

ZONING

TOWN OF HOPKINTON RHODE ISLAND

This pamphlet is a reprint of Appendix A, Zoning of the Code of Ordinances of the Town of Hopkinton, Rhode Island, published by the order of the Town Council.



MUNICIPAL CODE CORPORATION

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APPENDIX A ZONING*

Chapter 134

ZONING ORDINANCE

An ordinance in amendment of Chapter 28 entitled "Zoning Ordinance," as amended. In accordance with the provisions of R.I.G.L., chapter 45-24, including those sections known as the "Rhode Island Zoning Enabling Act of 1991," it is ordained by the Town Council of the Town of Hopkinton that Chapter 28 of the

***Editor's note**—Ch. 134, §§ 1—35, with appendices A—F, adopted December 19, 1994, did not specifically amend the Code and has been included herein as superceding the provisions of former Appendix A, relative to zoning, which derived from Ch. 28, effective March 23, 1971; Ch. 35, adopted Feb. 25, 1974; Ch. 38, adopted June 23, 1975; Ch. 56, adopted Feb. 4, 1980; Ch. 70, adopted October 18, 1982; Ch. 77, § 1, adopted Aug. 19, 1985; Ch. 78, §§ 1, 2, adopted Feb. 3, 1986; Ch. 81, § 1, adopted May 5, 1986; Ch. 83, § 1, adopted Oct. 6, 1986; Ch. 89, §§ 1—3, adopted Feb. 2, 1987; Ch. 91, § 2, adopted Sept. 28, 1987; Ch. 92, § 1, adopted Oct. 5, 1987; Ch. 93, § 1, adopted Oct. 5, 1987; Ch. 110, § 1, adopted July 2, 1990 (not included in Code Book).

Printed herein is the zoning ordinance for the town adopted by chapter 134 on December 19, 1934. Style and capitalization have been made uniform. Obvious misspelled words have been corrected without notation. Words added for clarification have been added in brackets [].

Cross references—Conservation commission created to promote and develop natural resources, natural aesthetic areas, open areas, streams, shores, etc., § 2-66 et seq.; planning commission created, § 2-111 et seq.; animals, Ch. 4; buildings and building regulations, Ch. 5; fire prevention and protection, Ch. 6; historic preservation, Ch. 7; housing, Ch. 7.5; mobile homes and mobile home parks and camping areas, Ch. 9; mobile home parks, § 9-26 et seq.; application for mobile home park license shall include a preliminary plat, § 9-47; nuisances, Ch. 10; noise regulations, § 10-51 et seq.; parks and recreation, Ch. 11; peddlers and solicitors, Ch. 12; hawking, shouting, etc. of peddlers and solicitors restricted, § 12-7; planning and development, Ch. 13.5; automobile junkyards, § 15-51 et seq.; solid waste, ch. 16; streets, sidewalks and other public places, Ch. 17; subdivisions, Ch. 18; residential compounds areas, § 18-141 et seq.; minimum size of lots, density, etc., in residential compounds, § 18-144; setbacks in residential compounds, § 18-145; cluster residential development, § 18-176 et seq.

State law reference—Zoning, G.L. 1956, § 45-24-1 et seq.

HOPKINTON CODE

General Ordinances of the Town of Hopkinton entitled "Zoning Ordinance," as amended, be repealed and that it be revised as follows:

Section 1. General purpose.

The zoning regulations set forth in this ordinance have been developed in accordance with the comprehensive plan for the Town of Hopkinton prepared and adopted in accordance with R.I.G.L., chapter 45-22.2, and shall be maintained in accordance with said plan as it may be amended, to address the following purposes, each with equal priority and numbered for reference purposes only:

- (1) To promote the public health, safety, and general welfare.
- (2) To provide for a range of uses and intensities of use appropriate to the character of the town, and reflecting current and expected future needs.
- (3) To provide for orderly growth and development which recognizes:
 - (a) The goals and patterns of land use contained in the Hopkinton Comprehensive Community Plan adopted pursuant to R.I.G.L., chapter 45-22.2;
 - (b) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface or groundwater pollution;
 - (c) The values and dynamic nature of freshwater ponds and wetlands;
 - (d) The values of unique or valuable natural resources and features;
 - (e) The availability and capacity of existing and planned public and/or private services and facilities, and the lack of feasibility of providing public sewage disposal or the extension of public water facilities;
 - (f) The need to shape and balance suburban and rural development; and

- (g) The use of innovative development regulations and techniques.
- (4) To provide for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
- (5) To provide for the protection of the natural, historic, cultural, and scenic character of the Town of Hopkinton or areas therein.
- (6) To provide for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.
- (7) To provide 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.
- (8) To promote 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.
- (9) To provide opportunities for the establishment of low and moderate income housing.
- (10) To promote safety from fire, flood, and other natural or man-made disasters.
- (11) To promote a high level of quality in design in the development of private and public facilities.
- (12) To promote the implementation of the Hopkinton Comprehensive Community Plan adopted pursuant to R.I.G.L., chapter 45-22.2.
- (13) To provide 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 Town of Hopkinton boundaries or have a direct impact on the Town of Hopkinton.
- (14) To provide for efficient review of development proposals, to clarify and expedite the zoning application process.

- (15) To provide for procedures for the administration of the Zoning Ordinance.

(Ch. 134, § 1, 12-19-94)

Section 2. Definitions.

The following words or terms used in this ordinance shall have the following meanings:

- (1) *Abutter*. One whose property adjoins at a border, boundary, or point with no intervening land.
- (2) *Accessory family dwelling unit*. An accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress and egress.
- (3) *Accessory use/structure*. A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building or the structure in which the use takes place. The incidental sale of products raised on a farm shall be considered accessory thereto.
- (4) *Aggrieved party*. An aggrieved party is:
 - (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 the Zoning Ordinance of the Town of Hopkinton; or
 - (b) Anyone requiring notice pursuant to R.I.G.L., chapter 45-24.
- (5) *Agricultural land*. "Agricultural land," as defined [in] R.I.G.L., chapter 45-22.2-4, as may be amended: Agricultural land means land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farm land or additional farm land of statewide importance for Rhode Island by the Soil Conservation Service of the United States Department of Agriculture.
- (6) *Applicant*. An owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency of the Town of Hopkinton.

- (7) *Application.* The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval, or permitting purposes.
- (8) *Buffer.* 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.
- (9) *Building.* Any structure used or intended for supporting or sheltering any use or occupancy.
- (10) *Building envelope.* The three-dimensional space within which a structure is permitted to be built on a lot and which is determined by regulations including those governing building setbacks, maximum height, and lot coverage.
- (11) *Building height.* The vertical distance from average finished grade to the top of the highest point of the roof or structure. The distance may exclude spires, chimneys, flag poles, and the like.
- (12) *Cluster development.* A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. The techniques used to concentrate buildings are specified chapter 123 [chapter 18, §§ 18-180—18-200] of the General Ordinances of the Town of Hopkinton. Under cluster development there is no increase in the number of lots over that which would be permitted under conventional development except for provisions which include incentive bonuses for certain types or conditions of development.
- (13) *Common ownership.* Either:
 - (a) Ownership by one (1) or more individuals or entities in any form of ownership of two (2) or more contiguous lots; or
 - (b) Ownership by any association (such ownership may also include a municipality) of one (1) or more lots under specific development techniques.

- (14) *Community residence.* 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 (6) or fewer retarded children or adults reside in any type of residence in the community, as licensed by the state pursuant to R.I.G.L., chapter 40.1-24. All requirements pertaining to local zoning are waived for these community residences;
 - (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 R.I.G.L., chapter 40.1-24;
 - (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 R.I.G.L., chapter 42-72.1;
 - (d) A community transitional residence providing care or assistance, or both, to no more than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8) persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor more than two (2) 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.
- (15) *Comprehensive plan.* The Comprehensive Plan of the Town of Hopkinton adopted and approved pursuant to R.I.G.L., chapter 45-22.2, and to which any zoning adopted pursuant to R.I.G.L., chapter 45-24, shall be in compliance.
- (16) *Day care—Day care center.* Any other day care center which is not a family day care home.

- (17) *Day care—Family day care home.* Any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six (6) or less individuals who are not relatives of the care giver, but may not contain more than a total of eight (8) individuals receiving day care.
- (20) *Density, residential.* The number of dwelling units per unit of land.
- (21) *Development.* 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.
- (22) *Development plan review.* The process whereby authorized local officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of the ordinance.
- (23) *District.* See "zoning use district."
- (24) *Drainage system.* A system for the removal of water from land by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface and groundwaters, and the prevention and/or alleviation of flooding.
- (25) *Dwelling unit.* A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.
- (26) *Extractive industry.* The extraction of minerals, including: solids, such as coal and ores, and sand and gravel; 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.

- (27) *Family*. A person or persons related by blood, marriage, or other legal means. See also "Household."
- (28) *Floating zone*. An unmapped zoning district adopted within the ordinance which is established on the zoning map only when an application for development, meeting the zone requirements, is approved.
- (29) *Floodplains, or flood hazard area*. As defined in R.I.G.L., § 45-22.2-4, as may be amended: Floodplains or flood hazard area means an area that has a one (1) percent or greater chance of inundation in any given year, as delineated by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 U.S.C. 4011 et seq.].
- (30) *Halfway houses*. 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.
- (31) *Hardship*. See section 9 Variances.
- (32) *Historic district, or historic site*. As defined in R.I.G.L., §§ 45-22.2-4 (15) & (16) as may be amended:
- (a) *Historic district* means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites, and has been registered, or is deemed eligible to be included, on the state register of historical places pursuant to R.I.G.L., § 42-45-5.
 - (b) *Historic site* means any real property, man made structure, natural object, or configuration or any portion or group of the foregoing which has been registered, or is deemed eligible to be included, on the state register of historic places pursuant to R.I.G.L., § 2-45-5.
- (33) *Home occupation*. Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit, employing not more than one (1) employee from outside the home on the premises. The term "home occupation" includes the office of a contractor together with the daily storage on the property of not more than

three commercially registered motor vehicles of a size not exceeding a gross vehicle weight rating of 20,000 pounds, provided the outside storage of equipment and material in conjunction therewith is not permitted.

- (34) *Household*. One (1) person living alone or two (2) 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. An individual household consists of either of the following:
- (a) A family, which may also include servants and employees living with the family; or
 - (b) A person living alone or a group of unrelated persons living together. The number in such a group shall not exceed four (4).
- (35) *Impervious surface*. Surfaces on a lot that inhibit the absorption of water into the underlying soil including concrete, pavement, and the like.
- (36) *Incentive zoning*. The process whereby the town council or planning board, as may be appropriate, may grant additional development capacity in exchange for the developer’s provision of a public benefit or amenity as specified in the zoning ordinance and subdivision regulations.
- (37) *Infrastructure*. Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.
- (38) *Land development project*. A project in which one (1) or more lots are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the zoning ordinance.

Note: For all lot definitions 39—46, refer to figures following this section which portray the various lot lines, configurations and lot dimensions

- (39) *Lot*. 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.
- (40) *Lot area*. The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.
- (41) *Lot building coverage*. Determined by dividing the gross area of the lot by that portion of the lot that is or may be covered by buildings and accessory buildings, including covered porches.
- (42) *Lot depth*. 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.
- (43) *Lot frontage*. That portion of a lot abutting a street. Lot frontage must be contiguous frontage to be considered to meet minimum frontage requirements.
- (44) *Lot line*. A line of record, bounding a lot, which divides one (1) lot from another lot or from a public or private street or any other public or private space and shall include:
- (a) *Front*. The lot line separating a lot from a street or right-of-way. On an interior lot, the lot line abutting a street, or corner lot, the shorter lot line abutting a street, or a through lot, the lot line abutting the street providing the primary access to the lot;
 - (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 ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint; and

- (c) *Side*. Any lot line other than a front or rear lot line. On a corner lot, a side lot line is along the street lot line which is not established as the front lot line.
- (45) *Lot, through*. A lot which fronts upon two (2) substantially parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot, and which is not a corner lot.
- (46) *Lot width*. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.
- (47) *Mere inconvenience*. Shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. 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.
- (48) *Mixed use*. A mixture of land uses within a single development, building, tract or parcel.
- (49) *Modification*. Permission granted and administered by the Zoning Enforcement Officer of the Town of Hopkinton, and pursuant to the provisions of R.I.G.L., chapter 45-24 to grant a dimensional variance other than lot area requirements from the zoning ordinance to a limited degree, but not to exceed the specified percentage of each of the applicable dimensional requirements as shown in section 13, Modification or Adjustment.
- (50) *Nonconformance*. A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of the zoning ordinance and not in conformity with the provisions of such ordinance or amendment. Nonconformance is 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 the zoning ordinance shall be nonconforming by use; or

- (b) *Nonconforming by dimension.* A building, structure, or parcel of land not in compliance with the dimensional regulations of the zoning ordinance. Dimensional regulations include all regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of the zoning ordinance shall be nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.
- (51) *Overlay district.* A district established in the zoning ordinance that is superimposed on one (1) or more districts or parts of districts and that imposes requirements in addition to those otherwise applicable for the underlying district.
- (52) *Performance standards.* A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.
- (53) *Permitted use.* A use by right which is specifically authorized in a particular zoning district.
- (54) *Planned unit development.* A "land development project," as defined herein, and characterized by a unified site design for clustered buildings, common open space, and a mixture of building types and land uses. Planned unit development may be used for a variety of uses, such as residential complexes, shopping centers, industrial and office parks, and mixed-use developments.
- (55) *Planning board.* The Hopkinton Planning Board.
- (56) *Preapplication conference.* A review meeting held between applicants and reviewing agencies before formal submission of an application for a permit or for development approval.
- (57) *Setback line or lines.* A line or lines parallel to a lot line at the minimum distance of the required setback for the zon-

ing district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

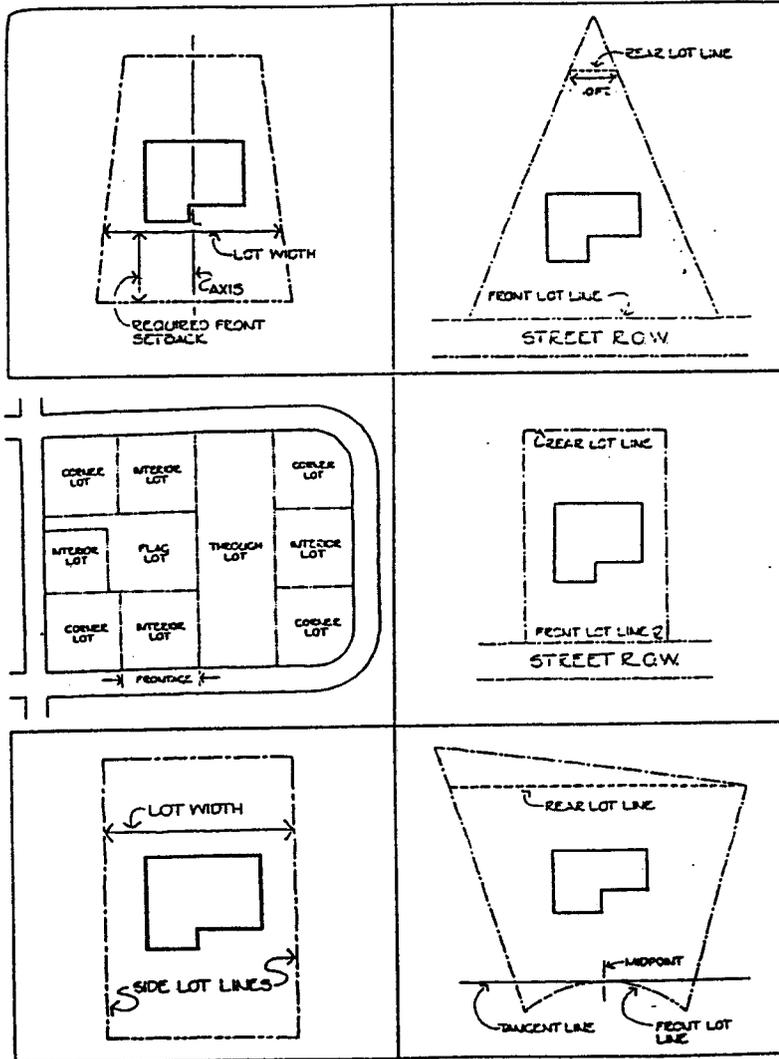
- (58) *Site plan.* The development plan for one (1) or more lots on which is shown the existing and/or the proposed conditions of the lot.
- (59) *Special use.* A regulated use which is permitted pursuant to the special-use permit issued by the authorized governmental entity, formerly referred to as a special exception.
- (60) *Street right-of-way.* An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded in the land evidence records intended for use as a street for vehicles or pedestrians or both.
- (61) *Structure.* A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.
- (62) *Substandard lot of record.* Any lot lawfully existing at the time of adoption or amendment of the zoning ordinance and not in conformance with the dimensional and/or area provisions of that ordinance.
- (63) *Town council.* The Hopkinton town council.
- (64) *Use.* The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.
- (65) *Variance.* Permission to depart from the literal requirements of the zoning ordinance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by the zoning ordinance. There are two (2) categories of variance, a use variance or a dimensional variance.
 - (a) *Use variance.* Permission to depart from the use requirements of the zoning ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the zoning ordinance.

- (b) *Dimensional variance.* Permission to depart from the dimensional requirements of the zoning 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.
- (67) *Waters.* As defined in R.I.G.L., chapter 46-12-1(b).
- (68) *Wetland, freshwater.* As defined in R.I.G.L., chapter 2-1-20.
- (69) *Zoning board.* The Hopkinton Zoning Board of Review.
- (70) *Zoning certificate.* A document signed by the zoning enforcement officer, as required in the zoning ordinance, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of the town zoning ordinance or is an authorized variance or modification therefrom.
- (71) *Zoning maps.* The map entitled: "Town of Hopkinton Zoning Map" prepared by Cherenzia & Assoc., Ltd., October 1994, Scale 1"=1200' and that set of maps entitled: "Town of Hopkinton Zoning District Maps," prepared by Cherenzia & Assoc., Ltd., October 1994, sheets 1—31, which maps are on file in the records of the town clerk of the Town of Hopkinton and which are adopted and made a part of this ordinance. The boundary lines of said districts are intended and are to be interpreted to follow the boundary lines of existing lots of record and the centerline of roadways, except as is clearly depicted to the contrary.
- (72) *Zoning ordinance.* Shall mean the Hopkinton Zoning Ordinance enacted by the town council of the Town of Hopkinton pursuant to R.I.G.L., chapter 45-24 and in the manner provided for the adoption of ordinances in the town's legislative or home rule charter, if any, which sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with

the Hopkinton Comprehensive Community Plan as defined in R.I.G.L., chapter 45-22.2, which includes the Hopkinton zoning map, and which complies with the provisions of R.I.G.L., chapter 45-24.

- (73) *Zoning use districts.* The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use.
(Ch. 134, § 2, 12-19-94)

FIGURES FOR LOT DEFINITIONS #'s: 39-46



Section 3. Compliance with this ordinance.

No building, structures or land located within the Town of Hopkinton shall be used and no building, structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the provisions of this ordinance.

(Ch. 134, § 3, 12-19-94)

Section 4. Division into districts.

For the purposes of this ordinance the Town of Hopkinton is hereby divided into those zoning districts the location and boundaries of which are as shown and depicted on that certain map entitled: "Town of Hopkinton Zoning Map" prepared by Cherenzia & Assoc., Ltd., October 1994, Scale 1"=1200' and that set of maps entitled: "Town of Hopkinton Zoning District Maps," prepared by Cherenzia & Assoc., Ltd., October 1994, sheets 1—31, which maps are on file in the records of the town clerk of the Town of Hopkinton and which are adopted and made a part of this ordinance. The boundary lines of said districts are intended and are to be interpreted to follow the boundary lines of existing lots of record and the centerline of roadways, except as is clearly depicted to the contrary.

The Residential Special, Neighborhood Business Special, Commercial Special and Manufacturing Special zoning districts are composed of parcels of property which heretofore were the subject of a zoning map boundary change or amendment to the text of the prior zoning ordinance and in connection with which the town council imposed use limitations, conditions, and/or restrictions. The terms of such limitations, conditions, and/or restrictions shall continue to be applicable to each said property and shall be deemed readopted and incorporated herein. Except as the limitations, conditions, and/or restrictions as individually applicable to the property within each said zoning district are controlling the use and dimensional regulations of this ordinance from the Rural Farming Residential - 80 district shall apply to the Residential Special district, the Neighborhood Business district shall apply to the

Neighborhood Business Special district, the Commercial district to the Commercial Special district, and the Manufacturing district to the Manufacturing Special district.
(ch. 134, § 4, 12-19-94)

Section 5. District use regulations.

The following District Use Table establishes in each district those uses permitted and those uses permitted by special-use permit. All uses not so permitted in a district are prohibited therein. Any accessory use customarily incident to a use permitted in a district and located on the same lot shall be permitted; any accessory use customarily incident to a use permitted in a district by special use permit and located on the same lot shall be permitted upon the grant of the special-use permit unless limited by a special condition attached to the grant of the special-use permit. It shall be the responsibility of the zoning enforcement officer to determine which use classification a proposed use is governed by.
(Ch. 134, § 4, 12-19-94)

District Use Table —

P=Permitted, N=Prohibited, S=Special Use Permit

Use Category	RFR - 80	RES -1	Neighborhood Business	Commer- cial	Manufac- turing
<i>0 Residential</i>					
01 Single Family	P	P	P	N	N
02 Two Family	P	N	S	N	N
03 Multi Family	P	N	S	N	N
04 Bed & Breakfast	S	S	S	S	N
05 Hotels & Motels	N	N	N	P	S
06 Assisted Housing & Nursing Homes	S	S	S	S	N
07 Accessory Family Dwelling Unit	S	S	S	S	N
08 Customary Home Occupation	P	P	P	P	N
09 Community Residences	P	P	P	N	N
10 Family Day Care Homes	P	P	P	N	N
11 Halfway House	N	N	N	N	N
<i>1 Extractive & Industrial Nonmanufacturing</i>					
<i>10 Agriculture, including:</i>					
101 Field Crops	P	P	P	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
102 Fruit, Tree Nut & Vegetable Farms	P	P	P	P	S
103 Livestock Farms	P	N	N	P	S
104 General Farms	P	P	P	P	S
105 Noncommercial Farms	P	P	P	P	S
11 Agricultural Services, Hunting & Trapping	P	P	P	P	P
12 Forestry					
121 Timber Tracts	P	P	P	P	P
122 Forest Nurseries & Tree Seed Gathering & Extracting	P	S	N	P	P
123 Forestry Services	P	P	P	P	P
13 Fisheries					
131 Finfish	N	N	N	P	P
132 Shellfish	N	N	N	P	P

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
<i>14 Mining</i>					
141 Dimension Stone	N	N	N	N	S
142 Crushed & Broken Stone	N	N	N	N	S
143 Commercial Soil, Sand & Gravel	N	N	N	N	S
<i>15 Metals and Minerals Wholesalers</i>					
151 Coal & other minerals	N	N	N	S	S
152 Petroleum Bulk Stations	N	N	N	N	S
<i>16 Construction & General Contractors</i>					
160 General Contracting - Office & Equipment Storage	N	N	N	S	P
161 Heavy Construction, inc. excavation equipment	N	N	N	S	P
162 Plumbing, Heating & A/C	N	N	N	S	P
163 Painting, Paper Hanging & Decorating	N	N	N	S	P

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
164 Electrical Work	N	N	N	S	P
165 Masonry & Stonework	N	N	N	S	P
166 Carpentering & Wood Floor- work	N	N	N	S	P
167 Roofing & Sheet Metal Work	N	N	N	S	P
168 Concrete Work	N	N	N	S	P
169 Water Well Drilling	N	N	N	S	P
1691 Office for above uses #'s 160—169, not including stor- age & supplies	N	N	S	P	P
<i>17 Misc. Special Trade Contrac- tors</i>					
171 Structural Steel Erection	N	N	N	N	S
172 Ornamental Metal Work	N	N	N	N	S
173 Glass & Glazing Work	N	N	N	N	S
174 Excavating & Foundation Work	N	N	N	N	S
175 Wrecking & Demolition Work	N	N	N	N	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
<i>18 Junkyards</i>					
181 Junkyards & scrap wholesaling	N	N	N	N	S
182 Recycling Facility, Storage Only	N	N	N	N	S
<i>2 Manufacturing</i>					
<i>20 Food and Kindred Products</i>					
201 Meat Products	N	N	N	N	S
202 Dairy Products	N	N	N	N	S
203 Canning & Preserving Foods	N	N	N	N	S
204 Grain Mill Products	N	N	N	N	S
205 Bakery Products	N	N	N	N	S
206 Sugar	N	N	N	N	S
207 Confectionery & Related Products	N	N	N	N	S
208 Beverage Industries	N	N	N	N	S
209 Rendering & Refining of Fats & Oils	N	N	N	N	N

