within and outside of a structure, including limitations on the proportion of total floor area and land area for any activity permitted by the grant of the special exception.
 - 9. Limitations on access and parking design to avoid potential traffic and safety problems.
 - 10. The establishment of time limits or working hours on activities to be carried out on the site.
 - 11. Limitations on external displays, signs or other visible aspects of the special exception activity.
 - 12. Limitations and time limits on access to the site by service, supply and delivery vehicles.

§ 14-9.6. Variance

[Ord. 6/23/94, Art. 9; Ord. 4/22/04; amended 12-7-2023]

- a. General Findings. In granting a variance, the Board 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 not due to a physical or economic disability of the applicants, excepting those physical disabilities addressed in section 45-24-30(16) of the General Laws of Rhode Island, as amended.
 - 2. That said 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.
 - 3. That the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this Zoning Ordinance or the Comprehensive Plan of the Town.
 - 4. That the relief to be granted is the least relief necessary.
- b. Hardship Findings. The Board 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 land or structures in an adjacent district shall not be considered grounds for 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 meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. 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.
- c. Conditions. The Board may prescribe in writing any conditions and safeguards it may deem necessary to promote harmony with neighboring properties and uses, including but not necessarily limited to those outlined in Subsection 14-9.5b.

§ 14-9.7. Appeal

[Ord. 6/23/94, Art. 9]

- a. Procedure. An appeal to the Board from a decision of any other zoning enforcement agency or officer, or the Planning Board, may be taken by an aggrieved party. Such appeal shall be taken within 30 days of the date of the recording of the decision of the officer or agency, or within 30 days of the time when the aggrieved party knew or should have known of the action or decision of such officer or agency. The appeal shall be commenced by filing an application with the Board, with a copy to the officer or agency from whom the appeal is taken, specifying the ground thereof. The officer or agency from whom the appeal is taken shall forthwith transmit to the Board all papers, including any transcript or audio tapes, constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the Planning Board and the Town Council.
- b. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the appeal shall have been duly filed, that by reason of facts stated in the certificate, a stay would in the officer's opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of competent jurisdiction on application thereof and upon notice to the officer from whom the appeal is taken on due cause shown.
- c. Hearing. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof in the same manner as set forth in Subsection 14-9.8 of this chapter, as well as due notice to the parties of interest, and decide the same within 20 days of the hearing. The hearing of any appeals shall be at a separate meeting from the hearing of any variance or special use permit applications, although

such hearings may be held on the same day or night. At the hearing, any party may appear in person or by agent or by attorney. The officer or a designated individual of the agency, commission, or board from whom the appeal is taken shall appear before the Zoning Board at the hearing to represent such agency, commission or board. Other members of the agency, commission or board may appear and be heard, but shall not represent the agency, commission or board. The cost of any notice required for the hearing shall be borne by the appellant.

- d. Decisions and Records of the Board. In exercising its powers in ruling, the Board may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the officer or agency from whom the appeal was taken. All decisions and records of the Board respecting appeals shall conform to the provisions of Subsection 14-9.8e and f below.

§ 14-9.8. Application and Hearing Procedures

[Ord. 6/23/94, Art. 9; 6-12-2025]

- a. In General. An application for relief from the literal requirements of a Zoning Chapter because of hardship or an application for a special use permit may be made by any person, group, agency or corporation, provided that the owner or owners of the subject property must join in any application, by filing with the Secretary an application describing the request and supported by such data and evidence as may be required by the permitting authority. An application from a corporation must be signed by its attorney or duly authorized officer of the corporation. The Secretary shall immediately transmit such application received to the permitting authority and shall transmit a copy of each application to the Planning Board and the Town Council.
- b. Fees. An appeal or application shall be accompanied by a filing fee in the amount established by the Town Council, payable to the Town of Little Compton and returnable only in the event that the appeal or application is withdrawn prior to the official notice of public hearing. Said fee may be waived by the Board upon a showing of financial hardship by the applicant.
- c. Limit on Successive Applications. The Board may not accept another application for substantially the same special exception or variance for a period of one year after the denial of an application except that the Board may waive this requirement if the later application is accompanied by an affidavit presenting facts, to the satisfaction of the Board, that a substantial change in circumstances exists, justifying a hearing of the application.
- d. Hearing and Notice. The Zoning Board shall, immediately upon receipt of an application, request that the Planning Board shall report its findings and recommendations, in writing to the Board within 30 days. The Board shall hold a public hearing on any application for variance or special use permit in an expeditious manner, after receipt, in proper form, of an application, and shall give public notice thereof at least 14 days prior to the date of the hearing, which notice shall include the precise location of the subject property, including the street address, and a description of the relief sought, as follows:
 - 1. In a newspaper of general circulation in the Town; and
 - 2. By First Class Mail to:
 - * (a) All owners of the subject property in question; and
 - * (b) All property owners of record of land within 200 feet of the property, which is the subject of the application, whether within the Town or within an adjacent city or town; and
 - * (c) The city or town council of any city or town to which one or more of the following pertain:
 - (1) Which is located in or within not less than 200 feet of the boundary of the subject property; or
 - (2) 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, within 2,000 feet of the subject property, regardless of municipal boundaries; and
 - * (d) 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 and that is within 2,000 feet of the subject property, provided, however, that the governing body of any State or

