

**ORDINANCE NO. 23-06**

**TOWN OF SCITUATE**

**AN ORDINANCE AMENDING  
APPENDIX A, ARTICLES I, II, IV & IX**

**SECTION 1.** The Town Council of the Town of Scituate hereby ordains that Appendix A, Articles I, II, IV & IX of the Code of Ordinances, Town of Scituate is hereby amended as follows:

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

***ARTICLE I – ADMINISTRATION AND PROCEDURES***

...

**Section 6. Zoning ~~h~~Board of ~~r~~Review**

...

*B. Organization.* At its first meeting and at intervals of one (1) year thereafter the zoning board of review shall organize by electing from its membership a chairman and a vice-chairman. The board may engage the services of a secretary within the limit of the funds available to it or may appoint one of its membership as secretary.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses and the submission of data. An auxiliary member of the board shall sit as an active member upon the request of the chairman when and if a member of the board is unable to serve at any hearing. All hearings of the board shall be open to the public. In conducting hearings and arriving at its decisions the board shall consist of a minimum of four (4) and maximum of five (5) participating members, which may include alternates.

The board shall make a record of all its proceedings and actions, indicating its reasons for its decisions, the vote of each member participating therein, and the absence of a member or his failure to vote. This record shall be filed immediately in the office of the town clerk and shall be available for review by the public.

*C. Powers of the zoning board of review.* The board shall have the powers set forth in section 45-24-2757 of the General Laws, as follows:

~~(1) Pursuant to section 45-24-16 of the General Laws to hear and decide appeals where it is alleged there is error in any order, requirement, decision, determination made by the zoning inspector or building inspector in the enforcement of this ordinance. Appeals must be taken within thirty (30) days by filing with the officer from whom the appeal~~

47 is taken and with the zoning board of review a notice of appeal specifying the grounds  
 48 thereof. The officer from whom the appeal is taken shall forthwith transmit to the board  
 49 all the papers constituting the record upon which the action appealed from was taken.  
 50 In using this power the board may reverse or affirm wholly or partly or may modify the  
 51 order, requirement, decision or determination appealed from and may make such order,  
 52 requirement, decision or determination as ought to be made, and to that end shall have  
 53 all the powers of the zoning inspector from whom the appeal was taken.

54  
 55 ~~(2) To hear and decide appeals from a party aggrieved by a decision of an historic district~~  
 56 ~~commission, pursuant to sections 45-24.1-7.1 and 45-24.1-7.2 of the General Laws.~~

57  
 58 ~~(3) To hear and decide appeals where the zoning board of review is appointed as the board~~  
 59 ~~of appeals for airport zoning regulations pursuant to section 1-3-19 of the General~~  
 60 ~~Laws.~~

61  
 62 ~~(4) To authorize, upon application, in specific cases of hardship, variances in the~~  
 63 ~~application of the terms of the zoning ordinance, pursuant to section 45-24-41 of the~~  
 64 ~~General Laws.~~

65  
 66 ~~(5) To authorize, upon application, in specific cases, special use permits, pursuant to~~  
 67 ~~section 45-24-42(A) of the General Laws.~~

68  
 69 ~~(6) To refer matters to the planning board or commission, or to other boards or agencies of~~  
 70 ~~the town as the zoning board of review may deem appropriate, for findings and~~  
 71 ~~recommendations.~~

72  
 73 ~~(7) To provide for issuance of conditional zoning approvals where a proposed application~~  
 74 ~~would otherwise be approved, except that one (1) or more state or federal agency~~  
 75 ~~approvals which are necessary are pending. A conditional zoning approval shall be~~  
 76 ~~revoked in the instance where any necessary state or federal agency approvals are not~~  
 77 ~~received within a specified time period.~~

78  
 79 ~~(8) To hear and decide other matters, according to the terms of the ordinance or other~~  
 80 ~~statutes, and upon which the board may be authorized to pass under the ordinance or~~  
 81 ~~other statutes; and~~

82  
 83 ~~(9)~~

84  
 85 D. An appeal from a decision of the zoning board may be taken by an aggrieved party to  
 86 the Superior Court for Providence County.

87  
 88 ~~(10)~~

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90 E. Special Use Permits.

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92 ~~To~~The Zoning Board shall hear and decide special use permits to the terms of this  
93 ordinance, according to the provisions set forth as follows:

94  
95 A use designated as special use in article II or elsewhere in this ordinance shall be  
96 permitted by the board following a public hearing if such use meets the following  
97 requirements:

- 98 A. It will be compatible with the neighboring land uses.
- 99 B. It will not create a nuisance in the neighborhood.
- 100 C. It will not hinder the future development of the town.
- 101 D. ~~It will be in conformance with the purposes and intent of the comprehensive plan~~  
102 ~~and the zoning ordinance.~~ It meets such other specific and objective criteria as set  
103 forth in this Ordinance.

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105  
106 In granting a special use permit, the board may impose such additional safeguards and  
107 conditions on the proposed use as are deemed necessary in order to conform to these requirements  
108 The disregarding of any such condition or safeguard shall be considered as a violation. Following  
109 its establishment, any use which is listed as a "Special Use" in the district in which it is located,  
110 shall be considered as a permitted use.

111  
112 F. Uses Requiring Special Use Permit Review. The following uses shall require a special  
113 use permit from the Zoning Board of Review or, if applicable pursuant to unified  
114 development review, the Plan Commission. Applications for special use permits must  
115 meet the specific and objective criteria specified herein as to each use:

- 116  
117 i. Gas Stations;
- 118 ii. Auto Body and Auto Body Repair Shops; Dealerships and/or Leasing Services;
- 119 iii. Outdoor Storage Facilities;
- 120 iv. Child Daycare and Early Learning Facilities;
- 121 v. Educational Facilities – Primary, Secondary, Vocational and/or  
122 Universities/Colleges;
- 123 vi. Places of Worship/Religious Services – Churches, Synagogues, Temple and/or  
124 Mosque;
- 125 vii. Lodges and/or Meeting Halls;
- 126 viii. Materials Processing Centers;
- 127 ix. Parking Lots and/or Parking Structures;
- 128 x. Solar Energy;
- 129 xi. Wind Energy;
- 130 xii. HydroPower;
- 131 xiii. Wireless Telecommunications;
- 132 xiv. Outdoor Dining;
- 133 xv. Outdoor Entertainment – Farmers Markets, Outdoor Sales, Mobile Food Sales,  
134 Live Outdoor Entertainment
- 135 xvi. Live Entertainment, Bars and Nightclubs;

- 136 xvii. Animal Care and Kennels;
- 137 xviii. Short Term Rentals and Bed & Breakfasts.