<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
<i>22 Textile Mill Products</i>					
221 Mill Products	N	N	N	N	P
222 Drying & Finishing Textiles	N	N	N	N	P
223 Floor Covering Mills	N	N	N	N	P
224 Yarn & Thread Mills	N	N	N	N	P
1714 <i>23 Apparel & Other Finished Prod- ucts from Fabric</i>	N	N	N	N	P
<i>24 Lumber & Wood Products Ex- cept Furniture</i>					
241 Sawmills & Planing Mills	N	N	N	N	P
242 Millwork & Prefabricated Structural Wood Products	N	N	N	N	P
243 Wooden Containers	N	N	N	N	P
<i>25 Furniture & Furnishing Man- ufacturing</i>	N	N	N	N	P

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
<i>26 Paperboard & Paper Manufacturing</i>	N	N	N	N	P
<i>261 Paper Manufacturing (not including pulp mills)</i>	N	N	N	N	P
<i>262 Manufactured Products from Paper & Paperboard</i>	N	N	N	N	P
<i>27 Printing & Publishing</i>	N	N	N	S	P
<i>28 Chemicals & Pharmaceuticals</i>	N	N	N	N	S
<i>29 Petroleum Refining & Related Industries</i>	N	N	N	N	N
<i>3 Manufacturing</i>					
<i>30 Rubber & Miscellaneous Plastics</i>					
<i>301 Tires & Tubing</i>	N	N	N	N	N
<i>302 Rubber Footwear</i>	N	N	N	N	S

<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
303 Reclaimed Rubber	N	N	N	N	S
304 Fabricated Rubber Products not elsewhere classified	N	N	N	N	N
305 Miscellaneous Plastics Prod- ucts	N	N	N	N	S
<i>31 Leather & Leather Products</i>					
311 Leather Tanning & Finishing	N	N	N	N	N
312 Industrial Leather Belts & Packing	N	N	N	S	P
313 Boot & Shoe Cut Stock	N	N	N	S	P
314 Footwear, except Rubber	N	N	N	S	P
315 Gloves & Mittens	N	N	N	S	P
316 Luggage	N	N	N	S	P
317 Handbags & Other Personal Leather Goods	N	N	N	S	P
<i>32 Stone, Clay & Glass Products</i>					
321 Flat Glass	N	N	N	N	N

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
322 Glass & Glassware, Pressed or Blown	N	N	S	S	P
323 Glass Products Made of Pur- chased Glass	N	N	P	S	P
324 Cement, Hydraulic	N	N	N	N	N
325 Structural Clay Products	N	N	N	N	S
326 Pottery & Related Products	N	N	S	S	S
327 Concrete, Gypsum & Plaster	N	N	N	N	N
3272 Concrete Products, includ- ing Block & Brick	N	N	N	N	S
3273 Ready-Mix Concrete	N	N	N	N	S
3274 Lime	N	N	N	N	N
3275 Gypsum Products (Plaster)	N	N	N	N	N
328 Cut Stone & Stone Products	N	N	N	S	P
329 Abrasive, Asbestos & Misc. Nonmetallic Mineral	N	N	N	N	N
33 <i>Primary Metals Industries</i>	N	N	N	N	N

<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
34 <i>Fabricated Metal Products, except Ordnance, Machinery & Transportation Equipment</i>					
341 <i>Fabricated Metal Products, except Ordnance, Machinery & Transportation Equipment</i>	N	N	N	S	P
342 <i>Coating & Engraving</i>	N	N	N	N	S
35 <i>Machinery, except Electrical</i>	N	N	N	N	S
36 <i>Electrical & Electric Machinery, Equipment & Supplies Except Batteries</i>					
361 <i>Electrical & Electric Machinery, Equipment & Supplies Except Batteries</i>	N	N	N	N	S
362 <i>Electrical Batteries</i>	N	N	N	N	N
37 <i>Transportation Equipment</i>	N	N	N	N	S

<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
1719 38 <i>Professional, Scientific, and Controlling Instruments; Photo & Optical Goods, Watches & Clocks</i>	N	N	N	N	P
39 <i>Misc. Manufacturing Industries</i>					
391 <i>Jewelry & Silverware</i>	N	N	S	S	P
392 <i>Metal Plating</i>	N	N	N	N	N
393 <i>Toys & Amusement, Sporting & Athletic Goods & Musical Instruments</i>	N	N	S	S	P
394 <i>Pens, Pencils & Office and Artists' Materials</i>	N	N	N	N	P
395 <i>Costume Jewelry, Costume Novelties, Buttons & Misc. Notions, except Precious Metals</i>	N	N	S	S	P
396 <i>Misc. Manufacturing</i>					
3961 <i>Matches</i>	N	N	N	N	N

<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
3962 Lamp Shades	N	N	S	S	P
3963 Mortician's Goods	N	N	N	N	P
3964 Furs, Dressed & Dyed	N	N	N	N	S
3965 Signs & Advertising Displays	N	N	S	S	P
3966 Umbrellas, Parasols & Canes	N	N	S	S	P
399 <i>Ordnance & Accessories</i>	N	N	N	N	N
<i>4 Transportation, Communications & Utilities</i>					
40 <i>Railroad Transportation</i>	N	N	N	S	S
41 <i>Local & Suburban Transit and Passenger Transportation and Related Service Facilities</i>					
411 Local & Suburban	N	N	N	P	P
412 Taxicabs	N	N	N	P	P
413 Passenger Transit Charter Services	N	N	N	P	P
4141 School Bus (storage)	P	P	P	P	P

<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
4142 School Buses (storage)	N	N	N	P	P
415 Terminal & Services Facilities for Motor Vehicle Passenger Transit	N	N	N	P	P
<i>42 Trucking Transportation & Short Term Truck Storage</i>					
421 Local & Long Distance Trucking, without storage	N	N	N	S	P
422 Local & Long Distance Trucking, with storage	N	N	N	N	P
<i>45 Air Transportation</i>	N	N	N	N	S
<i>46 Warehousing, Public & Private</i>					
461 Farm Product Warehousing	N	N	N	P	P
462 Refrigerated Warehousing	N	N	N	S	P
463 Food lockers, with & without Food Preparation Facilities	N	N	N	S	P

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
464 Household Goods Warehousing	N	N	N	S	P
465 General Warehousing	N	N	N	S	P
<i>48 Utilities, Communications & Sanitary Services</i>					
481 Communication, including Towers & Antenna	S	N	S	S	S
482 Fuel & Power (for use or sale off-site)	N	N	N	N	N
483 Water Supply	P	P	P	P	P
484 Sanitary Sewerage Disposal Services	S	S	S	S	S
485 Refuse Disposal, Landfills & Incineration	N	N	N	N	N
<i>49 Customs Brokers & Freight Forwarders</i>	N	N	S	S	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
<i>5 Commercial</i>					
<i>50 Wholesale</i>					
501 Motor Vehicles & Auto Equip- ment	N	N	N	S	P
502 Drugs, Chemicals & Allied Products	N	N	N	P	P
503 Dry Goods & Apparel	N	N	N	P	P
504 Groceries & Related Products	N	N	N	P	P
505 Farm Products — Raw Mate- rials	N	N	N	S	S
506 Electrical Goods/Electronics	N	N	N	P	P
507 Hardware, Plumbing & Heat- ing, A/C & Refrigeration Equipment & Supplies	N	N	N	S	S
508 Machinery, Equipment & Sup- plies	N	N	N	P	P
509 Tobacco & Tobacco Products	N	N	N	S	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighborhood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
510 Beer, Wine & Distilled Alcoholic Beverages	N	N	N	P	P
511 Paper & Paper Products	N	N	N	S	S
512 Furniture & Home Furnishings	N	N	N	P	P
513 Lumber & Construction Materials	N	N	N	S	S
<i>52 Retail Trade - Building Materials, Hardware & Farm Equipment</i>					
521 Lumber & Other Building Materials	N	N	N	P	S
522 Heating & Plumbing Materials	N	N	N	P	S
523 Paint, Glass & Wallpaper Stores	N	N	N	P	S
524 Electrical/Electric Supply Stores	N	N	N	P	S
525 Hardware & Farm Equipment	N	N	N	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
<i>53 Retail Trade - General Merchandise</i>					
531 Department Stores	N	N	N	P	S
532 Mail Order Houses	N	N	N	P	S
533 Limited Price Variety Stores	N	N	N	P	S
534 Merchandise Vending & Machine Operators	N	N	N	P	S
535 Direct Selling Organizations	N	N	N	P	S
536 Dry Goods & General Merchandise	N	N	S	P	S
537 General Stores	N	N	S	P	S
538 Outlet/Mall/Plaza	N	N	N	P	S
<i>54 Retail Trade - Food</i>					
541 Grocery Stores & Deli	N	N	P	P	S
542 Meat & Fish Markets	N	N	P	P	S
543 Fruit & Vegetable Stores	N	N	P	P	S
544 Candy, Nut & Confectionery Stores	N	N	P	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
545 Dairy Products Stores	N	N	P	P	S
546 Retail Bakeries, Manufacturing	N	N	S	P	S
547 Retail Bakeries, Non-Manufacturing	N	N	P	P	S
548 Egg & Poultry Store	N	N	P	P	S
<i>55 Automotive Dealers & Gas Service Stations</i>					
551 Motor Vehicle Dealers, New & Used	N	N	N	P	S
552 Motor Vehicle, Used Only	N	N	N	P	S
553 Tire, Battery & Accessory Dealers	N	N	N	P	S
554 Gasoline Service Stations	N	N	N	P	S
555 Mobile Home Dealers, New & Used	N	N	N	P	S
556 Aircraft Dealer, New & Used & Service	N	N	N	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
557 Marine Dealer, New & Used & Service	N	N	N	P	S
56 Retail Trade - Apparel & Accessories	N	N	N	P	S
57 Retail Trade - Furniture, Home Furnishings & Equipment					
571 Furniture, Home Furnishings & Equipment Stores	N	N	S	P	S
572 Household Appliance Stores	N	N	S	P	S
573 Radio, Television & Music Stores	N	N	S	P	S
58 Retail Trade - Eating & Drinking Places					
581 Eating Places	N	N	S	P	S
582 Drinking Places (Alcoholic Beverages)	N	N	N	P	S
583 Combo Bars & Restaurants	N	N	N	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
<i>59 Retail Trade - Miscellaneous Re- tail Stores</i>					
591 Drug Stores	N	N	P	P	S
592 Liquor Stores	N	N	P	P	S
5931 Antique Store	N	N	P	P	S
5932 Secondhand Clothing & Shoe	N	N	P	P	S
5933 Secondhand Furniture	N	N	P	P	S
5934 Secondhand Books	N	N	P	P	S
594 Bookstores & Stationary Stores	N	N	P	P	S
595 Sporting Goods & Bicycle Shops	N	N	P	P	S
596 Farm & Garden Supply Stores	N	N	P	P	S
597 Jewelry Stores	N	N	P	P	S
598 Fuel & Ice Dealers	N	N	P	P	S
5991 Florists	N	N	P	P	S
5992 Tobacco Stores	N	N	P	P	S
5993 News Dealers & New Stands	N	N	P	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
5994 Camera & Photo Supply Stores	N	N	P	P	S
5995 Gift, Novelty & Souvenir Shops	N	N	P	P	S
5996 Optical Goods Stores	N	N	P	P	S

6 Personal, Business & Professional Services

<i>60 Finance, Insurance & Real Estate</i>
601 Credit Agencies & Other Than Banks
602 Security & Commodity Brokers, Dealers, Exchanges & Services
603 Insurance Carriers
604 Insurance Agents
605 Real Estate
606 Combo; Real Estate, Insurance, Loan & Law Offices

N	N	N	P	S
N	N	N	P	S
N	N	N	P	S
N	N	N	P	S
N	N	N	P	S
N	N	N	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
Loan & Law Offices	N	N	N	P	S
607 Holding & Other Investment Co.s	N	N	N	P	S
608 Banking	N	N	N	P	S
<i>Personal Services</i>					
611 Laundries, Laundry Services & Cleaning & Dyeing Plants	N	N	N	S	S
612 Photo Studios, including Com- mercial	N	N	N	P	S
613 Beauty Shops	N	N	S	P	S
614 Barber Shops	N	N	S	P	S
615 Shoe Repair, Shoe Shine & Hat Cleaning Shops	N	N	S	P	S
616 Funeral Services	S	S	S	P	S
617 Crematories	N	N	N	P	S
618 Pressing, Alteration & Gar- ment Repair	N	N	S	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
<i>62 Miscellaneous Business Services</i>					
621 Advertising	N	N	N	P	S
622 Consumer Credit, Mercantile Reporting & Adjustment & Collection Agencies	N	N	N	P	S
623 Duplicating, Blueprinting, Photocopying, Mailing & Steno Services	N	N	N	P	S
624 Services to Dwellings & Other Bldg.	N	N	N	P	S
625 News Syndicates	N	N	N	P	S
626 Private Employment Agencies	N	N	N	P	S
627 Research, Development & Testing Labs	N	N	N	P	S
628 Business & Mgt. Consulting	N	N	N	P	S
629 Travel Agencies & Bureaus	N	N	S	P	P
<i>63 Automotive Repair & Services</i>					
631 Automobile Rentals	N	N	N	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
632 Automobile Parking	N	N	N	P	S
633 Automobile Repair Shops	N	N	N	P	S
634 Automobile Services, except Repair	N	N	N	P	S
635 Trailer Rentals	N	N	N	P	S
<i>64 Miscellaneous Repair Services</i>					
641 Electrical/Electronic Repair Shop	N	N	S	P	S
642 Watch, Clock & Jewelry Re- pair	N	N	S	P	S
643 Reupholstery & Furniture Re- pair	N	N	S	P	S
644 Bicycle Repair	N	N	S	P	S
645 Leather Goods Repair	N	N	S	P	S
646 Locksmith & Gunsmith Shops	N	N	S	P	S
647 Musical Instruments Repair	N	N	S	P	S
648 Repair & Related Services Not Elsewhere Classified	N	N	S	P	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES - 1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
<i>65 Indoor Commercial Amusement Services</i>					
651 Dance Halls, Studios & Schools	N	N	N	P	S
652 Theatrical Producers, Bands, Orchestras & Entertainers	N	N	N	P	S
653 Bowling Alleys, Billiards & Pool	N	N	N	P	S
654 Motion Picture Production Services & Theaters	N	N	N	P	S
655 Gambling Facilities, including but not limited to: Casino, Bingo Hall, Hai Jai [Jai Alai], etc.	N	N	N	N	N

<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
<i>67 Medical, Health & Legal Services</i>	N	N	S	P	S
<i>Other Professional Services</i>					
<i>681 Engineering & Architectural Services</i>	N	N	S	P	S
<i>682 Nonprofit Educational & Scientific Research Agencies</i>	N	N	S	P	S
<i>683 Accounting, Auditing and Bookkeeping Services</i>	N	N	S	P	S
<i>7 Public and Quasi-Public Services</i>					
<i>70 Postal Services</i>	S	S	S	P	P
<i>71 Military Services</i>	S	S	S	P	P
<i>72 Other Federal Government</i>	S	S	S	P	P
<i>73 State & Local Government</i>	S	S	S	P	P

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
<i>74 Public Schools</i>	S	S	S	P	P
<i>75 Private Schools</i>					
<i>751 Private Colleges & Universi- ties</i>	S	S	N	N	N
<i>752 Private Junior Colleges</i>	S	S	N	N	N
<i>753 Private High Schools</i>	S	S	N	N	N
<i>754 Private Junior High Schools</i>	S	S	N	N	N
<i>755 Private Elementary Schools</i>	S	S	N	N	N
<i>756 Private Nursery Schools</i>	S	S	N	N	N
<i>757 Private Correspondence & Vo- cational Schools</i>	S	S	N	N	N
<i>76 Museums, Art Galleries, Arbo- reta, Libraries, Churches & Cemeteries</i>	S	S	S	N	N
<i>77 Hospitals, Sanatoria, Convales- cent & Rest Homes</i>					

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
771 General Hospitals	S	N	N	S	S
772 Mental Institutions	S	N	N	N	N
773 Special Hospitals	S	N	N	N	N
774 Sanatoria, Convalescent & Rest Homes	S	N	N	N	N
78 <i>Nonprofit Membership Organi- zations</i>	P	P	P	P	N ;
<i>8 Recreation</i>					
<i>80 Outdoor Government Public Recreation</i>					
801 Playgrounds, Playfields & Tot Lots	P	P	P	P	N
802 Major Parks (>5 Acres)	P	P	P	P	N
803 Minor Parks (<5 Acres)	P	P	P	P	N
804 Stadia & Fairgrounds	P	P	P	P	N
805 Campgrounds	P	P	P	P	N
806 Golf Courses	P	P	P	P	N

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
807 Ski & Toboggan Runs	P	P	P	P	N
808 Skating Rinks	P	P	P	P	N
811 Boating Areas	P	P	P	P	N
812 Bathing Beaches	P	P	P	P	N
813 Fishing Sites	P	P	P	P	N
814 Swimming Pools, outdoor	P	P	P	P	N
<i>1737 82 Indoor Government Public Recreation</i>					
821 Swimming Pools	P	P	P	P	N
822 Arenas	P	P	P	P	N
823 Skating Rinks	P	P	P	P	N
824 Community Centers	P	P	P	P	N
<i>83 Outdoor Private Land Recreation</i>					
831 Stadia	N	N	N	P	P
832 Race Tracks	N	N	N	N	N
883 Camps & Campgrounds	S	N	N	P	N
834 Riding Academies	P	S	P	P	N

<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighborhood Business</i>	<i>Commercial</i>	<i>Manufacturing</i>
835 Skating Rinks	N	N	N	P	N
836 Ski & Toboggan Runs	N	N	N	P	N
837 Gun Clubs	S	N	N	N	N
838 Golf Courses	S	S	N	N	N
839 Amusement Theme Park	N	N	N	S	S
<i>84 Outdoor Water-Based Private Recreation</i>					
841 Boating Areas	S	S	N	S	N
842 Bathing Beaches	S	S	N	S	N
843 Fishing Sites	P	P	P	S	N
844 Swimming Pools, Outdoor	S	S	N	S	N
<i>85 Indoor Private Recreation</i>					
851 Swimming Pools	S	S	N	P	P
852 Arenas	N	N	N	P	P
853 Skating Rinks	N	N	N	P	P
854 Gun Clubs	S	N	N	S	S

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<i>Use Category</i>	<i>RFR - 80</i>	<i>RES -1</i>	<i>Neighbor- hood Business</i>	<i>Commer- cial</i>	<i>Manufac- turing</i>
<i>87 Private Nonprofit Recreation</i>					
871 Subdivision Parks	S	S	S	S	S
872 Subdivision Community Cen- ters	S	S	S	S	S
873 Camps	S	S	S	S	N
874 Golf Courses	S	S	S	S	N
875 Gun Clubs	S	S	N	S	N
(Ch. 134, § 5, 12-19-94)					

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Section 6. Dimensional regulations.

<i>Requirement</i>	<i>Zoning Districts⁵</i>				
	<i>R-1</i>	<i>RFR-80</i>	<i>Neighborhood</i>		<i>Manufacturing¹</i>
			<i>Business</i>	<i>Commercial¹</i>	
Lot Frontage Minimum	100'	225'	150'	150'	225'
Front Yard ² Setback Minimum	25'	60'	40'	60'	75'
Side Yard ² Setback minimum	15'	40'	25'	25'	50'
Rear Yard ² Setback Minimum	30'	50'	30'	50'	75'
Height - Main Structure Maximum	35'	40'	40'	40'	40'
Height - Accessory Structure Maximum	25'	25'	25'	25'	25'
Lot Area ⁶ (1,000's Sq. Ft.) Minimum	20 ³	80	40	60	80
% Coverage ⁴ Maximum	30	15	90	75	75

1. No commercial or manufacturing structure shall be located closer than one hundred (100) feet to a residential zone district boundary line.
2. The front yard setback area of Commercial or Manufacturing districts shall be maintained in a vegetated condition; where Commercial or Manufacturing property abuts a residential zone district boundary, the side and rear yard setback area abutting said residential boundary shall also be maintained in a vegetated condition.
3. The subdivision of any land within the R-1 zoning district after the adoption of this ordinance shall also require a minimum density of at least sixty thousand (60,000) square feet per building lot.
4. The maximum percent of the lot area which may be covered by buildings and impervious surfaces.
5. The dimensional regulations of the RFR 80 district shall apply to the Residential Special district (RS), the Neighborhood Business district shall apply to the Neighborhood Business Special district (NBS), the Commercial district to the Commercial Special district (CS), and the Manufacturing district to the Manufacturing Special district (MS).
6. For two-family and multifamily dwellings, the minimum lot size shall be determined by multiplying the number of units by eighty thousand (80,000) square feet.

(Ch. 134, § 6, 12-19-94)

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APPENDIX A—ZONING

§ 6

Section 7. Substandard lots of record.

(A) *Merger.* Where contiguous unimproved or improved and unimproved lots of record are in the same ownership and do not conform with the dimensional and/or quantitative and/or road frontage or other access requirements for the district in which they are located on the effective date of the adoption or subsequent amendment of this zoning ordinance, such lots shall merge to the extent necessary to create dimensionally conforming lots or to reduce to the maximum possible extent the nonconformity with the dimensional standards of the district in which they are located. Provided, however, that any lot which was created as a building lot by formal subdivision application and approval pursuant to the subdivision ordinance and/or regulations of the town, prior to the passage of this ordinance, shall remain a separate independent building lot and shall not so merge.

(B) *Substandard building lots.* Notwithstanding the failure of the categories of lot(s) listed below to meet the requirements applicable in the district in which it is located as set forth in this ordinance, it shall be considered a buildable lot of record for purposes of this ordinance:

- (1) Any single substandard lot of record where the contiguous lots are not in the same ownership,
- (2) Such contiguous lots of record which merge as a result of the foregoing at the effective date of the adoption or amendment of this zoning ordinance, and
- (3) Any building lot heretofore created as part of a subdivision approved pursuant to the subdivision ordinances and/or regulations of the town shall be considered a buildable lot of record for purposes of this ordinance.

Provided, however, that nothing herein shall be deemed to detract from the requirement that in order to use said lot or merged lots as a building site the site must satisfy all other applicable state, local and federal environmental regulations.

(Ch. 134, § 7, 12-19-94)

Section 8. Nonconforming development.

(A) *Continued existence.* Any use, activity, structure, building, sign, or other improvement lawfully existing at the time of the

adoption or subsequent amendment of this zoning ordinance but which is nonconforming by use or nonconforming by dimension under the terms of this ordinance or subsequent amendment here-to shall be permitted to continue. This shall not exempt the non-conforming development from the regulations of this or other town ordinances, state statutes or common-law requirements requiring that property be used so as not to create a nuisance.

(B) *Use alteration.* The use of a nonconforming development may be altered by application to the zoning board of review for a special-use permit.

(C) *Addition, enlargement, expansion, replacement or intensification.* The addition, enlargement, expansion, replacement or intensification of a nonconforming development shall be allowed only by special-use permit.

(D) *Special-use permit standards.* In addition to satisfying the standards regulating the issuance of special-use permits hereinafter set forth in order to obtain a special-use permit for a use alteration, addition, enlargement, expansion, replacement or intensification of a nonconforming development, the applicant shall further demonstrate to the satisfaction of the zoning board of review by legally competent evidence that the proposed use more closely adheres to the intent and purposes of the zoning ordinance than the present nonconforming development.

(E) *Abandonment.* If a nonconforming use is abandoned, it may not be reestablished. 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. An involuntary interruption of nonconforming use, such as by fire and natural catastrophe, does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of one (1) year, the owner of the nonconforming use will be presumed to have abandoned the nonconforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.

(F) *Maintenance or repair.* Nothing in this ordinance shall prevent or be construed to prevent in a nonconforming development the performance of normal maintenance or repair work necessary to comply with state and/or local building, safety and/or health statutes, ordinances or regulations.

(G) *Limitation.* A use established by variance or special-use permit shall not acquire the rights of this section.
(Ch. 134, § 8, 12-19-94)

Section 9. Variances.

(A) *Application.* An application for relief from the literal requirements of a zoning ordinance because of hardship may be made by any person, group, agency or corporation with a legal interest in the land to which it applies by filing in the office of the zoning enforcement officer an application describing the request. The form and such data and/or evidence which comprise such an application is set forth in appendix A hereof if the request is for a use variance, and appendix B if the request is for a dimensional variance. Said forms and the data and/or evidence required thereby are incorporated herein and made a part of this ordinance.

Upon receipt of an application wherein the applicant seeks a waiver from the requirement of furnishing any item of data and/or evidence as required by the applicable appendix, the zoning enforcement officer shall immediately transmit said application and waiver request to the zoning board, which shall hear and decide the waiver request at a regularly scheduled or special meeting of the zoning board. In the event the zoning board grants such a waiver request, the application, being otherwise in conformity with the applicable appendix, shall be deemed complete. In the event the zoning board does not grant the waiver request in full, the application shall not be deemed complete until all data and/or evidence required by the applicable appendix for which a waiver has not been granted, is filed in the office of the zoning enforcement officer.

Upon receipt of the complete application, the zoning enforcement officer shall immediately transmit it to the zoning board and shall transmit a copy to the planning board.

(B) *Planning board recommendations.* The zoning board, at its next meeting after receipt of a complete application for a variance may request that the planning board and/or town planner report its findings and recommendations, including a statement on the general consistency of the application, with the goals and purposes of the Comprehensive Plan of the Town of Hopkinton, in writing to it within thirty (30) days of receipt from it.

