



Town of North Kingstown

Criteria for Relief

SPECIAL CONDITIONS

Special Conditions - Zoning Ordinance Section 21-13

In granting a variance, special permit, special use permit 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 or other zoning enforcement agency may apply such special conditions that may, in the opinion of the board or agency, be required to promote the intent and purpose of the Comprehensive Plan and the Zoning Ordinance. Failure to abide by any special conditions attached to an approval shall constitute a zoning violation. Those special conditions shall be based on competent credible evidence on the record, be incorporated in to 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 activities.
2. Controlling the sequence of development, including when it must be commenced and completed.
3. Controlling the duration of the 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. Designing the exact location and nature of development.
6. Establishing detailed records by submission of drawings, maps, plats, or specifications.

VARIANCE

Variance - Criteria for Granting a Variance Section 21-14

In granting a variance, the Zoning Board of Review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area.
2. Is not due to a physical or economic disability of the applicant.
3. That said 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.
4. 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.
5. That the relief to be granted is the least relief necessary.

Dimensional Variance

Permission to depart from the dimensional requirements of a zoning ordinance, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief for the dimensional regulations. (Section 21-22 Definitions)

Required Minimum Criteria – The Zoning Board of Review shall, in addition to the special conditions of Section 21-13 and the standards of Section 21-14 listed above, require that evidence be entered into the record of the proceedings showing that:

- In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience,



Town of North Kingstown

Criteria for Relief

VARIANCE

which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property.

- The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

Use Variance

Permission to depart for the use requirements of a Zoning Ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the land use provisions of the Zoning Ordinance.

Required Minimum Criteria – The Zoning Board of Review shall, in addition to the special conditions of Section 21-13 and the standards of Section 21-14 listed above, require that evidence be entered into the record of the proceedings showing that:

- In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the land use 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.

SPECIAL USE PERMIT

Special Use Permit & Special Permit

Criteria for Grant of Special Use Permit and Special Permit under Section 21-15

- A. In granting a Special Use Permit or Special Permit, the Zoning Board of Review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings.
1. The requested Special Use Permit will not alter the general character of the surrounding area or impair the intent or purpose of the Zoning Ordinance or Comprehensive Plan upon which the ordinance is based.
 2. That the Special Use Permit is reasonably necessary to serve the public convenience and welfare.
 3. That the granting of a Special Use Permit will not pose a threat to the drinking water supply.
 4. That the use will not disrupt the neighborhood or the privacy of abutting landowners by excessive noise, light, glare or air pollutants.
 5. That sewage and waste disposal into the ground and the surface water drainage from the proposed use will be adequately handled on site.
 6. The traffic generated by the proposed use will not cause undue congestion or introduce a traffic hazard to the circulation pattern of the area.
 7. That accessory signs, off-street parking and loading area and outdoor lighting are designed and located in a manner which complements the character of the neighborhood.
- B. Special Use Permits and Dimensional Variances. The Zoning Board of Review may issue a Dimensional Variance in conjunction with a Special Use. If the Special Use could not exist without the Dimensional Variance, the Zoning Board of Review shall consider the Special Use Permit and the Dimensional Variance together to determine if granting the special use is appropriate based on both the special use criteria and the Dimensional Variance evidentiary standards.