

SECTION 7. Industrial B Zone

A. Purpose

The purpose of this zone is to provide areas for future development of industrial and allied uses which, due to the peculiar nature of their activities require locations remote from other classes of use. Areas so designated are primarily undeveloped or are very sparsely developed to minimize adverse effect upon neighborhood properties and activities.

B. Permitted Uses - See Attached Zone Use Matrix

C. Uses Allowed by a Special-Use Permit - See Attached Zone Use Matrix

D. Dimensional Regulations:

The dimensional regulations of the Industrial A Zone shall apply to the Industrial B Zone. In addition, the following special requirements shall be observed:

1. Any activity involving an extractive industry or the outdoor storage of used, scrap or salvage materials shall be screened by material objects or an opaque hedge or fence at least six (6) feet in height in such a manner as to prevent visibility of such activity from any public road or from adjacent property.
2. Any activity involving the outdoor storage of used scrap or salvage materials shall be at least two hundred (200) feet from any abutting property and at least five hundred (500) feet from any public road.

SECTION 8. Prohibited Uses

See Attached Zone Use Matrix

Article III INDUSTRIAL SITE AND PERFORMANCE STANDARDS

All industrial construction and operations permitted or authorized by Article II shall conform with the requirements of this Article.

SECTION 1. Site Plan Requirements

Property and buildings shall be so planned as to minimize disturbance to adjacent property and present an agreeable

appearance where visible from any public road.

- A. An applicant shall provide the Zoning Inspector with a site plan which shall clearly indicate the following:
1. Names and addresses of applicant, property owner, and designer of the Plan.
  2. Date, North Arrow, Scale, Contours at two (2) foot intervals.
  3. Dimensions, area of the lot or tract, abutting property owners within two hundred (200) feet, and a lot and plat number.
  4. Location and general exterior dimensions of existing and proposed structures and signs.
  5. Existing sewers, water mains, culverts and other underground appurtenances within the lot or tract, pipe sizes, grades, manholes and locations.
  6. Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays, angle of parking.
  7. Location, arrangement, and dimensions of off-street loading spaces.
  8. Location and dimension of any area proposed to be used for outdoor storage of materials.
  9. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways.
  10. Adjacent streets and ways.
  11. Drainage system and sanitary sewers.
  12. Location, type, intensity of illumination, and height of all outdoor lighting fixtures.
  13. Sign locations.
  14. Finished grades, slopes, banks, and ditches.
  15. Landscaping; retained and created.
  16. Location and extent of any wetlands.

- B. The Zoning Inspector may require a drawing of any building elevation that faces a public road.
- C. When the Zoning Inspector deems the site plan submittal to be in final form and acceptable, the applicant shall endorse each final plan and drawing on its face with a notarized statement that the plan or drawing is the plan or drawing that will be adhered to for the proposed construction and development. One copy of each final plan or drawing so endorsed shall be provided to the Zoning Inspector for his permanent records.

SECTION 2. Operating Performance Standards

A. Noise:

- 1. Noise shall be measured with a sound level meter meeting the standards the American National Standards Institute (ANSI Sl. 1961) "American Standard Specification for General-Purpose Sound Level Meters". The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with ANSI Sl. 2-1962 "American Standard Method for the Physical Measurements of Sounds".
- 2. Table I specifies the noise limits that apply on or beyond adjacent lot lines or zone boundaries outside the user's property. Noises shall not exceed the maximum sound levels specified in Table I, except as designated following Table I. Where more than one specified sound level applies, the most restrictive shall govern. Measurements may be made at points of maximum noise intensity.

Table I. Noise Level Restrictions

<u>Maximum Permitted</u>	<u>Measured Across</u>
<u>Sound Level dBA*</u>	<u>and Outside</u>
55	Rural, Farming, Residential lot lines.
60	Industrial A District boundary lines.
65	Industrial B District boundary lines.

\* In any Rural, Farming and Residential Zones, the weighted sound level shall not exceed fifty-five (55) dBA between 7 a.m. and 7 p.m. and shall not exceed forty-five (45) dBA between 7 p.m. and 7 a.m.