(C) *Notice and hearing.* The zoning board shall hold a public hearing on any application for variance in an expeditious manner after receipt in proper form of a complete application, and shall give public notice thereof of at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation in the town. Notice of hearing shall be sent by certified mail, return receipt requested, to the applicant and to all those owners of real property or other entities which would require notice under R.I.G.L., chapter 42-24-53 at least fourteen (14) days prior to the date of the hearing. Said notice shall include the street address of the property for which the variance is sought. The cost of notification shall be borne by the applicant.

(D) In granting a variance, the zoning board shall require that evidence satisfying the following standards be entered into the record of the proceedings:

- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;
- (2) That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which this ordinance is based; and
- (4) That the relief to be granted is the least relief necessary.

(E) The zoning 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 lands or structures in an adjacent district shall not be considered in granting a use variance; and
- (2) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. 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.

(Ch. 134, § 10, 12-19-94)

Section 10. Special-use permits.

(A) *Application.* An application for a special-use permit may be made by any person, group, agency or corporation with a legal interest in the land to which it applies by filing in the office of the zoning enforcement officer an application describing the request.

The form and such data and/or evidence which comprise such an application is set forth in appendix C hereof. Said form and the data and/or evidence required thereby are incorporated herein and made a part of this ordinance.

Upon receipt of an application wherein the applicant seeks a waiver from the requirement of furnishing any item of data and/or evidence as required by said appendix, the zoning enforcement officer shall immediately transmit said application and waiver request to the zoning board, which shall hear and decide the waiver request at a regularly scheduled or special meeting of the zoning board. In the event the zoning board grants such a waiver request, the application, being otherwise in conformity with said appendix, shall be deemed complete. In the event the zoning board

does not grant the waiver request in full, the application shall not be deemed complete until all data and/or evidence required by said Appendix for which a waiver has not been granted, is filed in the office of the zoning enforcement officer.

Upon receipt of the complete application, the zoning enforcement officer shall immediately transmit it to the zoning board and shall transmit a copy to the planning board.

(B) *Planning board recommendations.* The zoning board, at its next meeting after receipt of a complete application for a special-use permit may request that the planning board and/or town planner report its findings and recommendations, including a statement on the general consistency of the application, with the goals and purposes of the comprehensive plan of the town, writing to it within thirty (30) days of receipt from it.

(C) *Notice and hearing.* The zoning board shall hold a public hearing on any application for a special-use permit in an expeditious manner after receipt in proper form of a complete application, and shall give public notice thereof of at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation in the town. Notice of hearing shall be sent by certified mail, return receipt requested, to the applicant and to all those owners of real property or other entities which would require notice under R.I.G.L., chapter 42-24-53, at least fourteen (14) days prior to the date of the hearing. Said notice shall include the street address of the property for which the special-use permit is sought. The cost of notification shall be borne by the applicant.

(D) In granting a special-use permit, the zoning board shall be satisfied by legally competent evidence that the proposed uses and/or structure:

- (1) Will be compatible with the neighboring uses and will not adversely affect the surrounding neighbors' use and enjoyment of their property;
- (2) Will be environmentally compatible with neighboring properties and the protection of property values;
- (3) Will be compatible with the orderly growth and development of the town, and will not be environmentally detrimental therewith;

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

(Ch. 134, § 10, 12-19-94)

Section 11. Special conditions.

In granting a variance or in making any determination upon which it is required to pass after a public hearing under the provisions of this ordinance, the zoning board may apply such special conditions that may, in its opinion, be required to meet the intent and purposes of the Comprehensive Plan of the Town of Hopkinton and this ordinance. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Those 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 of 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.

(Ch. 134, § 12, 12-19-94)

Section 12. Substantially complete applications/creation of vested rights.

Applications for development that are substantially complete and have been submitted for approval to the appropriate agency in the town prior to the enactment of this ordinance or any amendment hereto shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was submitted.

For a development application to be deemed substantially complete for purposes of this section, it shall have been submitted with all required data and/or evidence required by the applicable ordinance provisions or regulations or have been granted a waiver from furnishing said data and/or evidence by the official, agency or board with authority to do so.

If an application falling within this section is approved, development must begin within six (6) months of said approval and be substantially completed within twelve (12) months after the commencement of such development.

(Ch. 134, § 12, 12-19-94)

Section 13. Modification or adjustment.

(A) The zoning enforcement officer is authorized to grant modifications or adjustments from certain of the literal dimensional requirements of this ordinance in the instance of the construction, alteration or structural modification of a structure or lot of record to the extent and subject to the standards hereinafter set forth. No such modification or adjustment shall permit the moving of a lot line or lines.

(B) An application for a modification or adjustment from the literal dimensional requirements may be made by any person, group, agency or corporation with a legal interest in the land to which it applies by filing an application describing the request with the zoning enforcement officer. The form and such data and/or evidence which comprise such an application is set forth in appendix D.

(C) Within ten (10) days of receipt of a complete application for a modification, the zoning enforcement officer shall make a decision as to the suitability of the requested modification based on the following determinations:

- (1) The modification requested is reasonably necessary for the full enjoyment of the permitted use;
- (2) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
- (3) The modification requested is in harmony with the purposes and intent of the comprehensive plan and zoning ordinance; and
- (4) The modification requested does not require a variance of a flood hazard requirement.

(D) Upon an affirmative determination of suitability, the zoning enforcement officer shall notify, by registered or certified mail, all property owners abutting 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 general circulation in the town that the modification will be granted unless written objection is received within thirty (30) days of the date of the public notice. If written objection is received within thirty (30) days, the request for a modification shall be denied. In that case, to continue, the applicant must follow the procedures for dimensional variance requests, as provided for in section 9 hereof. If no written objections are received within thirty (30) days, the zoning enforcement officer shall grant the modification. The zoning enforcement officer may apply such special conditions to the modification as may, in the opinion of the officer, be required to conform to the intent and purposes of this ordinance. The zoning enforcement officer 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 section shall be borne by the applicant requesting the modification.

(E) Upon the determination that the request is not suitable, the zoning enforcement officer shall notify the applicant in writing.

(F) Those provisions of the dimensional requirements of this ordinance to which the zoning enforcement officer is authorized to grant modifications or adjustments and the maximum extent of such modifications or adjustments are set forth below:

Maximum Modification or Adjustment

	<i>Min / Max Required</i>	<i>% Modifi- cation</i>	<i>Maximum Modifica- tion</i>
<i>R-1</i>			
Side Yard Setback	15'	25%	3.75'
Rear Yard Setback	30'	25%	7.5'
Coverage	30%	10%	3% of Lot Area
	<i>Min / Max Required</i>	<i>% Modifi- cation</i>	<i>Maximum Modifica- tion</i>
<i>RFR-80</i>			
Side Yard Setback	40'	25%	10'
Rear Yard Setback	50'	25%	12.5'
Coverage	15%	10%	1.5% of Lot Area
	<i>Min / Max Required</i>	<i>% Modifi- cation</i>	<i>Maximum Modifica- tion</i>
<i>Neighborhood Business</i>			
Side Yard Setback	25'	25%	6.25'
Rear Yard Setback	30'	25%	7.5'
	<i>Min / Max Required</i>	<i>% Modifi- cation</i>	<i>Maximum Modifica- tion</i>
<i>Commercial</i>			
Side Yard Setback	25'	25%	6.2'
Rear Yard Setback	50'	25%	12.5'
Coverage	75%	10%	7.5% of Lot Area
	<i>Min / Max Required</i>	<i>% Modifi- cation</i>	<i>Maximum Modifica- tion</i>
<i>Manufacturing</i>			
Coverage	75%	105	7.5% of Lot Area

(Ch. 134, § 13, 12-17-94)

Section 14. Land development projects.

(A) Pursuant to R.I.G.L., § 45-24-47, the following chapters of the Town of Hopkinton Code of Ordinances related to land development projects are hereby readopted as if set forth in their entirety herein:

- (1) Chapter 18, Article III, Residential Compounds, Sections 18-141—18-154.
- (2) Chapter 123, Cluster Residential Development [Chapter 18, Article IV, Sections 18-180—18-200].
- (3) Chapter 108, Planned Unit Development [Chapter 13.5, Sections 13.5-26—13.5-43].

(B) All open land provided by cluster residential developments, planned unit developments, or other land development projects for public or common use, shall either be conveyed to the town and accepted by it for park, open space, agricultural, or other specified use or uses, or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the development, or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units. In any case where the land is not conveyed to the town, a restriction or conservation easement enforceable by the town shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway without prior approval of the town council.

(C) *Preapplication conference.* At the request of either the town or the applicant, a preapplication conference relating to a land development project shall be held to:

- (1) Acquaint the applicant with the comprehensive plan and any specific plans that apply to the parcel, as well as the zoning and other ordinances that affect the proposed development;
- (2) Suggest improvements to the proposed design on the basis of a review of the sketch plan;

- (3) Advise the applicant to consult appropriate authorities on the character and placement of public utility services; and
- (4) Help the applicant to understand the steps to be taken to receive approval, and review of appropriate application checklists.

(Ch. 134, § 14, 12-19-94)

Section 15. Development plan review.

(A) Development plan review of applications for uses that are permitted under the zoning ordinance is required for any permitted use other than single-family and two-family residential and accessory structures thereto, but the review shall only be based on specific and objective guidelines as set forth in chapter 109 [Ch. 13.5, §§ 13.5-70—13.5-73] of the Code of Ordinances of the Town of Hopkinton. The review body is the planning board. A rejection of the application shall be considered an appealable decision pursuant to section 24 of this ordinance and shall be taken in accordance with the procedures delineated in section 24(B).

(B) Development plan review may be conducted by the planning board at the request of the zoning board or town council for applications for uses requiring a special use permit, a variance, a zoning ordinance amendment, and/or a zoning map change. The review, conducted by the planning board, shall be advisory to the permitting authority.

(C) Nothing herein shall be construed to permit waivers of any regulations unless approved by the permitting authority pursuant to the zoning ordinance and the Zoning Enabling Act.

(Ch. 134, § 15, 12-19-94)

Section 16. Adoption and amendment to zoning ordinance map.

(A) *Power of town council to adopt — Consistency with Hopkinton comprehensive plan.* For the purpose of promoting the public health, safety, morals, and general welfare, the town council shall have the power, in accordance with the provisions of R.I.G.L., chapter 45-24-50, to adopt, amend, or repeal, and to provide for the administration, interpretation, and enforcement of the zoning ordinance. The provisions of the zoning ordinance set forth in text

and map(s), and all amendments thereto, shall be consistent with the comprehensive plan, as described in R.I.G.L., chapter 22.2, and shall provide for the implementation of the town's comprehensive plan.

(B) *Procedure for adoption or amendment.* The town clerk shall receive all proposals for adoption, amendment, or repeal of the zoning ordinance and/or zoning map(s). Immediately upon receipt of the proposal, the town clerk shall refer the proposal to the town council, and to the planning board for study and recommendation. The planning board shall, in turn, notify and seek the advice of the town planner, and shall report to the town council within forty-five (45) days after receipt of the proposal, giving its findings and recommendations as prescribed in R.I.G.L., section 45-24-52. Where a proposal for adoption, amendment, or repeal of the zoning ordinance or zoning map is made by the planning board, the requirements for study by the board may be waived, provided that the proposal by the planning board include its findings and recommendations pursuant to R.I.G.L., section 45-24-52.

The town council shall hold a public hearing within sixty-five (65) days of receipt of a proposal, giving proper notice as prescribed in R.I.G.L., section 45-24-53. The town council shall render a decision on any proposal within forty-five (45) days after the date of completion of the public hearing. The provisions of this section pertaining to deadlines shall not be construed to apply to any extension consented to by an applicant.

(C) *[Amendment or appeal to be filed with town clerk.]* Any individual proposing an amendment or appeal of a portion of this zoning ordinance and/or the zoning map(s), shall do so by filing with the town clerk an application describing the request. The form and such data and/or evidence which comprise such an application is set forth in appendix E.

(D) *Notice, hearing and decisions.*

- (1)** The zoning ordinance shall not be adopted, repealed, or amended until after a public hearing has been held upon the question before the town council, notice of which shall be given in accordance with R.I.G.L., section 45-24-53.

- (2) Costs of any required notice shall be borne by the applicant.
- (3) In granting a zoning ordinance amendment, the town council may limit the change to one of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions, and restrictions, including, without limitation:
 - (a) Requiring the petitioner to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use which are the subject of the zoning change;
 - (b) Those relating to the effectiveness or continued effectiveness of the zoning change; and/or
 - (c) Those relating to the use of the land; as it deems necessary.

The town planner and the town clerk, shall cause the limitations and conditions so imposed to be clearly noted on the Hopkinton zoning maps and recorded in the land evidence records, provided, however, in the case of a zone change granted with limitations, restrictions, and conditions shall not be noted on the zoning map until the zone change has become effective. If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two (2) years or more after the zone change becomes effective, the town council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before the petition was filed. If any limitation, condition, or restriction in an ordinance is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

- (4) The above requirements are to be construed as minimum requirements.

(Ch. 134, § 17, 12-19-94)

Section 17. Administration and enforcement of the zoning ordinance.

The local official responsible for administration shall be the zoning enforcement officer. The town council shall appoint as zon-

ing enforcement officer an individual with either zoning code enforcement experience or with such related education, training and experience to perform the duties of the position. The responsibilities of the zoning enforcement officer shall include:

- (1) The issuing of any required permits or certificates;
- (2) Collection of required fees;
- (3) Keeping of records showing the compliance of uses of land;
- (4) Authorizing commencement of uses or development under the provisions of the zoning ordinance;
- (5) Inspection of suspected violations;
- (6) Issuance of violation notices with required correction action;
- (7) Collection of fines for violations; and
- (8) Performing such other duties and taking such actions as may be assigned in the ordinance.

In order to provide guidance or clarification, the zoning enforcement officer shall, upon written request, issue a zoning certificate or provide information to the requesting party as to the determination by the official within fifteen (15) days of the written request. In the event that no written response is provided within that time, the requesting party shall have the right to appeal to the zoning board for the determination.

(Ch. 134, § 18, 12-19-94)

Section 18. Custody and maintenance of the zoning ordinance.

The town clerk shall be the custodian of the zoning ordinance and zoning map or maps created thereunder.

- (1) The responsibility for the maintenance and update of the text and zoning map comprising the zoning ordinance shall be the town planner and the town clerk. Changes which impact the zoning map shall be depicted on the map within ninety (90) days of the authorized change(s); and
- (2) The town planner and planning board shall be responsible for review of the zoning ordinance at reasonable intervals,

at a minimum of once every five (5) years; and whenever changes are made to the comprehensive plan, for the identification of any changes necessary and for the forwarding of these changes to the town council, in the form of a proposal for adoption, amendment or repeal of the zoning ordinance.

(Ch. 134, § 18, 12-19-94)

Section 19. Zoning board, establishment and procedures.

(A) The Town of Hopkinton hereby creates a zoning board. The zoning board may engage legal, technical, or clerical assistance to aid in the discharge of its duties. The board shall establish written rules of procedure, a mailing address to which appeals and correspondence to the zoning board shall be sent, and an office where records and decisions shall be filed.

(B) The zoning board shall consist of five (5) members, each to hold office for the term of five (5) years; provided, however, that the original appointments shall be made for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. The zoning board shall also include two (2) alternates to be designated as the first [1st] and second [2nd] alternate members, their terms to be one (1) year. 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 and the second shall vote if two (2) 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 that matter. If a vacancy occurs on the board, the town council shall appoint a new member for the unexpired term. The town council may remove members for cause after notice and a hearing thereon.

(C) Members of the zoning board serving on the effective date of adoption of the zoning ordinance shall be exempt from provisions of this section respecting terms of originally appointed members until the expiration of their current terms.

(D) The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses by the issuance of subpoenas.

(Ch. 134, § 19, 12-19-94)

Sec. 20. Powers and duties of the zoning board.

The zoning board shall:

(A) Have the following powers and duties:

- (1) 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 the zoning enforcement officer in the enforcement or interpretation of this ordinance, or of any ordinance adopted pursuant hereto;
- (2) To hear and decide appeals from a party aggrieved by a decision by the Hopkinton Historic District Commission, pursuant to R.I.G.L., §§ 45-24.1-7.1 and 45-24.1-7.2;
- (3) To hear and decide appeals where the zoning board is appointed as the board of appeals for airport zoning regulations pursuant to R.I.G.L., § 1-3-19;
- (4) To authorize, upon application, in specific cases of hardship, variances in the application of the terms of the zoning ordinance, pursuant to R.I.G.L., § 45-24-41, and the terms of this ordinance;
- (5) To authorize, upon application, in specific cases, special-use permits, pursuant to R.I.G.L., § 45-24-42(A), and the terms of this ordinance;
- (6) To refer matters to the planning board, or to other boards or agencies of the town as the zoning board may deem appropriate, for findings and recommendations;
- (7) To conditionally approve a zoning application, where a proposed application would otherwise be approved except that one (1) or more state or federal agency approvals which are necessary are pending. A conditional

zoning approval shall be revoked in the instance where any necessary state or federal agency approvals are not received within a specified time period; and

- (8) To hear and decide other matters, according to the terms of this ordinance or other statutes, and upon which the board may be authorized to pass under the ordinance or other statutes; and

(B) Be required to vote as follows:

- (1) Five (5) active members shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall recuse himself or herself, shall not sit as an active member, and take no part in the conduct of the hearing. Only five (5) active members shall be entitled to vote on any issue;
- (2) The concurring vote of three (3) of the five (5) members of the zoning board of review sitting at a hearing shall be necessary to reverse any order, requirement, decision, or determination of the zoning enforcement officer from whom an appeal was taken; and
- (3) The concurring vote of four (4) of the five (5) members of the zoning board of review 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 ordinance, including variances and special-use permits.

(Ch. 134, § 20, 12-17-94)

Section 21. Application procedure.

(A) The application procedures for the filing of appeals, requests for variances, special-use permits, and such other applications as may be specified herein, with the zoning board, consistent with the provisions of R.I.G.L., chapter 45-24-58, shall be those adopted and appearing in appendices A, B, C, and F Town of Hopkinton Applications and Checklists.

(B) A time period of one (1) year shall be required to pass before a successive similar application may be filed.

(C) Preapplication conference. At the request of either the town or the applicant, a preapplication conference shall be held to:

- (1) Acquaint the applicant with the comprehensive plan, as it may apply to the parcel, as well as the zoning and other ordinances that affect the proposed development;
- (2) Suggest improvements to the proposed design on the basis of a review of the sketch plan;
- (3) Advise the applicant to consult appropriate authorities on the character and placement of public utility services; and
- (4) Help the applicant to understand the steps to be taken to receive approval.

(D) An application fee as set forth in appendices A, B, C, and F shall be paid together with those actual costs incurred for mailing, legal advertising and professional services as determined by the zoning board to conduct adequate review and hearing of applications, including the costs of a competent stenographer, shall be paid by the appellant or applicant. Also, fees shall be charged for the issuance of zoning certificates, and for the recording of the decisions thereon. No application shall be deemed complete until all fees have been paid to the town.

(Ch. 134, § 21, 12-19-94)

Section 22. Violations.

(A) The penalty for any violation of the zoning ordinance, or for a violation of any terms or conditions of any action imposed by the zoning board or of the zoning enforcement officer charged with enforcement of any of its provisions shall be up to five hundred dollars and zero cents (\$500.00) for each violation, and each day of the existence of any violation shall be deemed to be a separate offense. All fines shall be made payable to the Town of Hopkinton.

(B) The town may also cause suit to be brought in the Supreme or Superior Court, in the name of the Town of Hopkinton, to restrain the violation of, or to compel compliance with, the provisions of the zoning ordinance. The town may consolidate an action for injunctive relief and/or fines under this ordinance in the Superior Court of Washington County.

(Ch. 134, § 22, 12-19-94)

Section 23. Decisions and records of the zoning board.

(A) Following a public hearing, the zoning board shall render a decision within a reasonable period of time. The zoning 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 zoning board within thirty (30) working days from the date when the decision was rendered, and shall be a public record. The zoning 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 zoning board 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 zoning board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.

(B) Any decision by the zoning board, including any special conditions attached thereto, shall be mailed to the applicant, to the zoning enforcement officer, and to the Associate Director of the Division of Planning of the Rhode Island Department of Administration. Any decision evidencing the granting of a variance, modification, or special use shall also be recorded in the land evidence records of the town.

(Ch. 134, § 23, 12-19-94)

Section 24. Appeals to the zoning board.

(A) *Right of appeal.*

- (1) An appeal from any decision of any officer or agency charged in this ordinance with its enforcement may be taken to the zoning board by an aggrieved party.
- (2) An appeal from a decision of the zoning board may be taken by an aggrieved party to the Washington County Superior Court.

(B) *Appeals to zoning board and procedure.* An appeal to the zoning board from a decision of any zoning enforcement officer,

agency or officer may be taken by an aggrieved party. The appeal shall be taken within a reasonable time of the date of the recording of the decision by the said officer or agency by filing with the officer or agency from whom the appeal is taken, and with the zoning board, a notice of appeal specifying the ground thereof. The officer or agency from whom the appeal is taken shall forthwith transmit to the zoning board all the papers constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the planning board. The form and such necessary data and evidence as comprised for such an appeal is set forth in appendix F, hereof.

(C) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer or agency from whom the appeal is taken certifies to the zoning board, after an appeal shall have been duly filed, that by reason of facts stated in the certificate a stay would in the officer or agency's opinion cause imminent peril to life or property. In that 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.

(D) *Public hearing by zoning board.* The zoning board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties of interest, and decide the matter within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The cost of any notice required for the hearing shall be borne by the appellant.

(E) *Decisions and records of the zoning board.* In exercising its powers the zoning board may, in conformity with the provisions of R.I.G.L., chapter 45 reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such orders, requirements, decisions, or determinations as ought to be made, and to that end shall have the powers of the officer from whom the appeal was taken. All decisions and records of the zoning board respecting appeals shall conform to the provisions of R.I.G.L., chapter 45-24-61. (Ch. 134, § 24, 12-19-94)

Section 25. Participation in zoning hearing.

Participation in a zoning hearing or other proceeding by a party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, a knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

(Ch. 134, § 25, 12-19-94)

Section 26. Appeals.

(A) *Appeals to superior court.* Any appeal of a decision of the zoning board to the superior court for Washington County shall be in accordance with R.I.G.L., § 45-24-69, or as it may be amended from time to time.

(B) *Appeal of enactment of or amendment to zoning ordinance.* An appeal of an enactment of or an amendment to this ordinance to the Superior Court for Washington County shall be in accordance with R.I.G.L., § 45-24-71, as it may be amended from time to time.

(Ch. 134, § 26, 12-19-94)

Section 27. Sign regulations.

The following regulations shall apply to all signs except those placed by a government agency as a public service in connection with highways and other public facilities.

(A) *Residential zones.*

(1) *Permitted uses:*

- (a) Signs, not larger than three (3) square feet in area, identifying the occupant of the premises or identifying or regulating private property or a private way.
- (b) Signs, not larger than twelve (12) square feet in area, identifying permitted home occupations, agricultural, religious, educational, recreational, communal, medical, professional, government or utility uses or identifying lawful nonconforming uses. This shall include temporary signs advertising the sale or lease of the premises.

- (c) *Posting of land.*
 - (d) No billboards or outdoor advertising structure shall be permitted except that directional signs may be permitted by special use permit and shall not be larger than three (3) square feet.
 - (2) *Location of signs.* No sign shall be placed closer than fifteen (15) feet to a side or rear lot line and five (5) feet to a front lot line. No portion of any sign shall be located within a street right-of-way.
 - (3) *Lighting of signs.* Signs may be lighted only by continuous light, oriented to reflect away from adjacent properties. No animated, flashing or revolving signs will be permitted.
- (B) *All other zones.*
- (1) *Permitted signs:*
 - (a) Signs in connection with permitted or lawful non-conforming uses provided that no sign shall exceed sixty (60) square feet in area without approval of the zoning board as a special use permit.
 - (b) No billboards or outdoor advertising structures shall be permitted except that directional signs may be permitted by special use permit.
 - (c) Posting of land.
 - (2) *Locations of signs:*
 - (a) No sign shall project more than five (5) feet above the roof line of the main building or extend over a public sidewalk or right-of-way. The maximum height for a freestanding sign shall be twenty (20) feet from ground level, and it shall be located on the parcel on which the business is conducted, except directional signs.
 - (b) No sign shall be placed within forty (40) feet of a residential district boundary.
 - (3) *Lighting of signs.* Signs may be lighted by any conventional method except that there shall be no illumination of a flashing, intermittent or moving type. Floodlighting shall be so oriented that the source of light is directed away from adjacent properties and traffic arteries.

- (C) *Procedure for sign approval.* A description of all proposed signs over three (3) square feet in area shall be submitted to the zoning enforcement officer for approval. Upon approval, a permit shall be obtained from the zoning enforcement officer for all such signs erected within the limits of the town.

(Ch. 134, § 27, 12-19-94)

Section 28. Off-street parking.