138

139 G. Special Use Permit Findings and Recommendations. Upon receipt of a completed  
 140 application for a special use permit, the Zoning Board of Review, or the Plan  
 141 Commission under unified development review, as applicable, may request that the  
 142 staff of the Planning Department prepare a written report of its findings and  
 143 recommendations to be submitted to the appropriate review body.

144

145 ~~(11) — To authorize upon application in specific cases such variance to the application of~~  
 146 ~~the terms of this ordinance according to the provisions set forth as follows:~~

147

148 ~~The applicant for a variance from the provisions of this ordinance shall show to~~  
 149 ~~the satisfaction of the board that such relief will not be contrary to the public~~  
 150 ~~interest and that owing to special or peculiar conditions[,] enforcement of the~~  
 151 ~~provisions of this ordinance would result in unnecessary hardship to the~~  
 152 ~~applicant.~~

153

154 ~~The unnecessary hardship which an applicant seeks to avoid shall not have been~~  
 155 ~~imposed by any prior action of the applicant or his predecessors in title. Such~~  
 156 ~~hardships shall arise only from special or peculiar site conditions or features of~~  
 157 ~~the land or structure in question rather than from physical infirmities of the~~  
 158 ~~applicant or merely from the desire to realize greater monetary gain.~~

159

160 ~~In granting relief from the provisions of this ordinance, the zoning board of~~  
 161 ~~review shall grant the least variance from the provisions needed to remove the~~  
 162 ~~unnecessary hardship and may impose any condition or safeguard as may be~~  
 163 ~~deemed in the public interest.~~

164

165 ~~(12) — To authorize upon application in specific cases deviations (dimensional variances)~~  
 166 ~~from district dimensional regulations where a literal enforcement of the provisions of~~  
 167 ~~article III would result in an unnecessarily harsh restriction. The applicant must show~~  
 168 ~~that there would be adverse effect from literal enforcement amounting to more than~~  
 169 ~~mere inconvenience. The applicant for a deviation shall show to the satisfaction of the~~  
 170 ~~board that such relief will not be contrary to the public interest.~~

171

172 ~~(13)~~

173

174 H. In granting a dimensional variance, the zoning board of review, or the Plan Commission  
 175 under unified development review, shall require that evidence to the satisfaction of the  
 176 following standards be entered into the record of the proceedings:

- 177
- 178 (a) That the hardship from which the applicant seeks relief is due to the unique
- 179 characteristics of the subject land or structure and not to the general
- 180 characteristics of the surrounding area; and is not due to a physical or economic
- 181 disability of the applicant;

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(b) 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; and~~

(c) 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 the ordinance is based; ~~and~~

~~(d) That the relief to be granted is the least relief necessary.~~

~~(14) —~~

I. The zoning board of review, or the Plan Commission under unified development review, shall, in addition to the above standards, require that evidence is entered into the record of the proceedings showing that:

(a) 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

(b) In granting a dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, ~~which shall mean that there is not other reasonable alternative to enjoy a legally permitted beneficial use of one's property meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted.~~ The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review, or the Plan Commission unified development review, has the power to grant dimensional variances where the use is permitted by special-use permit.

~~(15)~~

J. In granting a variance or in making any determination upon which it is required to pass after a public hearing under a zoning ordinance, the zoning board of review may apply such special conditions that may, in the opinion of the board, be required to promote the intent and purposes of the comprehensive plan and the zoning ordinance of the town. 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;

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- (3) Controlling the duration of use or development and the time within which any temporary structure must be removed;
- (4) Assuring satisfactory installation and maintenance of required public improvements;
- (5) Designating the exact location and nature of development; and
- (6) Establishing detailed records by submission of drawings, maps, plats or specifications.

~~(16)~~

K. ~~Expiration of a special exception use permit or variance.~~ Any authorized special ~~exception use permit~~ or variance which is not implemented within a period of one (1) year from the date of action by the board shall be void unless, upon written request of the applicant or appellant, the board grants an extension, provided that not more than one (1) such extension for a period of six (6) months may be granted. Any variance or special use permit granted under unified development review shall have the same expiration period as set forth in the statute and ordinance for the underlying type of project under review.

L. ~~D.~~ *Procedure for appeals, special use permits, variances or deviations.* Appeals to the board may be taken by any party aggrieved or by an officer, board or bureau affected by any order or decision of the zoning inspector or building inspector concerning the provisions of this ordinance. Such appeal shall be taken within thirty (30) days of such order or decision by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds for the appeal. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings pursuant to section 45-24-70 of the General Laws.

...

M. ~~E.~~ *{Requirements of the board to vote}*. The board shall be required to vote as follows:

- (1) ~~Five (5)~~ Four (4) 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, including alternates, 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 any zoning administrative officer from whom an appeal was taken; and

274 (3) The concurring vote of ~~four (4)~~ three (3) of the five (5) members of the zoning  
 275 board of review sitting at a hearing shall be required to decide in favor of an  
 276 applicant on any matter within the discretion of the board upon which it is  
 277 required to pass under the ordinance, including variances and special use  
 278 permits.

279  
 280 **Section 7. Amendments.**

281  
 282 Any person may apply for an amendment making a specific change in the zoning map by  
 283 filing an application with the town clerk directed to the town council accompanied by a filing fee  
 284 of one hundred fifty dollars (\$150.00) together with such fee as the town clerk may require to  
 285 reimburse the town for the estimated expenses of advertising and ~~registered or certified~~ notice  
 286 required by mail.

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289  
 290 The town council shall hold a public hearing within sixty-five (65) days of receipt of a  
 291 proposal after notice as required by section 45-24-53. The town council shall render a decision  
 292 within forty-five (45) days after the date of completion of the public hearing. The provisions of  
 293 this section pertaining to deadlines shall not be construed to apply to any extension consented to  
 294 by an applicant.