municipal water department or agency, special water district, or private water company has filed with the Secretary a map survey, which shall be kept as public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.

* (e) The Chairperson of the Town Conservation Commission.

- e. Decision. Following a public hearing, the Board shall render a decision within 20 days. The Board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon, and the absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the office of the Secretary, and a copy posted in the office of the Town Clerk, within 10 working days from the date when the decision was rendered, and shall be a public record. The Board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings of fact, and other official actions, all of which shall be recorded and filed in the office of the Secretary in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the superior or supreme court, the Board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.
- f. Distribution and Recording of Decision. Any decision by the Board, including any special conditions attached thereto, shall be mailed to the applicant, to the Planning Board, the Building Official, the Town Council, the Town Conservation Commission, the Associate Director of the Division of Planning of the Rhode Island Department of Administration, and to the Town Clerk who shall post the decision for 20 days pursuant to Subsection 14-9.1. Any decision evidencing the granting of a variance or special use permit shall also be recorded by the owner in the land evidence records of the Town, after 20 days have passed from the filing of the decision, but prior to the issuance of any building permit or certificate of occupancy.

§ 14-9.9. Expiration of Variances and Special Use Permits

[Ord. 6/23/94, Art. 9; Ord. 7/25/02]

- a. Any variance or special use permit shall expire one year after the date of the filing of the resolution with the Town Clerk unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction; or obtain a certificate of occupancy when no legal building permit is required. The Board may, upon written request and for cause shown prior to the expiration of the initial one-year period, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised.
- b. Should an applicant fail to begin construction with a legal building permit, or obtain a certificate of occupancy within the second one-year period, the Board may upon written request prior to the expiration of the second one-year period, renew the variance or special use permit for a third one-year period provided that the applicant can demonstrate due diligence in proceeding and substantial financial commitment in promoting the subject of the variance or special use permit since the date of the filing of the resolution, and notice shall be given in accordance with Subsections 14-9.8b and 14-9.8d and a hearing shall be held on the request.
- c. None of the year periods shall run during the pendency of any Superior Court actions seeking to overturn the grant.

§ 14-9.10. Appeals to Superior Court

[Ord. 6/23/94, Art. 9]

An aggrieved party may appeal a decision of the Board to the Superior Court for Newport County by filing a complaint setting forth the reasons of appeal within 20 days after such decision has been filed and posted with the Town Clerk. The decision shall be posted in a location visible to the public in the Town Hall for a period of 20 days following the recording of the decision.

The Board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the Clerk of the Court within 30 days after being served with a copy of the complaint. When the complaint is filed by someone

other than the original applicant or appellant, such original applicant or appellant and the members of the Board shall be made parties to such proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

§ 14-9.11. Adoption, Amendment and Administration of Zoning Chapter

[Ord. 6/23/94, Art. 9]