(A) *Off-street parking facilities.*

- (1) Any structure or use, erected or constructed after the date of passage of this ordinance, shall provide off-street parking facilities in accordance with the following minimum requirements:
- (a) Hotel or motel. Five (5) parking spaces plus one (1) parking space for each unit or room.
 - (b) Restaurant, theater or other place of public assembly. One (1) parking space for every three (3) seats or for every three (3) persons of capacity.
 - (c) Hospital or institution. One (1) parking space for every bed.
 - (d) Office use. One (1) parking space for every two hundred fifty (250) square feet of floor area plus one (1) parking space for every two (2) employees.
 - (e) Retail or personal service business. One (1) parking space for every seventy-five (75) square feet of floor area.
 - (f) Manufacturing, industrial, storage or wholesale use. Two (2) parking spaces for every three (3) employees and one (1) parking space for each truck operated by the concern.
 - (g) Any other nonresidential use. One (1) parking space for every two hundred fifty (250) square feet of floor area.
- (2) Plans and specifications for the required parking facility and its access drives shall be submitted at the time of ap-

plication for a permit for the main use. In allocating area for off-street parking facilities, each parking space shall have a minimum width of nine (9) feet, a minimum length of eighteen (18) feet and shall be served by suitable aisles to permit access into all parking spaces. In no case shall the gross area per parking space be less than three hundred (300) square feet.

(3) All parking facilities provided under this section, shall be constructed on or adjacent to the site of the main use. Non-residential off-street parking lots of more than two-motor-vehicle capacity shall conform to the following standards of construction:

- (a) The area shall have a dust-free, hard surface and shall be provided with bumper guards or tire stops when needed.
- (b) Where such area will adjoin a parcel on which there is a residence, an opaque hedge or fence not less than five (5) feet in height shall be erected and maintained between such area and the adjoining residential district.
- (c) Any lighting used to illuminate the parking area shall reflect away from adjoining residential areas and away from adjacent traffic arteries.

(B) *Parking or storage of trucks, heavy construction equipment, travel trailers, tent trailers, or motorized campers in a residential zone.*

- (1) Not more than one (1) travel trailer, pickup camper, tent trailer, or motorized camp trailer may be stored by a person on his/her own property in a residential zone.
- (2) Trailer trucks and heavy construction equipment may not be stored or parked overnight in any front yard area, except for heavy construction equipment during the active on-site construction period.

(Ch. 134, § 28, 12-19-94)

Section 29. Off-street loading requirements.

All commercial and industrial structures, erected subsequent to the adoption of this ordinance, shall provide off-street loading

facilities. Plans and specifications for such loading facilities shall be submitted to the zoning enforcement officer at the time of application for the building permit for the main use. Where a loading facility is to be located in or abutting a residential district, the restrictions contained in section 28 concerning surfacing, screening, and lighting shall apply. Such a loading facility shall be sufficient in size to eliminate the projection of vehicles into a street right-of-way.

(Ch. 134, § 29, 12-19-94)

Section 30. Number of structures.

Not more than one (1) structure used for residential purposes including trailers or mobile homes shall be built or located upon any single lot in a residential zone.

(Ch. 134, § 30, 12-19-94)

Section 31. Height exceptions.

Spires, towers, belfries, steeples, flagpoles, chimneys, water standpipes, communications antennae, silos or similar structures may be erected above the maximum height specified for each district, except for single-family and two-family dwellings, such structures are subject to development plan review.

(Ch. 134, § 31, 12-19-94)

Section 32. Lots divided by a zoning district boundary.

Where a lot is divided by a zoning district boundary, the regulation for either zoning district shall apply except that no district shall, in effect, be extended more than thirty (30) feet into an adjoining district.

(Ch. 134, § 32, 12-19-94)

Section 33. Floodplain and watercourse protection zone.

(A) *Zoning standards for the floodplain district.* The floodplain district is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Rhode Island State Building Code dealing with construction in the floodplain. The floodplain district includes all special flood hazard ar-

eas designated as Zone A, A1-30 on the 3/16/81 Flood Insurance Rate Maps (FIRM), and the flood boundary and floodway maps, dated 3/16/81, on file with the town clerk, planning board and building inspector, as amended. These maps as well as the accompanying 9/16/80, Rhode Island Flood Insurance Study are incorporated herein by reference.

(B) *Development regulations.* The following minimum requirements apply in the floodplain district:

(1) In the floodway, designated on the flood boundary and floodway map, the following provisions shall apply:

(a) All encroachments, including, fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.

(b) The placement of mobile homes, except in an existing mobile home park or mobile home subdivision, are [is] prohibited in the floodway.

(2) In A1-30 zones on the flood insurance rate map, new or substantially improved mobile home parks require:

(a) That stands are elevated to or above base flood elevation;

(b) That adequate access and drainage is provided;

(c) That, if pilings are issued for elevation, construction standards for pilings are met.

(C) *Permitted uses.* All uses permitted in those areas zoned Rural, Farm, Residential with the following provisions:

(1) There shall be no encroachment, interference, alteration or restriction of the natural drainage or flow within the floodplain or watercourse except by special use permit.

- (2) None of the permitted uses shall result in the deposition of trash, fill earth sediment, debris, or liquid or solid waste matter of any kind into any watercourse or area within the zone except by special use permit.

Ch. 134, § 33, 12-19-94)

Section 34. Effective date.

This ordinance shall take effect upon passage.

(Ch. 134, § 34, 12-19-94)

Section 35. Severability.

If any provision of this zoning ordinance or of any rule, regulation, or determination made hereunder, or the application thereof to any person, agency, or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the zoning ordinance, rule, regulation, or determination made hereunder and the application of the provisions of other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of this zoning ordinance shall not affect the validity of the remainder of the zoning ordinance.

(Ch. 134, § 35, 12-19-94)

TOWN OF HOPKINTON, RI
ZONING ORDINANCE AMENDMENTS

CHAPTER 181

An Ordinance in amendment of Appendix A Zoning, Chapter 134 Code of Ordinances of the Town of Hopkinton, RI as amended.

The Town Council of the Town of Hopkinton does hereby ordain as follows:

Appendix A. Zoning, Chapter 134 of the Code of Ordinances of the Town of Hopkinton, Rhode Island is hereby amended as follows:

1. The following new section shall be added to Section 10, Special Use Permits:

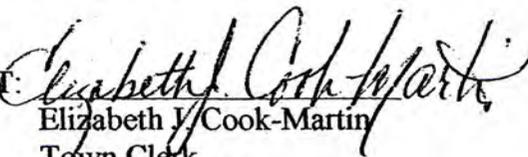
E. The zoning board has the power to grant dimensional variances where a use is permitted by special use permit. An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use permit. If the special use could not exist without the dimensional variance, the zoning board may consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate, based on both the special use permit criteria and the dimensional variance evidentiary standards.

2. All other parts of Section 10 to remain in full force and effect.

3. This amendment shall take effect immediately upon passage.

Adopted: October 18, 2004

ATTEST:


Elizabeth J. Cook-Martin
Town Clerk

CHAPTER 184

An Ordinance in amendment of Section 28 Off-Street Parking, Chapter 134 of the Zoning Code of Ordinances, of the Town of Hopkinton, RI, as amended.

The Hopkinton Town Council hereby ordains that Section 28 Off-street parking of Chapter 134 of the Zoning Ordinances be amended as follows:

Section 28. Off-Street Parking.

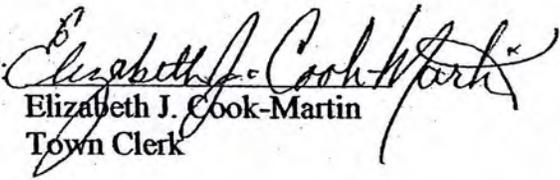
(A) Off-street parking facilities.

(1) Any structure or use, erected or constructed after the date of passage of this ordinance, shall provide off-street parking facilities in accordance with the following minimum requirements:

(e) Retail or personal service business. One (1) parking space for every seventy-five (75) two-hundred thirty five (235) square feet of floor area.

Adopted: June 6, 2005

ATTEST:


Elizabeth J. Cook-Martin
Town Clerk

TOWN OF HOPKINTON, RHODE ISLAND

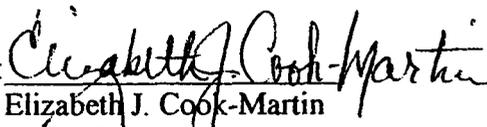
CHAPTER 154

AN AMENDMENT OF CHAPTER 134, SECTION 5 ENTITLED DISTRICT USE REGULATIONS, SUPPLEMENTAL REGULATIONS AND SECTION 5.1 DISTRICT USE TABLE – USE CATEGORY ARE HEREBY AMENDED AS FOLLOWS:

Use Category	RFR 80	RES-1	Neighbor- hood Bus.	Commercial	Manuf.
5997- Drive Through Facility	N	N	N	S	S

This article will limit drive through facilities to Commercial and Manufacturing Zones.

Adopted: May 15, 2000

ATTEST: 
Elizabeth J. Cook-Martin
Town Clerk

TOWN OF HOPKINTON, RHODE ISLAND

CHAPTER 151

THE TOWN COUNCIL OF THE TOWN OF HOPKINTON HEREBY ORDAINS

That the Code of Ordinances, Town of Hopkinton, Rhode Island, Chapter 134, Section 5, entitled "District Use Regulations, Supplemental Regulations shall be amended and Section 5.2 Supplemental Regulations Accessory Family Dwelling Units" shall be added as follows.:

Section 5.2 Supplemental Regulations, Accessory Family Dwelling Unit

1. Purpose

This article regulates the design, construction and occupancy of accessory family dwelling unit structures. The intent of this article is to:

- a. Provide affordable opportunities for town residents requiring additional living space within or attached to their residences for the purpose of housing immediate blood relatives in an independent yet secure manner
- b. To protect neighborhood values and characteristics, especially the single family, low density, rural features that dominate the town's development patterns
- c. To ensure the protection of the environment and avoid pollution impacts resulting from intensified land use associated with the development of accessory family dwelling units.
- d. To provide guidelines to facilitate the application process for accessory family dwelling units.

2. Guarantee of Owner Occupancy

The owner or owners of the one family lot upon which the accessory apartment is located shall occupy one of the residences thereon, except for bona fide temporary absences. Prior to the issuance of any special use permit for an accessory family dwelling unit, a certificate in the form of an affidavit (See attached affidavit form) to verify that the owner is in residence shall be presented to the Zoning Board of Review. Thereafter, the applicant shall submit such a notarized affidavit to the Zoning Enforcement Officer by January 31 of each year as a requirement for the continuance of the special use permit.

3. Effective Period

The effective period for a special use permit for an accessory family dwelling unit shall be five years. At the end of this time period, renewal shall be granted by the Zoning Enforcement Officer

after inspection and upon written certification from the owner that all of the conditions met at the time of the original application remain unchanged.

4. Change of Ownership

Special use permits for accessory family dwelling units shall be recorded in the Land Evidence records of the town of Hopkinton within 14 days of issuance. Change of ownership of the residence within which the accessory apartment is located shall cause the special use permit to terminate automatically. Subsequent owners of the property may make an application for a special use permit in their own name. Review of this subsequent application shall be conducted by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall inspect the accessory apartment to determine whether all the terms and conditions of the original permit are met. In instances where there continues to be full compliance with the terms and conditions of the original special use permit, the Zoning Enforcement Officer may issue a new special use permit without review by the Zoning Board.

5. Conditions

The accessory family dwelling unit is integral to principal residential structure and not integrated into an accessory structure such as a garage. The accessory family dwelling unit shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. Therefore:

- a. In general, any new entrances shall be located to the side or the rear of the building. In accordance with the applicable sections of the Rhode Island Building Code, the accessory family dwelling unit must have two separate means of egress.
- b. Additional floor space resulting from the construction of an accessory family dwelling unit shall not exceed 25% of the total floor area of the primary residence but in no case shall the accessory unit comprise less than 350 square feet of total floor space or more than 600 square feet of total floor space.
- c. Accessory family dwelling units shall be integrated in to the structure of the primary residence through a common wall that provides at least twelve feet in length of interior wall space to both the accessory and the primary dwelling units. An ingress/egress from one to the other shall be located on this common wall and shall enter into the main living quarters of both the accessory and the main dwelling units. Detached units and units which have merely tangential attachment to the primary residence structure are not permitted.
- d. The maximum number of bedrooms permitted shall be one. Guest rooms, dens, offices, studies, sewing rooms and workrooms are not permitted, nor is any type of room which has the potential to be converted to a second bedroom permitted within the accessory unit.
- e. Accessory family dwelling units are only permitted for single family residences. Only one

accessory family dwelling unit is permitted per residence.

6. Occupancy

Occupancy of all Accessory Family Dwelling Units shall be limited to two persons.

7. Utilities

Both the accessory family dwelling unit and the primary residential structure shall jointly share utilities. Electric service shall remain single service. The heating source for the accessory family dwelling unit shall be from the furnace or electric service of the main residence.

8. Application Procedures

a. Floor Plan/Building Elevation.

Applications for an accessory family dwelling unit must be accompanied by a floor plan of the existing residence and of the proposed accessory unit. Floor plans must be drawn to C.A.B. O. specifications, must be of sufficient clarity and detail to provide the Zoning Board of Review with sufficient information on which to demonstrate the adequacy of the proposed accessory unit and compliance with these regulations, and shall be drawn at a scale of not less than 1/4 inch to a foot. A street side building elevation must also be provided. The elevation drawing may be schematic.

b. System Suitability Determination

All applications for an accessory family dwelling unit special use permit shall be accompanied by a valid "System Suitability Determination" issued by the Rhode Island Department of Environmental Management Individual Sewage Disposal Systems Division to ensure protection of natural resources and human health. Application which propose to add no additional bedrooms to the number of bedrooms existing in the main residential dwelling at the time of the application shall be exempt from this provision.

c. Site Plan

Each application shall be accompanied by a site plan prepared by a professional engineer that clearly shows the location of all existing buildings, utilities, driveways, wells, stone walls, fences and existing vegetation along with the proposed accessory family dwelling unit.

d. Parking

One additional off street parking space shall be provided for each accessory family dwelling unit. Additional parking on the side of the main residence facing the street shall be prohibited.

ADOPTED: December 6, 1999

ATTEST: Elizabeth J. Cook-Martin
Elizabeth J. Cook-Martin
Town Clerk

TOWN OF HOPKINTON, RHODE ISLAND

CHAPTER 149

THE TOWN COUNCIL OF THE TOWN OF HOPKINTON HEREBY ORDAINS

That the Code of Ordinances, Town of Hopkinton, Rhode Island, Chapter 134, Section 5, "District Use Regulations" is hereby amended as follows:

Number 48, entitled "Utilities, Communications and Sanitary Service", number 481 entitled "Communication including Towers and Antennas" shall read: Telecommunications Towers, Cellular/PCS Towers and Antennas." Section 5.1 shall be added entitled, "SUPPLEMENTARY REGULATIONS, Telecommunications Towers Cellular/PCS Towers and Antennas."

Section 5. DISTRICT USE REGULATIONS

District Use Table 481 Telecommunications, Cellular/PCS Towers & Antennas

	USE	R1	RFR80	NB	C	M	RS	NBS	CS	MS
481	Telecommunications Towers Cellular/PCS Antennas and Towers	N	N	N	S	S	S	N	S	S

Legend: N=Not Permitted S=Special Use Permit P=Permitted

Section 5.1 SUPPLEMENTARY REGULATIONS

Section 5.1 - Telecommunications Towers, Cellular/PCS Towers and Antennas

1. PURPOSE

This Article regulates the placement of new telecommunication towers and accessory equipment and the addition of communication equipment to existing structures. The intent of this Article is to:

- (a) require the location of towers for telecommunication equipment in non-residential areas and minimize the number of towers in the community;

- (b) strongly encourage the joint use of new and existing tower sites;

- (c) to minimize the following adverse impacts on the community:
 - 1. to prevent the degradation of scenic views that contribute to the character of the town.
 - 2. to prevent the degradation of neighborhood values that may result from the location of incompatible commercial land uses in residential areas of the town.
 - 3. to prevent or reduce public health hazards that may result from the operation of communications towers adjacent to or nearby residences.

- (d) provide guidelines to facilitate the application process.

- (e) This Article shall not govern any tower that is under 50 ft. in height and is constructed or installed for the following primary purposes:
 - 1. two-way radio systems
 - 2. amateur radio, as well as other radio services utilized by individuals at their residences as a hobby.
 - 3. Residential television/satellite reception

2. DEFINITIONS

As used in this Article, the following terms are defined as follows:

- a. ***Antenna*** means any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

- b. ***Cellular/PCS*** means telecommunications systems which utilize a network of towers over a geographical area and whose purpose is primarily to provide mobile telephone and messaging services. This includes but is not limited to cellular systems, Personal Communications Services (PCS) and Enhanced Specialized Mobile Radio systems (ESMR)

- c. ***Height*** is the distance measured from average finish grade to the highest point on the tower or other structure, even if said highest point is an antenna.

- d. **Tower** means any structure that is designed and constructed primarily for the purpose of supporting one or more antenna and related equipment.

3. **GENERAL GUIDELINES AND REQUIREMENTS.**

- a. **Inventory of Existing Sites.** Each applicant for a special use permit for an antenna and or tower shall provide to the Building Department an inventory of existing towers that are within the Town of Hopkinton and within eight (8) miles of the proposed tower location, including specific information about the location, height, design and antenna capacity of each tower. This information will be made publicly available. All applicants shall send certified mail announcements to those parties identified in the inventory declaring their sharing capabilities and siting needs.
- b. **Federal Requirements.** All towers must meet standards and regulations in effect at the time of the application of any agency of the federal government with the authority to regulate towers and antennas. Subsequent failure to bring towers and antennas into compliance with revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- c. **Safety Standards.** The owner of a tower shall ensure that it is maintained in compliance with the Rhode Island State Building Code. If the Building Official concludes that a tower and/or antenna fails to comply with the Code, then the Building Official shall proceed in accordance with Chapter 27.3 of Title 23 of the R.I.G.L. entitled "State Building Code".
- d. **Reporting Standards.** The permittee shall submit a report upon completion of construction and annually on January 1st, as well as a report every year thereafter, to the Building Official which provides quantified electromagnetic field (EMF) measurements and compares these measurements to current Federal and American National Standards Institute (ANSI) standards or subsequent standards. If the facility does not meet Federal and ANSI standards, the permit may be modified or revoked.

4. **SPECIAL USE PERMITS**

- a. **Information Required.** Each applicant requesting a special use permit under this Article shall submit an application for a Special Use Permit.

In addition, the applicant shall provide information on radio frequency coverage, tower height requirements, fencing, and other information deemed by the Zoning Board of Review at the time of review of application for

completeness to be necessary to assess compliance with this Article.

- b. ***Suitability of Existing Towers or Other Structures for Collocation.*** No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board that no existing tower or structure can accommodate the applicant's proposed antenna. The Zoning Board of Review may require the applicant to pay for the services of an independent consultant who will be selected by the Zoning Board of Review. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicants proposed antenna shall include the following:
- (1) No existing towers or structures are located within the geographic area required to meet applicants engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (4) 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 are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (5) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (6) Except in cases where mechanical, structural or regulatory factors prevent them from sharing, applicants cannot be denied or deny space on a tower.
 - (7) All towers shall be available for use by the town's public safety agencies' radio communications equipment, free of tower rental fees providing that such use is reasonable, poses no technical difficulties and does not compromise the mechanical integrity of the tower.

5. **DESIGN STANDARDS**

The following design standards shall apply to all towers and antennas.

- a. ***Minimum Capacity.*** Any tower initially constructed for the primary use of a

cellular type communications network and /or Personal Communications Services (PCS) network shall be designed and constructed to accommodate at least three typical cellular/PCS systems.

b. *Height, Setbacks and Separation*

- (1) Tower height shall be the least minimum feasible and operable height possible which is consistent with the technical evidence for the radial area and the terrain being served, provided however that the maximum height shall be no greater than 175 ft.
- (2) Towers shall be set back a distance equal to three (3) times the tower height from any residential structure, zoning district boundary or lot line, whichever is closer.
- (3) Guys and accessory facilities must satisfy the minimum zoning district setback requirements for accessory structures.
- (4) Tower separation shall be maximized and the applicant shall provide technical evidence that the proposal identifies a maximum separation.

c. *Visual and Aural Impacts*

- (1) In order for the town to assess the visual impact of the proposed tower the applicant shall be required to fly a helium balloon at the proposed tower location and flown at the proposed height for a period of five days, providing such an operation poses no safety hazard. The balloon shall be of an orange or red color, shall be a minimum of 2.5 feet in diameter, shall be securely anchored and shall be of durable construction to withstand the testing period. The dates of this operation and its intended purpose shall be announced in a public notice in the local newspaper.
- (2) Unless otherwise required by FAA regulations, conventional lattice type towers shall maintain a galvanized steel finish so as to reduce visual obtrusiveness. Monopole type towers shall be painted a light, sky blue color to blend into the skyline.
- (3) Buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities into the natural setting.

- (4) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color so as to make the antenna and related equipment as visually unobtrusive as possible.
- (5) Towers shall not be artificially lighted unless required by any agency of the federal government with the authority to regulate towers and antennas.
- (6) Noise.

The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

- a. Existing, or ambient (the measurements of existing noise);
- b. Existing plus proposed facilities (the maximum estimate of noise from the proposed facility plus the existing noise environment).

Such statements shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate.

- (7) There shall be no commercial signage attached to any tower or antenna. A small sign of dimensions acceptable to the Board, indicating the name and telephone number of the tower owner shall be attached to the security fence. Safety signs as required by law shall be permitted

d. ***Landscaping***

- (1) Tower facilities shall be effectively screened with plant materials that effectively screens the tower base from adjacent residential property.
- (2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

e. ***Security Fencing***

- (1) Towers and equipment shall be enclosed by security fencing not less than six (6) feet in height, with appropriate anti-climbing devices.

6. **REMOVAL OF ABANDONED ANTENNAS AND TOWERS**

The applicant/owner shall post a bond to cover the cost of removal. The applicant shall submit a re-evaluated bond every two years or the permit will expire. The applicant shall submit an estimated cost of removal prepared by a consultant acceptable to the Zoning Board of Review. Any antenna or tower that is not operated for its intended communications purpose for a period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Building Official notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Town may remove such antenna or tower at the expense of the tower's owner. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

ADOPTED: February 1, 1999

ATTEST: Elizabeth J. Cook-Martin
Elizabeth J. Cook-Martin
Town Clerk

AN ORDINANCE IN AMENDMENT OF CHAPTER 134

SECTION 27 ENTITLED "SIGNS"

R. FEES

The following fee shall be charged for the review and approval of a sign permit.

ALL SIGNS.....Admisistrative Fee \$10.00

This Ordinance shall take effect upon passage

ADOPTED: September 2, 1997

ATTEST:  Jenarita F. Aldrich, CMC
Town Clerk

AN ORDINANCE IN AMENDMENT OF CHAPTER 134

Section 27 Entitled "SIGNS"

In accordance with the provisions of Chapter 45-24, R.I.G.L., including those sections known as the "Rhode Island Zoning Enabling Act of 1991", it is ordained by the Town Council of the Town of Hopkinton that Chapter 134 - Section 27 Sign Regulations, of the Code of Ordinances of the Town of Hopkinton entitled "Zoning Ordinance", as amended, be repealed in its entirety and that it be revised as follows:

SECTION 27

SIGNS

A. Purpose

The provisions of this Section (the word "Section" when capitalized, indicates Section 27 of the Hopkinton Zoning Ordinance) are made to establish reasonable and impartial regulations for all exterior signs and to further the objectives of the Hopkinton Comprehensive Community Plan; to protect the general public health, safety, convenience and welfare; to eliminate traffic hazards caused by signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and aesthetically harmonious community; to protect property values; and to further economic development.

B. Definitions

As used in this Section unless otherwise expressly stated in this Section the following definitions shall apply:

1. Awning Sign - A frame structure with a covering designed in awning form, the purpose of which includes signage.
2. Banner - Any piece of flexible material bearing a design, motto, advertisement or commercial message.
3. Billboard - See definition of Off-premise sign
4. Bulletin Board - A permanent structure where current notices and information are posted, which may be of interest to the general public.

Zoning Ordinance - Section 27: Signs

5. Commercial Center - A group of commercial businesses or uses in one or more buildings or structures, located on a single site, and managed by a single business entity.
6. Directory - A sign which identifies the occupant(s) and/or uses in a professional, business, or manufacturing building(s) on the site of the uses.
7. Directional Sign - A sign giving directions to the location of any use or activity.
8. Electric Awning Sign - A frame structure with translucent covering designed in awning form, the purpose of which includes signage, and which is internally illuminated.
9. Freestanding Sign - A sign supported by one or more poles, uprights, braces or frames or similar structures, and not attached or supported by any building or wall.
10. Illuminated Sign - A sign illuminated from within, including neon signs.
11. Indirectly Illuminated Sign - A sign illuminated from an artificial exterior source.
12. Marquee - Any permanent roof-like structure projecting from a building designed and constructed to provide protection from the weather.
13. Manufacturing Park or Center - A group of manufacturing businesses or uses in one or more buildings or structures, located on a single site, and controlled by a single business entity.
14. Monument Sign - A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.
15. Nonconforming Sign - A sign that met all legal requirements, when constructed, but that is not in compliance with this Section.
16. Off-Site Directional Sign - A directional sign which is not on the premises of the use or activity.
17. Off Premise Sign - A sign, including a billboard, which advertises a use or activity, or a product not sold nor manufactured on the property on which the sign is located.
18. On-Premise sign - A sign which advertises a use or activity located on, or a product sold or manufactured on the property on which the sign is located.
19. Plaza - An open area or courtyard within a developed site.
20. Portable Sign - A sign not attached to a building or structure or attached to the ground and which is capable of being placed upon various locations on a lot, for example; A-frame

SECTION 27 - SIGNS

signs, trailer signs and the like.

