

1 **ORDINANCE NO. 2023-1011**

2 **Town of Lincoln**

3 **AN ORDINANCE AMENDING**

4 **CHAPTER 260 ZONING**

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

7 **ARTICLE XIV SPECIAL PROVISIONS**

8 Chapter 260-72 Land development projects.

9 A. Land development projects shall be reviewed in accordance with the procedures  
10 established in the Land Development and Subdivision Regulations adopted by the Lincoln  
11 Planning Board, pursuant to R.I.G.L. §45-23. ~~The Town recognizes that commercial and~~  
12 ~~industrial construction has the potential for impact on the Town. Therefore, according to~~  
13 ~~the Town of Lincoln's Land Development and Subdivision Regulations, all proposed~~  
14 ~~nonresidential land development projects shall be considered as major land development~~  
15 ~~plans and shall be reviewed by the Planning Board.~~

16 B. No land development project shall be initiated until a plan of the project has been submitted  
17 and approval has been granted by the authorized permitting authority, as determined in the  
18 Land Development and Subdivision Regulations. All new construction or substantial  
19 alteration of a commercial or industrial site is required to submit to a development plan  
20 review as specified in §260-73. "Substantial alteration" is defined as an enlargement by  
21 50% or more. This review shall be conducted by the Area of Planning Concern Committee  
22 prior to the Planning Board review.

23 C. In reviewing, hearing, and deciding upon a land development project, the ~~permitting~~  
24 ~~authority- Planning Board~~ is empowered to allow the following zoning incentives within  
25 the project:

26 (1) Height

27 (2) Density

28 (3) Parking reductions

29 The development plan review by the Area of Planning Concern Committee shall be  
30 conducted before the Planning Board review. The APC Committee shall review and make  
31 its recommendations on the application according to §260-73D. These recommendations  
32 shall be submitted to the Planning Board for consideration during its review. The Planning  
33 Board may incorporate the APC recommendations as a condition of approval.

34 D. The permitting authority is empowered to apply any special conditions and stipulations to  
35 the approval that may, in the opinion of the authorized permitting authority, be required to  
36 maintain harmony with neighboring uses and promote the objectives and purposes of the  
37 comprehensive plan and zoning ordinance. A project subject to a development plan review  
38 shall supply a total of nine copies of the site plans. The site plans shall include an overall  
39 site layout plan, a detailed parking layout, landscape plan, signage plan, and a lighting plan.

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Chapter 260-73 Development plan review.

- A. Development plan review established. There shall be development plan review for uses that are permitted by right under the zoning ordinance as defined in the Land Development and Subdivision Regulations. ~~Development plan review of applications for uses requiring a special use permit, a variance, a Zoning Ordinance amendment, and/or a Zoning Map change shall be required. The review shall be conducted by the Planning Board and shall be advisory to the permitting authority.~~
- B. Permitting authority. The permitting authority shall be as defined in the Land Development and Subdivision Regulations. ~~The Zoning Enforcement Officer may also submit an advisory comment to the permitting authority for applications requiring a special use permit, a variance, a Zoning Ordinance amendment, and/or Zoning Map change. The review by the Zoning Enforcement Officer shall be at the Officer's discretion. This comment shall be submitted before or simultaneously with the development plan review by the Planning Board.~~
- C. Specific and objective guidelines. Design of all projects shall be consistent with the provisions of the Land Development and Subdivision Regulations. ~~The applicant shall supply a site plan by a registered RI land surveyor or professional engineer, drawn to scale showing the accurate dimensions of the lot, all proposed construction, all front, side and rear yard dimensions, proposed parking areas, and other such information as may be reasonably required by the Planning Board.~~
- ~~D. Development plan review shall be limited to:
  - (1) Prevention of strip commercial development directly on Lincoln roadsides.
  - (2) Protection of historic, architectural, archaeological and other cultural resources.
  - (3) Consistency of development with the Comprehensive Plan.
  - (4) Reduction of the effects of erosion, stormwater runoff and contaminant runoff.
  - (5) Protection of surface water, groundwater, and wetlands.
  - (6) Promotion of energy conservation.
  - (7) Protection of the overall neighborhood character.
  - (8) Reduction of negative traffic impacts.
  - (9) An adequate amount of the property left undeveloped or properly landscaped.~~
- D. Waivers. The authorized permitting authority may grant waivers of design standards as set forth in the Land Development and Subdivision Regulations.
- E. Appeal. The permitting authority's decision shall be appealable pursuant to R.I.G.L. §45-23-71.

Chapter 260-74 Dimensional modification.