- a. Procedure. Other than for proposals originated by the Town Council, the Town Clerk shall be the officer to receive a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map(s). Immediately upon receipt of such proposal, the Town Clerk shall refer such proposal to the Town Council and the Planning Board for study and recommendation. If the proposal originates with the Town Council, the Town Council shall refer such proposal to the Planning Board and the Building Official. The Planning Board shall report to the Town Council within 45 days after receipt of the proposal, giving its findings and recommendations. The Town Council shall hold a public hearing within 65 days of receipt of proposal, giving proper notice as prescribed in Subsection c below. The Town Council shall render a decision on any such proposal within 45 days after the date of completion of the public hearing. The provisions of this subsection pertaining to deadlines shall not be construed to apply to any extension consented to by the applicant. Except for action initiated by the Town Council or a Town agency or official, all applications shall be accompanied by a filing fee as established by the Town Council and payable to the Town of Little Compton. Said filing fee shall be set in an amount required to cover the expenses of public hearing notification, stenographic services for public hearing records and any other expenses incurred in the processing of the application and the final action thereon. Said fee shall be returnable only in the event the application is withdrawn prior to the issuance of official public hearing notice. Said fee may be waived at the discretion of the Town Council upon the showing of financial hardship by the applicant.
- b. Review by Planning Board. Among its findings and recommendations to the amendment or repeal of this chapter or zoning map, the Planning Board shall:
 - 1. Include a statement on the general consistency of the proposal with the Comprehensive Plan of the Town, including the goals and policies statement, the implementation program, and all other applicable elements of the Comprehensive Plan; and
 - 2. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in Subsection 14-1.1 of this chapter.
- c. Notice and Hearing Requirements.
 - 1. No zoning ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Town Council. The Town Council shall first give notice of such public hearing by publication of notice in a newspaper of general circulation within the Town at least once each week for three consecutive weeks prior to the date of such hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter to the proposed ordinance. Written notice, which may be a copy of said newspaper notice, shall be mailed to the parties specified in Subsections c2, 3, 4 and 5 of this subsection, at least two weeks prior to the hearing. Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

[Amended 9-5-2019]

- * (a) Specify the place of said hearing and the date and time of its commencement;
- * (b) Indicate that adoption, amendment or repeal of a zoning ordinance is under consideration;
- * (c) Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize or describe the matter under consideration;
- * (d) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- * (e) State that the proposal shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented

- for comment in the course of said hearing.
- 2. Where a proposed general amendment to an existing zoning ordinance includes changes in an existing zoning map, public notice shall be given as required by Subsection c1 of this subsection.
 - 3. Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, public notice shall be given as required in Subsection c1 of this subsection, with the additional requirements that:
 - * (a) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and Town boundaries where appropriate; and
 - * (b) Written notice of the date, time and place of the public hearing and the nature and purpose thereof shall be sent by certified mail, return receipt required, to all owners of real property whose property is located within 200 feet of the perimeter of the area proposed for change, whether within the Town or within an adjacent city or town in which the property is located.
 - 4. Notice of a public hearing shall be sent by certified mail, return receipt required, to the city or town council of any city or town to which one or more of the following pertain:
 - * (a) Which is located within 200 feet of the boundary of the area proposed for change; or
 - * (b) 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, within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.
 - 5. 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 and that is within 2,000 feet of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any State or municipal water company has filed with the Building Official a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.
 - 6. No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless such defect is found to be intentional or misleading.
 - d. Costs. Costs of any notice required under this section shall be borne by the applicant.
 - e. Limitations and Conditions. In granting a zoning ordinance amendment, the Town Council may limit the change to one or more of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions and restrictions, including without limitation:
 - 1. Requiring the petitioner to obtain a permit or approval from any and all Federal, State or local governmental agencies having jurisdiction over the land and use which are subject to the zoning change;
 - 2. Relating to the effectiveness or continued effectiveness of the zoning change; and/or
 - 3. Relating to the use of the land as it deems necessary.

The Chair of the Planning Board and the Town Clerk shall cause the limitations and conditions so imposed to be clearly no

- f. Limit on Successive Petitions. Where the Town Council denies or grants leave to withdraw to an application for amendment of this chapter, the Council shall not consider another application for substantially the same amendment for a period of one year from the date of such denial or withdrawal. This period may be waived if the later application is accompanied by an affidavit presenting facts, to the satisfaction of the Town Council, showing that a substantial change in circumstances exists, justifying a rehearing of the proposed amendment.

§ 14-9.12. Maintenance of Zoning Chapter

[Ord. 6/23/94, Art. 9]

The Town Clerk shall be the custodian of this Zoning Chapter and zoning map or maps created thereunder. The Chair of the Planning Board shall be responsible for maintenance and update of the text and zoning

map comprising this chapter. Changes which impact the zoning map shall be depicted on the map within 90 days of such authorized change(s). The Planning Board shall be responsible for review of this chapter annually, and whenever changes are made to the Comprehensive Plan of the Town, to identify any changes necessary and forward these changes to the Town Council.

§ 14-9.13. Publication and Availability of Zoning Chapter

[Ord. 6/23/94, Art. 9; amended 9-5-2019]

Printed copies of this chapter and map(s) shall be available to the general public through the Town Clerk and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing and distribution costs. Upon publication of this chapter and map(s), and any amendments thereto, the Town Clerk shall send a copy, without charge, to the State Law Library.