21. Projecting Sign - A sign that projects from the exterior of any building or wall.
22. Roof-Mounted Sign - A sign placed upon the roof of any building or portion thereof, or erected on a framework supported by the roof of a building.
23. Sign - Any device, fixture, placard, or structure that uses any color, form, image, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
24. Temporary Sign - A sign that is displayed only for a specified period of time.
25. Trailer Sign - A sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a self-propelled or towed vehicle. Such signs shall include advertising signs attached to a truck, chassis, detachable vehicle trailer or other such signs, but shall not include signs painted or otherwise inscribed on a self-propelled or towed vehicle which identify the product, service or an activity for which the vehicle is used, unless the principal use of such vehicle is for advertising purposes.
26. Wall-Mounted Sign - A sign erected against, painted on or attached to the wall of any building or structure, including signs affixed to fences, screens and freestanding walls.
27. Window Sign - Any sign that is placed inside or upon the window panes or glass and is readily visible from the exterior of the window.

SECTION 27 - SIGNS

C. Sign Computations

1. Area - The area of a sign face shall be taken as the smallest rectangle that will enclose the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, fence or wall. Any such fence or wall shall otherwise meet the zoning ordinance regulations and be clearly incidental to the display itself. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than 16 inches from one another, the area of the sign shall be taken as the area of the larger face.
2. Height - The height of a sign is measured from the normal grade directly below the sign to the highest point of the sign or any of its supports. Any elevation of the normal grade in the vicinity of the sign will be added to calculate the maximum height of the sign.
3. Setback - The distance from the outermost edge of the sign to the public right-of-way.
4. Projection Over Public Right of Way - The distance perpendicular to the property line, from the property line to the outermost edge of the sign, over any public right of way.

SECTION 27 - SIGNS

D. Signs Permitted in Any Zoning District **(No Sign Permit Required)**

The following signs are permitted, provided, however, that such signs shall conform to all other applicable regulations, and further provided that such signs shall be neither illuminated nor indirectly illuminated, except as otherwise specified herein:

1. Name and Address of Resident, not to include any commercial advertising. Such signs shall not exceed two square feet in area per side, and shall be limited to one such sign per dwelling unit.
2. No Trespassing Signs, or other such signs regulating the use of the property on which it is located, provided such signs do not exceed two square feet in area.
3. Real Estate Signs, which advertise the sale, lease or rental of the property on which it is located, and shall not exceed six square feet in area.
4. Signs Erected by the Town of Hopkinton, the State of Rhode Island or by the United States of America, pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation. Such signs may not be illuminated.
5. Memorial Signs or Tablets, and signs denoting the date of erection of buildings. Signs denoting the date of erection of buildings shall be wall-mounted or located on the ground and shall not exceed three square feet in area.
6. Election Signs, permitted in all zoning districts, with permission of the land owner. Election signs shall be removed within 10 days after the election, by the landowner where the sign is located. Signs are not to exceed 32 square feet. No signs may be posted within a public right-of-way, including trees, utility poles or traffic signs.
7. The following signs customary and necessary to the operation of gasoline filling stations - Any sign required by federal or state statute, not to exceed two and one half square feet per side, each.
8. Sale of produce raised on land signs shall be no larger than 12 square feet per side or two signs no larger than six square feet each per side, and shall not be illuminated in any manner.
9. Handicapped Parking Space Sign - Signs not exceeding two square feet in area reserving parking spaces for handicapped motorists.

SECTION 27 - SIGNS

10. Bulletin Boards, for non-commercial institutions, such as libraries, churches and schools, when located on-premise, provided such signs do not exceed 15 square feet total and bear no commercial advertising. There shall be no more than one such sign per site. Such sign may be indirectly illuminated. Where a bulletin board has two or more faces, the area of all faces shall be included in determining the area of the bulletin board, except that where two such faces are placed back to back and are at no point more than 16 inches from one another, the area of the bulletin board shall be taken as the area of the larger face.
11. Trash Container/Dumpster - Signage or lettering indicating the owner/operator of the trash container shall be limited to 3 square feet. All such containers located in the Town of Hopkinton shall comply with this requirement within one year of the adoption of this Section.
12. Sale Signs - Signs which advertise sale events are permitted for a time period of up to 2 weeks per event or per Holiday.

E. Signs Prohibited in All Zoning Districts

The following signs shall not be permitted in any Zoning District:

1. Signs which have any visible moving parts, including signs which are designed to achieve movement by action of wind currents, or which have mobile or revolving parts or which have animated parts (except time or temperature devices), provided however, that barber poles ordinarily and customarily used in connection with barber shops are allowed if they comply with all provisions of this Section.
2. Signs which incorporate in any manner any intermittent or moving illumination, animation, or illumination which varies in color (except intermittent time or temperature devices).
3. Any Sign or sign support which constitutes a hazard to public safety or health, including signs which obstruct the vision of a driver, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads; or which obstruct free ingress to or egress from an exit way; or which make use of words such as "stop", "look", "one way", "danger", "yield", or any similar words, phrases, symbols, lights or characters, which may interfere with, mislead or confuse traffic.
4. Searchlights are prohibited.

SECTION 27 - SIGNS

5. Pennants, spinners, banners and streamers unless associated with events of religious, public or charitable organizations are permitted for a period not to exceed 20 days or for new business openings for a period not to exceed 20 days. Also, entrance pennants, banners and flags not to exceed two per location shall be allowed. Vender related banners shall be allowed at the rate of 2 banners per 25 linear feet of building.
6. Projecting signs which are erected so as to project from the exterior of any building, or wall and which exceed 12 square feet in area, or which project more than four feet from the exterior of said building or wall. Nothing herein shall be construed to permit the erection of any projecting sign over a municipal right-of-way, without the approval of the Building Inspector.
7. Roof-Mounted Signs - which are mounted above the highest peak of the roof on which they are placed.
8. Trailer Signs or portable signs, including portable billboards.
9. Off-Premises Signs, including billboards, unless as permitted in Sections J.2 & K.
10. Awning or Electric Awning Signs - However, canvas awning signs with no illumination and conforming to dimensional requirements within the zoning district which it is located, are permitted.
11. Window Signs, which in the aggregate exceed 50% of the total window area.
12. Inflatable Signs / Devices
13. Vendor or Franchise Signs - Permanent signs which are required by vendor or franchise related products and do not meet current requirements of this Section, relief shall be available from the Zoning Board of Review through an application for a Special Use Permit".

SECTION 27 - SIGNS

F. Signs in Residential Zoning Districts

All signs in Residential Districts shall conform to the following regulations:

1. Single Use There shall be no more than one sign, other than a sign identifying the name and address of the occupant as specified in Section 27.D.1, for such residential lot. Such signs may identify the premises and/or identify a permitted customary home occupation, including real estate and professional offices in the home, and shall not exceed six square feet per side in area.
2. Lighting of Signs Only indirectly illuminated continuous light, directed away from adjacent properties and traffic.
3. Entrance Signs Permanent signs at major entrances to residential developments designed only to identify such developments shall be permitted provided such signs bear no commercial advertising; and do not exceed 15 square feet in area.
4. Dimensional Requirements

Height:	6 feet
Front Yard Setback:	10 feet*
Side Yard Setback:	15 feet
Rear Yard Setback:	15 feet

* = or equal to the least setback of abutting buildings

SECTION 27 - SIGNS

G. Signs in Neighborhood Business District

All signs in the Neighborhood Business District shall conform to the following regulations:

1. **Single Use** There shall be no more than one sign for the principal property, use or business, except as otherwise specified in this Section. The sign may be either wall-mounted, freestanding, marquee, monument or projecting.

2. **Multiple Uses** There may be no more than one directory identifying the uses or businesses on the property. The uses or businesses shall share the maximum total square footage allowed in this district. In addition, one wall mounted sign not to exceed three square feet shall be allowed per business or use.

3. **Dimensional Requirements**

Size:	20 square feet
Height:	8 feet
Front Yard Setback:	10 feet*
Side Yard Setback:	15 feet
Rear Yard Setback:	15 feet

- * = or equal to the least setback of abutting buildings

4. **Lighting of Signs** Only indirectly illuminated continuous light, directed away from adjacent properties and traffic.

5. **Vision** No freestanding sign shall be erected in such a manner as to materially impede vision or obstruct access to or from any public street, sidewalk, driveway, off-street parking or loading facility, or any other access required by this Section.

SECTION 27 - SIGNS

H. Signs in Commercial Districts

All signs in the Commercial District shall conform to the following regulations:

1. **Single Use** There shall be no more than one sign for the principal property, use or business, except as otherwise specified in this Section. The sign may be either wall-mounted, freestanding, marquee, monument or projecting. No billboards or outdoor advertising structures, either mobile or stationary, shall be permitted, other than signs. If the building or use fronts on more than one public street, one such sign shall be permitted on each exterior face of the building.

2. **Multiple Uses** In commercial centers there may be no more than one wall-mounted sign for each business or use. In addition to such wall-mounted signs, there shall be permitted in commercial centers one common freestanding sign identifying all uses in the center. The dimensional limits of such signs are included in Table 1 below. If the business or use has multiple exterior wall faces, one such sign shall be permitted on each exterior face, which fronts on a public street provided the business or use fronts more than one public street, and is without a common free-standing sign.

**Table 1 -
Size Limits for Common Freestanding Sign:**

Gross Floor Area of Commercial Center (Square Feet)	Maximum Area of Freestanding Sign (Square Feet)	Maximum Height of Freestanding Sign (Feet)
< 50,000	32 Square Feet	12 Feet
> 50,000	64 Square Feet	16 Feet

SECTION 27 - SIGNS

3. Additional Signs Permitted in Commercial Centers

- (a). Informational or Directory Signs identifying on-premises traffic, hours of operation, business affiliations, parking or other functional activity, such as lavatory facilities, telephones, sections of a building, entrances, offices, tenant names in commercial centers, bearing no commercial advertising. There shall be no more than one sign for each applicable activity or building, unless part of an approved signage plan for a commercial center, and each sign shall not exceed three square feet. Such signs may not be illuminated.
- (b). Main Entry Signs to identify the entrance into a commercial center. Signs shall display only the name of the center or its logo. A main entry sign shall not be permitted if an informational or directory sign is constructed. A main entry sign shall conform to the dimensional requirements of Section H. - 4.
- (c). Ceiling Hung Signs to identify entrances to each tenant space or use. Signs shall display the name of tenant or its logo of the center. Signs shall not exceed eight square feet. Ceiling hung signs shall be rigidly secured and shall have a minimum clearance of seven feet - six inches.
- (d). Plaza Directory Sign to identify tenants within a plaza. Signs may contain multiple tenant names on a freestanding support system, with a combined sign area not to exceed four square feet. One such sign shall be permitted per plaza area.
- (e). Special Use Signs to identify the location of central facilities or a multi-use space within a commercial center such as a food court, atrium, etc. for use by the general public. Such signs shall indicate the use or its logo of the center, and shall conform to the dimensional requirements specified in Section H. - 4.

SECTION 27 - SIGNS

4. Dimensional Requirements

Size: one square foot per two linear feet of
building length, not to exceed 32 square feet

Height: 12 feet
Front Yard Setback: 10 feet
Side Yard Setback: 15 feet
Rear Yard Setback: 15 feet

* No sign shall be placed within ~~10~~ feet of a Residential District.

5. Lighting of Signs Only indirectly illuminated continuous light, directed away from adjacent properties and traffic.

6. Vision No freestanding sign shall be erected in such a manner as to materially impede vision or obstruct access to or from any public street, sidewalk, driveway, off-street parking or loading facility, or any other access required by this Section.

SECTION 27 - SIGNS

I. Signs in Manufacturing Districts

All signs in the Manufacturing District shall conform to the following regulations:

1. Single Use There shall be no more than one sign for the principal property, use or business, except as otherwise specified in this Section. The sign may be either wall-mounted, freestanding, marquee, monument or projecting and sized according to the following: one square foot per two linear feet of building length, not to exceed 64 square feet.

2. Multiple Use The following signs are permitted in manufacturing parks or centers:

(a). One freestanding sign for the park/center not to exceed 32 square feet in the form of a directory sign or identification sign.

(b). One sign per individual building, not to exceed 20 square feet.

(c). One sign per individual establishment within each individual building, not to exceed 20 square feet.

3. Dimensional Requirements

Height: 15 feet

Front Yard Setback: 10 feet

Side Yard Setback: 15 feet

Rear Yard Setback: 15 feet

* No sign shall be placed within ~~10~~ feet of a Residential District.

4. Lighting of Signs Only indirectly illuminated continuous light, directed away from adjacent properties and traffic.

5. Vision No freestanding sign shall be erected in such a manner as to materially impede vision or obstruct access to or from any public street, sidewalk, driveway, off-street parking or loading facility, or any other access required by this Section.

SECTION 27 - SIGNS

Table 2

Summary Dimensional Limits: All Zoning Districts *

DISTRICT

DIMENSION	RES-HOME	RES-REAL EST.	RES-ENTRY SIGN	COM-SINGLE & MULTI <50K SF	COM-MULTI >50K SF	NEIGHBORHOOD BUSINESS	MAN-SINGLE	MAN-MULTI-BLDG & INDIV. USE	MAN-MULTI-FREE STANDING
SIZE	2 SF	6 SF	15 SF	32 SF MAX*	64 SF MAX	20 SF	64 SF*	20 SF	32 SF
HEIGHT	6 FT	6 FT	6 FT	12 FT	16 FT	8 FT.	15 FT.	15 FT.	15 FT.
FRONT YARD SETBACK	10 FT	10 FT	10 FT	10 FT	10 FT	10 FT.	10 FT.	10 FT.	10 FT.
SIDE YARD SETBACK	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT.	15 FT.	15 FT.	15 FT.
REAR YARD SETBACK	15 FT	15 FT	15 FT	15 FT	15 FT	15 FT.	15 FT.	15 FT.	15 FT.

* = One (1) square foot per two (2) linear feet of building length, not to exceed....

+ = Unless otherwise specified

SF = Square Feet

FT = Feet

RES = Residential Districts

COM = Commercial Districts

MAN = Manufacturing Districts

In Commercial and Manufacturing Districts, no sign shall be placed within 40 feet of a Residential District.

SECTION 27 - SIGNS

J. Temporary Signs.

The following temporary signs are allowed in any Zoning District provided that they conform to the following provisions, and that they are granted a temporary sign permit as required in Section N. Such temporary signs shall be neither illuminated nor indirectly illuminated.

1. Contractor Identification Signs, customary and necessary in connection with the erection of buildings or other significant construction work shall be limited to one sign for each construction project to include the identification of the project, designer, sponsor or builder. Such signs shall not exceed 12 square feet in any residential district, 20 square feet in any Neighborhood Business District, or 32 square feet in any Commercial or Manufacturing District, and shall be removed within 10 days after the expiration of the permit. Signs, not to exceed six square feet, identifying the contractor or builder only on a single family home construction site, shall not be subject to this section.
2. Event Signs, no larger than 20 square feet which advertise auctions and special events conducted by non-profit organizations provided such signs shall not be in place more than 30 days. No more than three signs advertising any such event shall be erected or maintained at any one time within the Town of Hopkinton.
3. Real Estate Signs which are in place for more than six months, and which advertise in any way the sale or lease of the property on which they are located, which do not exceed six square feet in a residential district, shall be exempt from obtaining a temporary sign permit. However, signs in a neighborhood business district shall not exceed 20 square feet, or 32 square feet in a commercial or manufacturing district and shall be subject to this section. No such real estate sign shall be maintained more than 10 days after completion of the lease or sale of the property.

For approved residential subdivisions, in lieu of individual lot for sale signs, there may be one common sign, not to exceed 32 square feet per side, per separate entrance, advertising the property for sale and not to be in place for more than two years, without an extension granted by the Zoning Board of Review.

SECTION 27 - SIGNS

K. Off-Site Directional Signs

1. Off site directional signs shall be permitted in any zoning district where the location of a use requires such signs in order to avoid confusion, traffic congestion or similar inconveniences, and to facilitate travel to such location. Off-site directional signs shall require the permission of the landowner for their erection. Such signs shall measure 6" by 24", have a white background with green letters of Helvetica style. Such signs shall be no less than 6 feet in height and no more than ten feet in height. Multiple signs at one location shall be adhered to a single support system to the maximum extent possible.

2. Off-Site Directory Sign, proposed by a group of businesses, located along the Route 3 corridor and within a commercial or manufacturing district, may be permitted by approval of the Zoning Board of Review as a Special Use Permit, as provided for herein, and with RIDOT approval of the location.

SECTION 27 - SIGNS

L. Sign Permits

A sign permit shall be required for all signs hereafter erected, installed or replaced, unless specifically exempted by this Section. Such permits shall be issued by the Zoning Enforcement Officer and shall be in addition to any other permits required by this or any other ordinance of the Town.

M. Application for a Sign Permit

1. Application for sign permit shall be made in writing upon forms provided by the Zoning Enforcement Officer.
2. The following information shall be provided:
 - (a). The size and type of the proposed signs, area, height, width, thickness, illumination, and material of which is to be constructed.
 - (b). A detailed drawing showing the description of the construction details of the sign and showing the lettering and/or pictorial matter composing the sign, position of lighting or other extraneous devices, and support structures.
 - (c). The location of the sign in relation to the building and all property lines and streets.
 - (d). Name, address, telephone number of the applicant and/or owner
 - (e). Address of the property where sign is to be located (Plat & Lot)
 - (f). Signature(s) of the applicant and/or owner
3. The Zoning Enforcement Officer may require any other such information as may be reasonably necessary to administer the provisions of this Section relating to signs. For temporary signs, information required in items 2. (a), (b), & (c) above may be waived by the Zoning Enforcement Officer provided that other information necessary to determine compliance with the ordinance is prohibited.

SECTION 27 - SIGNS

N. Issuance of Permits

If the Zoning Enforcement Officer finds the proposed sign to be in compliance with this Section, he/she shall issue such sign permit within 10 days after the filing of the application.

If the erection or installation of the sign authorized under any such permit has not been started within six months from the date of the issuance of such permit, and diligently pursued until completed, the permit shall become null and void.

The expiration date of a temporary sign shall be clearly displayed on the sign.

O. Temporary Sign Permits

No temporary sign, as described in Section J., shall be erected, installed or maintained without first obtaining a permit thereof. Any such permit may be issued for a period not to exceed six months, and shall provide that any sign authorized by such permit shall be removed at the expiration of said six month period, or within 10 days after the completion of the activity advertised, whichever shall be sooner, and shall not exceed the six month period.

A permit for a temporary sign may be extended or renewed at the discretion of the Zoning Enforcement Officer for additional six month periods, not to exceed a total of 24 months, unless otherwise specified herein.

If the applicant shall fail to remove such sign, the Zoning Enforcement Officer after 10 days written notice to the applicant to remove such sign, and after the failure of the applicant to do so, shall cause said sign to be removed and may impose a fine upon the applicant, as set forth in Section 22 of the Hopkinton Zoning Ordinance entitled "Violations."

SECTION 27 - SIGNS

P. Hazardous or Obsolete Signs

All signs must be free from all hazards such as, but not limited to, faulty wiring or loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.

Signs associated with an abandoned use as defined herein, shall be removed within 60 days after the date they become obsolete. In the event of a violation of any of the foregoing provisions of this Section, the Zoning Enforcement Officer shall give written notice to remove any such sign within 60 days from the date of said notice. A sign in a state of disrepair, so as to create a nuisance, shall be removed within 60 days of written notice by the Zoning Enforcement Officer.

Q. Abatement and Removal of Unlawful or Unsafe Signs

Upon failure to comply with the provisions of said notice specified in Section O. & P., the Zoning Enforcement Officer shall notify the owner of such sign of the violation of this Section, and request appropriate action be taken to obtain conformance with this Section, or removal of such sign. When any sign is in such condition as to be an immediate hazard and peril to the safety of the public or to property, the Zoning Enforcement Officer is hereby authorized to cause any such sign to be removed summarily without notice and shall collect from the owner of such sign all costs associated with removal.

SECTION 27 - SIGNS

R. Non-Conforming Signs

Signs existing at the time of the enactment of this Section, notwithstanding Section P., and not conforming to its provisions, but which did conform to previous laws, shall be regarded as non-conforming signs, which may be continued. Non-conforming signs which are relocated or replaced, shall comply immediately with the provisions of this Section. An illegal sign is not a non-conforming sign. If a nonconforming sign is damaged by accident or an act of God, such sign shall be allowed to remain as a nonconforming sign. Non-conforming signs may be modified or structurally altered, however, they may not be relocated or increased in size

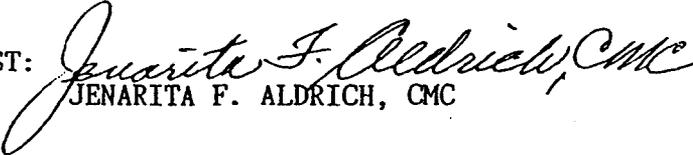
R. Fees

The following fee shall be charged for the review and approval of a sign permit:

All Signs.....fee schedule to be established by the Town Council.

This Ordinance shall take effect upon passage.

ADOPTED; JULY 21, 1997

ATTEST: 
JENARITA F. ALDRICH, CMC

CHAPTER 131

An Ordinance entitled "Groundwater & Wellhead Protection Ordinance, an ordinance in amendment of Chapter 134 of the Code of Ordinances of the Town of Hopkinton, as amended.

It shall hereby be ordained by the Town Council of the Town of Hopkinton, RI to adopt Chapter 131 Groundwater and Wellhead Protection Ordinance, an ordinance further amending Chapter 134 of the Zoning Ordinances of the Town of Hopkinton, to add the following provisions;

Amend Section 2. Definitions, to include the following definitions:

Aquifer. A saturated, permeable geologic formation that can yield significant quantities of water, to wells, springs or surface water bodies.

Aquifer Protection Permit. A permit allowing a use designated by the letter "A" in the Primary or in the Secondary Groundwater and Wellhead Protection Zone District in the District Use Table of this Ordinance.

Best Management Practice: A schedule of activities, prohibition of practices, maintenance procedures and other management practices designed to prevent or reduce the degradation of the town's groundwater quality

Community Water System: A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Conservation Commission: The Conservation Commission of the Town of Hopkinton.

Containment Structure: A structure designed, built and maintained for the purpose of sufficiently enclosing an above ground storage tank or individual storage containers, e.g. drums, to contain spills until spill cleanup and which precludes entry of water and other materials not intended for storage therein and from which entry by unauthorized persons is prevented.

Groundwater: Water found underground which completely fills the open spaces between particles of sediment and within rock formations.

Hazardous Material: Any material defined as a "hazardous substance" by section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 (42 USC 9605) as amended. Hazardous Material shall include any hazardous waste as well as any of the following materials: acetone, ethanol, ethylene oxide, methanol, methylene chloride, perchloroethylene and petroleum products. The enumeration of the above materials is not intended in any way to minimize the list of materials defined in the aforesaid section.

Non-Transient Non-Community Water System: A non-community water system that regularly services at least 25 of the same persons over six months of the year.

Primary Groundwater and Wellhead Protection Zone Overlay District. Those areas depicted on that certain map entitled "Groundwater and Wellhead Protection Map, Hopkinton, RI", dated March 22, 2004 or the most recent revision adopted by the town council, which map is on file in the records of the Town Clerk of the Town of Hopkinton.

Recharge Area: The land surface from which water is added to the zone of saturation. The recharge area for a particular well or aquifer is that land surface from which water moves to the well or aquifer or may move to the well or aquifer under certain hydraulic conditions.

Secondary Groundwater and Wellhead Protection Zone Overlay District. Those areas depicted on that certain map entitled "Groundwater and Wellhead Protection Map, Hopkinton, RI", dated March 22, 2004 or the most recent revision adopted by the town council, which map is on file in the records of the Town Clerk of the Town of Hopkinton.

Solid Waste: Any solid waste as defined in the Rhode Island Department of Environmental Management Rules and Regulations for Solid Waste Management Facilities, February 1991, and amendments thereto; and which shall include garbage,

refuse and other discarded solid materials generated by residential, institutional, commercial, industrial and agricultural sources but does not include solids or dissolved materials in domestic sewage or sewage sludge, nor does it include hazardous waste. Solid waste shall also include non-hazardous liquid, semi-solid and containerized gaseous waste.

Underground Storage Tank (UST): Any one or more combinations of tanks (including underground pipes connected thereto) used to contain petroleum or other hazardous material and which is located wholly or partly beneath the surface of the ground.