295  
 296 (A) No proposed amendment making a specific change in the zoning map shall be enacted  
 297 until after a public hearing, at which, opportunity shall be given for all persons  
 298 interested to be heard, has been held upon the question of the enactment, amendment  
 299 or repeal of such ordinance, before the town council, who shall first give written notice  
 300 of the time and place of such public hearing, and the nature and purpose thereof, to all  
 301 owners of any real property within three hundred (300) feet of the perimeter of the real  
 302 property which is the subject matter of the proposed amendments, enactment or repeal  
 303 by ~~registered or certified~~ first-class mail at least fourteen (14) days before the date of  
 304 such hearing and by publication of such notice in a newspaper of ~~general~~ local  
 305 circulation within such town at least once each week for three (3) successive weeks  
 306 prior to the date of such hearing.

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309  
 310 (C) Where a proposed amendment to an existing ordinance includes a specific change in a  
 311 zoning district map, but does not affect districts generally, public notice shall be given  
 312 as required by subsection (A) of this section, with the additional requirements that:

313  
 314 (1) Notice shall include a map showing the existing and proposed boundaries, zoning  
 315 district boundaries, and existing streets and roads and their names, and town  
 316 boundaries where appropriate; and

317  
 318 (2) Written notice of the date, time and place of the public hearing and the nature and  
 319 purpose thereof shall be sent to all owners of real property whose property is located

320 in or within not less than three hundred (300) feet of the perimeter of the area  
 321 proposed for change, whether within the town or within an adjacent city or town.  
 322 The notice shall be sent by ~~registered or certified~~ first-class mail to the last known  
 323 address of the owners, as shown on the current real estate tax assessment records  
 324 of the town in which the property is located.

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 328 **ARTICLE II – USE REGULATIONS**  
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330 The following uses are permitted only in the districts marked with an "X". Uses permitted in the  
 331 districts as special use permits under the provisions of article I, section 6C, of this ordinance are  
 332 marked with an "S". The top horizontal row in each use is the town-wide zoning; the bottom row  
 333 in each use is for village overlay districts only.

334  
 335 ~~The following uses are permitted only in the districts marked with an "X". Uses permitted in the~~  
 336 ~~districts as special use permits under the provisions of article I, section 6C, of this ordinance are~~  
 337 ~~marked with an "S". The top horizontal row in each use is the town wide zoning; the bottom row~~  
 338 ~~in each use is for village overlay districts only.~~

339  
 340 Uses not listed in the Table of Uses. To the extent a proposed land use is not specifically listed in  
 341 Table of Uses below, the property owner may submit a written request to the Zoning Official for  
 342 an evaluation and determination of whether the proposed use is of a similar type, character, and  
 343 intensity as a listed use requiring a special-use permit. The Zoning Official will have twenty-eight  
 344 (28) days to provide a written evaluation to the property owner. Upon such determination, the  
 345 proposed use may be considered to be a use requiring a special-use permit.

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Use	District				
Section 11. Industrial Uses Uses.	RR-120	RS-120	BL	BG	M
	RRW-60/80	RSW-60/80			

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351  
 352 ~~All uses not specifically listed in this section or article X will require a ruling in writing as to~~  
 353 ~~general classification by the zoning inspector. If such a classification is listed as a special use~~  
 354 ~~permit, the provisions of article I, section 6C will apply.~~

355  
 356 **Section 13. Mandatory permitted uses.**  
 357

358 As required by section 45-24-37 of the General Laws, the following uses shall be permitted uses  
 359 within all residential districts and all industrial and commercial districts, except where the zoning  
 360 inspector determines that residential use would present a public health or safety hazard:  
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364 (f) Adaptive Reuse as defined and in accordance with Article IV, Section 18.

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368 **ARTICLE IV – SPECIAL REGULATIONS**

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372 **Section 3. Substandard lots of record.**

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374 Except for lots on recorded plats which have received final approval from the plan  
375 commission pursuant to the ordinance and rules and regulations governing and restricting the  
376 platting and other subdivision of land, no lot area shall be reduced below the dimensional  
377 requirements prescribed for the district in which the lot is located. No yard or open space provided  
378 around any building for the purpose of complying with the provisions of this ordinance shall again  
379 be used as a yard or open space for any other building.

380

381 ~~Where no adjacent land is in the same ownership so as to form at least a lot of the minimum~~  
382 ~~lot size and dimensions for the district which was of record on the effective date of this ordinance~~  
383 ~~[December 30, 1965] may be used for a permitted use, or use permitted by special use permit if a~~  
384 ~~special use permit is granted, provided that such lot shall have a minimum area of ten thousand~~  
385 ~~(10,000) square feet and a minimum width of one hundred (100) feet All yard dimensions of such~~  
386 ~~lot shall conform to the provisions of the district, except that the side yard depth may be reduced~~  
387 ~~to ten (10) feet for any lot less than twelve thousand five hundred (12,500) square feet in area.~~

388

389 ~~In residence districts where a lot has a width of less than one hundred fifty (150) feet, the~~  
390 ~~minimum side yard depth is fifteen (15) feet for a single family residence and ten (10) feet for~~  
391 ~~other permitted uses.~~

392

393 Notwithstanding the failure of a single substandard lot of record or contiguous lots of  
394 record to meet the dimensional and /or quantitative requirements of this zoning ordinance, and/or  
395 road frontage or other access requirements applicable to the district as stated in the ordinance, a  
396 substandard lot of record shall not be required to seek any zoning relief based solely on the failure  
397 to meet minimum lot size requirements of the district in which such lot is located. The setback,  
398 frontage, and/or lot width requirements for a structure under this section shall be reduced and the  
399 maximum building coverage requirements shall be increased by the same proportion as the lot area  
400 of the substandard lot is to the minimum lot area requirement of the zoning district in which the  
401 lot is located. All proposals exceeding such reduced requirement shall proceed with a modification  
402 request under Section 21 of Article IV or a dimensional variance request under Section 6 of Article  
403 I, whichever is applicable.

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408 **Section 13. ~~Multifamily/commercial site~~ Development plan review and approval**

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A. Development plan review established.

1. Applicability. There shall be development plan review for uses that are permitted by right under the zoning ordinance. No application for permit to build, alter or expand any multifamily/commercial building, structure or use of land where such construction shall exceed a total gross floor area of five hundred (500) square feet or require changes or alterations to a parking area, shall be submitted to the building inspector, until he or she shall have received from the plan commission a written statement of site development plan approval by the plan commission in accordance with provisions of this section. The building inspector shall enforce the fulfillment of any conditions which the plan commission may impose.
2. Permitting authority. The permitting authority shall be the Plan Commission.
3. Specific and objective guidelines. Design of all projects shall be consistent with the provisions of the regulations and this Zoning Ordinance.
4. Waivers. The Plan Commission may grant waivers of design standards as set forth in the regulations.
5. Appeal. A rejection of the decision shall be an appealable decision pursuant to R.I.G.L. § 45-23-71.

