

ORDINANCE NO. 2023-12
Town of Lincoln
AN ORDINANCE AMENDING
CHAPTER 260 ZONING

Note: Words set as ~~strikeover~~ are to be deleted from the ordinance; words set in underline are to be added to the ordinance.

Article III Use Regulations

§260-8 through §260-19: Use Tables [Amended 11-24-15 by Ord. No. 15-8]

§260-8: Agricultural Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-8A: Keeping of Animals for Home Use	P	<u>S N</u>	N	N	N	N	N	N	N	N
§260-8B: Keeping and raising of animals for profit	<u>S N</u>	N	N	N	N	<u>S N</u>	<u>S N</u>	N	N	N
§260-8C: Raising crops for profit	P	<u>S N</u>	N	N	N	<u>S P</u>	<u>S P</u>	<u>S N</u>	N	N
§260-8D: Commercial Nursery	<u>S N</u>	N	N	N	P	N	N	N	N	N
§260-8E: Retail sale of produce grown on premises [<i>*location subject to approval</i>]	P*	<u>S*N</u>	N	N	N	N	N	N	N	<u>S*N</u>
§260-8F: Non-residential cooperative cultivation	N	N	N	N	N	N	N	N	N	N
§260-8G: Residential cooperative cultivation	N	N	N	N	N	N	N	N	N	N
§260-8H: Personal marijuana cultivation	N	N	N	N	N	N	N	N	N	N

§260-8: Agricultural Uses

- A. Includes livestock for food production, fish and fowl, and raising of cattle and hens for purposes of producing milk and eggs; but not including apparatus for food processing of these products, nor animals for scientific or laboratory testing. No wholesale or retail sales except as permitted in subsection §260-8E.
- B. Includes breeding of livestock for food production, pets, fish, racehorses and/or fowl. Farmhouse and storage of farm-related equipment are allowable accessory uses.
- C. Includes raising of vegetables, fruit, hay, sod, trees, flowers, plants and similar crops commonly used for household consumption; but not including food processing, canning and baking.
- D. Includes the raising and sale of flowers, trees and plants used for decoration and landscaping.
- E. Includes farm stands, limited to food, trees, flowers, plants, and similar crops. *Subject to location approval by Zoning Board of Review.
- F. Includes land located in a non-residential zone for cultivation of marijuana by two or more cardholders.[Amended 9-15-15 by Ord. No. 15-35]
- G. Includes land located in a residential zone for cultivation of marijuana by two or more cardholders. [Amended 9-15-15 by Ord. No. 15-35]
- H. Includes marijuana cultivated by a single registered cardholder within his/her residential dwelling for medical use only. [Amended 9-15-15 by Ord. No. 15-35]

§260-9: Residential Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-9A: Single-family detached	P	P	P	P	S <u>N</u>	N	N	S <u>N</u>	N	P
§260-9B: Two-family	N	N	S <u>P</u>	P	N	N	N	N	N	P
§260-9C: Multi-family, 3 or more units	N	N	N	S <u>P</u>	N	N	N	N	N	S <u>P</u>
§260-9D: Bed and Breakfast	S <u>N</u>	S <u>N</u>	N	N	N	N	N	N	N	S <u>N</u>
§260-9E: Temporary lodging, 6 to 25 rooms	N	N	N	N	S <u>P</u>	S <u>P</u>	S <u>P</u>	N	N	N
§260-9F: Temporary lodging, 26 or more rooms	N	N	N	N	S <u>P</u>	S <u>P</u>	S <u>P</u>	N	P**	N
§260-9G: Mobile Homes	N	N	N	N	N	N	N	N	N	N
§260-9H: Community residence	P	P	P	P	P	N	N	N	N	P
§260-9: Residential Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-9I: Nursing home, convalescent home	N	N	N	S <u>N</u>	S <u>P</u>	N	N	N	N	N
§260-9J: Family day-care home	P	P	P	P	P	N	N	N	N	P
§260-9K: Customary home occupation	P	P	P	P	S	N	N	N	N	P
§260-9L: Accessory family dwelling unit —under 62 years of age	S <u>N</u>	S <u>N</u>	S <u>N</u>	S <u>N</u>	S <u>N</u>	N	N	N	N	S <u>N</u>
§260-9M: Accessory family dwelling unit —Disabled or 62 years of age or older	P	P	P	P	P	N	N	N	N	P
§260-9N: Senior residential community	N	N	N	S <u>N</u>	S <u>P</u>	N	N	N	N	N P
§260-9O: Mixed Use	N	N	N	P	S <u>P</u>	N	N	N	N	P

31 **§260-9: Residential Uses [Amended 9-15-15 by Ord. No. 15-35]**

- 32 A. One dwelling unit or household unit as defined in this chapter. There shall be no more than one main residential
33 building on any one lot.
34 (1) ** A special use permit for this use in a CR-1 Zone shall be constrained so that development of the site
35 for residential use is limited to RA-40 dimensional requirements.
36 B. Two dwelling units or household units as defined in this chapter, including semi-detached structures. There shall
37 be no more than one main residential building on any one lot.
38 C. Three or more dwelling units or household units.
39 D. A facility offering temporary lodging and breakfast. The facility shall not have more than five units for temporary
40 lodging. Cooking on premises is allowed for guests only, not open to general public.
41 E. Includes hotels, motels, and bed and breakfasts with more than five units but less than 26 units. Cooking on
42 premises is allowed for guests only, not open to general public.
43 F. Includes hotels and motels. Cooking on premises is allowed for guests only, not open to public.
44 G. The use or storage of one or more residential mobile homes, mobile home parks, and trailer parks. In the case of
45 fire or other acts of God resulting in severe damage to a building, a mobile home may be used as temporary
46 housing while necessary repairs are conducted to make the damaged structure usable, and in no case shall the
47 mobile home remain on site for more than one year. This does not exclude a property owner, in a residential
48 district, from storing one recreational camper/mobile home as long as it is not used for living/sleeping space.

- 49 H. As defined in R.I.G.L. § 45-24-31(15), and this chapter: A home or residential facility where children and/or
50 adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses
51 or substance abuse treatment facilities. This shall include, but not be limited to the following: a) Whenever six or
52 fewer children or adults with ~~retardation~~ developmental disabilities reside in any type of residence in the
53 community, as licensed by the state pursuant to Chapter 24 of Title 40.1 of the Rhode Island General Laws. All
54 requirements pertaining to local zoning are waived for these community residences; b) A group home providing
55 care or supervision, or both, to not more than eight (8) persons with disabilities, and licensed by the state pursuant
56 to Chapter 24 of Title 40.1 of the Rhode Island General Laws; c) A residence for children providing care or
57 supervision, or both, to not more than eight (8) children including those of the caregiver and licensed by the state
58 pursuant to Chapter 72.1 of Title 42 of the Rhode Island General Laws; d) A community transitional residence
59 providing care or assistance, or both, to no more than six (6) unrelated persons or no more than three (3) families,
60 not to exceed a total of eight (8) persons, requiring temporary financial assistance, and/or to persons who are
61 victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days
62 nor more than two (2) years. Residents will have access to and use of all common areas, including eating areas
63 and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-
64 sufficiency, and eventual transition to a permanent living situation.
- 65 I. Includes retirement home, home for aged, extended care, and convalescent housing.
- 66 J. Home day care in lieu of parental care or supervision is offered at the same time to six or fewer individuals who
67 are not relatives of the caregiver, but may not contain more than a total of eight individuals receiving day care as
68 licensed by the State of Rhode Island and local fire marshal.
- 69 K. Customary home occupation performed by the occupant and using no more than 400 square feet of floor area,
70 providing such activity shall not be visible from a lot line and that there is no exterior advertising. A customary
71 home occupation must have no employees except members of the family living on the premises. The use shall
72 not result in a noticeable increase in parking or vehicular traffic, nor shall it adversely impact the surrounding
73 area.
- 74 ~~L. Accessory Family Dwelling Units—Under 62 Years of Age: An accessory family dwelling unit attached to an~~
75 ~~owner-occupied, single family residence. The appearance of the structure shall remain that of a single family~~
76 ~~residence and there shall be an internal means of egress between the principal unit and the accessory family~~
77 ~~dwelling unit. If possible, no additional exterior entrances should be added. Where additional entrance is~~
78 ~~required, placement should generally be in the rear or side of the structure. When the structure is serviced by an~~
79 ~~individual, sewage disposal system, the applicant shall have the existing or any new system approved by the~~
80 ~~Rhode Island Department of Environmental Management. The zoning enforcement officer shall require that a~~
81 ~~declaration of the accessory family dwelling unit for the family member, or members, and its restrictions be~~
82 ~~recorded in the land evidence records and filed with the zoning enforcement officer and the building official. The~~
83 ~~owners of the primary residence shall be required to submit annually to the Town a letter of occupancy of relatives~~
84 ~~as a condition of the special use permit. Once the family member, or members, no longer reside(s) in the premises~~
85 ~~on a permanent basis, or the title is transferred, the property owner shall notify the zoning official in writing, and~~
86 ~~the accessory family dwelling unit shall no longer be permitted, unless there is a subsequent, valid application.~~
- 87 L. Accessory Dwelling Unit (ADU): A residential living unit on the same parcel where the primary use is a
88 legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities
89 for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is
90 part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled
91 primary dwelling.
- 92
- 93 1. The Town shall not impose any excessive restrictions on ADUs. More specifically, the Town shall not:
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- 95 a. Restrict tenants based on familial relationship or age unless such restriction is necessary to comply
96 with the terms of the federal subsidy related to affordability;
- 97 b. Charge unique or unreasonable application fees for the creation of an ADU;