§ 14-9.14. Appeal of Enactment of or Amendment to Zoning Chapter

[Ord. 6/23/94, Art. 9]

An appeal of the enactment of or an amendment to this chapter may be taken to the Superior Court for Newport County by filing a complaint within 30 days after such enactment, or amendment has become effective. The complaint shall set forth with specificity the area or areas in which the enactment or amendment does not conform with the Comprehensive Plan and/or the manner in which it constitutes a taking of private property without just compensation. Such appeal may be taken by an aggrieved party or by any legal resident or landowner of the Town, or by any association of residents or landowners of the Town. This appeal shall not stay the enforcement of the zoning ordinance, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

§ 14-9.15. Conflict with Other Ordinances, Rules and Statutes

[Ord. 6/23/94, Art. 9]

All sections, portions of sections and subsections of the Zoning Chapter heretofore in force are hereby repealed. Whenever the terms of this chapter require a higher standard than is required in any other ordinance, rule or statute; the provisions of this chapter shall prevail. Whenever the provisions of another ordinance, rule or statute require a higher standard than this chapter; the provisions of such other ordinance, rule or statute shall prevail.

§ 14-9.16. Partial Invalidity

[Ord. 6/23/94, Art. 9]

If any section or subsection, clause, phrase or other portion of this chapter shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of this chapter as a whole or any other section, subsection, clause, phrase or other portion thereof other than the part so ruled to be invalid or unconstitutional.

§ 14-9.17. Effective Date

[Ord. 6/23/94, Art. 9]

This amendment shall take effect on July 1, 1994.

§ 14-10. DEFINITIONS

[Ord. 6/23/94, Art. 10; Ord. 5/31/06, § 8; Ord. 2/23/17; 6-12-2025]

- a. In General. Words used in the present tense include the future, the singular includes the plural and the plural the singular. The word "lot" includes the word "plot". The word "used" includes "designed" and "intended to be used". The word "building" includes "structure", the word "dwelling" includes "residence", the word "person" includes "corporation", "partnership", "association" and "individual". The word "shall" is mandatory. The words "zone" and "district", when referring to a zoning district, shall be interchangeable. Unless otherwise specified, all distances shall be measured along a horizontal axis, in any direction. Terms not defined in this chapter shall have the meaning customarily assigned to them. The following terms, unless a contrary meaning is specifically prescribed, shall have the following meanings:
- b. Terms Defined.
 - 1. ABUTTER – Shall mean one whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.
 - 2. (Reserved)
 - 3. ACCESSORY DWELLING UNIT – Shall mean a residential living unit on the same lot where the principal use is a legally established single-family or multi-family dwelling unit. An accessory dwelling unit provides complete independent living facilities for one or more persons. It may take various forms, including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.
 - 4. ACCESSORY USE OR STRUCTURE – Shall mean a use or structure clearly accessory or incidental to the principal use of a lot or structure and located on the site of the principal use or structure. Examples include but are not limited to: private swimming pool, residential garage, carport, tool shed, barn, off- street parking area, flag pole, radio antenna, windmill, sign and other similar uses or structures. Such accessory use shall not be permitted without the principal use to which it is related. Where a substantial part of the wall of an accessory building is part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building.
 - 5. ADJACENT LOTS – Shall mean two or more lots of record which have one or more common boundary.
 - 5A. AFFORDABLE HOUSING – Shall mean residential housing that has a sales price or rental amount that is within the means of a household that is moderate income or less. In the case of dwelling units for sale, housing that is affordable means housing in which principal, interest, taxes, which may be adjusted by State and local programs for property tax relief, and insurance constitute no more than 30% of the gross household income for a household with less than one 120% of area median income, adjusted for family size. In the case of dwelling units for rent, housing that is affordable means housing for which the rent, heat, and utilities other than telephone constitute no more than 30% of the gross annual household income for a household with 80% or less of area median income, adjusted for family size. Affordable housing shall include all types of year-round housing, including, but not limited to, manufactured housing, housing originally constructed for workers and their families, accessory dwelling units, housing accepting rental vouchers and/or tenant-based certificates under Section 8 of the United States Housing Act of 1937, as amended and assisted living housing, where the sales or rental amount of such housing, adjusted for any Federal, State, or municipal government subsidy, is less than or equal to 30% of the gross household income of the low and/or moderate income occupants of the housing. [See RIGL 42-128-8.1(d)(1)]
 - 5B. AFFORDABILITY RESTRICTION – Shall mean that affordable housing as defined in Definition 5A above shall remain affordable through a land lease and/or deed restriction for 99 years or such other period that is either agreed to by the applicant and town or prescribed by the Federal, State, or municipal government subsidy program but that is not less than 30 years from initial occupancy. [See RIGL 45-53-3 Definitions (5)]
 - 6. AGGRIEVED PARTY – Shall mean, for purposes of this chapter, (a) 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 this chapter; or (b) anyone requiring notice pursuant to this chapter.