B. Town council or zoning board of review referrals.

...  
**Section 17. Technical Review Committee.**

A. There is hereby established a technical review committee (“TRC”) in accordance with R.I.G.L. § 45-23-56. The TRC is responsible for conducting technical reviews of all applications subject to the jurisdiction delegated under the Scituate Subdivision and Land Development Regulations.

B. The TRC shall consist of the following members:

1. One member of the Plan Commission, appointed by a majority vote of the Plan Commission
2. Police Chief or designee
3. Fire Marshal(s) or designee(s)
4. Department of Public Works Director or designee
5. Town Planner or designee
6. Planning Administrative Officer (if a separate person from Town Planner)
7. Zoning Official

- 454           8. Building Official (if a separate person from the Zoning Official)  
455           9. Town Engineer or designee  
456
- 457       C. The TRC may solicit input from the following:  
458
- 459           1. Member of the Conservation Commission  
460           2. Member of the Land Trust,  
461           3. Member of the Hope Village Overlay District Commission  
462           4. Member of the North Scituate Village Overlay District Commission  
463
- 464       D. The Plan Commission shall adopt written rules and procedures for the organization and  
465       conduct of the TRC. These rules and procedures shall contain information specific to  
466       membership, terms, quorums, meeting schedules, submission deadlines, and other  
467       administrative functions necessary to organize and facilitate the operation and duties of the  
468       TRC.  
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- 470       E. The administrative officer shall serve as chair of the TRC.  
471
- 472       F. The TRC shall review development applications and provide guidance to an applicant at a  
473       meeting of the TRC with regard to procedure, technical requirements, public safety, and  
474       overall project design.  
475
- 476       G. Recommendations of the TRC to the permitting authority shall be in writing and kept as  
477       part of the permanent record of the development application. The recommendation of the  
478       TRC shall be made available to the applicant prior to a decision by the permitting authority.  
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- 480       H. Review of applications in an advisory capacity  
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- 482           1. The TRC shall review the following types of applications in an advisory capacity:  
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- 484                   i. Minor and major land development projects and subdivisions; advisory to  
485                   the permitting authority as determined in Scituate Subdivision and Land  
486                   Development Regulations.  
487                   ii. Administrative subdivisions at the request of the administrative officer;  
488                   advisory to the administrative officer.  
489                   iii. Comprehensive permit applications; advisory to the Plan Commission.  
490                   iv. Minor modifications or changes, as requested by the administrative officer,  
491                   as defined in Scituate Subdivision and Land Development Regulations, to  
492                   land development and subdivision applications; advisory to the  
493                   administrative officer.  
494                   v. Administrative development plan review applications, as requested by the  
495                   administrative officer; advisory to the administrative officer  
496                   vi. Formal development plan review applications; advisory to the Plan  
497                   Commission  
498                   vii. Other matters referred to the TRC by the Plan Commission, Zoning Board,  
499                   Administrative Officer, or Town Council.

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I. Review of applications for decision

1. The TRC shall review the following types of applications for determination by a majority vote of the membership. The decision of the TRC for these applications shall be binding on the applicant.
  - i. Final plan applications for minor land development and subdivisions referred to it by the Plan Commission.
  - ii. Preliminary plan applications for formal development plan review as defined in Scituate Subdivision and Land Development Regulations as referred by the administrative officer.

**Section 18. Adaptive Reuse Projects**

A. Permitted Use. Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments is a permitted use, under the criteria described below under Eligibility.

B. Eligibility.

- A. Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units.
- B. There are no environmental land use restrictions recorded on the property preventing the conversion to residential use by RIDEM or the US EPA.

C. Density calculations.

1. For projects that meet the following criteria, the residential density shall be no less than fifteen (15) dwelling units per acre:
  - i. Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building fire code, and utility requirements.
  - ii. The development includes at least twenty percent (20%) low- and moderate-income housing.
  - iii. The development has access to public sewer and water service or has access to adequate private water, such as well and/or wastewater treatment systems approved by the relevant state agency for the entire development as applicable.
2. For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of State minimum housing and has access to public sewer and water services or has access to adequate private water, such as well and wastewater

546 treatment systems approved by the relevant state agency for the entire development,  
547 as applicable.

548  
549 3. The density proposed for any adaptive reuse project shall be determined to meet all  
550 public health and safety standards.

551  
552 D. Dimensional requirements.

553  
554 1. Notwithstanding any other provisions of this section, existing building setbacks  
555 shall remain and are considered legal nonconforming.

556  
557 2. No additional encroachments shall be permitted into any nonconforming setback  
558 unless relief is granted by the permitting authority.

559  
560 3. Notwithstanding other provisions of this section, the height of the structure shall  
561 be considered legal nonconforming if it exceeds the maximum height of the  
562 zoning district in which the structure is located.

563  
564 i. Any rooftop construction necessary for building or fire code compliance,  
565 or utility infrastructure is included in the height exemption.

566  
567 E. Parking requirements.

568  
569 1. Adaptive reuse developments shall provide one parking space per dwelling unit.  
570 The applicant may propose additional parking in excess of one space per dwelling  
571 unit.

572  
573 2. The parking requirements and design standards in Article V and the Land  
574 Development and Subdivision Regulations shall apply to all uses proposed as part  
575 of the project unless otherwise approved by the applicable authority. The number  
576 of parking spaces required shall apply for uses other than residential.

577  
578 F. Allowed uses within an adaptive reuse project.

579  
580 1. Residential dwelling units are a permitted use in an adaptive reuse project  
581 regardless of the zoning district in which the structure is located, in accordance with  
582 the provisions of this section.

583  
584 2. Any nonresidential uses proposed as part of an adaptive reuse project must comply  
585 with the provisions of for the zoning district in which the structure is located.

586  
587 G. Development and Design Standards. Site design shall be in accordance with the Town of  
588 Scituate Subdivision and Land Development Regulations.