- 98 c. Require infrastructure improvements, including, but not limited to, separate water or sewer service
- 99 lines or expanded septic system capacity; provided, however, municipalities may require
- 100 modification required for compliance under state law or regulation;
- 101 d. Discriminate against populations protected under state and federal fair housing laws;
- 102 e. Impose unreasonable dimensional requirements on ADUs that effectively preclude their
- 103 development or utilization;
- 104 f. Require a larger minimum lot size for a property with an ADU over that required for a property
- 105 without an ADU in the same zone;
- 106 g. Require more than one parking space beyond what is already required for the primary use; or
- 107 h. Limit ADUs to lots with preexisting homes; provided, a municipality shall allow ADUs as part of
- 108 applications for new primary dwelling units or subdivisions.

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110 2. Additional zoning provisions for applications for accessory dwelling units.

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- 112 a. Applications for accessory dwelling units (ADUs) that are not part of a larger development
- 113 proposal shall be reviewed through an administrative officer or development plan review process.
- 114 They shall not, by themselves, be reviewed as minor land development, major land development, or
- 115 special use permits.
- 116 b. ADUs shall be a permitted use in any residential district with a minimum lot size of twenty
- 117 thousand square feet (20,000 sq. ft.) or more, and where the proposed ADU is located within the
- 118 existing footprint of the primary structure or existing secondary attached or detached structure and
- 119 does not expand the footprint of the structure.
- 120

121 ~~M. Accessory Family Dwelling Unit – Disabled or 62 Years of Age or Older: An accessory family dwelling unit in~~
122 ~~an owner-occupied, single-family residence shall be permitted as a reasonable accommodation for family~~
123 ~~members with disabilities or who are sixty-two (62) years of age or older. The appearance of the structure shall~~
124 ~~remain that of a single-family residence and there shall be an internal means of egress between the principal unit~~
125 ~~and the accessory family dwelling unit. If possible, no additional exterior entrances should be added. Where~~
126 ~~additional entrance is required, placement should generally be in the rear or side of the structure. When the~~
127 ~~structure is serviced by an individual, sewage disposal system, the applicant shall have the existing or any new~~
128 ~~system approved by the Rhode Island Department of Environmental Management. The zoning enforcement~~
129 ~~officer shall require that a declaration of the accessory family dwelling unit for the family member, or members,~~
130 ~~and its restrictions be recorded in the land evidence records and filed with the zoning enforcement officer and the~~
131 ~~building official. The owners of the primary residence shall be required to submit annually to the Town a letter~~
132 ~~of occupancy of relatives as a condition of this use. Once the family member, or members, with disabilities or~~
133 ~~who are sixty-two (62) years of age or older, no longer reside(s) in the premises on a permanent basis, or the title~~
134 ~~is transferred, the property owner shall notify the zoning official in writing, and the accessory family dwelling~~
135 ~~unit shall no longer be permitted, unless there is a subsequent, valid application. When used in this section the~~
136 ~~terms “people with disabilities” or “member, or members, with disabilities” means a person(s) who has a physical~~
137 ~~or mental impairment that substantially limits one or more major life activities, as defined in § 42-87-1(7) of the~~
138 ~~general laws.~~

139 ~~N. M. Senior Residential Communities: A senior residential community is a community of single family residential~~
140 ~~dwelling units or attached multi-family dwelling units with respect to which the following conditions are~~
141 ~~applicable: the community shall contain a minimum of five (5) acres of Lot Area with a total density that shall~~
142 ~~not exceed fifteen (15) dwelling units per acre of lot area, the maximum percentage of Lot Building Coverage~~
143 ~~shall be thirty five percent (35%). In addition to the requirements set forth in Article XI – SPECIAL USE~~
144 ~~PERMITS, all proposed Senior Residential Community projects shall specifically address and include written~~
145 ~~evidence for the record of meeting the requirements set forth in Article XII – SPECIAL CONDITIONS, occupancy~~
146 ~~is limited to require that at least 80% of the occupied units must be occupied by at least one person fifty-five (55)~~
147 ~~years of age and older. Moreover, no person eighteen (18) years of age and younger may be a permanent resident~~

148 of any unit. Notwithstanding anything to the contrary in the foregoing, individuals with handicaps are permitted
149 as residents in the community.

150 ~~Q. N.~~ Mixed Use: A combination of residential and commercial uses located on one lot. There shall be no more than
151 one main building on any one lot.

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153 ****Temporary Lodging, 26 or more rooms in a CR2 zoning district; such a use is allowed by right as an accessory to
154 a State licensed casino gaming and entertainment facility, so long as it is subject to review under applicable Town of
155 Lincoln land use regulations.[Amended 9-15-15 by Ord. No. 35-15]**

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§260-10: Recreational Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-10A: Public playground	P	P	P	P	<u>S P</u>	N	N	<u>S P</u>	<u>S N</u>	<u>S P</u>
§260-10B: Golf course	N	N	N	N	<u>S N</u>	N	N	P	P	N
§260-10C: Drive-in theater	N	N	N	N	N	<u>S N</u>	N	N	P	N
§260-10D: Animal Racetrack	N	N	N	N	N	N	N	N	<u>S**N</u>	N
§260-10E: Sports stadium	N	N	N	N	N	N	N	N	<u>S N</u>	N
§260-10F: Ice rinks	N	N	N	N	N	S	N	N	P	N
§260-10G: Camps	N	N	N	N	N	N	N	<u>S N</u>	<u>S N</u>	N
§260-10H: Water recreation activities	N	N	N	N	<u>S N</u>	<u>S N</u>	<u>S N</u>	<u>S N</u>	<u>S N</u>	N
§260-10I: Open space	P	P	P	P	P	P	P	P	P	P
§260-10J: Indoor recreation	N	N	N	N	P	P	<u>S P</u>	N	P	<u>S P</u>
§260-10K: Outdoor recreation	N	N	N	N	<u>S P</u>	<u>S N</u>	N	<u>S N</u>	<u>S N</u>	N