3. The levels specified in Table I may be exceeded by ten (10) dBA for a single period, no longer than fifteen (15) minutes, in any one (1) day.
4. For impact noise levels, the values in Table I, increased by twenty (20) dBA, shall apply. Impact noises shall be considered to be those noises whose peak values are more than six (6) dBA higher than the values indicated on the sound level meter.
5. Exemptions: The following uses and activities shall be exempt from the noise level regulations:
  - a. Noises not directly under the control of the property user.
  - b. Noises emanating from construction and maintenance activities between 7 a.m. and 7 p.m. Monday through Saturday.
  - c. The noises of safety signals, warning devices, and emergency pressure relief valves.
  - d. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

B. Vibration:

1. Ground transmitted vibration shall be measured with an accelerometer or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three (3) mutually perpendicular directions.
2. Maximum permitted vibration levels:
  - a. No vibration at anytime shall produce a maximum peak particle velocity which exceeds the following values measured on or beyond the appropriate lot or district boundaries given below:

Table II Maximum Peak Particle Velocity (inches/second)

Character of Vibrations	Adjacent Lot Line	Measured on or beyond	
		Neighborhood or Highway Business District Boundary	Rural, Farming, Residential District Boundary
Steady State	0.10	0.05	0.02
Impact	0.20	0.10	0.04

\* Steady-state vibrations shall be considered as vibrations which are continuous, or vibrations in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute, shall be considered impact vibrations.

- b. Between 7 p.m. and 7 a.m., all of the permissible vibration levels indicated in the previous table for Rural, Farming, and Residential District boundaries shall be reduced to one-half (0.5) of the indicated values.

C. Fire and Explosive Hazards:

All operations, activities and uses shall comply with applicable provisions of the Fire Safety Code of the State of Rhode Island.

D. Glare:

1. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.
2. Uses subject to performance standards shall not produce glare so as to cause illumination in Rural, Farming, and Residential Districts in excess of 0.5 footcandles. Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance in residential districts. Exterior lights shall reflect light away from adjoining property in any Rural, Farming and Residential District.
3. Uses subject to performance standards shall limit the use of light sources and illuminated surfaces within 500 feet of, and visible in, a Rural, Farming and Residential District to comply with the light intensities indicated below.

Table III Maximum Intensity of Light Sources

<u>Sources</u>	<u>Intensity</u>
Bare incandescent bulbs	40 watts
Illuminated buildings	30 footcandles
Back lighted or luminous background signs	250 footlamberts

Outdoor illuminated signs and poster panels 50 footcandles

Any other unshielded sources,  
intrinsic brightness 50 candles per  
square  
centimeter

E. Heat:

Any use producing heat shall be shielded so that no increase in the ambient temperature can be recorded on or beyond the property line of any residential properties.

F. Smoke and Other Forms of Air Pollution:

All operations, activities and uses shall comply with the "Air Pollution Control Regulations" of the Rhode Island Department of Environmental Management issued under the provisions of Title 23, Chapter 23 of the General Laws of Rhode Island 1956, as amended.

G. Sewage and Water-borne Wastes:

1. Sewage and water-borne wastes shall be disposed of in a manner acceptable to the Director of the Rhode Island Department of Environmental Management, and the design, installation and operation of all subsurface wastewater disposal systems shall be approved by the Director of the Rhode Island Department of Environmental Management.
2. Effluent discharged into a surface water body shall require issuances of a National Pollutant Discharge Elimination System (NPDES) permit by the U.S. Environmental Protection Agency and the Rhode Island Department of Environmental Management.

H. Radioactive Materials:

The handling of radioactive materials, the discharge of such materials into the air and/or water, and the disposal of radioactive wastes shall be in conformance with the applicable regulations of the U. S. Nuclear Regulatory Commission and rules and regulations for the controls of radiation established by the Rhode Island Department of Health.

I. Electrical Interference:

Electrical or electronic interference or emissions induced by the operation of any electrical or electronic equipment or device located on the property shall not be such as to affect

the operation of any electrical or other equipment or device located off the property, or to affect the physical health of any person on or off the property.

J. Wetlands:

Areas classified as "Wetlands" by Chapter 213, PL 1971 as amended shall be subject to the provisions of that Law.

K. Resource Allocation:

Development of the property shall take into consideration the availability of water and energy supply and to the extent feasible the developer shall make efficient use of such resources.