589  
590

591 H. Procedural requirements.

- 592
- 593 1. Adaptive reuse project shall be subject to the procedural requirements of the Land
- 594 Development and Subdivision Regulations and undergo development plan review
- 595 as determined in that section unless the adaptive reuse project is determined to be a
- 596 major land development.
- 597
- 598 2. In addition to the checklist requirements for the applicable review process, the
- 599 applicant shall provide the following information:
- 600
- 601 i. The proposed residential density and the square footage of nonresidential
- 602 uses.
- 603
- 604 ii. A floor plan to scale for each building indicating, as applicable, the use of
- 605 floor space, number of units, number of bedrooms, and the square footage
- 606 of each unit.

607

608 I. Specific and objective provisions

- 609
- 610 1. Adaptive reuse projects shall adhere to the requirements set forth in Section 13
- 611 of Article IV.

612

613 **Section 19. Unified Development Review**

- 614
- 615 A. Unified development review established. There shall be unified development review by the
- 616 Plan Commission alone, rather than both the Zoning Board and Plan Commission, for the
- 617 issuance of variances and special use permits for properties undergoing review by
- 618 development plan review and/or land development or subdivision review.
- 619
- 620 B. Public hearing. All land development and subdivision applications, and development plan
- 621 review applications that include requests for variances and/or special-use permits
- 622 submitted pursuant to this section, shall require a public hearing that meets the
- 623 requirements of this Ordinance.
- 624
- 625 C. In granting requests for dimensional and use variances, the Plan Commission shall be
- 626 bound to the requirements of this Ordinance relative to entering evidence into the record
- 627 in satisfaction of the applicable standards.
- 628
- 629 D. In reviewing requests for special use permits the Plan Commission shall be bound to the
- 630 conditions and procedures under which a special use permit may be issued and the criteria
- 631 for the issuance of such permits, as found within this Ordinance, and shall be required to
- 632 provide for the recording of findings of fact and written decisions as described in this
- 633 Ordinance.
- 634
- 635 E. Appeals. An appeal from any decision made pursuant to this section may be taken pursuant
- 636 to R.I.G.L. § 45-23-71.

634 **Section 20. Miscellaneous Use Criteria**

635

636 **A. Gas Stations**

637

638 (1) Gas stations shall meet the following minimum lot requirements: lot area of  
639 40,000 square feet and lot width of 200 feet.

640

641 (2) Structures and all pump islands, compressed air connections, and similar  
642 equipment shall be set back a minimum of 50 feet from side and rear lot lines.

643

644 (3) No access driveway may exceed 30 feet in width.

645

646 (4) The minimum distance between the fueling area canopy and the curb line shall  
647 be 35 feet and 50 feet from any interior lot line.

648

649 (5) Underground tanks shall meet the following requirements:

650

651 a. The maximum storage capacity for petroleum products is 40,000 gallons.

652

653 b. The minimum separation required between underground tanks, adjoining  
654 buildings, and lot lines is as required by state and federal requirements.  
655 Structures are exempt from the separation distance requirement if there are  
656 no basements or pits that extend below the top of any tank within the  
657 separation distance.

658

659 (6) Minor motor vehicle repair is permitted as part of a gas station use. However,  
660 repair work is limited only to minor repair work, such as tire or tube repairing,  
661 battery changing, lubrication, engine tune-ups, brake and muffler repair or  
662 replacement, and similar types of work. Minor repair work does not include  
663 replacement of engines, replacement of transmissions, or any body work. All  
664 such repair work shall be conducted entirely within an enclosed structure.  
665 Storage of all merchandise, auto parts, and supplies shall be within an enclosed  
666 structure.

667

668 (7) Electric vehicle charging stations may be included as an accessory use to a gas  
669 station but may not be counted toward parking requirements.

670

671 **B. Auto Body Shops, Repair Shops, and Dealership and/or Leasing Services**

672

673 (1) All repair, service, and sales and/or leasing operations shall be performed within  
674 a fully enclosed building. All equipment and parts shall be stored indoors.

675

676 (2) Vehicle services establishments shall be screened along interior side and rear  
677 lot lines with a solid wall or fence, a minimum of 10 feet and a maximum of 6  
678 feet in height.

679

- 680                   (3) No partially dismantled, wrecked, or unlicensed vehicles shall be stored  
681                   outdoors on the premises. This standard does not apply to vehicles under repair  
682                   and/or service.
- 683
- 684                   (4) No motor vehicles shall be stored and no repair and/or service work shall be  
685                   conducted in the public right-of-way.
- 686
- 687                   (5) The site shall otherwise comply with landscaping requirements of this Zoning  
688                   Ordinance and the Subdivisions Regulations.
- 689
- 690                   (6) No access driveway may exceed 35 feet in width.
- 691

692           C. Outdoor Storage Facilities

693

- 694                   (1) The storage area shall be completely enclosed along all lot lines by a solid fence  
695                   or wall a minimum of no less than 7 feet, including ingress and egress. Fences  
696                   or walls along the front or corner side lot line shall be set back a minimum of  
697                   35 feet.
- 698
- 699                   (2) Storage of any kind is prohibited outside the fence or wall.
- 700
- 701                   (3) The storage area should be located in the rear of the lot. Any structures shall be  
702                   located in front of the storage area to obscure the view of the storage from  
703                   street(s), in compliance with the front yard of the underlying zoning district.
- 704
- 705                   (4) The site shall otherwise comply with landscaping requirements of this Zoning  
706                   Ordinance and the Subdivision Regulations.
- 707

708           D. Child Daycare and Early Learning Facilities

709

- 710                   (1) The applicant shall provide proof of state licensing.
- 711
- 712                   (2) There shall be a designated drop-off area near an entrance to the building with  
713                   a queuing lane that does not block vehicle parking spaces calculated as 10  
714                   percent of facility's enrollment capacity as determined by the licensing  
715                   authority.
- 716
- 717                   (3) The parking plan shall provide safe pedestrian circulation with clearly marked  
718                   crosswalks from each parking area to the building entrance(s).
- 719

720           E. Educational Facilities – Primary and Secondary, Vocational, and Universities and Colleges

721

- 722                   (1) The applicant shall provide proof of state licensing as required.
- 723
- 724



- 725                   (2) The site shall otherwise comply with landscaping requirements of this Zoning
- 726                   Ordinance and the Subdivision Regulations.
- 727
- 728                   (3) There shall be a designated drop-off area near an entrance to the building with
- 729                   a queuing lane that does not block vehicle parking spaces calculated as 10
- 730                   percent of facility’s enrollment capacity as determined by the licensing
- 731                   authority.
- 732
- 733                   (4) Parking plans shall provide safe pedestrian circulation with clearly marked
- 734                   crosswalks from each parking area to the building entrance(s).
- 735