- 7. ANTENNA – Shall mean equipment designed to transmit or receive electronic signals.
- 8. APPLICANT – Shall mean an owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.
- 9. APPLICATION – Shall mean 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 purpose.
- 10. APPURTENANCES – Shall mean features other than primary or secondary structures which contribute to the exterior appearance of a property including, but not limited to, paving, doors, windows, signs, materials, decorative accessories, fences, and landscape features.
- 11. AUTO BODY SHOP – Shall mean a building or portion of a building in which major repairs are performed on automobile, truck or motorcycle bodies or chassis, including body repair, painting or priming.
- 12. BASEMENT – Shall mean that portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having 1/2 or more of its height above the average elevation of the finished lot grade adjoining the building. A basement shall be counted as a story.
- 13. BILLBOARD – Shall mean a sign advertising products, services, facilities, events or attractions not made, sold, used, served or available on the premises displaying such sign. (See also "Sign, off-premises").
- 14. BOARD – Shall mean the Zoning Board of Review, as set forth in § 14-9, unless specifically stated to the contrary.
- 15. BUFFER – Shall mean 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.
- 16. BUILDING – Shall mean any structure used or intended for supporting or sheltering any use or occupancy.
- 17. BUILDING, DETACHED – Shall mean a building having no party wall in common with another building.
- 18. BUILDING, PRINCIPAL – Shall mean the primary building on a lot or a building that houses a principal use.
- 19. BUILDING ENVELOPE – Shall mean 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, bulk or other regulations, and/or any combination thereof.
- 20. BUILDING FOOTPRINT – Shall mean that area of a lot covered by a building or buildings, and their attached appurtenances, such as decks, porches, and stairs.
- 21. BUILDING HEIGHT – Shall mean the vertical distance measured from the grade, as defined herein, at the building line, to the highest point of the roof structure.
- 22. BUILDING OFFICIAL – Shall mean the Building Official of the Town of Little Compton who is also the Zoning Enforcement Officer.
- 23. CELLAR – Shall mean that portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having less than 1/2 its height above the average elevation of the finished lot grade adjoining the building. A cellar shall not be counted as a story.
- 24. CEMETERY – Shall mean land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- 25. COMMON OWNERSHIP – Shall mean either (a) ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots; or (b) ownership by an association (such ownership may also include a municipality) of one or more lots under specific development techniques.
- 26. COMMUNITY CENTER – Shall mean a building or group of buildings whose sole purpose is to house a nonprofit service, fraternal, or sectarian organization including administrative offices, child and elderly programs, recreation and assembly.
- 27. COMMUNITY RESIDENCE – Shall mean 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 mentally handicapped children or adults reside in any type of residence in the community, as licensed by the State pursuant to Rhode Island General Laws § 40.1-24-1-1 et seq.
- * (b) 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 Rhode Island General Laws § 40.1-24-1-1 et seq.
- * (c) 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 Rhode Island General Laws § 42-72.1-1 et seq.
- * (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 crimes, 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.
- 28. COMPREHENSIVE PLAN – Shall mean the Comprehensive Community Plan adopted by the Town pursuant to Rhode Island General Laws § 45-22.2-1 et seq.
- 29. CONSTRUCTION – Shall mean the act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including, but not limited to, buildings, extensions, outbuildings, fire escapes, and retaining walls.
- 30. COUNCIL – Shall mean the Town Council of the Town of Little Compton.
- 31. DAY CARE - DAY CARE CENTER – Shall mean any other day care center which is not a family day care home.
- 32. DAY CARE - FAMILY DAY CARE HOME – Shall mean any home other than the individual's home in which day 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 such care.
- 33. DENSITY, RESIDENTIAL – Shall mean the number of households or dwelling units per unit of land.
- 34. DEVELOPMENT – Shall mean the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or land disturbance, any change in use, or alteration or extension of the use of land.
- 35. DEVELOPMENT PLAN REVIEW – Shall mean the process whereby the Planning Board is authorized to review the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of this chapter.
- 36. DISTRICT – See "Zoning use district."
- 37. DRAINAGE SYSTEM – Shall mean a system of the removal of water from land by drains, grading or other appropriate means. Such techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and groundwater and the prevention and/or alleviation of flooding.
- 38. DRIVEWAY – Shall mean that portion of a lot that consists of a travel lane used to access a parking area or garage and which is bounded on either side by an area that is not part of the parking area.
- 39. DWELLING UNIT – Shall mean 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. (See "Household").
- 40. DWELLING, MULTI-HOUSEHOLD – Shall mean a building or portion thereof used for occupancy by two or more households living independently of each other.
- 41. DWELLING, SINGLE-HOUSEHOLD ALSO KNOWN AS A SINGLE FAMILY DETACHED