SECTION 3. Supplementary Regulations

A. Screening of Utilities:

All transformers, meters or similar utility apparatus shall be screened in such a manner as to prevent vision of such equipment from any public road or adjacent property.

B. Outdoor Storage:

Outdoor storage of equipment and material(s) shall be screened by natural objects or an opaque hedge or fence at least six (6) feet in height in such a manner as to prevent visibility of such equipment and material(s) from any public road or adjacent property. There shall be no outdoor storage of equipment or materials between any building and any public road.

SECTION 4. Certification

When the Zoning Inspector has accepted the endorsed plans and drawings required by Section IC of this Article, and becomes satisfied through the steps described in the remainder of this Section, that the proposed industrial operation will comply with the standards and regulations specified in Sections 2 and 3 of this Article, the Zoning Inspector shall certify the project for issuance of a building permit. Such certification shall specify whether the location for which it is granted is the Industrial A or Industrial B Zone.

A. Affidavit from Applicant:

The Zoning Inspector shall require an affidavit from the applicant acknowledging his understanding of the standards and regulations in Sections 2 and 3 of this Article, and his

continuing agreement to comply with them.

B. Plans and Specifications:

The Zoning Inspector shall require the submission of plans and specifications of any proposed machinery and operations techniques to be used to meet the operating performance standards. No applicant shall be required to reveal any secret or proprietary processes.

C. Review by the Zoning Inspector:

1. Upon receipt of the required affidavit, plans and specifications, the Zoning Inspector shall review the request for the subject industrial use and make findings as to probable compliance of the proposed use with the standards and regulations of Sections 2 and 3 of this Article.
2. It is intended that the burden of proof for the establishment of reasonable assurance of compliance with the standards and regulations in Sections 2 and 3 of this Article shall rest with the applicant.
3. The Zoning Inspector may request an advisory opinion from the Planning Board, if an adequate judgement cannot be determined, regarding the conformance of a proposed or established industrial use to the Standards and Regulations in Sections 2 & 3 of this Article.
4. If the Planning Board is asked to advise on an application, the Board shall invite the applicant or his representative to appear before it at its meeting.
5. The Zoning Inspector will grant or refuse to issue a zoning permit based upon the findings made.

SECTION 5. Enforcement of Standards and Regulations

A. Probable Violations:

In the event of a determination by the Zoning Inspector that a probable violation of the performance standards has occurred after the granting of a permit, a written notice of the probable violation shall be sent by certified or registered mail to the owner of the industrial use. The notice shall further state that upon the continuation of the probable violation, technical determinations as described in this ordinance shall be made, and that if violations as alleged are found, costs of such determinations, including the costs of hiring qualified experts, shall be charge against those responsible for the violation, but that if it is determined that no violation exists, the cost of the determination will

be paid by the Town of West Greenwich.

B. Review by the Planning Board:

Cases involving probable violations may be referred by the Zoning Inspector to the Planning Board. In such cases, the Planning Board shall proceed to investigate the alleged violation and shall make such technical determinations as are prescribed in Section 2 of this Article. The Planning Board shall make known its findings in writing to the Zoning Inspector and the owner of the industrial use.

C. Violation:

1. If a violation actually occurred or exists, notice of such violation shall be sent to the owner, owners or managers of the industrial use by registered or certified mail.
2. The continued operation of an industrial use for longer than fifteen (15) days after a determination has been made that said use is not in conformance with the provisions of Sections 2 and 3 of this Article, is hereby declared to be a violation of this ordinance and unlawful. The Town Solicitor shall promptly be advised of any such violation, and shall thereupon institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation.

D. Re-Compliance:

An industrial use so charged and proven to have violated the provisions of this Ordinance shall not be allowed to resume operation until it has been issued a Certificate of Compliance by the Zoning Inspector. To obtain such Certificate the violator must prove to the satisfaction of the Zoning Inspector that the violation has been corrected and that all requirements of this Ordinance have been met. The Zoning Inspector may require changes in plans for land use, structures, or operations as may be necessary to assure compliance with this Ordinance and the standards and limitations required in Sections 2 and 3 of this Article.

E. Change of Use:

Any change of use that violates, or may potentially violate a certification previously granted shall require a new application for the new or altered use in accordance with the preceding Sections of this Article.