158 **§260-10: Recreational Uses**

- 159 A. Includes uses owned by government or private groups. This also allows for special charitable events, provided
160 any necessary licensing is obtained.
- 161 B. Includes public and private courses, miniature golf and Par-3 courses.
- 162 C. The outdoor display of movies for profit.
- 163 D. Any type of animal racing or competition, but excluding any form of illegal animal racing or competition. This
164 use is subject to a host community agreement.
- 165 E. The field and seating for athletic events with an open-air or roofed structure.
- 166 F. Includes indoor/outdoor recreational and/or competitive skating, other than established by local municipality for
167 public use.
- 168 G. Outdoor grounds for temporary tent erection for recreational use. Permanent structures in place of tents will be
169 subject to a special use permit.
- 170 H. Includes canoe and boat launching ramps and docks; bathing beaches or public pools; water parks. Marinas or
171 storage of motorized boats, in the water, shall not be allowed.
- 172 I. Includes community gardens, forest reserve, wildlife refuge; but not for raising crops for commercial use.
- 173 J. Includes bowling alleys, indoor playgrounds and athletic activities, arcades, and movie theaters, and other similar
174 forms of indoor recreation not covered elsewhere in the Table of Uses.
- 175 K. The field and seating for non-athletic recreational events with no structure or an open-air structure.

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§260-11: Governmental and Institutional Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-11A: School or college	<u>S N</u>	<u>S N</u>	<u>S N</u>	<u>S N</u>	P	N	N	N	N	<u>S N</u>
§260-11B: Vocational or trade school	N	N	N	N	P	<u>S N</u>	N	N	N	N

§260-11C: Religious institution	<u>S N</u>	<u>S N</u>	<u>S N</u>	<u>S N</u>	P	N	N	N	N	P
§260-11D: Charitable institution (no commercial activity)	N	N	N	N	P	P	N	N	N	<u>S P</u>
§260-11E: Library, Gallery	<u>S N</u>	<u>S N</u>	<u>S N</u>	<u>S N</u>	P	N	N	N	N	<u>S N</u>
§260-11F: Hospital or clinic	N	N	N	N	P	<u>S N</u>	<u>S N</u>	N	N	N
§260-11G: Treatment of mental illness or substance abuse	N	N	N	N	<u>S N</u>	<u>S N</u>	<u>S N</u>	N	N	N
§260-11H: Fire or police station	<u>S P</u>	<u>S P</u>	<u>S P</u>	<u>S P</u>	P	P	P	N P	<u>S P</u>	P
§260-11I: Government building	<u>S P</u>	<u>S P</u>	<u>S P</u>	<u>S P</u>	<u>S P</u>	P	P	N	N	<u>S P</u>
§260-11J: Cemetery	<u>S N</u>	<u>S N</u>	<u>S N</u>	<u>S N</u>	N	N	N	N	N	<u>S N</u>
§260-11K: Prison or correctional institution	N	N	N	N	N	N	N	N	N	N
§260-11L: Court House	N	N	<u>S N</u>	<u>S N</u>	<u>S P</u>	P	P	N	N	N
§260-11M: Compassion Center	N	N	N	N	N	N	N	N	N	N

178 **§260-11: Government and Institutional Uses**

- 179 A. Preschool, elementary through high school and post-secondary educational institution, both private and public,
180 excluding schools owned and operated by the Town of Lincoln. Includes classrooms, office and assembly use,
181 lecture hall, library and other facilities for instructional purposes; laboratory facility for teaching and research;
182 bookstore; gymnasium for athletic events, indoor and outdoor sports facility; cafeteria, dining hall; day-care
183 facility; dormitory; health-care facility.
184 B. Public and private institutions providing instruction and/or training in automotive, construction, metallurgical,
185 chemical, and similar industrial operations.
186 C. Church, synagogue, other places of worship including retreat centers.
187 D. Facility owned and operated by not-for-profit, nongovernmental organization or entity; including nonprofit clubs,
188 civic, social, or fraternal.
189 E. Includes nonprofit library, museum and art gallery.
190 F. Hospital (not animal hospital), medical diagnostic or treatment facility, center for occupational and physical
191 therapy; medical, surgical or psychiatric treatment of disease or disability; whether on an inpatient or outpatient
192 basis; health maintenance organization.
193 G. Facility for the treatment of drug, alcohol or substance abuse.
194 H. Includes use for temporary housing of prisoners and training facilities.
195 I. Includes Town buildings not covered elsewhere in the Table of Uses.
196 J. Cemetery, historic cemetery or memorial park; but not including funeral homes.
197 K. Any type of prison or correctional facility, other than the temporary housing of prisoners at police station or
198 courthouse.
199 L. Federal or State facility housing judicial courts.
200 M. A not-for-profit corporation that acquires, possesses, cultivates, manufactures, delivers, transfers, transports,
201 supplies or dispenses marijuana and/or related supplies and educational materials, to patient cardholders and/or
202 their registered caregiver cardholders.
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§260-12: Office uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-12A: Professional offices	N	N	N	<u>S**</u> <u>N</u>	P	P	P	N	N	P
§260-12B: Business services	N	N	N	N	P	P	P	N	N	P
§260-12C: Bank	N	N	<u>S**</u> <u>N</u>	N	P	P	P	N	N	<u>S P</u>
§260-12D: Use with drive up window (not including restaurants)	N	N	N	N	P	P	P	N	N	N

§260-12E: Professional office for use by resident of premises	N	N	N	N	P	N	N	N	N	P
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204 **§260-12: Office Uses**

- 205 A. Includes dentist, real estate services, insurance agencies, security and commodity trading, law offices, accounting,
206 architectural, engineering and the administrative functions of a corporation, foundation or association.
207 (1) ** A special use permit for such a use in a RG Zone shall be for a use under 2,500 square feet in gross floor
208 area, shall not overly intrude into the residential nature of an area and shall be on in an appropriate location
209 on an appropriate street right-of-way for such a use.
210 B. Includes advertising agency, interior designer, photocopy duplication, mailing services, private employment
211 service, credit reporting and collection.
212 C. Includes commercial banks, savings-and-loan associations, credit unions and other bank-related service, including
213 automated teller machines; but not including a drive-up window.
214 (1) ** A special use permit for such a use in a RL Zone shall be for a use under 2,500 square feet in gross floor
215 area, shall not overly intrude into the residential nature of an area and shall be on in an appropriate location
216 on an appropriate street right-of-way for such a use.
217 D. Any use, other than as a restaurant or gasoline service, for which customers drive up for service or purchase of
218 goods or food within their vehicle.
219 E. Professional use by resident of home. This use does not include customary home occupations. (See use § 260-
220 9K.)
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§260-13: Restaurant and Entertainment Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-13A: Restaurant (not including liquor or entertainment)	N	N	N	N	P	P	P	<u>S P</u>	P	<u>S P</u>
§260-13B: Restaurant (including liquor and/or entertainment)	N	N	N	N	P	P	P	N P	P	<u>S N</u>
§260-13: Restaurant and Entertainment Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-13C: Restaurant with drive-up window	N	N	N	N	P	P	P	N	N	N
§260-13D: Gambling or gaming	N	N	N	N	N	N	N	N	<u>S**P</u>	N
§260-13E: Tavern, bar, or nightclub	N	N	N	N	<u>S N</u>	<u>S P</u>	<u>S N</u>	N	<u>S P</u>	<u>S N</u>
§260-13F: Microbrewery	N	N	N	N	<u>S N</u>	<u>S P</u>	<u>S P</u>	N	<u>S P</u>	<u>S N</u>

223 **§260-13: Restaurant and Entertainment Uses [Amended 9-15-15 by Ord. No. 15-35]**

- 224 A. Includes business primarily preparing and serving food for consumption either on premises or for take out.
225 B. Includes business primarily preparing and serving food for consumption either on premises or for take out, and
226 may include the preparation and service of liquor; and may have entertainment.
227 C. Restaurant that allows customers to remain in vehicle when ordering and receiving food or products.
228 D. Any establishment used for gambling or gaming excluding greyhound racing, pari-mutuel wagering and/or
229 electronic or mechanical lottery terminals; excepting, however, “casino-type” table games, including but not
230 limited to, blackjack, poker and any and all card games, roulette baccarat and/or dice tables are expressly
231 prohibited unless established by referendum. [Amended 9-18-2001 by Ord. No. 01-7 and 9-15-15 by Ord. No.
232 15-35]
233 E. Any business primarily involved with liquor sales and consumption on premises and/or providing live or
234 prerecorded entertainment.
235 F. Manufacturing beer, ale and/or hard cider for on-site retail sales and/or consumption.