- DWELLING – Shall mean a building, not attached to another structure, used as living quarters by a single household, family or a number of individuals living together as a single housekeeping unit and having sleeping, cooking and bath facilities together with permitted accessory uses.
- 42. DWELLING, TWO-HOUSEHOLD – See "Dwelling, multi- household".
 - 43. EXTRACTIVE INDUSTRY – Shall mean the extraction of minerals including: solids, such as gravel, sand, coal and ores; liquids such as crude petroleum, and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.
 - 44. FAMILY – Shall mean a person or persons related by blood, marriage or other legal means. (See "Household").
 - 45. FAST FOOD RESTAURANT – Shall mean a commercial establishment where food or beverages are cooked, prepared or packaged and offered for sale inside or outside the structure by means of stand-up counter and/or drive-in service (including self-service) and primarily serves or dispenses such food or beverages in or with disposable containers and/or utensils and take away food is more than incidental.
 - 46. GARAGE, PARKING – Shall mean any building, except those herein defined as a private garage, used for parking of vehicles. Such buildings may include stores and other commercial establishments; providing they conform to all regulations of the zone in which they are located.
 - 47. GARAGE, PRIVATE – Shall mean a detached accessory building or portion of a principal building used for storage of vehicles, and provided that, if more than two vehicles are stored therein, the capacity does not exceed one vehicle for each 2,500 square feet of lot area.
 - 48. GARAGE REPAIR SHOP – Shall mean a building or portion of a building, in which repairs, other than major structural repairs or auto body repairs, are made to vehicles.
 - 49. GASOLINE SERVICE STATION – Shall mean a building or portion of a building, in which automotive repairs or services are performed; fuel, oil, batteries and accessories are sold; grease racks, elevators and tire mounting devices are employed; but excluding automobile body repairing and painting and sale of automotive body parts.
 - 50. GFA (GROSS FLOOR AREA) – Shall mean the sum of the gross horizontal area of the several stories of a building measured from the exterior face of exterior walls, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor to ceiling height is less than six feet.
 - 51. GRADE – Shall mean a reference plane representing the average of original ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than six feet from the building, between the building and a point six feet from the building.
 - 52. GROUP QUARTERS – Shall mean a dwelling unit in which individuals requiring supervision are provided living, sleeping, cooking, eating and sanitation facilities.
 - 53. HALFWAY HOUSE – Shall mean 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.
 - 54. HOME OCCUPATION, CUSTOMARY – Shall mean occupational activities customarily carried out within a residential structure or an existing accessory structure subject to and as set forth in Subsection 14-5.6.
 - 55. HOTEL, MOTEL OR INN – Shall mean a building or portion thereof where temporary lodging is supplied and where additional services such as restaurants, meeting rooms and recreational facilities may be provided.
 - 56. HOUSEHOLD – Shall mean 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 determining the number of such units allowed within any structure on any lot in a zoning district. Any individual household shall consist of any one of the following: (a) a family, which may also include servants and employees living with the