Wellhead Protection Area: The critical area surrounding a community water system well or non-transient non-community water system well through which water will move toward and reach such wells, as depicted on that certain map titled "The Groundwater and Wellhead Protection Map, Hopkinton, RI", dated March 22, 2004 or the most recent revision adopted by the town council, which map is on file in the records of the Town Clerk of the Town of Hopkinton.

Zone of Saturation: That subsurface area below the water table where all pore spaces between gravel and soil particles and all bedrock fractures are filled with water.

Zoning maps. Add subsection (b):

(b) The map entitled: "Groundwater and Wellhead Protection Map, Hopkinton, RI", dated March 22, 2004 or the most recent revision adopted by the Town Council, which map is on file in the records of the Town Clerk of the Town of Hopkinton and which is adopted and made a part of this ordinance. The boundary lines of the primary and secondary overlay districts are intended and are to be interpreted to be based on physical features of the land and not to follow the boundary lines of existing lots of record and the centerline of roadways

Said Groundwater and Wellhead Protection Map is attached and made part of this record.

Amend Section 5. District Use Regulations as follows:

Section 5. District use regulations.

The following District Use Table establishes in each district those uses permitted and those uses permitted by special-use permit or by aquifer protection permit. All uses not so permitted in a district are prohibited therein. Except for those uses and activities specifically identified in Sub-Section 5 a. of this ordinance, which follows below, any accessory use customarily incident to a use permitted in a district and located on the same lot shall be permitted; any accessory use customarily incident to a use permitted in a district by special use permit or aquifer protection permit and located on the same lot shall be permitted upon the grant of the special-use permit or aquifer protection permit unless limited by special condition attached to the grant of the special-use permit or aquifer protection permit. It shall be the responsibility of the zoning enforcement officer to determine which use classification a proposed use is governed by.

(Ch. 134, § 4, 12-19-94)

Said District Use Table is attached and made part of this record.

Add new Sub-Section 5 a. Prohibitions, additional prohibitions to include the following:

Section 5 a. Prohibitions. The following are prohibited:

1. Residential Underground Storage Tank (UST) installations.
2. Non-residential UST installations in a Primary Protection Zone District. Non-residential UST installations (except those regulated by RIDEM) are permitted in the Secondary Protection Zone by Aquifer Protection Permit only.
3. In the Primary Protection Zone District, any discharge of liquid wastes and waste water containing suspended particles on site to the subsurface through septic systems, dry wells, galleys, or other means, except for the discharge of sanitary waste in accordance with an approved RIDEM individual septic disposal system. Such discharge is permissible in the Secondary Protection Zone by Aquifer Protection Permit only. RIDEM approved activities associated with the subsurface disposal of sewage from individual sewage disposal systems are permitted. This shall not include the discharge of storm-water runoff into the subsurface by drywells, galleys, or other means, nor shall this include the retention and/or

conservation commission.

(B) *Planning board and conservation commission recommendations.* The zoning board, at its next meeting after receipt of a complete application for an Aquifer Protection Permit may request that the planning board and/or town planner and the conservation commission report their findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the comprehensive plan of the town, writing to the zoning board within thirty (30) days of the zoning board request.

(C) *Notice and hearing.* The zoning board shall hold a public hearing on any application for an Aquifer Protection Permit in an expeditious manner after receipt in proper form of a complete application, and shall give public notice thereof of at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation in the town. Notice of hearing shall be sent by certified mail, return receipt requested, to the applicant and to all those owners of real property or other entities which would require notice under R.I.G.L., chapter 42-24-53, at least fourteen (14) days prior to the date of the hearing. Said notice shall include the street address of the property for which the Aquifer Protection Permit is sought. The cost of notification shall be borne by the applicant.

(D) *Findings of zoning board.* In granting an Aquifer Protection Permit, the zoning board shall be satisfied by legally competent evidence that the proposed use will not result in concentrations of pollutants in the groundwater that will adversely affect the groundwater as a source of potable water or its classification as GAA (suitable for public or private drinking water use without treatment) or GA (may be suitable for public or private drinking water use without treatment) as promulgated in the RIDEM "Rules and Regulations for Groundwater Quality" in accordance with Chapter 46-13.1 of the General Laws of Rhode Island, 1956, as amended.

(E) *Maintenance.* All facilities and structures constructed in accordance with an Aquifer Protection Permit shall be maintained by the owner or operator to assure their ability to function as designed. Failure to properly maintain such facilities and structures shall constitute a violation of this ordinance and is subject to enforcement action of the town.

Amend and add a Section ____ . Best Management Practice Work Plan Submittal, A-U as follows:

Section ____ . Best Management Practice Work Plan Submittal.

Where an Aquifer Protection Permit is required and the proposed use involves hazardous materials or if State or Federal permit, approval or license is required because the use involves hazardous materials including hazardous waste, a Best Management Practice work plan must be submitted that:

(A) *Includes three copies of any required State or Federal permits, approvals or licenses required for the proposed use along with citation of the statute, law, ordinance or regulation requiring these documents.*

(B) *Lists all chemicals, pesticides, petroleum products and other hazardous materials and the maximum quantity to be used, stored, transferred or generated on the premises at any one time accompanied by a description of measures proposed to protect them from vandalism, corrosion, leakage, malfunction or spill including spill prevention and clean-up procedures and other countermeasures.*

(C) *Describes all hazardous or potentially hazardous wastes to be generated and the system to be used that will collect, store, treat (if necessary) and subsequently dispose, off-site, of all waste products other than sanitary sewage. Include spill prevention and clean-up procedures to be used.*

(D) *States the proposed measures to mitigate any potential adverse impact from hazardous materials or petroleum products spillage on the groundwater or structures feeding the groundwater.*

(E) *Provides a description of the method by which local, state and federal authorities will be notified in the event of an accident or spill of a hazardous material or petroleum product that will have a potentially adverse impact on the environment.*

(F) *Shows a plan prepared by the appropriate licensed professional(s) in accordance with R.I.G.L. with the dimensions, elevations and nature of the proposed use; the amount, area and*

type of proposed fill, area and nature of proposed grading; proposed drainage facilities; proposed roads, water and other utilities; and specifications for building construction and material.

(G) Shows a plan prepared by the appropriate licensed professional(s) in accordance with R.I.G.L. to include all relevant existing features within two hundred feet of the property line including but not limited to the Primary Protection Zone boundary, wetlands or water bodies, vegetation, existing development and contours at two foot intervals. Off site conditions and features may be taken from existing sources of information and referenced on the plan.

(H) Includes a soils report by a Professional Soils Scientist registered with the Society of Soils Scientists of Southern New England or a Site Evaluator licensed by the Department of Environmental Management, to include the depth to groundwater and soil strata description to ten (10) feet.

(I) Includes a report by a groundwater hydrologist on the present surface and groundwater water quality conditions, the rate and direction of groundwater movement and a description of the analysis method used; and the potential impact to ground and surface waters from the proposed use including spills. Such report shall also include the cumulative impacts of discharge pollutants over an extended period of time and a description of mitigation measures to include identification of any irreversible alteration of natural features as a result of the proposed action and the proposed rate and volume of groundwater withdrawal and the potential cumulative impacts of groundwater withdrawal.

(J) Provides compelling evidence of qualified professional supervision in the design, installation, operation and maintenance of facilities or containers to be used for the handling, storage, generation and disposal of hazardous materials and petroleum products

(K) Requires that indoor storage of hazardous materials and petroleum products shall be within a containment structure that meets the following standards:

(1) Constructed in such a manner as to prevent the release of hazardous materials and petroleum products and constructed of such materials that are impermeable and compatible to the materials being contained.

(2) The containment structure shall, at minimum, be designed to contain the following volumes:

(a) For above ground storage tanks greater than 100% of the capacity of the largest tank.

(b) For individual containers, e.g., drums greater than 10% of the total volume of all the containers or the volume of the largest container, whichever is greater.

(L) Requires that outdoor storage of hazardous materials and petroleum products shall be within a containment structure that meets the following standards:

(1) Impermeable base and surrounding dike that is compatible with the material being contained.

(2) The containment structure shall, at minimum, be designed to contain the following volumes:

i. For above ground storage tanks greater than 100% of the capacity of the largest tank.

ii. For individual containers, e.g., drums greater than 10% of the total volume of all the containers or the volume of the largest container, whichever is greater.

(3) The containment structure shall be protected by a roof and adequate sides to prevent entry of precipitation.

(M) Requires that drums and storage containers be fitted with secure lids at all times to prevent spills and leaks; be stored as full as possible to prevent vapors and the chance of explosion; have drip pans under spigots and that the operator control and absorb material spilled from the tops of the drum.

(N) Requires storage areas to be inspected weekly looking for leaks and for deterioration caused by corrosion or other factors, recording the inspections in an inspection log and filling out a weekly Hazardous Material Storage Area Inspection Checklist form as set forth in appendix G hereof (said form and the data and/or evidence required thereby are incorporated herein and made a part of this ordinance) during the inspection; keep these records for at least three years from the date of the inspection and make these records available to the

Zoning Enforcement Officer. If storage includes hazardous waste for which a weekly Hazardous Waste Storage Area Inspection Checklist form is required to be recorded (refer to Section 2.0 of the Hazardous Waste Compliance Workbook for Rhode Island Generators, RIDEM Office of Technical and Customer Assistance dated March 2002, or the most recent revisions thereto), keep these records as required by RIDEM and make these records available to the Zoning Enforcement Officer.

(O) Requires containers and tanks to be clearly labeled as to contents.

(P) Requires hazardous materials generation and storage areas to be clearly marked to indicate the presence of hazardous materials. Material Safety Data Sheets (MSDS) shall be kept for all hazardous materials near the point of generation and storage for ready access by employees, inspectors, etc.

(Q) Requires venting systems for evaporation or other type of discharge to the atmosphere of hazardous materials to be designed with a recovery system to prevent the release of contaminated condensate or drippage.

(R) Requires areas used for loading and transferring hazardous materials and petroleum products to have an impermeable surface and a dike to contain spills or leaks.

(S) Requires a new Aquifer Protection Permit application when additions are proposed to the list of hazardous materials and petroleum products; when changes are proposed to the methods of handling, storage and disposal of hazardous materials and petroleum products; when there is a proposed increase in the maximum quantities of hazardous materials and petroleum products involved; or when there is potential to significantly increase the impact on the groundwater.

(T) Requires adequate quantity of spill containment materials be maintained on hand, document training in the use and prevention of spills and releases and a written plan of use and disposal for these materials for all potential spills or releases.

(U) Address fire protection systems needed for flammable or combustible materials stored in these areas, i.e. to prevent catastrophic fire and release of materials resulting from the fire.

Amend Section 23. Powers and duties of the zoning board as follows:

Section 23.(B)(3) The concurring vote of four (4) of the five (5) members of the zoning board of review 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 ordinance, including variances, special-use permits and aquifer protection permits.

Add an Appendix G. Application & Checklist to Zoning Board of Review for Aquifer Protection Permit plus Weekly Hazardous Material Storage Area Inspection Checklist as follows:

APPENDIX G

APPLICATION & CHECKLIST TO

ZONING BOARD OF REVIEW

FOR:

AQUIFER PROTECTION PERMIT

PLUS

*WEEKLY HAZARDOUS MATERIAL STORAGE AREA INSPECTION
CHECKLIST*

detention of storm-water runoff by open basins provided that appropriate oil separation methods are utilized where applicable.

4. Land disposal of sewage sludge and septage in the Primary Protection Zone. Such disposal is permissible in the Secondary Protection Zone District by Aquifer Protection Permit only.
5. Uncovered storage of road salt and deicing material, without an impermeable storage and handling surface that will prevent contaminated runoff.
6. In the Primary Protection Zone, washing of motor vehicles, except incidental to residential uses, or in a car wash that has an Aquifer Protection Permit, uses recycled water, and does not discharge to the environment.
7. Outdoor storage of hazardous materials, unless the Fire District Chief has determined that indoor storage would create a fire hazard in which case an Aquifer Protection Permit shall be required.
8. In the Primary Protection Zone, storage of petroleum or liquid refined petroleum products or their transfer through piping systems, except within a building (or, if the Fire District Chief has determined that indoor storage would create a fire hazard, in an accessory covered containment structure) as heating fuel for that building. Such storage of heating fuel shall not exceed 500 gallons, except for storage regulated and permitted by RIDEM.
9. In the Primary Protection Zone, parking, for more than two hours in any twenty-four hour period, of any vehicle used for storage or delivery of fuel oil, gasoline, or other liquid petroleum products or hazardous material.
10. Installation of interior floor drains designed to permit fluid from any interior space to be discharged into or onto the ground, except for sump pumps and French drains used solely to accumulate and discharge groundwater from a residence (or, by Aquifer Protection Permit only, from a non-residential interior space). Provided, that such drains may be permitted, by Aquifer Protection Permit only, if designed to empty into an above ground storage tank capable of completely containing anticipated flows. Such tanks shall be subject to containment provisions as provided in this ordinance.
11. Uncovered storage of solid wastes and storage of solid waste in covered dumpsters with drain plugs removed.
12. Washing or rinsing of dumpsters in the Primary Protection Zone and in the Secondary Protection Zone except by Aquifer Protection Permit and the operation does not discharge to the environment.

Amend and add a Section ____ Aquifer Protection Permits as follows:

Section __. Aquifer Protection Permits.

(A) Application. An application for an Aquifer Protection Permit may be made by any person, group, agency or corporation with a legal interest in the land to which it applies by filing in the office of the zoning enforcement officer an application describing the request.

The form and such data and/or evidence which comprises such an application is set forth in the appendix C hereof. Said form and the data and/or evidence required thereby are incorporated herein and made a part of this ordinance.

Upon receipt of an application wherein the applicant seeks a waiver from the requirement of furnishing any item of data and/or evidence as required in the subsections hereof, the zoning enforcement officer shall immediately transmit said application and waiver request to the zoning board, which shall hear and decide the waiver request at a regularly scheduled or special meeting of the zoning board. In the event the zoning board grants such a waiver request, the application, being otherwise in conformity with these subsections, shall be deemed complete. In the event the zoning board does not grant the waiver request in full, the application shall not be deemed complete until all data and/or evidence required by said Appendix for which a waiver has not been granted, is filed in the office of the zoning enforcement officer.

Upon receipt of the complete application, the zoning enforcement officer shall immediately transmit it to the zoning board and shall transmit a copy to the planning board and to the

**APPLICATION CHECKLIST FOR:
AQUIFER PROTECTION PERMIT**

The application for an Aquifer Protection Permit to the Zoning Board of Review must be accompanied with the following information:

- A. *Four (4) copies of a site plan prepared by, and signed and stamped by, a professional engineer or professional land surveyor at a scale of no less than one (1) inch = forty (40) feet clearly showing:*
- name and address of property owner(s)*
 - date, north arrow, graphic scale, lot dimensions and area*
 - plat & lot, zoning district(s) and setbacks*
 - existing and proposed structures, and their relationship & distances from lot boundary lines*
 - existing and proposed parking areas and walkways-existing and proposed landscaping, as it relates to the request*
 - existing streets, 911 address, wells, septic system*
 - list of names and addresses of all property owners within 200 feet of subject property*
 - Best Management Practice work-plan where required*
 - any peculiar site conditions or features*
- B. *Four (4) copies of a separate map indicating all property owners within 200 feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and use of all neighboring properties.*
- C. *A soil erosion and storm-water control plan with supporting calculations based standards approved by the USDA Soil Conservation Service and in conformity with the RI Erosion and Sediment Control Handbook.*
- D. *A letter from a biologist indicating that there are no freshwater wetlands on or in proximity to the site such that the application is regulated by the R.I. Freshwater Wetlands Act. In those instances where the application is regulated by the R.I. Freshwater Wetlands Act, a physical alteration permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.*
- E. *Location of existing septic system. Where construction requires approval by R.I.DEM – Division of Land Resources for an ISDS (individual sewage disposal system) or change of use permit for the proposed activity, attach a copy to the application.*
- F. *Traffic Study addressing the potential impacts of the proposed activity.*
- G. *On a separate site plan, indicate existing and proposed topography at two (2) foot intervals.*
- H. *Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is of drinking water quality.*

Note: Upon the applicant's request, the Zoning Board of Review, in appropriate circumstances, may waive the provision of any items of information listed above. The specific reasons for the request of waiver of checklist items must be described on the application. The waiver(s) requested must be approved by the Zoning Board before an application without all the items listed above will be deemed complete.

TOWN OF HOPKINTON
ZONING BOARD OF REVIEW

To: **Hopkinton Zoning Board of Review**

Town Hall
1 Townhouse Road
Hopkinton, RI 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for an **AQUIFER PROTECTION PERMIT** in the application of the provisions of regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____ Address: _____
Owner: _____ Address: _____
Lessee: _____ Address: _____

1. Filing Instructions:

- a. The original application and eleven (11) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount of **\$75.00** shall accompany an application to the Zoning Board of Review to cover the costs of legal advertisement and processing. In addition to the \$75.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services and legal advertisement, and will be billed when the final costs have been determined.
- c. All required checklist items for an **AQUIFER PROTECTION PERMIT** must accompany the application in order to be considered a complete application.

2. Location of Premises: _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District _____
911 Address _____

4. Aquifer Protection Zone(s) _____

5. Dimensions of Lot: (Frontage) feet by (Depth) feet Area (Square Ft. or Acres) _____

6. How long have you owned the premises? _____
State year which lot(s) were platted and recorded: _____

7. State present use of premises: _____

8. State proposed use of premises: _____

9. Please give the size (in feet) of all existing buildings and accessory structures: _____

10. Have you submitted plans to the Zoning Enforcement Officer? _____
Has a permit been refused? _____
If a permit has been refused, attach a copy of the denial, in writing.

11. Please give the size (in feet) of all proposed buildings and accessory structures that will support the proposed use: _____

12. Please describe any planned alterations to support the proposed use _____

13. Will the proposed use involve hazardous materials or require State or Federal permit, approval or license? Yes _____ No _____

If Yes, explain: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **AQUIFER PROTECTION PERMIT** is made: _____

15. Indicate the grounds for which **AQUIFER PROTECTION PERMIT** is sought: _____

16. Request for Waiver: Please indicate the checklist items that are requested to be waived by the Zoning Board and the reasons for the request: _____

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone # _____

TOWN OF HOPKINTON, RI

WEEKLY HAZARDOUS MATERIAL STORAGE AREA INSPECTION
CHECKLIST

Business Name: _____

Name/Title of Inspector: _____ Signature: _____

Inspection Date: _____ Time: _____ Keep for 3 Years, Until: _____

Area(s) Inspected: _____

	<u>Above Ground Storage Tanks</u>	<u>Individual Containers</u>
Number of	_____	_____
Number of Full	_____	_____
Are They All Closed?	_____	_____
Condition of Tanks/Containers:	_____	_____

(Do they show signs of leaking? Is there deterioration due to rust? Have they been damaged?)

Condition/Integrity of Containment Area: _____

(Will the area effectively contain a spill or leakage? Are berms/containment devices in good condition?)

Is there at least three feet of clear aisle space between rows of containers? _____

Are ground wires in place for ignitable materials? _____

(Note condition of wires as well.)

Condition/Integrity of venting system recovery systems: _____

(Will it prevent the release of contaminated condensate or drippage?)

Is there evidence of spilled/leaked material? _____ Describe: _____

List remedial action taken: _____

(Example: Spill was fully contained; spill was cleaned and the drip pan was replaced)

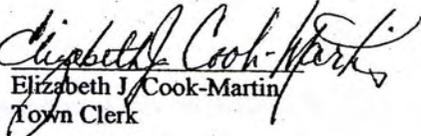
Are container, tank, generation and storage area labeling requirements satisfied? _____

Additional remarks or actions to be taken: _____

Record this inspection in the inspection log and keep this record for at least 3 years.

Adopted: March 22, 2004

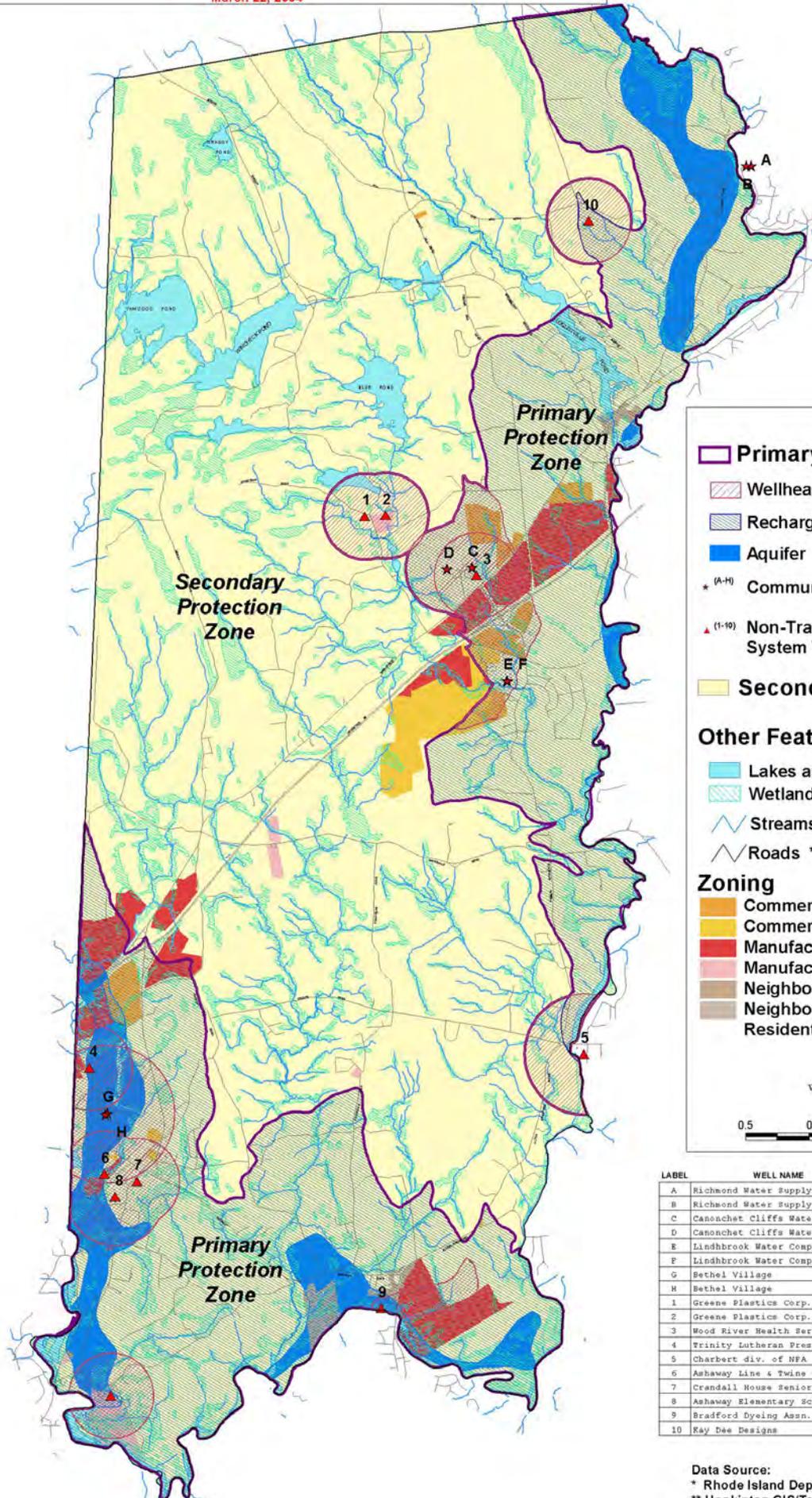
ATTEST


Elizabeth J. Cook-Martin
Town Clerk

Groundwater and Wellhead Protection Map Hopkinton, RI

APPROVED

March 22, 2004



Primary Protection Zone

- Wellhead Protection Area *
- Recharge Area *
- Aquifer *

* (A-H) Community System Wells *

(1-10) Non-Transient, Non-Community * System Wells

Secondary Protection Zone

Secondary Protection Zone

Other Features

- Lakes and Ponds **
- Wetlands **
- Streams **
- Roads **

Zoning

- Commercial
- Commercial Special
- Manufacturing
- Manufacturing Special
- Neighborhood Business
- Neighborhood business Special
- Residential

N
W E
S

0.5 0 0.5 Miles

LABEL	WELL NAME	WELL#	SOURCE ID
A	Richmond Water Supply Board	Well #2	1000040-02
B	Richmond Water Supply Board	Well #1	1000040-01
C	Canonchet Cliffs Water Assoc	Well #6	1900053-08
D	Canonchet Cliffs Water Assoc	Well #5	1900053-07
E	Lindbrook Water Company	Well #2	1000098-02
F	Lindbrook Water Company	Well #1	1000098-01
G	Bethel Village	Well #1	1000045-01
H	Bethel Village	Well #2	1000045-02
1	Greene Plastics Corp. Industrial Sup	Well #1	1858414-01
2	Greene Plastics Corp. Warehouse Faci	Well #1	1900035-01
3	Wood River Health Services	Well #1	2000133-01
4	Trinity Lutheran Preschool	Well #1	2980127-01
5	Charbert div. of NFA	Well #1	1858431-01
6	Ashaway Line & Twine - Lower Mill	Well #1	1858415-01
7	Crandall House Senior Citizens' Cent	Well #1	2000145-01
8	Ashaway Elementary School	Well #1	1858417-01
9	Bradford Dyeing Assn.	Well #1	1647513-03
10	Ray Dee Designs	Well #1	2980355-01

