

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF TITLE 17 Zoning CHAPTER 17.36.010 OF THE CITY OF CRANSTON, 2005, ENTITLED 'Industrial Uses'

No.

Passed:

Jessica M. Marino, Council President

Approved:

Kenneth J. Hopkins, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Section 1. Title 17 Zoning Chapter 17.36.010 is hereby amended by adding the following:

17.36.010 Industrial and Commercial uses.

- A. Generally. No structure shall be erected for any industrial or commercial use or occupied for industrial or commercial use and no land shall be used for industrial or commercial purposes, unless such industrial or commercial use and operation has been certified in accordance with this chapter. All uses permitted under Section 17.20.030 in conformance with this section shall be deemed to be industrial uses or commercial uses as designated, for all purposes under this section.
- B. Administration of Certification. The inspector of buildings shall have the authority to certify a proposed industrial use or operation for probable compliance with this section. It is recognized that in some cases the inspector of buildings cannot adequately judge the relation of a prospective or established industrial use to the performance standards provided herein. In such cases, the inspector of buildings or the applicant may request an advisory opinion from the industrial performance commission established under Chapter 17.112.
- C. Procedure for Certification.

- 38 1. Generally. Before issuing a building permit for an industrial use, the inspector of
 39 buildings shall determine whether or not the proposed use will comply with the
 40 performance standards articulated herein.
- 41 2. Plans and Specifications. In order to determine the probable compliance of a proposed
 42 industrial or commercial use with the performance standards of this section, the inspector
 43 of buildings may require submission of plans and specifications of any proposed
 44 machinery, operations and techniques to be used to meet the standards of this section. No
 45 applicant shall be required to reveal any secret processes.
- 46 3. Affidavit from Applicant in Industrial use and Commercial use. The inspector of
 47 buildings shall require an affidavit or certificate from the applicant acknowledging his or
 48 her understanding of the applicable standards provided herein and his or her continuing
 49 agreement to comply with these standards to insure that all future manufacturing and
 50 processing will stay within the existing healthful characteristics of the area as set forth by
 51 the city.
- 52 4. Request for Hearing. Upon filing an application for a building permit for an industrial use,
 53 the inspector of buildings may require or the applicant request, a hearing before the
 54 industrial performance commission, conducted according to the provisions of Chapter
 55 17.112.

56 D. Review by Industrial Performance Commission.

- 57 1. Procedure. The industrial performance commission shall review all requests for building
 58 permits for industrial use referred to it and make findings as to the probable compliance of
 59 the proposed uses to the performance standards of this section. Upon making such
 60 findings, the industrial performance commission shall recommend issuance or refusal of a
 61 building permit and convey such recommendations in writing to the inspector of buildings
 62 within ten (10) days of the last meeting at which deliberations on the applications were
 63 held.

64 It is intended that the burden of proof for the establishment of reasonable assurance of
 65 compliance with performance standards of this section shall rest with the applicant. No
 66 applicant shall be required to reveal any secret processes. The commission shall invite the
 67 applicant or his or her representative to appear before it at its meeting.

- 68 2. Evidence. The industrial performance commission may require such evidence as may be
 69 pertinent to establishing reasonable assurance that the proposed use will comply with this
 70 section, including expected levels or quantities of smoke, fumes, vibration, liquid or solid
 71 wastes, air pollution, gases, heat and glare or other nuisances in terms easily comparable
 72 with the values given in that section.

73 In cases where correction devices are to be used, they shall be stated and examples of such
 74 correction devices in use will be given with such illustrations as are necessary to clearly
 75 convey the methods used to the commission. Examples of similar industrial operations in

76 actual use with photographs, testimony and explanation, as may seem appropriate to the
77 commission to clearly convey the type of use and its performance.

78 E. Issuance of Certificate. Upon determination that a proposed industrial operation complies with
79 this section, certification shall be made by the inspector of buildings and shall specify whether
80 certification is granted for conformance in a C-5, M-1 or M-2 district.

81 F. Enforcement of Standards.

82 1. Violations. In the event of a determination by the inspector of buildings of a probable
83 violation of the performance standards subsequent to the granting of a permit, a written
84 notice of the probable violation shall be sent by registered mail to the owner of the
85 industrial or commercial use. The notice shall further state that upon the continuation of
86 the probable violation, technical determinations as described in this chapter shall be made
87 by the inspector of buildings and that if violations as alleged are found, costs of such
88 determinations shall be charged against those responsible for the violation, in addition to
89 such other penalties as may be appropriate; but that if it is determined that no violation
90 exists, the costs of the determination will be paid by the city.