F. Worship/Religious Services

- 736
- 737
- 738                   (1) The site shall otherwise comply with landscaping requirements of this Zoning
- 739                   Ordinance and the Subdivision Regulations.
- 740
- 741                   (2) Parking plans shall provide safe pedestrian circulation with clearly marked
- 742                   crosswalks from each parking area to the building entrance(s).
- 743

G. Lodges and/or Meeting Halls

- 744
- 745
- 746                   (1) No more than 20 percent of the gross floor area may be used as office space for
- 747                   the lodge/meeting hall.
- 748
- 749                   (2) Lodges/meeting halls are permitted to serve meals and alcohol on the premises
- 750                   for members and guests only.
- 751
- 752                   (3) Sleeping facilities are prohibited.
- 753
- 754                   (4) The site shall otherwise comply with landscaping requirements of this Zoning
- 755                   Ordinance and the Subdivision Regulations.
- 756
- 757                   (5) Parking plans shall provide safe pedestrian circulation with clearly marked
- 758                   crosswalks from each parking area to the building entrance(s).
- 759

H. Industrial Uses

- 760
- 761
- 762                   (1) The industrial use area shall be completely enclosed along all lot lines by a
- 763                   fence of a minimum of 7 including ingress and egress. Where buildings are
- 764                   proposed, they should be located along the street frontage, meeting setback
- 765                   requirements. Otherwise, screening the operation from the street, which may
- 766                   include fences, tall vegetation, or walls along the front is required.
- 767
- 768                   (2) Where the use abuts a residential use or zoning district, there shall be a 100 foot
- 769                   setback from each such lot line abutting a residential use or zoning district.
- 770

771 I. Parking Structures and Lots

772

773

(1) Parking Structure

774

775 i. On the ground floor façade along public streets where parking spaces are  
 776 visible, a decorative fence and landscape or a kneewall is required to screen  
 777 parking spaces.

778

779 ii. For parking structures with rooftop open-air parking, a 4 foot parapet wall is  
 780 required for screening of parked vehicles.

781

782 iii. Where parking structures front on public streets, façade design and screening  
 783 shall mask the interior circulation ramps and create the illusion of horizontality  
 784 along the street.

785

786 (2) Parking Lot

787

788 i. A parking lot shall be used solely for the temporary parking of motor vehicles  
 789 and shall not be used as an off-street loading area.

790

791 ii. Only structures for the shelter of attendants or for payment kiosks shall be  
 792 permitted in a parking lot. Shelters or kiosks shall not exceed 9 feet in height  
 793 and 25 square feet in area.

794

795 iii. The site shall otherwise comply with landscaping requirements of this Zoning  
 796 Ordinance and the Subdivision Regulations.

797

798 iv. Parking shall provide safe pedestrian circulation with clearly marked  
 799 crosswalks from each parking area to the surrounding streets and sidewalks.

800

801 v. Parking lots shall not exceed 70 percent impervious surface.

802

803 J. Solar Energy—Refer to Article XIII

804

805 K. Wind Energy—Refer to Article XIII

806

807 L. Hydro-electric power

808

809 (1) Hydro-electric power is defined as electricity power generated by the flow of water.

810

811 (2) Lighting of small hydroelectric generation facilities shall be consistent with local,  
 812 state, and federal law. Lighting of other parts of the installation, such as appurtenant  
 813 structures, shall be limited to that required for safety and operational purposes and  
 814 shall be shielded from abutting properties.

815

- 816 (3) Noise levels generated by small hydroelectric generation facilities shall be  
817 consistent with federal and state law and shall comply with the ambient noise level  
818 thresholds prescribed by the Scituate Code of Ordinances.  
819
- 820 (4) Signage. Signs on small hydroelectric generation facilities shall comply with the  
821 Scituate Zoning Ordinance. Signs shall display identification of the owner or  
822 operator of the facility and a twenty-four-hour emergency contact telephone  
823 number.  
824
- 825 (5) Security measures which are not inconsistent with the requirements prescribed by  
826 the Federal Energy Regulatory Commission shall be provided and approved by the  
827 Chief of Police or his/her designee.  
828
- 829 (6) All means of shutting down the facility shall be clearly marked. The facility owner  
830 or operator shall:  
831
- 832 i. Provide a copy of the facility's emergency action plan to the local Fire Chief;  
833
- 834 ii. Cooperate with federal, state, and local emergency services in developing  
835 emergency response actions; and  
836
- 837 iii. Identify a responsible person for public inquiries throughout the life of the  
838 facility.  
839
- 840 (7) Clearing of natural vegetation shall be limited to what is necessary for the  
841 construction, operation, and maintenance of the facility or otherwise prescribed by  
842 applicable laws, regulations, and bylaws/ordinances.  
843
- 844 (8) The facility owner or operator shall maintain the facility in accordance with the  
845 requirements of the federal hydroelectric generation license issued by the Federal  
846 Energy Regulatory Commission. In addition, maintenance shall include, but not be  
847 limited to, painting, structural repairs, and integrity of security measures. Site  
848 access shall be maintained to a level acceptable to the local Fire Chief, under the  
849 applicable Fire Code(s). The owner or operator shall be responsible for the cost of  
850 maintaining the facility and any access road(s), unless accepted as a public way.  
851
- 852 (9) The facility proponent shall be required to provide a form of surety, either through  
853 escrow account, bond, or otherwise, to cover the cost of decommissioning and  
854 removing the facility at the end of the federal hydroelectric license term and for  
855 restoring the landscape, in an amount and form determined to be reasonable by the  
856 Plan Commission.  
857

858 M. Wireless Telecommunications—Refer to Section 10 of Article IV.

859  
860 N. Outdoor Dining  
861

- 862           (1) The seating area may only be established adjacent to the business with which the  
863           outdoor area is associated, as shown on a submit a site plan drawn to scale which  
864           shows the delineated area of the proposed outdoor seating area, including the  
865           location and placement of tables, seats, planters, awnings, umbrellas, and the  
866           business's entrance and windows.
- 867
- 868           (2) If proposed in front of an adjacent business, the applicant must receive written  
869           permission from the adjacent business.
- 870
- 871           (3) Outdoor seating areas must be separated from parking areas with a physical barrier  
872           to contain and define the outdoor seating area, as approved by the Chief of Police  
873           or his/her designee.
- 874
- 875           (4) Parking requirements shall be adjusted to include the outdoor seating.
- 876