Data Source:
* Rhode Island Department of Environmental Management
** Hopkinton GIS/Tax Assessor

DISTRICT USE TABLE							
USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Pmry	Overlay Scndry
<i>0 Residential</i>							
01 one family	P	P	P	N	N	P	P
02 two family	P	N	S	N	N	P	P
03 multi family	P	N	S	N	N	P	P
04 Bed & Breakfast	S	S	S	S	N	P	P
05 Hotel & Motel	N	N	N	P	S	A	P
06 Assisted housing & Nursing homes	S	S	S	S	N	A	P
07 Accessory Family Dwelling unit	S	S	S	S	N	P	P
08 Customary Home Occupation	P	P	P	P	N	P	P
09 Community Residences	P	P	P	N	N	P	P
010 Family Day Care Homes	P	P	P	N	N	P	P
011 Halfway House	N	N	N	N	N	P	P
<i>1 Extractive & Industrial Nonmanufacturing</i>							
<i>10 Agriculture, including:</i>							
101 Field Crops	P	P	P	P	S	A	P
102 Fruit, Tree, Nut & Vegetable Farms	P	P	P	P	S	A	P
103 Livestock Farms	P	N	N	P	S	A	A
104 General Farms	P	P	P	P	S	A	P
105 Noncommercial Farms	P	P	P	P	S	P	P
<i>11 Agricultural Services, Hunting & Trapping</i>							
11 Agricultural Services, Hunting & Trapping	P	P	P	P	P	P	P
<i>12 Forestry</i>							
121 Timber Tracts	P	P	P	P	P	P	P
122 Forest Nurseries & Tree Seed Gathering and Extracting	P	S	N	P	P	P	P
123 Forestry Services	P	P	P	P	P	P	P
<i>13 Fisheries</i>							
131 Finfish	N	N	N	P	P	A	A
132 Shellfish	N	N	N	P	P	A	A
<i>14 Mining</i>							
141 Dimension Stone	N	N	N	N	S	N	A
142 Crushed & Broken Stone	N	N	N	N	S	N	A
143 Commercial Soil, Sand & Gravel	N	N	N	N	S	N	A
<i>15 Metals and Minerals Wholesalers</i>							
151 Coal & Other Minerals	N	N	N	S	S	N	A
152 Petroleum Bulk Stations	N	N	N	N	S	N	A
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DISTRICT USE TABLE							
USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Prmry	Overlay Scndry
<i>16 Construction & General Contracting</i>							
160 General Contracting Office & Equipment Storage	N	N	N	S	P	A	P
<i>161 Heavy Construction , inc. excavation Equipment</i>							
162 Plumbing, Heating & A/C	N	N	N	S	P	A	P
163 Painting, Paper Hanging & Decorati	N	N	N	S	P	A	P
164 Electrical Work	N	N	N	S	P	P	P
165 Masonry & Stonework	N	N	N	S	P	A	P
166 Carpentry & Wood Floorwork	N	N	N	S	P	A	P
167 Roofing & Sheetmetal Work	N	N	N	S	P	A	P
168 Concrete Work	N	N	N	S	P	A	P
169 Water Well Drilling	N	N	N	S	P	A	P
1691 Office for uses #160-169, not including storage & Supplies	N	N	S	P	P	P	P
<i>17 Misc. Special Trade Contractors</i>							
171 Structural Steel Erection	N	N	N	N	S	A	P
172 Ornamental Metal Work	N	N	N	N	S	A	P
173 Glass & Glazing Work	N	N	N	N	S	P	P
174 Excavating & Foundation Work	N	N	N	N	S	A	P
175 Wrecking & Demolition Work	N	N	N	N	S	N	A
<i>18 Junkyards</i>							
181 Junkyards & scrap wholesaling	N	N	N	N	S	N	A
182 Recycling Facility, storage Only	N	N	N	N	S	N	A
<i>2 Manufacturing</i>							
<i>20 Food and Kindred Products</i>							
201 Meat Products	N	N	N	N	S	A	P
202 Dairy Products	N	N	N	N	S	A	P
203 Canning & Preserving Foods	N	N	N	N	S	P	P
204 Grain Mill Products	N	N	N	N	S	P	P
205 Bakery Products	N	N	N	N	S	P	P
206 Sugar	N	N	N	N	S	P	P
207 Confectionary & Related Products	N	N	N	N	S	P	P
208 Beverage Industries	N	N	N	N	S	A	P
209 Rendering & Refining of Fats & Oils	N	N	N	N	N	A	P
<i>22 Textile Mill Products</i>							
221 Mill Products	N	N	N	N	P	N	A
222 Drying & finishing Textiles	N	N	N	N	P	N	A
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DISTRICT USE TABLE							
USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Prmry	Overlay Scndry
223 Floor Covering Mills	N	N	N	N	P	N	A
224 Yarn & Thread Mills	N	N	N	N	P	N	A
<i>23 Apparel & Other Finished Products from Fabric</i>	N	N	N	N	P	P	P
<i>24 Lumber & Wood Products except Furniture</i>							
241 Sawmills & Planing Mills	N	N	N	N	P	A	P
242 Millwork & Prefabricated Structural Wood Products	N	N	N	N	P	A	P
243 Wooden Containers	N	N	N	N	P	P	P
<i>25 Furniture & Furnishing Manufacturing</i>	N	N	N	N	P	A	P
<i>26 Paperboard & Paper Manufacturing</i>							
261 Paper Manufacturing (not including pulp mills)	N	N	N	N	P	A	A
262 Manufactured Products from Paper & Paperboard	N	N	N	N	P	A	P
<i>27 Printing & Publishing</i>	N	N	N	S	P	A	A
<i>28 Chemicals & Pharmaceuticals</i>	N	N	N	N	S	A	A
<i>29 Petroleum Refining & Related Industries</i>	N	N	N	N	N	N	A
3 Manufacturing							
<i>30 Rubber & Miscellaneous Plastics</i>							
301 Tires & Tubing	N	N	N	N	N	N	A
302 Rubber Footware	N	N	N	N	S	A	A
303 Reclaimed Rubber	N	N	N	N	S	N	A
304 Fabricated Rubber Products not elsewhere classified	N	N	N	N	N	N	A
305 Miscellaneous Plastics Products	N	N	N	N	S	A	A
<i>31 Leather & Leather Products</i>							
311 Leather Tanning & finishing	N	N	N	N	N	N	A
312 Industrial Leather Belts & Packing	N	N	N	S	P	A	P
313 Boot & Shoe Cut Stock	N	N	N	S	P	A	P
314 Footware, except Rubber	N	N	N	S	P	A	P
315 Gloves & Mittens	N	N	N	S	P	A	P
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DISTRICT USE TABLE							
USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Prmry	Overlay Scndry
316 Luggage	N	N	N	S	P	A	P
317 Handbags & Other Personal Leather Goods	N	N	N	S	P	A	P
<i>32 Stone, Clay, & Glass Products</i>							
321 Flat Glass	N	N	N	N	N	N	A
322 Glass & Glassware, Pressed or Blown	N	N	S	S	P	A	P
323 Glass Products Made of Purchased Glass	N	N	P	S	P	A	P
324 Cement, Hydraulic	N	N	N	N	N	N	A
325 Structural Clay Products	N	N	S	S	S	A	P
326 Pottery & Related Products	N	N	S	S	S	A	P
327 Concrete, Gypsum & Plaster	N	N	N	N	N	A	P
<i>3272 Concrete Products, including Block & Brick</i>							
3273 Ready-Mix Concrete	N	N	N	N	S	N	A
3274 Lime	N	N	N	N	N	A	P
3275 Gypsum Products (Plaster)	N	N	N	N	N	A	P
328 Cut Stone & Stone Products	N	N	N	S	P	A	P
<i>329 Abrasive, Asbestos & Misc. Nonmetallic Mineral</i>							
329 Nonmetallic Mineral	N	N	N	N	N	N	A
<i>33 Primary Metal Industries</i>							
<i>34 Fabricated Metal Products, except Ordinance, Machinery & Transportation Equipment</i>							
<i>341 Fabricated Metal Products, except Ordinance, Machinery & Transportation Equipment</i>							
341 Fabricated Metal Products, except Ordinance, Machinery & Transportation Equipment	N	N	N	S	P	N	A
342 Coating & Engraving	N	N	N	N	P	N	A
<i>35 Machinery, except Electrical</i>							
<i>36 Electrical & Electric Machinery, Equipment & Supplies except Batteries</i>							
<i>361 Electrical & Electric Machinery, Equipment & Supplies except Batteries</i>							
361 Electrical & Electric Machinery, Equipment & Supplies except Batteries	N	N	N	N	S	N	A
362 Electrical Batteries	N	N	N	N	N	N	A
<i>37 Transportation Equipment</i>							
37 Transportation Equipment	N	N	N	N	S	N	A
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DISTRICT USE TABLE

USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Pmry	Overlay Scndry
<i>38 Professional, Scientific, & Controlling Instruments; Photo & Optical Goods, Watches & Clocks</i>							
	N	N	N	N	P	A	A
<i>39 Misc. Manufacturing Industries</i>							
391 Jewelry & Silverware	N	N	S	S	P	N	A
392 Metal Plating	N	N	N	N	N	N	A
<i>393 Toys & Amusements, Sporting & Athletic Goods & Musical Instruments</i>							
	N	N	S	S	P	A	P
<i>394 Pens, Pencils & Office and Artists Materials</i>							
	N	N	N	N	P	A	P
<i>395 Costume Jewelry, Costume Novelties, Buttons & Misc. Notions, except Precious Metals</i>							
	N	N	S	S	P	A	P
<i>396 Misc. Manufacturing</i>							
3961 Matches	N	N	N	N	N	A	P
3962 Lamp Shades	N	N	S	S	P	A	P
3963 Morticians Goods	N	N	N	N	P	A	P
3964 Furs, Dressed & dyed	N	N	N	N	S	N	A
3965 Signs & Advertising Displays	N	N	S	S	P	A	A
3966 Umbrellas, Parasols & Canes	N	N	S	S	P	A	P
<i>399 Ordinance & Accessories</i>							
	N	N	N	N	N	A	A
4 Transportation, Communications & Utilities							
<i>40 Railroad Transportation</i>							
	N	N	N	S	S	A	A
<i>41 Local & Suburban Transit and Passenger Transportation and Related Service Facilities</i>							
411 Local & Suburban	N	N	N	P	P	A	A
412 Taxicabs	N	N	N	P	P	A	A
413 Passenger Transit Charter Srvcs	N	N	N	P	P	A	A
4141 School Bus (storage)	P	P	P	P	P	P	P
4142 School Buses (storage)	N	N	N	P	P	A	A
<i>415 Terminal & Services Facilities for Motor Vehicle Passenger Transit</i>							
	N	N	N	P	P	N	A
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DISTRICT USE TABLE							
USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Prmry	Overlay Scndry
<i>42 Trucking Transportation & Short Term Truck Storage</i>							
421 Local & Long Distant Trucking without storage	N	N	N	S	P	A	A
422 Local & Long Distance Trucking with storage	N	N	N	N	P	A	A
<i>45 Air Transportation</i>							
N	N	N	N	N	N	N	A
<i>46 Warehousing, Public & Private</i>							
461 Farm Product Warehousing	N	N	N	P	P	A	P
462 Refrigerated Warehousing	N	N	N	S	P	A	P
463 Food Lockers, with & without food Preparation Facilities	N	N	N	S	P	P	P
464 Household Goods Warehousing	N	N	N	S	P	A	P
465 General Warehousing	N	N	N	S	P	A	P
<i>48 Utilities, Communications & Sanitary Services</i>							
<i>481 Communication, including Towers & Antenna</i>							
S	N	S	S	S	S	P	P
482 Fuel & Power (for use or sale off-site)	N	N	N	N	N	A	A
483 Water Supply	P	P	P	P	P	P	P
484 Sanitary Sewage Disposal Srvc	S	S	S	S	S	A	P
485 Refuse Disposal, Landfills & Incineration	N	N	N	N	N	N	N
<i>49 Customs Brokers & Freight Forwarders</i>							
N	N	S	N	S	P	P	
5 Commercial							
<i>50 Wholesale</i>							
501 Motor Vehicles & Auto Equipment	N	N	N	S	P	A	P
502 Drugs, Chemicals & Allied Equipment	N	N	N	P	P	A	A
503 Dry Goods & Apparel	N	N	N	P	P	P	P
504 Groceries & Related Products	N	N	N	P	P	P	P
505 Farm Products-Raw Materials	N	N	N	N	N	A	P
506 Electical Goods/Electronics	N	N	N	P	P	P	P
<i>507 Hardware, Plumbing & Heating A/C & Refrigeration Equipment & Supplies</i>							
N	N	N	S	P	A	P	
508 Machinery, Equipment & Supplies	N	N	N	S	P	A	P
509 Tobacco & Tobacco Products	N	N	N	P	P	A	P
510 Beer, Wine & Distilled Alcoholic Bvg's	N	N	N	P	P	A	P
511 Paper & Paper Products	N	N	N	S	S	P	P
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DISTRICT USE TABLE							
USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Prmry	Overlay Scndry
512 Furniture & Home Furnishings	N	N	N	P	P	P	P
513 Lumber & Construction Materials	N	N	N	S	S	A	P
<i>52 Retail Trade-Building Materials, Hardware & Farm Equipment</i>							
521 Lumber & Other Bldg Materials	N	N	N	P	S	A	P
522 Heating & Plumbing Materials	N	N	N	P	S	A	P
523 Paint, Glass & Wallpaper Stores	N	N	N	P	S	A	P
524 Electrical/Electric Supply Stores	N	N	N	P	S	P	P
525 Hardware & Farm Equipment	N	N	N	P	S	A	P
<i>53 Retail Trade-General Merchandise</i>							
531 Department Stores	N	N	N	P	S	A	P
532 Mail Order Houses	N	N	N	P	S	A	P
533 Limited Price Variety Stores	N	N	N	P	S	A	P
534 Merchandise Vending & Machine	N	N	N	P	S	P	P
535 Direct Selling Organizations	N	N	N	P	S	P	P
536 Dry Goods & General Merchandise	N	N	S	P	S	P	P
537 General Stores	N	N	S	P	S	P	P
538 Outlet/Mall/Plaza	N	N	N	P	S	P	P
<i>54 Retail Trade- Food</i>							
541 Grocery Stores & Deli	N	N	P	P	S	P	P
542 Meat & Fish Markets	N	N	P	P	S	P	P
543 Fruit & Vegetable Stores	N	N	P	P	S	P	P
544 Candy, Nut & Confectionery Stores	N	N	P	P	S	P	P
545 Dairy Products Stores	N	N	P	P	S	P	P
546 Retail Bakeries- Manufacturing	N	N	S	P	S	P	P
547 Retail Bakeries, Non-Manufacturing	N	N	P	P	S	P	P
548 Egg & Poultry Stores	N	N	P	P	S	P	P
<i>55 Automotive Dealers & Gas Service Stations</i>							
551 Motor Vehicle Dealers, New & Old	N	N	N	P	S	N	A
552 Motor Vehicle, Used Only	N	N	N	P	S	N	A
553 Tire, Battery & Accessory Dealers	N	N	N	P	S	N	A
554 Gasoline Service Stations	N	N	N	P	S	N	A
555 Mobile Home Dealers, New & Used	N	N	N	P	S	N	A
556 Aircraft Dealer, New & Used & Service	N	N	N	P	S	N	A
557 Marine Dealer, New & Used & Service	N	N	N	P	S	N	A
<i>56 Retail Trade- Apparel & Accessories</i>							
	N	N	N	P	S	P	P
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DISTRICT USE TABLE							
USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Pmry	Overlay Scndry
57 Retail Trade- Furniture, Home Furnishings & Equipment							
571 Furniture, Home Furnishings & Equipment Stores	N	N	S	P	S	P	P
572 Household Appliance Stores	N	N	S	P	S	P	P
573 Radio, Television & Music Stores	N	N	S	P	S	P	P
58 Retail Trade- Eating & Drinking Places							
581 Eating Places	N	N	S	P	S	P	P
582 Drinking Places (alcoholic beverages)	N	N	N	P	S	P	P
583 Combo Bars & Restaurants	P	S	P	P	S	P	P
59 Retail Trade- Miscellaneous Retail Stores							
591 Drug Stores	N	N	P	P	S	P	P
592 Liquor Stores	N	N	P	P	S	P	P
5931 Antique Stores	N	N	P	P	S	A	P
5932 Secondhand Clothing & Shoe	N	N	P	P	S	P	P
5933 Secondhand Furniture	N	N	P	P	S	A	P
5934 Secondhand books	N	N	P	P	S	P	P
594 Bookstores & Stationary Stores	N	N	P	P	S	P	P
595 Sporting Goods & Bicycle Shops	N	N	P	P	S	P	P
596 Farm & Garden Supply Stores	N	N	P	P	S	A	P
597 Jewelry Stores	N	N	P	P	S	P	P
598 Fuel & Ice Dealers	N	N	P	P	S	N	A
5991 Florists	N	N	P	P	S	P	P
5992 Tobacco Store	N	N	P	P	S	P	P
5993 News Dealers & News Stands	N	N	P	P	S	P	P
5994 Camera & Photo Supply Stores	N	N	P	P	S	A	P
5995 Gift, Novelty & Souvenir Shops	N	N	P	P	S	P	P
5996 Optical goods Store	N	N	P	P	S	P	P
6 Personal, Business & Professional Services							
60 Finance, Insurance & Real Estate							
601 Credit Agencies & Other Than Banks	N	N	N	P	S	P	P
602 Security & Commodity Brokers, Dealers, Exchanges & Services	N	N	N	P	S	P	P
603 Insurance Carriers	N	N	N	P	S	P	P
604 Insurance Agents	N	N	N	P	S	P	P
605 Real Estate	N	N	N	P	S	P	P
606 Combo: Real Estate, Insurance, Loan & Law Offices	N	N	N	P	S	P	P
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DISTRICT USE TABLE

USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Prmry	Overlay Scndry
607 Holding & Other Investment Co.s	N	N	N	P	S	P	P
608 Banking	N	N	N	P	S	P	P
<i>61 Personal Services</i>							
611 Laundries, Laundry Services & Cleaning & Dyeing Plants	N	N	N	S	S	N	A
612 Photo Studios, including Commercial	N	N	N	P	S	A	A
613 Beauty Shops	N	N	S	P	S	A	P
614 Barber Shops	N	N	S	P	S	A	P
615 Shoe Repair, Shoe Shine & Hat Cleaning Shops	N	N	S	P	S	P	P
616 Funeral Services	S	S	S	P	S	A	P
617 Crematories	N	N	N	P	S	P	P
618 Pressing, Alteration & Garment Repair	N	N	S	P	S	P	P
<i>62 Miscellaneous Business Services</i>							
621 Advertising	N	N	N	P	S	P	P
622 Consumer Credit, Mercantile Reporting & Adjustment & Collection Agencies	N	N	N	P	S	P	P
623 Duplicating, Blueprinting, Photo- Copying, Mailing & Steno Services	N	N	N	P	S	A	P
624 Services to Dwellings & Other Bldg	N	N	N	P	S	A	P
625 News Syndicates	N	N	N	P	S	P	P
626 Private Employment Agencies	N	N	N	P	S	P	P
627 Research, development & Testing Labs	N	N	N	P	S	A	A
628 Business & Mgt Consulting	N	N	N	P	S	P	P
629 Travel Agencies & Bureaus	N	N	S	P	P	P	P
<i>63 Automotive Repair & Services</i>							
631 Automobile Rentals	N	N	N	P	S	A	P
632 Automobile Parking	N	N	N	P	S	A	P
633 Automobile Repair Shops	N	N	N	P	S	N	A
634 Automobile Srvc except Repair	N	N	N	P	S	A	A
635 Trailer Rentals	P	N	N	P	S	A	P
<i>64 Miscellaneous Repair Services</i>							
641 Electrical/Electronic Repair Shop	N	N	S	P	S	P	P
642 Watch, Clock & Jewelry Shop	N	N	S	P	S	P	P
643 Reupholstery & Furniture Repair	N	N	S	P	S	A	P
644 Bicycle Repair	N	N	S	P	S	P	P
645 Leather Goods Repair	N	N	S	P	S	P	P
646 Locksmith & Gunsmith Shops	N	N	S	P	S	A	P

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DISTRICT USE TABLE							
USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Prmry	Overlay Scndry
647 Musical Instruments Repair	N	N	S	P	S	A	P
648 Repair & Related Services not Elsewhere Classified	N	N	S	P	S	A	P
<i>65 Indoor commercial Amusement Services</i>							
651 Dance Halls, Studios & Schools	N	N	S	P	S	P	P
652 Theatrical Producers, Bands, Orchestras & Entertainers	N	N	S	P	S	P	P
653 Bowling Alleys, Billiards & Pool	N	N	S	P	S	P	P
654 Motion Picture Production Services & Theaters	N	N	S	P	S	A	P
655 Gambling Facilities, including but not limited to: Casino, Bingo Hall, Jai Alai, etc.	N	N	N	N	N	A	P
<i>67 Medical, Health & Legal Services</i>							
<i>68 Other Professional Services</i>							
681 Engineering & Architectural Srvc	N	N	S	P	S	P	P
682 Nonprofit Educational & Scientific Research Agencies	N	N	S	P	S	P	P
683 Accounting, Auditing & Bookkeeping	N	N	S	P	S	P	P
7 Public and quasi-Public Services							
<i>70 Postal Services</i>							
	S	S	S	P	P	P	P
<i>71 Military Services</i>							
	S	S	S	P	P	A	P
<i>72 Other Federal Government</i>							
	S	S	S	P	P	A	P
<i>73 State & Local Government</i>							
	S	S	S	P	P	A	P
<i>74 Public Schools</i>							
	S	S	S	P	P	A	P
<i>75 Private Schools</i>							
751 Private Colleges & Universities	S	S	N	N	N	A	P
752 Private Junior Colleges	S	S	N	N	N	A	P
753 Private High Schools	S	S	N	N	N	A	P
754 Private Junior High Schools	S	S	N	N	N	A	P
755 Private Elementary Schools	S	S	N	N	N	A	P
756 Private Nursery Schools	S	S	N	N	N	P	P
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DISTRICT USE TABLE							
USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Prmry	Overlay Scndry
757 Private Correspondence & Vocational Schools	S	S	N	N	N	A	P
76 Museums, Art Galleries, Arboreta, Libraries, Churches & Cemeteries	S	S	S	N	N	A	P
77 Hospitals, Sanatoria, Convalescent & Rest Homes							
771 General Hospitals	S	N	N	S	S	A	A
772 Mental Institutions	S	N	N	N	N	A	A
773 Special Hospitals	S	N	N	N	N	A	A
774 Sanatoria, Convalescent & Rest Homes	S	N	N	N	N	A	P
78 Nonprofit Membership Organizations	P	P	P	P	N	P	P
8 Recreation							
<i>80 Outdoor Government Public Recreation</i>							
801 Playgrounds, Playfields & Tot Lots	P	P	P	P	N	P	P
802 Major Parks (>5 acres)	P	P	P	P	N	A	P
803 Minor Parks (<5 acres)	P	P	P	P	N	P	P
804 Stadia & Fairgrounds	P	P	P	P	N	A	P
805 Campgrounds	P	P	P	P	N	A	P
806 Golf Courses	P	P	P	P	N	A	P
807 Ski & Tobaggan Runs	P	P	P	P	N	A	P
808 Skating Rinks	P	P	P	P	N	A	A
811 Boating Areas	P	P	P	P	N	P	P
812 Bathing Beaches	P	P	P	P	N	P	P
813 Fishing Sites	P	P	P	P	N	P	P
814 Swimming Pools, outdoor	P	P	P	P	N	A	P
<i>82 Indoor Government Public Recreation</i>							
821 Swimming Pools	P	P	P	P	N	A	P
822 Arenas	P	P	P	P	N	A	P
823 Skating Rinks	P	P	P	P	N	P	P
824 Community Centers	P	P	P	P	N	P	P
<i>83 Outdoor Private Land Recreation</i>							
831 Stadia	N	N	N	P	P	A	A
832 Race Tracks	N	N	N	N	N	N	A
833 Camps & Campgrounds	S	N	N	P	N	A	P
834 Riding Academies	P	S	P	P	N	A	P
835 Skating Rinks	N	N	N	P	N	A	A
A = Aquifer Protection Permit N = Not permitted P = Permitted by right S = Special Use Permit							

DISTRICT USE TABLE

USE CATEGORY	RFR-80	RES-1	Neighbrhd Business	Cmmrcil	Mnfctrng	Aquifer Pmry	Overlay Scndry
836 Ski & Toboggan Runs	N	N	N	P	N	A	P
837 Gun Clubs	S	N	N	N	N	A	P
838 Golf Courses	S	S	N	N	N	A	P
839 Amusement Theme Parks	N	N	N	N	N	A	A
<i>84 Outdoor Water-based Private Recreation</i>							
841 Boating areas	S	S	N	S	N	P	P
842 Bathing Beaches	S	S	N	S	N	P	P
843 Fishing Sites	P	P	P	S	N	P	P
844 Swimming Pools, outdoor	S	S	N	S	N	A	P
<i>85 Indoor Private recreation</i>							
851 Swimming Pools	S	S	N	P	P	A	P
852 Arenas	N	N	N	P	P	A	P
853 Skating Rinks	N	N	N	P	P	P	P
854 Gun Clubs	S	N	N	S	S	P	P
<i>87 Private Nonprofit Recreation</i>							
871 Subdivision Parks	S	S	S	S	S	A	P
872 Subdivision Community Centers	S	S	S	S	S	P	P
873 Camps	S	S	S	S	S	A	P
874 Golf Courses	S	S	S	S	S	A	P
875 Gun Clubs	S	S	N	S	S	A	P

A = Aquifer Protection Permit N = Not permitted P = Permitted by right S = Special Use Permit

APPENDIX A
APPLICATION & CHECKLIST TO:
ZONING BOARD OF REVIEW
FOR:
USE VARIANCE



ZONING BOARD OF REVIEW**APPLICATION CHECKLIST FOR:****USE VARIANCE**

The application for a Use Variance to the Zoning Board of Review must be accompanied with the following information:

- A. Three (3) copies of a site plan prepared by, and signed and stamped by, a professional engineer or professional land surveyor at a scale of no less than one (1) inch = forty (40) feet clearly showing:
- name & address of property owner(s)
 - date, north arrow, graphic scale, lot dimensions and area
 - plat & lot, zoning district(s) and setbacks
 - existing and proposed structures, and their relationship & distances from lot boundary lines
 - existing and proposed parking areas and walkways
 - existing and proposed landscaping, as it relates to the request
 - existing streets, 911 address, wells, septic system
 - list of names and addresses of all property owners within 200 feet of subject property
 - any peculiar site conditions or features
- B. Three (3) copies of a separate map indicating all property owners within 200 feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.
- C. A soil erosion and stormwater control plan with supporting calculations based standards approved by the **USDA Soil Conservation Service** and in conformity with the R.I. Erosion and Sediment Control Handbook.
- D. A letter from a biologist indicating that there are no freshwater wetlands on or in proximity to the site such that the application is regulated by the R.I. Freshwater Wetlands

Act, a physical alteration permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.