91 2. Review by Industrial Performance Commission. Cases involving probable violations may
92 be referred by the inspector of buildings to the industrial performance commission. In
93 such cases, the industrial performance commission shall proceed to investigate the alleged
94 violation and shall make such technical determinations as are prescribed herein. The
95 industrial performance commission shall make known its findings in writing to the
96 inspector of buildings.

97 G. Performance Standards. The following standards shall apply for the operation of uses in C1,
98 C2, C3, C4, C-5 and industrial districts and for the operation of industrial or commercial
99 nonconforming use in any zone (shall apply):

100 1. Noise. (~~In C-5 and M-1 districts,~~) industrial and commercial noise shall be measured from
101 any property line of the tract on which the industrial and commercial operation is located
102 by the inspector of buildings, the police chief or his/her designee. Measurement may also
103 be made by a properly calibrated and tested noise decibel monitoring device installed
104 under his/her supervision. Industrial and commercial noise shall be muffled so as not to
105 become objectionable due to intermittence, beat frequency or shrillness.

106 At the specified points of measurement, the sound pressure level of noise shall not exceed
107 the values given in Tables 1 and 2 in any octave band of frequency. The sound pressure level
108 shall be measured with a sound level meter and an octave band analyzer that conform to
109 specifications published by the American Standards Association, Inc., New York (American
110 Standard Specification for General Purpose Sound Level Meters S1.4-1961 and American
111 Standard Specifications for an Octave-Band Filter Set for the Analysis of Noise and Other
112 Sounds, Z24.10-1953).

113 **Table 1**

114 Maximum permissible sound-pressure levels at specified points of measurement for noise
 115 radiated continuously from a facility between the hours of 11:00 p.m. and 7:00 a.m.

Frequency Band (Cycles per second)	Sound Pressure Level Decibels*
20—75	75
75—150	70
150—300	62
300—600	55
600—1200	49
1200—2400	43
2400—4800	37
4800—10000	35

116
 117 *According to the following formula: Sound pressure level in decibels equals $10 \log P/0.0002$
 118 dynes/sq.cm.

119 If the noise is not smooth and continuous or is not radiated between the hours of 11:00 p.m.
 120 and 7:00 a.m., one or more of the corrections in Table 2 below shall be added to or subtracted from
 121 each of the decibel levels given above in Table 1.

122 **Table 2**

Type of Operation or Character of Noise	Correction in Decibels
Daytime operation 7:00 a.m. to 11:00 p.m.	plus 5
Noise source operated less than 20% of any one-hour period	plus 5*
Noise source operated less than 5% of any one-hour period	plus 10*
Noise source operated less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering and so forth)	minus 5
Noise of periodic character (Hum, screech and so forth)	minus 5

123
 124 Apply one of these corrections only.

125 2. Vibration. (~~In C-5 and M-1 districts,~~) industrial and commercial operations shall be
 126 measured at any property line by the inspector of buildings, the chief of police or his/her
 127 designee. In M—2 industrial districts, vibration shall be measured at the nearest industrial
 128 district boundary line.

129 No vibration is permitted which is discernible to human sense of feeling for three minutes
 130 or more duration in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of
 131 thirty (30) seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00
 132 a.m. No vibration at any time shall produce an acceleration of more than 0.1 g or shall result in
 133 any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S.
 134 Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting", on any structure. The
 135 methods and equations of such Bulletin No. 442 shall be used to compute all values for the
 136 enforcement of this regulation.

137 3. Smoke. Measurement shall be taken at the point of emission. The Ringlemann Smoke
 138 Chart published by the U.S. Bureau of Mines or Power's Micro-Ringlemann Chart,
 139 McGraw Hill Publishing Company, 1954, shall be used for the measurement of smoke.
 140 Gray smoke not darker than No. 1 on such charts may be emitted, except that gray smoke
 141 not darker than No. 2 on such charts may be emitted for periods not longer than four
 142 minutes in any thirty (30) minutes. These provisions shall apply also to smoke of a
 143 different color but of equivalent apparent opacity.