877   O. Outdoor Entertainment – Farmers Markets, Outdoor Sales, Mobile Food Sales, Live  
878   Outdoor Entertainment

879

- 880           (1) The outdoor sales area may only be established adjacent to the business with which  
881           the outdoor area is associated, as shown on a submit a site plan drawn to scale which  
882           shows the delineated area of the proposed outdoor sales area, including the location  
883           and placement of merchandise or service, and the business's entrance and windows.
- 884
- 885           (2) If proposed in front of an adjacent business, the applicant must receive written  
886           permission from the adjacent business.
- 887
- 888           (3) Outdoor sales areas must be separated from parking areas with a physical barrier  
889           required to contain and define the outdoor seating area, as approved by the Chief  
890           of Police or his/her designee.
- 891
- 892           (4) Parking requirements shall be adjusted to include the outdoor sales areas.
- 893
- 894           (5) The hours of operation of outside sales shall be limited to between 8 a.m. to 10 p.m.
- 895

896   P. Live Entertainment, Bars and Nightclubs

897

- 898           (1) The use may not be combined with residential use of property.
- 899
- 900           (2) Hours of operation shall not be outside the hours of 8 a.m. through 12 a.m.
- 901
- 902           (3) A security plan including information relating to entrance procedure, police details  
903           and video and lighting locations. The security plan must be approved by the Chief  
904           of Police or his/her designee and updates shall be submitted to and approved by the  
905           Chief of Police or his/her designee. To the maximum extent possible, the security  
906           plan and any updates shall be deemed confidential documents.
- 907

908 Q. Animal Care and Kennels

909  
 910 (1) Exterior exercise areas shall be located in the interior side or rear yard and shall be  
 911 completely enclosed by an enclosure a minimum of 6 feet in height, including  
 912 ingress and egress.

913  
 914 (2) Where the use abuts a residential use or zoning district, there shall be a 50 foot.  
 915 setback from each such lot line abutting a residential use or zoning district.

916  
 917 (3) All overnight boarding operations shall be located indoors.

918  
 919 (4) All animal care and/or kennel facilities shall have a valid municipal license.

920  
 921 R. Short Term Rentals and Bed & Breakfasts

922  
 923 (1) The maximum number of parked vehicles must be consistent with available on-  
 924 site parking.

925  
 926 (2) There shall be no more than 2 individuals per bedroom allowed in the dwelling  
 927 unit.

928  
 929 **Section 21. Modifications to Dimensional Requirements**

930  
 931 A. The zoning officer is authorized to grant modification permits of up to and including fifteen  
 932 percent (15%) of the literal dimensional requirements of this ordinance as follows:

933  
 934 (1) Within ten (10) days of the receipt of a request for a modification, the zoning  
 935 enforcement officer shall make a decision as to the suitability of the requested  
 936 modification based on the following determinations:

937  
 938 i. The modification is reasonably necessary for the full enjoyment of the permitted  
 939 use;

940  
 941 ii. If the modification is granted, neighboring property will neither be substantially  
 942 injured nor its appropriate use substantially impaired;

943  
 944 iii. The modification requested does not require a variance of a flood hazard  
 945 requirement, unless the building is built in accordance with applicable  
 946 regulations;

947  
 948 iv. The modification requested does not violate any rules or regulations with  
 949 respect to freshwater or coastal wetlands.

950  
 951 B. Upon an affirmative determination, in the case of a modification of five percent (5%) or  
 952 less, the zoning enforcement offer shall have the authority to issue a permit approving the  
 953 modification, without any public notice requirements. In the case of a modification of

954 greater than five percent (5%), the zoning enforcement officer shall notify, by first class  
 955 mail, all property owners abutting the property which is the subject of the modification  
 956 request, and shall indicate the street address of the subject property in the notice, and shall  
 957 publish in a newspaper of local circulation within the city or town that the modification  
 958 will be granted unless written objection is received within fourteen (14) days of the public  
 959 notice. If written objection is received within fourteen (14) days, the request for  
 960 modification shall be scheduled for the next available hearing before the zoning board of  
 961 review on application for a dimensional variance following the standard procedures for  
 962 such variances, including notice requirements provided for under this chapter. If no written  
 963 objections are received within fourteen (14) days, the zoning enforcement officer shall  
 964 grant the modification.

966 C. The zoning enforcement officer may apply any special conditions to the permit as may, in  
 967 the opinion of the officer, be requested to conform to the intent and purposes of the zoning  
 968 ordinance.

970 D. The zoning enforcement officer shall keep public records of all requests for modifications,  
 971 and of findings, determinations, special conditions, and any objections received.

973 E. Costs of any notice required under this subsection shall be borne by the applicant  
 974 requesting the modification.

975  
 976 ...

977  
 978 **ARTICLE IX – DEFINITIONS**

979  
 980 ...

981  
 982 (4) Adaptive reuse. The conversion of an existing structure from the use for which it was  
 983 constructed to a new use by maintaining the elements of the structure and adapting such elements  
 984 to a new use.

985  
 986 ~~(4)~~ (5) Aggrieved party. . .

987  
 988 ~~(5)~~ (6) Agricultural land. . .

989  
 990 ~~(6)~~ (7) Airport hazard area. . .

991  
 992 ~~(7)~~ (8) Applicant . . .

993  
 994 ~~(8)~~ (9) Application. . .

995  
 996 ~~(9)~~ (10) Buffer. . .

997  
 998 ~~(10)~~ (11) Building. . .