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§260-14: Service Business Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-14A: Barber and beauty service	N	N	N	N	P	P	<u>S</u> <u>N</u>	N	N	P
§260-14B: Shoe repair, laundry	N	N	N	N	P	P	N	N	N	P
§260-14C: Mortuary or funeral home	N	N	N	N	P	<u>S</u> <u>P</u>	N	N	N	<u>S</u> <u>N</u>
§260-14D: Radio or television station	N	N	N	N	N	<u>S</u> ** <u>P</u>	<u>S</u> ** <u>P</u>	N	N	N
§260-14E: Gasoline filling station (no automotive repair)	N	N	N	N	<u>S</u> <u>P</u>	P	<u>S</u> <u>N</u>	N	N	<u>S</u> <u>N</u>
§260-14F: Gasoline station with automotive repair	N	N	N	N	<u>S</u> <u>N</u>	P	<u>S</u> <u>N</u>	N	N	<u>S</u> <u>N</u>
§260-14G: Automotive repair	N	N	N	N	<u>S</u> <u>N</u>	P	<u>S</u> <u>P</u>	N	N	<u>S</u> <u>N</u>
§260-14H: Kennel	N	N	N	N	P	<u>S</u> <u>P</u>	N	N	N	N
§260-14I: Veterinary Office	N	N	N	N	P	P	<u>S</u> <u>N</u>	N	N	<u>S</u> <u>N</u>
§260-14J: Day-care center	N	N	<u>S</u> <u>N</u>	<u>S</u> <u>N</u>	P	<u>S</u> <u>P</u>	<u>S</u> <u>N</u>	N	N	<u>S</u> <u>P</u>
§260-14K: Photo-duplication and printing under 5,000s.f.	N	N	N	N	P	P	P	N	N	N
§260-14L: Caterer	N	N	N	N	P	P	N	N	N	S
§260-14M: Telecommunications tower	N	N	N	N	<u>S</u> ** <u>N</u>	<u>S</u> ** <u>N</u>	<u>S</u> ** <u>N</u>	N	N	N
§260-14: Service Business Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-14N: Telecommunications antennas or equipment installed at or attached to existing structure (other than existing tower)	N	N	N	N	<u>S</u> ** <u>N</u>	<u>S</u> ** <u>N</u>	<u>S</u> ** <u>N</u>	N	N	N
§260-14O: Telecommunications antennas or equipment installed at or attached to existing tower	N	N	N	N	<u>S</u> ** <u>N</u>	<u>S</u> ** <u>N</u>	<u>S</u> ** <u>N</u>	N	N	N

238 **§260-14: Service Business Uses [Amended on 9-15-09 by Ord. No. 09-9]**

- 239 A. Includes hair salons, barbers, manicurists, beauty service, tanning salons.
- 240 B. Includes shoe repair, self-service laundry, drop-off dry cleaning and retail on-site dry cleaning of items dropped
- 241 off on site.
- 242 C. Facility and establishment that arranges for and prepares funerals, including preparation of corpses for burial,
- 243 related ceremonial function rooms.
- 244 D. Includes the erection of wireless transmitting and receiving antennas, including satellite dish type as accessory
- 245 uses.
- 246 (1) ** In granting a special use permit, the Zoning Board of Review may impose conditions, to the extent the
- 247 Board concludes such conditions are necessary, to minimize any adverse effect of the proposed tower on
- 248 adjoining properties. Any such uses or structures shall be considered “commercial construction” subject to
- 249 the review of the Area of Planning Concern Review Committee (APC). Recommendation of the APC shall
- 250 be sought prior to the zoning hearing. The APC hearing shall have complete authority to review compatibility
- 251 with neighboring land uses and may make recommendations for physical construction. Any person(s) placing
- 252 a tower structure shall provide a commercially viable bond prior to construction as approved by the Town
- 253 Solicitor to the Town of Lincoln for the cost of demolition of said structure once its use is abandoned. Any

- 254 tower structure authorized within the Town shall be removed from the site and regraded to a natural condition
255 within 90 days of abandonment of authorized use.
- 256 E. Gasoline sales, including alternate fuels, with no service of automobiles, but including the accessory sales of
257 related products.
- 258 F. Automobile service station, primarily selling gasoline or alternative fuels, also performing automobile repairs.
- 259 G. Automobile repair shop, including lubrication shops, transmission shops, muffler and brake service and
260 automobile upholstery. Sale of gasoline or alternate fuels is not permitted.
- 261 H. For storage and breeding of dogs, cats and other household animals.
- 262 I. Veterinary service and animal hospital.
- 263 J. Day-care center; or day care in lieu of parental care or supervision is offered at the same time to more than six
264 individuals who are not relatives of the caregiver, or more than a total of eight individuals receiving day care.
- 265 K. Retail photo-duplication and printing with a gross floor area of less than 5,000 square feet.
- 266 L. Business providing a supply of food for consumption at a different location.
- 267 M. Includes an above-grade tower, including self-supporting lattice towers, guy towers or monopole towers or similar
268 structure more than 35 feet in height for communications equipment principally intended for the transmittal or
269 reception of commercial, governmental and related radio, television, microwave, cellular phone and similar
270 telecommunications signals. Monopole-type towers with multiple users, or co-use of existing structures is
271 encouraged, so as to minimize the numbers of towers, to conserve the value of land and buildings in the
272 surrounding area and to minimize visual impacts. Including the accessory buildings, storage facilities and related
273 equipment required for broadcasting and telecommunications towers or any other such equipment necessary for
274 telecommunications antennas.
- 275 (1) ** In granting a special use permit, the Zoning Board of Review may impose conditions, to the extent the
276 Board concludes such conditions are necessary, to minimize any adverse effect of the proposed tower on
277 adjoining properties. Any such uses or structures shall be considered “commercial construction” subject to
278 the review of the Area of Planning Concern Review Committee. Recommendation of the APC shall be sought
279 prior to the zoning hearing. The APC hearing shall have complete authority to review compatibility with
280 neighboring land uses and may make recommendations for physical construction. Camouflage of towers,
281 such as sky blue or tree green paint may be a requirement of the APC. Any person(s) placing a tower structure
282 shall provide a commercially viable bond prior to construction as approved by the Town Solicitor to the Town
283 of Lincoln for the cost of demolition of said structure once its use is abandoned. Any tower structure
284 authorized within the Town shall be removed from the site and regraded to a natural condition within 90 days
285 of abandonment of authorized use.
- 286 (2) Any applicant for such uses or structures shall submit visual impact data including but not limited to
287 photographic simulations of the proposed facility as it would be seen from residential areas, public rights of
288 way, parks, and other recreational facilities.
- 289 (3) Any such proposed uses and structures located within the vicinity of historic structures, historic districts or
290 designated scenic corridors shall not be approved unless such proposed uses and structures are so concealed
291 as to be substantially invisible. The views of, and vistas from, such structures, districts or designated scenic
292 corridors shall not be impaired or diminished by the placement of such uses and structures.
- 293 (4) Any applicant for such uses or structures shall be required to submit evidence that additional users for the
294 proposed new use or structure have been solicited. Evidence shall include, but not be limited to, copies of
295 notices sent by registered mail, return receipt requested, to all other providers of cellular or wireless
296 communications services within the Town of Lincoln and adjacent communities, advising of the intent to
297 construct a new tower, identifying the location, inviting the joint use and sharing of costs, and requesting a
298 written response within fifteen (15) business days. Replies received in response to the notice shall also be
299 submitted as evidence in connection with the application.
- 300 (5) The required setbacks for such uses or structures shall be no less than 1.5 times the tower height to the nearest
301 property line.
- 302 (6) No structure housing telecommunications equipment shall exceed 750 square feet in area nor 12 feet in height.
303 All such structures shall be screened with an appropriate landscaped vegetative buffer, and shall be secured
304 with appropriate fencing.