- family or (b) a person or group of not more than three unrelated persons living together.
- 57. **INFRASTRUCTURE** – Shall mean facilities and services needed to sustain residential, commercial, agricultural, marine, industrial, institutional, and other activities.
 - 58. **JUNK YARD, INCLUDING AUTO WRECKING** – Shall mean a lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.
 - 59. **KENNEL** – Shall mean a commercial operation that: (a) provides food and shelter and care of dogs for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (b) engages in the breeding of dogs for sale.
 - 60. **LAND DEVELOPMENT PROJECT** – Shall mean 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 used as provided for this chapter.
 - 61. **LODGING** – Shall mean the provision of a rooming unit or units rented or leased for compensation.
 - 62. **LOT** – Shall mean either (a) the basic development unit for determination of lot area, depth, and other dimensional regulations, or (b) 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.
 - 63. **LOT AREA** – Shall mean the total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 20 feet from the center of the traveled portion of the street.
 - 64. **LOT COVERAGE** – Shall mean the amount of the area of a lot which is covered by all principal and accessory structures, usually expressed as a percent.
 - 65. **LOT DEPTH** – Shall mean 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.
 - 66. **LOT FRONTAGE** – Shall mean that portion of a lot abutting a street. Where all lot frontage is not contiguous, then only the largest single portion of such lot frontage will be considered with regard to minimum frontage requirements.
 - 67. **LOT LINE** – Shall mean 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:
 - * (a) **Front**: any lot line separating a lot from a street right-of-way.
 - * (b) **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 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line, and
 - * (c) **Side**: any lot line other than a front or rear lot line.On a corner lot, or irregularly shaped lot, there may be more than one front lot line, and consequently, more than one rear lot line.
 - 68. **LOT WIDTH** – Shall mean 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 line at the minimum front setback line.
 - 69. **LOT, CORNER** – Shall mean a lot at the junction of and fronting on two or more intersecting streets.
 - 70. **LOT, THROUGH** – Shall mean a lot which fronts upon two parallel or approximately parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.
 - 71. **MIXED USE** – Shall mean a mixture of land uses within a single development, building or lot. Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a mixed use.

- 72. **MANUFACTURED HOME** – Shall mean a single-family, detached dwelling (commonly referred to as a "trailer" or "mobile home"), 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 connected to appropriate utilities. For the purpose of development in any special flood hazard area as defined in Subsection 14-5.9, the term "manufactured home" shall include all park trailers, travel trailers and similar vehicles placed on a site for more than 180 consecutive days. This definition is not intended to include prefabricated or modular dwellings which are shipped or towed to a site on separate running gear, removed from said running gear, assembled and permanently erected on a foundation for dwelling use.
- 73. **MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** – Shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots upon which manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of flood plain management regulations adopted by the Town of Little Compton.
- 74. **MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING, EXPANSION TO** – Expansion to an existing manufactured home park or subdivision shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- 75. **NONCONFORMANCE** – Shall mean a building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of this chapter and not in conformity with the provisions of such chapter or amendment. Nonconformance shall be of only two types:
 - * (a) 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 this chapter shall be nonconforming by use;
 - * (b) Nonconforming by dimension: A building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter. Dimensional regulations include all regulations of this chapter, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter shall be nonconforming by use, while 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 non-conforming by dimension.
- 76. **NURSING HOME** – Shall mean a facility licensed by the State of Rhode Island, and maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital.
- 77. **OWNER** – Shall mean any person, agent, firm or corporation who, alone, jointly, or severally with others: a) shall have legal or record title to any property; or b) shall have charge, care or control of any property as agent, executor, administrator, trustee or guardian.
- 78. **PARKING SPACE** – Shall mean a portion of lot area set aside for the parking of one vehicle.
- 79. **PARKING, ACCESSORY USE** – Shall mean off-street parking of automobiles on the same or contiguous lot as a principal use where said parking is established or required in conjunction with the principal use.
- 80. **PARKING, PRINCIPAL USE** – Shall mean off-street parking of automobiles on one or more lots where parking spaces for more than four automobiles are available for public use whether free, for compensation, or to satisfy parking requirements of a principal use on separate and noncontiguous lots.
- 81. **PERMITTED USE** – Shall mean a use by right which is specifically authorized in a particular zoning district.
- 82. **PLANNED UNIT DEVELOPMENT (PUD)** – Shall mean 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.
- 83. **PRE-APPLICATION CONFERENCE** – Shall mean a review meeting of a proposed develop-