- E. Location of existing septic system. Where construction requires approval by R.I.DEM - Division of Land Resources for a ISDS (individual sewage disposal system) or change of use permit for the proposed activity, attach a copy to the application.
- F. Traffic Study addressing the potential impacts of the proposed activity.
- G. On a separate site plan, indicate existing and proposed topography at two (2) foot intervals.
- H. Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is of drinking water quality.

Note: Upon the applicant's request, the Zoning Board of Review, in appropriate circumstances, may waive the provision of any items of information listed above. The specific reasons for the request of waiver of checklist items must be described on the application. The waiver(s) requested must be approved by the Zoning Board before an application without all the items listed above will be deemed complete.

**TOWN OF HOPKINTON
ZONING BOARD OF REVIEW**

To: Hopkinton Zoning Board of Review
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for a **USE VARIANCE** in the application of the provisions or regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____ Address: _____
Owner: _____ Address: _____
Lessee: _____ Address: _____

1. Filing Instructions:

- a. The original application and eleven (11) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount **\$50.00** shall accompany an application to the Zoning Board of Review to cover the costs of processing. In addition to the \$50.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services and legal advertisement, and will be billed when the final costs have been determined.
- c. All required checklist items for a **USE VARIANCE** must accompany the application in order to be considered a complete application.

2. Location of Premises: _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)

5. State present use of premises: _____

6. State proposed use of premises: _____

7. Is there a building(s) on the premises at present? _____

8. How long have you owned the premises? _____

State year which lot(s) were platted and recorded: _____

9. Have you submitted plans to the Building & Zoning Inspector? _____

Has a permit been refused? _____

If a permit has been refused, attach a copy of the denial, in writing.

10. Please give the size (in feet) of all existing buildings and accessory structures:

11. Please give the size (in feet) of all proposed buildings and accessory structures:

12. Please describe the extent of the proposed alterations:

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **USE VARIANCE** is made:

15. Clearly state the grounds for which this **USE VARIANCE** is sought:

16. Request of Waiver: Please indicate the checklist items that are requested to be waived by the Zoning Board and the reasons for the request:

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____

APPENDIX B
APPLICATION & CHECKLIST TO:
ZONING BOARD OF REVIEW
FOR:
DIMENSIONAL VARIANCE

ZONING BOARD OF REVIEW**APPLICATION CHECKLIST FOR:****DIMENSIONAL VARIANCE**

The application for a Dimensional Variance to the Zoning Board of Review must be accompanied with the following information:

- A. Three (3) copies of a site plan prepared by, and signed and stamped by, a professional engineer or professional land surveyor at a scale of no less than one (1) inch = forty (40) feet clearly showing:
- name & address of property owner(s)
 - date, north arrow, graphic scale, lot dimensions and area
 - plat & lot, zoning district(s) and setbacks
 - existing and proposed structures, and their relationship & distances from lot boundary lines
 - existing and proposed parking areas and walkways
 - existing and proposed landscaping, as it relates to the request
 - existing streets, 911 address, wells, septic system
 - list of names and addresses of all property owners within 200 feet of subject property
 - any peculiar site conditions or features
- B. Three (3) copies of a separate map indicating all property owners within 200 feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.
- C. A letter from a biologist indicating that there are no freshwater wetlands on or in proximity to the site such that the application is regulated by the R.I. Freshwater Wetlands Act. In those instances where the application is regulated by the R.I. Freshwater Wetlands Act, a physical alteration

permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.

- D. Location of existing septic system. Where construction requires approval by R.I.DEM - Division of Land Resources for an ISDS (individual sewage disposal system) or change of use permit for the proposed activity, attach a copy to the application.
- E. On a separate site plan, indicate existing and proposed topography at two (2) foot intervals.

Note: Upon the applicant's request, the Zoning Board of Review, in appropriate circumstances, may waive the provision of any items of information listed above. The specific reasons for the request of waiver of checklist items must be described on the application. The waiver(s) requested must be approved by the Zoning Board before an application without all the items listed above will be deemed complete.

**TOWN OF HOPKINTON
ZONING BOARD OF REVIEW**

To: Hopkinton Zoning Board of Review
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for a **DIMENSIONAL VARIANCE** in the application of the provisions or regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____ Address: _____
Owner: _____ Address: _____
Lessee: _____ Address: _____

1. Filing Instructions:

- a. The original application and two (2) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount **\$50.00** shall accompany an application to the Zoning Board of Review to cover the costs of legal advertisement and processing. In addition to the \$50.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services and legal advertisement, and will be billed when the final costs have been determined.
- c. All required checklist items for a **DIMENSIONAL VARIANCE** must accompany the application in order to be considered a complete application.

2. Location of Premises: _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)
5. State present use of premises: _____
6. State proposed use of premises: _____
7. Is there a building(s) on the premises at present? _____
8. How long have you owned the premises? _____
State year which lot(s) were platted and recorded: _____
9. Have you submitted plans to the Building & Zoning Inspector? _____
Has a permit been refused: _____
If a permit has been refused, attach a copy of the denial, in writing.
10. Please give the size (in feet) of all existing buildings and accessory structures:

11. Please give the size (in feet) of all proposed buildings and accessory structures:

12. Please describe the extent of the proposed alterations:

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **DIMENSIONAL VARIANCE** is made:

15. Clearly state the grounds for which this **DIMENSIONAL VARIANCE** is sought:

16. Request of Waiver: Please indicate the checklist items that are requested to be waived by the Zoning Board and the reasons for the request:

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____

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APPENDIX C
APPLICATION & CHECKLIST TO:
ZONING BOARD OF REVIEW
FOR:
SPECIAL USE PERMIT

ZONING BOARD OF REVIEW**APPLICATION CHECKLIST FOR:
SPECIAL USE PERMIT**

The application for a Special Use Permit to the Zoning Board of Review must be accompanied with the following information:

- A. Three (3) copies of a site prepared by, and signed and stamped by, a professional engineer or professional land surveyor at a scale of no less than one (1) inch = forty (40) feet clearly showing:
- name & address of property owner(s)
 - date, north arrow, graphic scale, lot dimensions and area
 - plat & lot, zoning district(s) and setbacks
 - existing and proposed structures, and their relationship & distances from lot boundary lines
 - existing and proposed parking areas and walkways
 - existing and proposed landscaping, as it relates to the request
 - existing streets, 911 address, wells, septic system
 - list of names and addresses of all property owners within 200 feet of subject property
 - any peculiar site conditions or features
- B. Three (3) copies of a separate map indicating all property owners within 200 feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.
- C. A soil erosion and stormwater control plan with supporting calculations based standards approved by the **USDA Soil Conservation Service** and in conformity with the R.I. Erosion and Sediment Control Handbook.
- D. A letter from a biologist indicating that there are no fresh-water wetlands on or in proximity to the site such that the application is regulated by the R.I. Freshwater Wetlands Act. In those instances where the application is regulated

by the R.I. Freshwater Wetlands Act, a physical alteration permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.

- E. Location of existing septic system. Where construction requires approval by R.I.DEM - Division of Land Resources for an ISDS (individual sewage disposal system) or change of use permit for the proposed activity, attach a copy to the application.
- F. Traffic Study addressing the potential impacts of the proposed activity.
- G. On a separate site plan, indicate existing and proposed topography at two (2) foot intervals.
- H. Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is of drinking water quality.

Note: Upon the applicant's request, the Zoning Board of Review, in appropriate circumstances, may waive the provision of any items of information listed above. The specific reasons for the request of waiver of checklist items must be described on the application. The waiver(s) requested must be approved by the Zoning Board before an application without all the items listed above will be deemed complete.

**TOWN OF HOPKINTON
ZONING BOARD OF REVIEW**

To: Hopkinton Zoning Board of Review
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for a **SPECIAL USE PERMIT** in the application of the provisions or regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____ Address: _____
Owner: _____ Address: _____
Lessee: _____ Address: _____

1. Filing Instructions:

- a. The original application and eleven (11) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount **\$75.00** shall accompany an application to the Zoning Board of Review to cover the costs of legal advertisement and processing. In addition to the \$75.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services and legal advertisement, and will be billed when the final costs have been determined.
- c. All required checklist items for a **SPECIAL USE PERMIT** must accompany the application in order to be considered a complete application.

2. Location of Premises: _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)
5. State present use of premises: _____
6. State proposed use of premises: _____
7. Is there a building(s) on the premises at present? _____
8. How long have you owned the premises? _____
State year which lot(s) were platted and recorded: _____
9. Have you submitted plans to the Building & Zoning Inspector? _____
Has a permit been refused: _____
If a permit has been refused, attach a copy of the denial, in writing.
10. Please give the size (in feet) of all existing buildings and accessory structures:

11. Please give the size (in feet) of all proposed buildings and accessory structures:

12. Please describe the extent of the proposed alterations:

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **SPECIAL USE PERMIT** is made:

15. Clearly state the grounds for which this **SPECIAL USE PERMIT** is sought:

16. Request of Waiver: Please indicate the checklist items that are requested to be waived by the Zoning Board and the reasons for the request:

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____

APPENDIX D
APPLICATION & CHECKLIST TO:
BUILDING & ZONING DEPARTMENT
FOR:
DIMENSIONAL MODIFICATION

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BUILDING AND ZONING DEPARTMENT**APPLICATION CHECKLIST FOR:****DIMENSIONAL MODIFICATION**

The application for a Dimensional Modification to the Building & Zoning Department must be accompanied with the following information:

- A. Three (3) copies of a site prepared by, and signed and stamped by, a professional engineer or professional land surveyor at a scale of no less than one (1) inch = forty (40) feet clearly showing:
 - name & address of property owner(s)
 - date, north arrow, graphic scale, lot dimensions and area
 - plat & lot, zoning district(s) and setbacks
 - existing and proposed structures, and their relationship & distances from lot boundary lines
 - existing and proposed parking areas and walkways
 - existing and proposed landscaping, as it relates to the request
 - existing streets, 911 address, wells, septic system
 - any peculiar site conditions or features
- B. Three (3) copies of a current list (show date) indicating all property owners directly abutting the subject property.
- C. A letter from a biologist indicating that there are no freshwater wetlands on or in proximity to the site such that the application is regulated by the R.I. Freshwater Wetlands Act. In those instances where the application is regulated by the R.I. Freshwater Wetlands Act, a physical alteration permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.
- D. Where proposed construction requires approval by R.I.-DEM - Division of Land Resources for an ISDS (individual sewage disposal system) or change of use permit for the

App. D

HOPKINTON CODE

proposed activity, attach a copy to the modification application.

**TOWN OF HOPKINTON
BUILDING & ZONING DEPARTMENT**

To: Hopkinton Building & Zoning Department
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Building & Zoning Department for a **DIMENSIONAL MODIFICATION** in accordance with the provisions of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____ Address: _____
Owner: _____ Address: _____
Lessee: _____ Address: _____

1. Filing Instructions:

- a. The original application and two (2) copies, either typed or legibly printed, must be filed with the Town Building & Zoning Department.
- b. A filing fee in the amount **\$50.00** shall accompany an application to the Building & Zoning Department to cover the costs of processing. In addition to the \$50.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, and will be billed when the final costs have been determined.
- c. All required checklist items for a **DIMENSIONAL MODIFICATION** must accompany the application in order to be considered a complete application.

2. Location of Premises: _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____
911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)
5. State present use of premises: _____
6. State proposed use of premises: _____
7. Is there a building(s) on the premises at present? _____
8. How long have you owned the premises? _____
State year which lot(s) were platted and recorded:
9. Have you submitted plans to the Building & Zoning Inspector? _____
Has a permit been refused: _____
If a permit has been refused, attach a copy of the denial, in writing.
10. Please give the size (in feet) of all existing buildings and accessory structures:

11. Please give the size (in feet) of all proposed buildings and accessory structures:

12. Please describe the extent of the proposed alterations:

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **DIMENSIONAL MODIFICATION** is made:

15. Clearly state the grounds for which this **DIMENSIONAL MODIFICATION** is sought:

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____



APPENDIX E
APPLICATION & CHECKLIST TO:
TOWN COUNCIL
FOR:
ZONING ORDINANCE AMENDMENT

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TOWN COUNCIL**APPLICATION CHECKLIST FOR:****ZONING ORDINANCE AMENDMENT**

The application for a Zoning Ordinance Amendment to the Town Council must be accompanied with the following information:

- A. Three (3) copies of a site prepared by, and signed and stamped by, a professional engineer or professional land surveyor at a scale of no less than one (1) inch = forty (40) feet clearly showing:
- name & address of property owner(s)
 - date, north arrow, graphic scale, lot dimensions and area
 - plat & lot, zoning district(s) and setbacks
 - existing and proposed structures, and their relationship & distances from lot boundary lines
 - existing and proposed parking areas and walkways
 - existing and proposed landscaping, as it relates to the request
 - existing streets, 911 address, wells, septic system
 - list of names and addresses of all property owners within 200 feet of subject property
 - any peculiar site conditions or features
 - topographic data as may be taken from the U.S. Geological Survey 7.5 * 15 minute series quadrangle maps of the area proposed for zone amendment
- B. Three (3) copies of separate map indicating all property owners within 200 feet of the subject property and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary and uses of all neighboring properties.
- C. A soil erosion and stormwater control plan with supporting calculations based standards approved by the USDA Soil Conservation Service and in conformity with the R.I. Erosion and Sediment Control Handbook.

- D. A letter from a biologist indicating that there are no fresh-water wetlands on or in proximity to the site such that the application is regulated by the R.I. Freshwater Wetlands Act. In those instances where the application is regulated by the R.I. Freshwater Wetlands Act, a physical alteration permit issued by the R.I. Department of Environmental Management, and where applicable, the U.S. Army Corp of Engineers, shall be required.
- E. Location of existing septic system. Where construction requires approval by R.I.DEM - Division of Land Resources for an ISDS (individual sewage disposal system) or change of use permit for the proposed activity, attach a copy to the application.
- F. Traffic Study addressing the potential impacts of the proposed activity.
- G. Provide evidence that the proposed water supply has sufficient supply to support the proposed activity and is of drinking water quality.
- H. Provide statement as to the purpose of the amendment.
- I. Provide statement as to proposed use(s) of the property (from District Use Table).

**TOWN OF HOPKINTON
TOWN COUNCIL**

To: Hopkinton Town Council
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Town Council for a **ZONING ORDINANCE AMENDMENT** in accordance with the provisions of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____ Address: _____
Owner: _____ Address: _____
Lessee: _____ Address: _____

1. Filing Instructions:

- a. The original application and two (2) copies, either typed or legibly printed, must be filed with the Town Clerk.
- b. A filing fee in the amount **\$100.00** shall accompany an application to the Town Council to cover the costs of processing. In addition to the \$100.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, and will be billed when the final costs have been determined.
- c. All required checklist items for a **ZONING ORDINANCE AMENDMENT** must accompany the application in order to be considered a complete application.

2. Location of Premises: _____
(Name of Street or Road)

3. Plat(s) _____ Lot(s) _____ Zoning District(s) _____
911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)

5. State present use of premises: _____
6. State proposed uses of premises: _____
7. Is there a building(s) on the premises at present? _____
8. How long have you owned the premises? _____
State year which lot(s) were platted and recorded:
9. Have you submitted plans to the Building & Zoning Inspector? _____
Has a permit been refused: _____
If a permit has been refused, attach a copy of the denial, in writing.
10. Please give the size (in feet) of all existing buildings and accessory structures:

11. Please give the size (in feet) of all proposed buildings and accessory structures:

12. Please describe the extent of the proposed alterations:

13. Please indicate the number of families which building is to be arranged: _____
14. Indicate the provision of the Hopkinton Zoning Ordinance under which application for **ZONING ORDINANCE AMENDMENT** is made:

15. Clearly state the grounds for which this **ZONING ORDINANCE AMENDMENT** is sought:

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____



APPENDIX F
APPLICATION & CHECKLIST TO:
ZONING BOARD OF REVIEW
FOR:
APPEAL

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ZONING BOARD OF REVIEW
APPLICATION CHECKLIST FOR:
APPEAL

The application for an Appeal to the Zoning Board of Review must be accompanied with the following information:

- A. Copies of all documents filed with the official or agency from which the appeal is taken.
- B. Copies of all decisions of the official or agency from which the appeal is taken.
- C. The record of any proceeding from which the appeal is taken.
- D. Three (3) copies of a map indicating all property owners within 200 feet of the subject property, and/or all those property owners and entities which require notice under Section 45-24-53 R.I.G.L., also depicting any zoning district boundary.

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**TOWN OF HOPKINTON
ZONING BOARD OF REVIEW**

To: Hopkinton Zoning Board of Review
Town Hall
1 Town House Road
Hopkinton, R.I. 02833

Ladies/Gentlemen:

The undersigned hereby applies to the Hopkinton Zoning Board of Review for an **APPEAL** in the application of the provisions or regulations of the Hopkinton Zoning Ordinance affecting the following described premises in the manner and on the grounds hereinafter set forth.

NAMES:

Applicant: _____ Address: _____
Owner: _____ Address: _____
Lessee: _____ Address: _____

1. Filing Instructions:

- a. The original application and two (2) copies, either typed or legibly printed, must be filed with the Town Clerk's Office in accordance with the minimum time required to post adequate notice.
- b. A filing fee in the amount **\$75.00** shall accompany an application to the Zoning Board of Review to cover the costs of legal advertisement and processing. In addition to the \$75.00 fee, the applicant shall also be responsible for all costs incurred by the town in the course of review of this application, including stenographic services, and will be billed when the final costs have been determined.
- c. All required checklist items for an **APPEAL** must accompany the application in order to be considered a complete application.

2. Location of Premises: _____
(Name of Street or Road)

3. Plat(s) _____ **Lot(s)** _____ **Zoning District(s)** _____

911 Address: _____

4. Dimensions of Lot: (Frontage) feet by (Depth) feet Area: (Square Ft. or Acres)

5. State present use of premises: _____

6. State proposed use of premises: _____

7. Is there a building(s) on the premises at present? _____

8. How long have you owned the premises? _____
State year which lot(s) were platted and recorded:

9. Have you submitted plans to the Building & Zoning Inspector? _____

Has a permit been refused: _____

If a permit has been refused, attach a copy of the denial, in writing.

10. Please give the size (in feet) of all existing buildings and accessory structures:

11. Please give the size (in feet) of all proposed buildings and accessory structures:

12. Please describe the extent of the proposed alterations:

13. Please indicate the number of families which building is to be arranged: _____

14. Indicate the provision or regulation of the Hopkinton Zoning Ordinance under which application for **APPEAL** is made:

15. Clearly state the grounds for which this **APPEAL** is sought:

Respectfully submitted,

Signature _____

Signature _____

Address _____

Phone Number _____



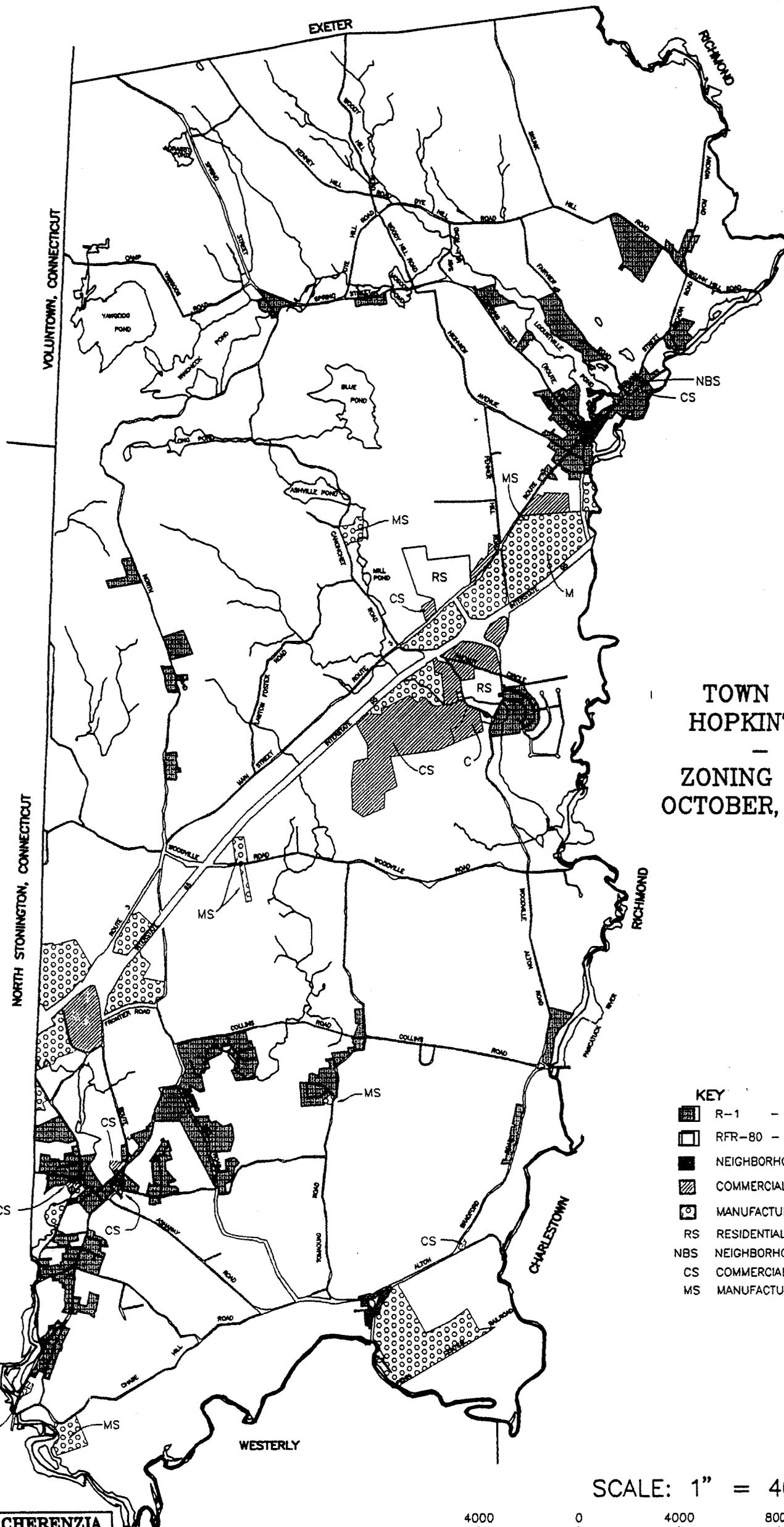
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TOWN OF HOPKINTON
 —
ZONING MAP
OCTOBER, 1994

- KEY**
- R-1 - RESIDENTIAL
 - RFR-80 - RESIDENTIAL
 - NEIGHBORHOOD BUSINESS SPECIAL
 - COMMERCIAL
 - MANUFACTURING SPECIAL
 - RESIDENTIAL SPECIAL
 - NEIGHBORHOOD BUSINESS SPECIAL
 - COMMERCIAL SPECIAL
 - MANUFACTURING SPECIAL

SCALE: 1" = 4000'