- 305 N. Includes antennas, towers or similar structures installed on tops of or attached to existing buildings, water tanks
 306 or similar facilities if the total height of the tower/structure exceeds 55 feet above grade. Includes the accessory
 307 buildings, storage facilities and related equipment required for or any other such equipment necessary for
 308 telecommunications antennas that may be attached to or on the facades of buildings or structures.
 309 (1) ******In granting a special use permit, the Zoning Board of Review may impose conditions, to the extent the
 310 Board concludes such conditions are necessary, to minimize any adverse effect of the proposed tower on
 311 adjoining properties. Any such uses or structures shall be considered “commercial construction” subject to
 312 the review of the Area of Planning Concern Review Committee. Recommendation of the APC shall be sought
 313 prior to the zoning hearing. The APC hearing shall have complete authority to review compatibility with
 314 neighboring land uses and may make recommendations for physical construction. Any person(s) placing a
 315 tower structure shall provide a commercially viable bond as approved by the Town Solicitor to the Town of
 316 Lincoln for the cost of demolition of said structure once its use is abandoned. Any tower structure authorized
 317 within the Town shall be removed from the site and regraded to a natural condition within 90 days of
 318 abandonment of authorized use.
 319 O. Includes antennas, equipment or other similar structures installed at or attached to existing towers or similar
 320 structures, including the accessory buildings, storage facilities and related equipment required for broadcasting
 321 and telecommunications towers or any other such equipment necessary for telecommunications antennas.
 322 (1) ****** In granting a special use permit, the Zoning Board of Review may impose conditions, to the extent the
 323 Board concludes such conditions are necessary, to minimize any adverse effect of the proposed tower on
 324 adjoining properties. Any such uses or structures shall be considered “commercial construction” subject to
 325 the review of the Area of Planning Concern Review Committee. Recommendation of the APC shall be sought
 326 prior to the zoning hearing. The APC hearing shall have complete authority to review compatibility with
 327 neighboring land uses and may make recommendations for physical construction. Any person(s) placing a
 328 tower structure shall provide a commercially viable bond prior to construction as approved by the Town
 329 Solicitor to the Town of Lincoln for the cost of demolition of said structure once its use is abandoned. Any
 330 tower structure authorized within the Town shall be removed from the site and regraded to a natural condition
 331 within 90 days of abandonment of authorized use.
 332

<i>§260-15: Retail and Sales Uses</i>	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-15A: Retail trade, neighborhood establishment, 2,500s.f. gross floor area or less	N	N	N	<u>S**</u> <u>P</u>	P	P	N	N	N	P
§260-15B: Convenience store	N	N	N	<u>S**</u> <u>P</u>	P	P	N	N	N	P
§260-15C: Retail trade establishment more than 2,500s.f. gross floor area	N	N	N	N	P	P	N	N	N	N
<i>§260-15: Retail and Sales Uses</i>	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-15D: Auto, truck, or boat sales	N	N	N	N	<u>S N</u>	<u>S P</u>	N	N	N	N
§260-15E: Liquor sales	N	N	N	N	P	P	N	N	N	<u>S P</u>
§260-15F: Wholesale sales (within enclosed structure)	N	N	N	N	<u>S P</u>	P	P	N	N	N
§260-15G: Wholesale sales (outdoor storage)	N	N	N	N	N	<u>S N</u>	<u>S N</u>	N	N	N
§260-15H: Vehicle rental agency	N	N	N	N	P	P	<u>S N</u>	N	N	N
§260-15I: Marijuana Store	N	N	N	N	N	N	N	N	N	N

333 **§260-15: Retail and Sales Uses**

- 334 A. Sale of apparel and accessories; household appliances; art supplies; bakeries; books, newspapers and periodicals;
335 camera and photographic supplies; custom tailoring; dairy products; drugstore; fabric store; floor covering retail;
336 florists; fruits and vegetables; gift shop; groceries and delicatessens; hobby shops; home furnishings and
337 equipment; jewelry; office supplies, stationery or art supplies; radio, television, audio/video, computer equipment,
338 videotape sales, service or rental; shoe store; sporting goods; hardware, garden supplies, paint glass, yard
339 equipment. The gross floor area shall not exceed 2,500 square feet.
340 (1) ** A special use permit in a RG Zone shall only be issued if the use is found to not intrude into the residential
341 nature of the area and that the use is located on an appropriate street right-of-way.
- 342 B. Retail sale of newspapers and periodicals; dairy products; fruits and vegetables; groceries and delicatessens; and
343 related convenience items. The gross floor area shall not exceed 2,500 square feet.
344 (1) ** A special use permit in a RG Zone shall only be issued if the use is found to not intrude into the residential
345 nature of the area and the use is located on an appropriate street right-of-way.
- 346 C. Sale of products and goods with gross floor area of greater than 2,500 square feet.
- 347 D. Automotive, marine craft, aircraft and accessories for both new and used vehicles.
- 348 E. Sale of liquor along with products and food related to the consumption of liquor.
- 349 F. All goods sold are only displayed and stored within a completely enclosed structure. Includes building materials,
350 contractors equipment, durable goods and apparel, electrical, plumbing, heating equipment and supplies;
351 groceries and related products; machinery equipment and supplies.
- 352 G. Includes building materials, contractors equipment, durable goods and apparel, electrical, plumbing, heating
353 equipment and supplies; groceries and related products; machinery equipment and supplies.
- 354 H. For short-term rental or lease of automobiles. Also included is the on-site storage of up to 15 cars available for
355 rent or lease (including limousines and taxi-cabs). Does not include trucks or vehicles with a gross vehicle weight
356 over 10,000 pounds.
- 357 I. Any retail establishment at which the sale or use of marijuana, medical or otherwise, takes place.
358
359

§260-16: Transportation Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-16A: Airport	N	N	N	N	N	<u>S</u> <u>N</u>	<u>S</u> <u>N</u>	N	N	N
§260-16B: Heliport	N	N	N	N	N	<u>S</u> <u>N</u>	<u>S</u> <u>N</u>	N	N	N
§260-16C: Rail or motor freight terminal	N	N	N	N	N	P	P	N	N	N
§260-16: Transportation Uses	RA	RS	RL	RG	BL	ML	MG	CR1	CR2	VCMU
§260-16D: Commercial off-street parking	N	N	N	N	<u>S</u> <u>P</u>	P	P	N	N	<u>S</u> <u>N</u>
§260-16E: Rail or bus passenger station	N	N	N	N	S	P	P	N	N	N

360

361 **§260-16: Transportation Uses**

- 362 A. Also includes maintenance, accessory outdoor maintenance and storage.
- 363 B. Landing area for helicopters; also includes accessory structures for outdoor maintenance and storage.
- 364 C. Includes truck and trailer rental; public utility service yard, railroad yard, accessory outdoor maintenance and
365 storage.
- 366 D. Garage or open lot primarily for passenger and/or commercial vehicles. No gasoline service and no automotive
367 repairs. The parking area shall meet the construction requirements of Article V.
- 368 E. Includes bus or rail passenger terminal, rapid rail transit, accessory indoor maintenance.
369