999

1000	<del>(11)</del> <u>(12)</u> Building envelope. . .
1001	
1002	<del>(12)</del> <u>(13)</u> Building height. . .
1003	
1004	<del>(13)</del> <u>(14)</u> Cluster. . .
1005	
1006	<del>(14)</del> <u>(15)</u> Common ownership. . .
1007	
1008	<del>(15)</del> <u>(16)</u> Community residence. . .
1009	
1010	<del>(16)</del> <u>(17)</u> Comprehensive plan. . .
1011	
1012	<del>(17)</del> <u>(18)</u> Day-care—Day Care Center. . .
1013	
1014	<del>(18)</del> <u>(19)</u> Day-care—Family Day Care Home. . .
1015	
1016	<del>(19)</del> <u>(20)</u> Density, residential. . .
1017	
1018	<del>(20)</del> <u>(21)</u> Development. . .
1019	
1020	<del>(21)</del> <u>(22)</u> Development plan review. . .
1021	
1022	<del>(22)</del> <u>(23)</u> District. . .
1023	
1024	<del>(23)</del> <u>(24)</u> Drainage System. . .
1025	
1026	<del>(24)</del> <u>(25)</u> Dwelling Unit. . .
1027	
1028	<del>(25)</del> <u>(26)</u> Extractive Industry. . .
1029	
1030	<del>(26)</del> <u>(27)</u> Family. . .
1031	
1032	<del>(27)</del> <u>(28)</u> Floating zone. . .
1033	
1034	<del>(28)</del> <u>(29)</u> Floodplains, or flood hazard area. . .
1035	
1036	<del>(29)</del> <u>(30)</u> Groundwater. . .
1037	
1038	<del>(30)</del> <u>(31)</u> <del>h</del> Halfway houses. . .
1039	
1040	<del>(31)</del> <u>(32)</u> Hardship. . .
1041	
1042	<del>(32)</del> <u>(33)</u> Historic district or historic site. . .
1043	
1044	<del>(33)</del> <u>(34)</u> Home occupation. . .
1045	

1046	<del>(34)</del> <u>(35)</u> Household. . .
1047	
1048	<del>(35)</del> <u>(36)</u> Incentive zoning. . .
1049	
1050	<del>(36)</del> <u>(37)</u> Infrastructure. . .
1051	
1052	<del>(37)</del> <u>(38)</u> Land development project. . .
1053	
1054	<del>(38)</del> <u>(39)</u> Lot. . .
1055	
1056	<del>(39)</del> <u>(40)</u> Lot area. . .
1057	
1058	<del>(40)</del> <u>(41)</u> Lot building coverage. . .
1059	
1060	<del>(41)</del> <u>(42)</u> Lot depth. . .
1061	
1062	<del>(42)</del> <u>(43)</u> Lot frontage. . .
1063	
1064	<del>(43)</del> <u>(44)</u> Lot line. . .
1065	
1066	<del>(44)</del> <u>(45)</u> Lot, through. . .
1067	
1068	<del>(45)</del> <u>(46)</u> Lot width. . .
1069	
1070	<del>(46)</del> <u>(47)</u> Mere inconvenience. . .
1071	
1072	<del>(47)</del> <u>(48)</u> Mixed use. . .
1073	
1074	<del>(48)</del> <u>(49)</u> Modification. . .
1075	
1076	<del>(49)</del> <u>(50)</u> Nonconformance. . .
1077	
1078	<del>(50)</del> <u>(51)</u> Overlay District. . .
1079	
1080	<del>(51)</del> <u>(52)</u> Performance Standards. . .
1081	
1082	<del>(52)</del> <u>(53)</u> Permitted Use. . .
1083	
1084	<del>(53)</del> <u>(54)</u> Planned development. . .
1085	
1086	<del>(54)</del> <u>(55)</u> Preapplication conference. . .
1087	
1088	<del>(55)</del> <u>(56)</u> Setback line or lines. . .
1089	
1090	<del>(55A)</del> <u>(57)</u> Sign. . .
1091	



- 1092 ~~(56)~~ (58) Site plan. . .
- 1093
- 1094 ~~(57)~~ (59) Special use. . .
- 1095
- 1096 ~~(58)~~ (60) Structure. . .
- 1097
- 1098 ~~(59)~~ (61) Substandard lot of record. Any lot lawfully existing at the time of adoption or amendment
- 1099 of a zoning ordinance and not in conformance with the dimensional and/or area provisions of
- 1100 that ordinance.
- 1101
- 1102 (62) Technical Review Committee. A committee appointed by the Plan Commission for the
- 1103 purpose of reviewing, commenting, and making decisions and recommendations to the Plan
- 1104 Commission and Administrative Officer with respect to the approval of land development,
- 1105 subdivision, and zoning applications.
- 1106
- 1107 ~~(60)~~ (63) Use. The purpose of activity for which land or buildings are designed, arranged or
- 1108 intended or for which land or buildings are occupied or maintained.
- 1109
- 1110 ~~(61)~~ (64) Variance. Permission to depart from the literal requirements of a zoning ordinance. An
- 1111 authorization for the construction or maintenance of a building or structure, or for the
- 1112 establishment or maintenance of a use of land, which is prohibited by a zoning ordinance. There
- 1113 shall be only two (2) categories of variance, a use variance or dimensional variance.
- 1114
- 1115 (a) Use variance. Permission to depart from the use requirements of a zoning ordinance
- 1116 where the applicant for the requested variance has shown by evidence upon the record
- 1117 that the subject land or structure cannot yield any beneficial use if it is to conform to
- 1118 the provisions of the zoning ordinance.
- 1119 (b) Dimensional variance (also known as a deviation). Permission to depart from the
- 1120 dimensional requirements of a zoning ordinance, ~~where the applicant for the requested~~
- 1121 ~~relief has shown, by evidence upon the record, that there is no other reasonable~~
- 1122 ~~alternative way to enjoy a legally permitted beneficial use of the subject property,~~
- 1123 ~~unless granted the requested relief from the dimensional regulations. However, the fact~~
- 1124 ~~that a use may be more profitable or that a structure may be more valuable after the~~
- 1125 ~~relief is granted shall not be grounds for relief. under the applicable standards set forth~~
- 1126 in § 45-24-41 (effective January 1, 2024).
- 1127
- 1128 ~~(62)~~ (65) Waters. . .
- 1129
- 1130 ~~(63)~~ (66) Wetland, coastal. . .
- 1131
- 1132 ~~(64)~~ (67) Wetland, freshwater. . .
- 1133
- 1134 ~~(65)~~ (68) Zoning certificate. . .
- 1135
- 1136 ~~(66)~~ (69) Zoning map. . .
- 1137

1138 ~~(67)~~ (70) Zoning ordinance. . .

1139

1140 ~~(68)~~ (71) Zoning use districts. . .

1141

1142 **SECTION 2.** The Town Clerk is hereby authorized to cause said changes to be made to the Town

1143 of Scituate’s Code of Ordinances.

1144

1145 **SECTION 3.** This ordinance shall take effect immediately upon passage.

1146

1147 Attested To By:

Passed By Town Council On:

1148

1149

1150

1151 \_\_\_\_\_  
Margaret M. Long, Town Clerk

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