- A. The issuance of modifications from the literal dimensional requirements of the Zoning Ordinance in the instance of the construction, alteration, or structural modification of a

78 structure or lot of record is allowed. The Zoning Enforcement Officer is authorized to grant  
79 modifications. The maximum percent allowed for a modification ~~shall not exceed up to~~  
80 and including 10-15% of any of the dimensional requirements specified in the Zoning  
81 Ordinance. A modification does not permit moving of lot lines. Within 10 days of the  
82 receipt of a request for a modification, the Zoning Enforcement Officer shall make a  
83 decision as to the suitability of the requested modification based on the following  
84 determinations:

85 ~~A.~~ (1) The modification requested is reasonably necessary for the full enjoyment of the  
86 permitted use;

87 ~~B.~~ (2) If the modification is granted, neighboring property will neither be substantially  
88 injured nor its appropriate use substantially impaired;

89 ~~C.~~ (3) The modification requested is in harmony with the purposes and intent of the  
90 Comprehensive Plan and Zoning Ordinance of the city or Town; and; The  
91 modification request does not require a variance of a flood hazard requirement,  
92 unless the building is built in accordance with applicable regulations; and

93 (4) The modification requested does not violate any rules or regulations with respect to  
94 freshwater wetlands.

95 ~~DB.~~ Upon an affirmative determination, the Zoning Enforcement Officer shall notify the  
96 Technical Review Committee and, by first class mail, all property owners abutting the  
97 property which is the subject of the modification request, and shall indicate the street  
98 address of the subject property in the notice, and shall publish notice in a newspaper of  
99 local circulation that the modification shall be granted unless written objection is received  
100 within 14 days. If written objection is received within 30 14 days, or the Technical Review  
101 Committee recommends the application be referred to the Zoning Board, the request for  
102 a modification shall be denied scheduled for the next available hearing before the Zoning  
103 Board of Review on application for a dimensional variance In that case the changes  
104 requested will be considered a request for a variance and may only be issued by the Zoning  
105 Board of Review following the standard procedures for variances. In the case of a denial  
106 of a modification that is part of a unified development review application, the modification  
107 shall go to the Planning Board for review as specified in §260-75. If no written objections  
108 are received within 30 14 days, the Zoning Enforcement Officer shall grant the  
109 modification. The Zoning Enforcement Officer may apply any special conditions to the  
110 permit as may, in the opinion of the officer, be required to conform to the intent and  
111 purposes of the Zoning Ordinance. The Zoning Enforcement Officer shall keep public  
112 records of all requests for modifications, and of findings, determinations, special  
113 conditions, and any objections received. Costs of any notice required under this subsection  
114 shall be borne by the applicant requesting the modification.

115 C. In the case of a modification of 5% or less, the Zoning Enforcement Officer shall have the  
116 authority to issue a permit approving the modification, without any public notice  
117 requirements under the same standards listed in subsection A.

118 [1] Editor's Note: Pursuant to this ordinance, former §§ 260-74 through 260-91 were renumbered  
119 as §§ 260-75 through 260-92, respectively.

121 There shall be unified development review for the issuance of variances and special use permits  
122 for properties undergoing review by development plan review and/or land development or  
123 subdivision review.

124 A. Public hearing. All land development and subdivision applications, and development plan  
125 review applications that include requests for variances and/or special-use permits  
126 submitted pursuant to this section, shall require a public hearing that meets the  
127 requirements of Article XVII and (R.I.G.L. §45-24-53).

128 B. In granting requests for dimensional and use variances, the planning board shall be bound  
129 to the requirements as set forth in Article X §260-64 and §260-65 relative to entering  
130 evidence into the record in satisfaction of the applicable standards.

131 C. In reviewing requests for special use permits the planning board shall be bound to the  
132 conditions and procedures under which a special use permit may be issued and the criteria  
133 for the issuance of such permits, as found within the zoning ordinance Article XI §260-67,  
134 and shall be required to provide for the recording of findings of fact and written decisions  
135 as described in the zoning ordinance pursuant to §260-66(d).

136 D. Appeal. The permitting authority's decision shall be appealable pursuant to R.I.G.L. §45-  
137 23-71.

138 ARTICLE XV ADMINISTRATION AND ENFORCEMENT

139 Chapter 260-75~~6~~ Zoning Enforcement Officer.

140 Chapter 260-76~~7~~ Zoning certificates.

141 Chapter 260-77~~8~~ Maintenance of Zoning Chapter.

142 Chapter 260-78~~9~~ Zoning Board of Review.

143 Chapter 260-79~~80~~ Planning Board of Appeal

144 Chapter 260-80~~1~~ Application procedures; fees.

145 Chapter 260-81~~2~~ Violations and penalties.

146 Chapter 260-82~~3~~ Decisions and records.

147 Chapter 260-83~~4~~ Resubmission of same application.

148 Chapter 260-84~~5~~ Judicial aid in enforcement.

149 ARTICLE XVI APPEALS

150 Chapter 260-85~~6~~ Procedural regulations.

151 Chapter 260-86~~7~~

152 Chapter 260-87~~8~~

- 153 Chapter 260-889
- 154 ARTICLE XVII ADOPTION AND AMENDMENT
- 155 Chapter 260-~~89~~90
- 156 Chapter 260-901
- 157 Chapter 260-912
- 158 Chapter 260-923
- 159 ARTICLE XVIII SPECIAL REGULATIONS
- 160 Chapter 260-934
- 161 Chapter 260-945