§260-17: Storage Uses	RA	RS	RL	RG	BL	ML	MG	CRI	CR2	VCMU
§260-17A: Storage of sand and gravel	N	N	N	N	N	<u>S N</u>	<u>S N</u>	N	N	N
§260-17B: Open storage or wrecking of scrap, or salvage material (does not include burning)	N	N	N	N	N	N	N	N	N	N
§260-17C: Storage of flammable material	N	N	N	N	N	N	<u>S**</u> <u>N</u>	N	N	N
§260-17D: Retail warehousing and enclosed interior storage	N	N	N	N	<u>S N</u>	P	P	N	N	N
§260-17E: Retail warehousing and exterior storage	N	N	N	N	<u>S N</u>	P	P	N	N	N
§260-17F: Wholesale warehousing	N	N	N	N	N	P	P	N	N	N
§260-17G: Reclamation Facility	N	N	N	N	N	P	P	N	N	N
§260-17H: Recycling Facility	N	N	N	N	N	P	P	N	N	N
§260-17I: Temporary Structures	N	N	N	N	<u>S N</u>	<u>S N</u>	<u>S N</u>	N	N	N

370 **§260-17: Storage Uses**

- 371 A. Commercial storage of sand, gravel, and road salt; including the processing of these materials.
- 372 B. Includes any short-term storage of scrap or salvage material, including parts and mechanical equipment, which
373 are no longer usable.
- 374 C. Includes any material, which is potentially flammable or explosive.
- 375 (1) ** The issuance of a special use permit shall be dependent on the placement of suitable protection of
376 surrounding areas and suitable preventive measures taken for storage.
- 377 D. Includes self-storage and other facilities, which allow storage of goods, products or equipment for the retail
378 consumer located within an enclosed interior structure.
- 379 E. Includes self-storage and other facilities, which allow storage of goods, products or equipment for the retail
380 consumer located on the exterior space of the parcel.
- 381 F. Wholesale storage of goods and products for the commercial consumer. This does not include flammable or
382 explosive material. (See use § 260-17C.)
- 383 G. Reclamation facility, indoor
- 384 H. Recycling facility, indoor
- 385 I. Temporary storage structures including but not limited to: truck bodies, container boxes, and plastic, fabric, metal,
386 or wood-sheathed structures without plumbing and electricity.
- 387

§260-18: Service Industry Uses	RA	RS	RL	RG	BL	ML	MG	CRI	CR2	VCMU
§260-18A: Laundry or dry-cleaning plant	N	N	N	N	N	N	P	N	N	N
§260-18B: Auto body or paint shop	N	N	N	N	N	<u>S P</u>	P	N	N	N
§260-18C: Machine or welding shop	N	N	N	N	N	P	P	N	N	N
§260-18D: Car wash	N	N	N	N	<u>S N</u>	P	P	N	N	N

388 **§260-18: Service Industry Uses**

- 389 A. Drop-off service allowed as an accessory use.
- 390 B. Automotive repair and service allowed as accessory uses.
- 391 C. Does not include wholesale manufacture.

392 D. Cleaning of exterior and/or interior of automobiles and vans, including self-service bays.
393
394

§260-19: Manufacturing Uses	RA	RS	RL	RG	BL	ML	MG	CRI	CR2	VCMU
§260-19A: Manufacture, processing, or packaging of foodstuffs	N	N	N	N	<u>S N</u>	P	P	N	N	N
§260-19B: Textile mill products and apparel manufacturing	N	N	N	N	N	<u>S P</u>	P	N	N	N
§260-19C: Lumber and wood products, furniture, and associated manufacturing	N	N	N	N	N	<u>S P</u>	P	N	N	N
§260-19D: Processes involving nuclear fission or fusion	N	N	N	N	N	N	N	N	N	N
§260-19E: Mining, quarrying, gravel pits, or removal of earth for sale	N	N	N	N	N	N	N	N	N	N
§260-19F: Biologic technologies	N	N	N	N	<u>S P</u>	P	P	N	N	N
§260-19G: Arts and Crafts manufacturing	N	N	N	N	P	P	P	N	N	N
§260-19H: Manufacturing and machine parts manufacturing	N	N	N	N	<u>S N</u>	P	P	N	N	N
§260-19I: Paper and allied products, printing and publishing	N	N	N	N	N	<u>S P</u>	P	N	N	N
§260-19J: Chemicals and allied products manufacturing	N	N	N	N	<u>S N</u>	<u>S P</u>	P	N	N	N
§260-19K: Stone, clay, or glass products manufacturing	N	N	N	N	N	N	P	N	N	N
§260-19L: Asphalt production	N	N	N	N	N	N	N	N	N	N
§260-19M: Brewery or distillery	N	N	N	N	N	N	N	N	N	N
§260-19N: Cement	N	N	N	N	N	N	N	N	N	N
§260-19O: Hazardous waste disposal or processing	N	N	N	N	N	N	N	N	N	N
§260-19P: Slaughter of animals	N	N	N	N	N	N	N	N	N	N
§260-19Q: Smelting	N	N	N	N	N	N	N	N	N	N
§260-19R: Paint production	N	N	N	N	N	<u>S**</u> <u>N</u>	<u>S P</u>	N	N	N
§260-19S: Rubber and plastics	N	N	N	N	N	N	N	N	N	N
§260-19T: Glue manufacture	N	N	N	N	N	<u>S**</u> <u>N</u>	<u>S P</u>	N	N	N
§260-19U: Petroleum production and related industries	N	N	N	N	N	N	N	N	N	N
§260-19V: Incinerator	N	N	N	N	N	N	N	N	N	N
§260-19W: Electric generation	N	N	N	N	N	N	N	N	N	N
§260-19X: Electric co-generation	N	N	N	N	<u>S P</u>	<u>S P</u>	<u>S P</u>	N	N	N
§260-19Y: Electronic and computer component recycling	N	N	N	N	<u>S N</u>	<u>S P</u>	<u>S P</u>	N	N	N
§260-19Z: Renewable Energy - Utility Scale Facility	N	N	N	N	<u>S N</u>	<u>S N</u>	<u>S N</u>	N	N	N

§260-19AA: Renewable Energy - Residential Scale Facility – Ground Mount	§ P	§ P	§ P	§ P	§ P	§ P	§ P	§ P	§ P	§ P
§260-19: Manufacturing Uses	RA	RS	RL	RG	BL	ML	MG	CRI	CR2	VCMU
§260-19BB: Renewable Energy - Residential Scale Facility – Roof Mount	P	P	P	P	§ P	§ P	§ P	P	P	P
§260-19CC: Other manufacturing uses not specifically listed	N	N	N	N	N	§** N	§** N	N	N	N

395 §260-19: Manufacturing Uses [Amended 7-30-13 by Ord. No. 13-7]