- ment held between applicants and the Building Official and/or other Town officials, before formal submission of an application for a permit or for development approval.
- 84. REPAIR – Shall mean a change meant only to remedy damage or deterioration of a structure or its appurtenances.
 - 85. RESIDENTIAL PROFESSIONAL OFFICE – Shall mean an office operated by a physician, surgeon, dentist, optometrist, attorney, engineer, architect, planner, accountant or other professional person licensed by law or certified by a recognized professional organization or society, as set forth in Subsection 14-5.6.
 - 86. REST HOME – Shall mean group lodging for convalescing people, including elderly, where basic services are provided.
 - 87. ROOMING UNIT – Shall mean a room or suite of rooms having an independent means of access within a building, with facilities intended for sleeping and living, with or without individual sanitation, and without cooking facilities.
 - 88. SALES, RETAIL – Shall mean on-premises sales of goods primarily to customers for their personal or household use or consumption.
 - 89. SALES, WHOLESALE – Shall mean on-premises sales of goods primarily to customers engaged in the business of reselling the goods.
 - 90. SETBACK LINE OR LINES – Shall mean 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.
 - 91. SIGN – Shall mean any device that is sufficiently visible to persons not located on the lot where such device is located to attract the attention of such persons or to communicate information to them.
 - 92. SIGN, FREESTANDING – Shall mean a sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign," is also a freestanding sign.
 - 93. SIGN, OFF-PREMISES – Shall mean a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located. (See also "Billboard").
 - 94. SIGN, TEMPORARY – Shall mean a sign that (a) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (b) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
 - 95. SITE PLAN – Shall mean the development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.
 - 96. SPECIAL USE – Shall mean a regulated use which is permitted pursuant to a special use permit issued by the authorized government entity. Formerly referred to as a "special exception."
 - 97. STORY – Shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement may be counted as a story but a cellar shall not be so counted.
 - 98. STREET – Shall mean a public right-of-way established by or maintained under public authority, a private way open for public uses, and a private way plotted or laid out for ultimate public use, whether or not constructed.
 - 99. STREET LINE – Shall mean the line dividing a lot from any street, except a limited or controlled access highway to which the lot has no access.
 - 100. STRUCTURE – Shall mean 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, including, but not limited to, buildings, gazebos, signs, billboards, outbuildings, and swimming

- pools.
- 100A. TENT – Shall mean any temporary enclosure of canvas, strong cloth or synthetic materials stretched and sustained by poles, designed and used for temporary human occupancy that can easily be assembled and disassembled and easily removed from the premises.
 - 101. TOWER, ANTENNA – Shall mean any structure whose principal function is to support transmitting or receiving antennas and related electronic devices.
 - 102. TOWN – Shall mean the Town of Little Compton.
 - 103. USE – Shall mean the purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.
 - 104. USE, ACCESSORY – See "Accessory use or structure."
 - 105. USE, PRINCIPAL – Shall mean the primary or predominant use of any lot.
 - 106. UTILITY FACILITIES – Shall mean any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the State of Rhode Island and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.
 - 107. VARIANCE – Shall mean permission to depart from the literal requirements of this chapter. An authorization for the construction or maintenance of a building or structure, or for the establishment 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:
 - * (a) Use Variance: Permission to depart from the use requirements of this chapter 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 ordinance (See Subsection 14-9.6b1);
 - * (b) Dimensional Variance: Permission to depart from the dimensional requirements of this ordinance, 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, although it may be an incidental result of the relief. (See Subsection 14-9.6b2.)
 - 108. VEHICLE, COMMERCIAL – Shall mean automobile vehicle used for commercial transportation purposes, including but not limited to trucks (all types and weights), van used for delivery and service, tractor trailer, garbage pick-up or dump truck, dumpster truck, or similar type vehicle.
 - 109. YARD, FRONT – Shall mean the open, unoccupied space extending across the full width of the lot between the front lot line of the lot and the nearest wall of a principal or accessory structure located on said lot. On a corner lot, both yards abutting a street shall be defined as front yards.
 - 110. YARD, SIDE – Shall mean the open, unoccupied space extending from the front yard to the rear yard between the side lot line and the nearest point of the wall of a principal or accessory structure located on said lot.
 - 111. YARD, REAR – Shall mean the open, unoccupied space extending across the full width of the lot between the rear lot line and the nearest wall of a principal or accessory structure. On a corner lot, the rear yard shall be defined as both yards not abutting the street.
 - 112. ZONING CERTIFICATE – Shall mean a document signed by the Zoning Enforcement Officer, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this chapter or is a duly authorized variance or approved special use; as set forth in Subsection 14-9.1a of this chapter.
 - 113. ZONING MAP – Shall mean the Little Compton Zoning Map which is a part of this chapter and which delineates the boundaries of all mapped zoning districts within the physical boundary of the Town as provided in Subsection 14-1.4b of this chapter.

- 114. ZONING USE DISTRICT – Shall mean the basic unit in zoning to which a uniform set of regulations applies, or a uniform set of regulations for a specified use.