- 396 A. Includes canning or packaging, beverage manufacturing or bottling; canning and preserving fruits and vegetables.
397 B. Includes rug and carpet weaving; fur goods; woven fabrics, felt, lace, yarn threads, leather; includes dyeing plants
398 and finishing of textiles. On-site retail sales shall be considered as an accessory use.
399 C. Includes furniture and fixture manufacturing; millwork, veneer, plywood and structural wood products; toys,
400 sporting goods, wooden containers and other articles and merchandise made from wood. Includes repair and
401 refinishing of furniture and wood products. Sale of products made primarily on the premises is allowed as an
402 accessory use.
403 D. Nuclear reactors for generating power or processing of nuclear products; storage of nuclear fuels and other
404 materials; storage, reclaiming or disposal of radioactive waste.
405 E. Excavation of the earth for purpose of extracting metals, ore, coal, salt, sand, gravel and other materials for sale.
406 This use restriction is not meant to interfere with the grading and excavation of land necessary for the construction
407 of a building, structure or infrastructure. These restrictions include strip mining and oil and gas exploration or
408 drilling.
409 F. Industries that research into or produce products related to processes that promote human health diagnostics and
410 therapeutics, agricultural biology, veterinary products, environmental remediation techniques and manufacture of
411 instruments that assist in biological research. Noxious or offensive uses are prohibited.
412 G. Manufacture of articles from metal, wood, stone, glass, clay, ceramic, paper, leather, provided that in a BL-0.5
413 Zone no more than 2,500 square feet be used, and there be no more than five employees.
414 H. Manufacture of agricultural machinery, communication equipment, computer and business hardware,
415 construction, lighting and wiring equipment, engines, general office and industrial machinery, household
416 appliances, audio and video parts and equipment and metal tools.
417 I. Printing and publishing of books, newspapers and periodicals; printing, binding and publishing; converted paper
418 and paperboard products; industrial printing, including business forms, greeting cards; paperboard containers and
419 boxes.
420 J. Manufacturing or primary use of bleaches, dyes, industrial organic and inorganic chemicals, soaps, detergents,
421 perfumes, cosmetics. Does not include manufacture of chlorine or acid, which is prohibited.
422 K. Includes manufacturing, compounding, assembly or treating articles and merchandise from: brick, tile, cut stone,
423 glass, neon signs and structural clay products. Does not include cement, gypsum, lime or plaster.
424 L. Includes the distillation, manufacture or refining of asphalt, tar, creosote, coal and/or bituminous concrete.
425 M. Brewery or manufacture or distillation of alcohol, other than a microbrewery. (See use
426 § 260-13F.)
427 N. Includes cement, lime, gypsum, plaster of paris processing, storage or manufacture.
428 O. Includes disposal of any hazardous waste whether generated on site or not.
429 P. Slaughter of animals whether for meat production or not. Includes tanning or curing of hides, rendering of fats or
430 oils, wool pulling or scouring or dead animal reduction.
431 Q. Includes smelting of metals and minerals, including blast furnaces.
432 R. Includes production or manufacture of paint, oil, shellac, turpentine, lacquer or varnish.

- 433 (1) ** The issuance of a special use permit shall be contingent on the applicant showing that the use will not emit
434 noxious or offensive odors and must additionally show that an excessive quantity of the product will not be
435 stored on site.
- 436 S. Includes floor coverings, footwear, sporting goods, toys and novelties and other products made primarily from
437 rubber or plastic; tire manufacturing, tire retreading or tire recapping.
- 438 T. Glue manufacture.
- 439 (2) ** The issuance of a special use permit shall be contingent on the applicant showing that the use will not emit
440 noxious or offensive odors and must additionally show that an excessive quantity of the product will not be
441 stored on site.
- 442 U. Manufacturing products derived from petroleum. Includes the refining and distillation of petroleum; including
443 tar distillation.
- 444 V. Furnace or container for burning of waste materials.
- 445 W. Generation of electricity as the primary use of the land, including, but not limited, to coal, oil, gas or nuclear
446 plants.
- 447 X. Cogeneration of electricity as an accessory use of the property.
- 448 Y. Electronic and computer component recycling.
- 449 Z. Renewable Energy - Utility Scale Facility - means the equipment and requisite hardware that provide and are
450 used for collecting, transferring, converting, storing, or using renewable resources for water heating, space
451 heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would
452 otherwise require the use of a conventional source of energy such as petroleum products, natural gas,
453 manufactured gas, or electricity produced from a nonrenewable resource. The primary use of a renewable energy-
454 utility scale facility is to provide energy for the commercial facility on which said facility is located or to produce
455 energy solely to off-load electricity to the grid. Any excess energy produced by a commercial facility may be
456 off-loaded to the grid.
- 457
- 458 1. Solar Photovoltaic Installation - Utility Scale Facility shall comply with the following:
- 459 (a) No individual panel within a ground-mounted solar photovoltaic installation shall exceed 15 feet in
460 height, as measured from pre-development lot grade at the location of the panel;
- 461 (b) All panels and other equipment and structures that are part of the installation shall be setback from all
462 property lines as set forth in §260-23;
- 463 (c) A ground-mounted solar photovoltaic installation shall not be subject to the floor to area ratio standard
464 (FAR) as set forth in §260-23;
- 465 (d) A roof-mounted solar photovoltaic installation shall not exceed the permitted building height as set forth
466 in §260-23;
- 467 (e) A ground-mounted solar photovoltaic installation shall be designed to prevent unauthorized access,
468 including, but not necessarily limited to protective fencing.
- 469
- 470 2. The Zoning Board of Review may not grant a permit or variance unless it finds, in writing, that:
- 471 (a) The construction of a Solar Photovoltaic Installation - Utility Scale Facility shall be allowed pursuant to
472 this use table if the use complies with all requirements set forth in this chapter. All such facilities shall be
473 constructed and operated in a manner that minimizes any adverse visual, safety, and environmental
474 impacts;
- 475 (b) The specific site is an appropriate location for such use;
- 476 (c) The use will not adversely affect the neighborhood;
- 477 (d) There will not be any serious hazard to pedestrians or vehicles from the use;
- 478 (e) No nuisance will be created by the use; and
- 479 (f) Adequate and appropriate facilities will be provided for the proper operation of the use.
- 480
- 481 3. Wind Energy Conversion Facility - Utility Scale shall comply with the following:
- 482 (a) A wind energy conversion facilities - Utility Scale located within the vicinity of historic structures,
483 historic districts or designated scenic corridors shall not be approved unless such proposed uses and

- 484 structures are so concealed as to be substantially invisible. The views of, and vistas from, such structures,
485 districts or designated scenic corridors shall not be impaired or diminished by the placement of such uses
486 and structures.
- 487 (b) A wind energy conversion facilities – utility scale shall not be subject to the floor to area ratio standard
488 (FAR) as set forth in §260-23;
- 489 (c) A wind energy conversion facilities – utility scale shall not exceed the permitted building height as set
490 forth in §260-23;
- 491 (d) A wind energy conversion facilities – utility scale shall be designed to prevent unauthorized access,
492 including, but not necessarily limited to protective fencing.
- 493 (e) Support towers. Monopole towers, rather than lattice or cable-supported towers, are the preferred type of
494 support for wind facilities and shall be used when a support tower is proposed. Lattice or cable-supported
495 towers may only be permitted if it is demonstrated to the satisfaction of the Zoning Board of Review that
496 the use of a monopole tower is impractical.
- 497 (f) Setbacks. Except for building-mounted facilities, a tower or structure supporting a wind turbine shall be
498 set back a distance equal to at least 1.5 times the height of the highest point of the wind turbine from the
499 nearest occupied building or property line.
- 500 (g) Color and lighting:
- 501 (1) All components of the wind facility shall be painted a neutral, non-reflective exterior color designed
502 to blend with the surrounding environment, such as white, light gray or light blue.
- 503 (2) Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of
504 other parts of the wind facility, such as appurtenant structures, shall be limited to that required for
505 safety, security, and operational purposes and shall be reasonably shielded from abutting properties.
- 506
- 507 4. Special Use Permit Submission Requirements:
- 508 (a) An application for a wind energy conversion facility-utility scale shall submit visual impact data,
509 including but not limited to photographic simulations of the proposed facility as it would be seen from
510 residential areas, public rights-of-way, parks and other recreational facilities.
- 511 (b) Location of proposed tower with radius map, showing the locations of all appurtenant structures, cables,
512 wires, and access roads.
- 513 (c) A maintenance and operation plan for the facility.
- 514 (d) Proof of liability insurance.
- 515 (e) Approval of the height of the structure from the FAA.
- 516 (f) A statement certifying that the structure and facilities comply with the noise requirements of this chapter.
- 517
- 518 5. The Zoning Board of Review may not grant a permit or variance unless it finds, in writing, that:
- 519 (a) The construction of a wind energy conversion facility-utility scale shall be allowed pursuant to this use
520 table if the use complies with all requirements set forth in this chapter and applicable requirements of the
521 Federal Aviation Administration. All such facilities shall be constructed and operated in a manner that
522 minimizes any adverse visual, safety, and environmental impacts.
- 523 (b) The specific site is an appropriate location for such use;
- 524 (c) The use will not adversely affect the neighborhood;
- 525 (d) There will not be any serious hazard to pedestrians or vehicles from the use;
- 526 (e) No nuisance will be created by the use; and
- 527 (f) Adequate and appropriate facilities will be provided for the proper operation of the use.
- 528
- 529 AA. Renewable Energy – Residential Scale Facility – Ground Mount means the equipment and requisite hardware
530 that provide and are used for collecting, transferring, converting, storing, or using renewable resources for water
531 heating, space heating, cooling, generating electricity, and reducing on-site consumption of utility power, or other
532 applications that would otherwise require the use of a conventional source of energy such as petroleum products,
533 natural gas, manufactured gas, or electricity produced from a nonrenewable resource. The primary use of a
534 renewable energy – residential scale facility is to reduce on-site consumption of utility power. A system is

535 considered a residential scale facility only if it supplies electrical or thermal power solely for on-site use, except
536 that when a property upon which the facility is installed also receives electrical power supplied by a utility
537 company, excess electrical power generated and not presently needed for on-site use may be off-loaded to the
538 grid. A renewable energy - residential scale facility shall be considered an accessory use to the primary residential
539 use of the property as set forth in §260-7. A renewable energy – residential scale facility shall only be designed
540 and constructed to produce no more than 125 percent of the energy necessary to support the primary residential
541 use of the property as set forth in §260-7. The installation of this facility would be built on the ground.
542

543 BB. Renewable Energy – Residential Scale Facility – Roof Mount means the equipment and requisite hardware that
544 provide and are used for collecting, transferring, converting, storing, or using renewable resources for water
545 heating, space heating, cooling, generating electricity, and reducing on-site consumption of utility power, or other
546 applications that would otherwise require the use of a conventional source of energy such as petroleum products,
547 natural gas, manufactured gas, or electricity produced from a nonrenewable resource. The primary use of a
548 renewable energy – residential scale facility is to reduce on-site consumption of utility power. A system is
549 considered a residential scale facility only if it supplies electrical or thermal power solely for on-site use, except
550 that when a property upon which the facility is installed also receives electrical power supplied by a utility
551 company, excess electrical power generated and not presently needed for on-site use may be off-loaded to the
552 grid. A renewable energy - residential scale facility shall be considered an accessory use to the primary residential
553 use of the property as set forth in §260-7. A renewable energy – residential scale facility shall only be designed
554 and constructed to produce no more than 125 percent of the energy necessary to support the primary residential
555 use of the property as set forth in §260-7. The installation of this facility would be mounted to the roof of the
556 building.
557

558 1. Solar Photovoltaic Installation - Residential Scale Facility shall comply with the following:
559 (a) No individual panel within a ground-mounted solar photovoltaic installation shall exceed 15 feet in
560 height, as measured from pre-development lot grade at the location of the panel;
561 (b) All panels and other equipment and structures that are part of the installation shall be setback from all
562 property lines as set forth in §260-28B;
563 (c) A ground-mounted solar photovoltaic installation shall not exceed the permitted accessory building
564 height as set forth in §260-28B;
565 (d) A roof-mounted solar photovoltaic installation shall not exceed the permitted building height as set forth
566 in §260-23;
567 (e) A ground-mounted solar photovoltaic installation shall be designed to prevent unauthorized access,
568 including, but not necessarily limited to protective fencing.
569 (f) A solar photovoltaic installation shall be constructed and operated in a manner that minimizes any adverse
570 visual, safety, and environmental impacts.
571

572 2. Wind Energy Conversion Facility – Residential Scale shall comply with the following:
573 (a) Setbacks. Except for building-mounted facilities, a tower or structure supporting a wind turbine shall be
574 set back a distance equal to at least 1.5 times the height of the highest point of the wind turbine from the
575 nearest occupied building or property line.
576
577 (b) A ground-mounted wind energy installation shall not be subject to the lot coverage standard as set forth
578 in §260-22;
579
580 (c) A ground-mounted wind energy installation shall not exceed the permitted accessory building height as
581 measured from pre-development lot grade at the location of the installation as set forth in §260-28B;
582
583 (d) A building-mounted wind energy installation shall not exceed the permitted building height as set forth
584 in §260-23;
585

- 586 (e) A ground-mounted wind energy installation shall be designed to prevent unauthorized access, including,
587 but not necessarily limited to protective fencing.
588
- 589 (f) Support towers. Monopole towers, rather than lattice or cable-supported towers, are the preferred type of
590 support for wind facilities and shall be used when a support tower is proposed. Lattice or cable-supported
591 towers may only be permitted if it is demonstrated to the satisfaction of the Zoning Board of Review that
592 the use of a monopole tower is impractical.
593
- 594 (g) Color and lighting:
595
- 596 1. All components of the wind facility shall be painted a neutral, non-reflective exterior color designed
597 to blend with the surrounding environment, such as white, light gray or light blue.
 - 598 2. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of
599 other parts of the wind facility, such as appurtenant structures, shall be limited to that required for
600 safety, security, and operational purposes and shall be reasonably shielded from abutting properties.
601
- 602 CC. Any manufacturing use not specifically listed in the Use Tables shall be presumptively prohibited, but may be
603 considered as a special use and the provisions of Article XI, Special Use Permits, will apply.
604 (1) ** In addition to any other requirements, the applicant will have the burden of showing that the use will not
605 be noxious, nor will emit odors, smoke, gases, noise or vibration, nor will present a danger of explosion.
606

607 **Legend:**

- 608 A. Permitted uses are denoted with a “P”.
- 609 B. Uses not permitted are denoted with an “N”.
- 610 C. Uses permitted only upon approval of the Zoning Board of Review are denoted with an “S” for special use
611 permit. “S**” denotes that specific restraints for the issuance of the special use permit are listed in §260-68
612 et seq. of this chapter.
- 613 D. Any number of uses may be located on a lot; provided each use is permitted and all other requirements of this
614 chapter are met.
- 615 E. The uses listed in this table are described in more detail in §260-8 through §260-20.
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617 **§260-20: Accessory Uses [Amended 9-15-15 by Ord. No. 15-35]**

- 618 A. An accessory use shall not be permitted without the principal use to which it is related. An accessory use shall
619 be restricted to the same lot as the principal use, and must also be under the same ownership as the principal
620 use.
621
- 622 B. An accessory use must not alter the character of an area, nor be detrimental to the area.
623 (1) Specifically underground storage tanks containing heating fuel are prohibited.
624
- 625 C. Any accessory use customarily incident, directly related, and subordinate to a use permitted in the district will
626 be permitted as an accessory use.
627
- 628 D. Any accessory use customarily incident, directly related, and subordinate to a use permitted by a special use
629 permit may be permitted by a special use permit upon application to the Zoning Board of Review.
630
- 631 E. Accessory uses for CR1 District. Accessory uses for a CR1 District should comprise a significant minority
632 of the total land area on a given parcel. The accessory uses allowed are:
633 (1) Meeting facilities.
634 (2) Eating establishments.
635 (3) Retail uses directly accessory to the main outdoor recreation function of the property.

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F. Accessory uses for CR2 District are:

- (1) Meeting facilities.
- (2) Small supportive retail operations. *Editor's Note: Original Subsection (F)3, Eating establishments, which immediately followed this subsection, was repealed 9-18-2001 by Ord. No. 01-7.*
- (3) Commercial off-street parking. Temporary lodging (26 rooms or more) subject to review and approval pursuant to the Town of Lincoln land use regulations. [Amended 9-15-15 by Ord. No. 15-35].