144 4. Waste. In C-5, M-1 and M-2 districts, effluent from any plant which is discharged into the
 145 ground shall at times comply with the following standards:

146 a. Standards.

Maximum 5-day biochemical oxygen demand	20 ppm
Maximum total solids	5,000 ppm
Maximum phenol	0.1 ppm

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 148 b. No untreated liquid or solid wastes shall be emptied into any stream, river, pond or
 149 other body of water. Treated water may be discharged only if treated by equipment
 150 approved by the director of public works.

151 c. A septic tank, tile field or other disposal place for any waste shall be located at least
 152 one hundred fifty (150) feet from the nearest point of any river, pond, swampy area
 153 or any district boundary of a residential or commercial district and one thousand
 154 (1,000) feet from any drinking water supply.

155 d. No effluent shall contain any other acids, oils, dust, toxic metals, corrosive or other
 156 toxic substance in solution or suspension which would create odors, discolor, poison
 157 or otherwise pollute any stream or watershed in any way.

158 5. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. In C-5, M-1 and
 159 M-2 districts, measurement shall be taken at the point of emission. No emission shall be
 160 permitted which can cause any damage to health, to animals or vegetation or other forms
 161 of property or which can cause any excessive soiling. In no event shall any emission be
 162 allowed of any liquid particles in concentrations exceeding 0.3 grains per cubic foot of the
 163 conveying gas or air at any point. For measurement of the amount of particles in gases
 164 resulting from combustion, standard corrections shall be applied to correct a stack
 165 temperature of five hundred (500) degrees Fahrenheit and to correct the assumption that
 166 fifty (50) percent excess air is present at the time of measurement and should be deducted
 167 from the measured volume before computing the grains per cubic foot to be compared
 168 with the standard.

169 6. Gases and Fumes. Any gases or fumes emitted in such quantity or of such nature that they
 170 are or potentially may become odorous or toxic shall be collected and filtered, washed,

- 171 absorbed, burned or otherwise treated in a manner approved by the building inspector
172 before being discharged into the atmosphere.
- 173 7. Heat and Glare. In C-5 and M-1 districts, any industrial operation producing heat or glare
174 (as differentiated from interior illumination) shall be shielded so that no heat or glare can
175 be recorded at the nearest property line in any residential district. Exterior lights shall
176 reflect light away from property in any residential district.
- 177 8. Other Standards. Industrial hazardous waste management facility. A development site for
178 a hazardous waste management facility shall not receive a building permit unless the
179 building inspector shall have determined that all of the following conditions and standards
180 have been met.
- 181 a. A development site for a hazardous waste management facility shall be located a
182 minimum distance of one thousand two hundred (1,200) feet from the zoning district
183 boundary line in M-1 and M-2 districts, where such districts are contiguous with a
184 residential use or a residential district;
- 185 b. A development site for a hazardous waste management facility shall be located at
186 least fifteen hundred (1,500) feet from centers for institutional population including
187 hospitals, penal institutions, primary and secondary schools, colleges and universities
188 and nursing homes. Said minimum distance shall be measured from property lines as
189 shown on official maps in the Cranston tax assessor's office.
- 190 c. A development site for a hazardous waste management facility shall be located at
191 least fifteen hundred (1,500) feet from a public recreational facility. Said minimum
192 distance shall be measured from property lines, as shown on official maps in the
193 Cranston tax assessor's office.
- 194 d. Hazardous waste management facilities shall be prohibited in environmentally
195 sensitive areas. These areas include areas of steep slope, e.g., slopes of ten (10)
196 percent or more; areas identified as freshwater wetlands; and areas of flood hazard
197 districts as delineated within the 100-year flood zone of Section 17.16.010 of the
198 Cranston zoning ordinance as codified in this title. The building inspector shall
199 determine that a development site for a hazardous waste management facility shall be
200 at least five hundred (500) feet from any pond, any major stream or river or any
201 minor stream or river. Parking lots and surrounding structures associated with the
202 hazardous waste management facility shall not disturb topography within the above
203 distances from watercourses and wetlands areas.
- 204 e. If a development site for hazardous waste management facility is located more than
205 three miles from a full time municipal fire station; within proximity to a major food
206 processing or dairy processing facility; or within proximity to a public drinking water
207 source, including underground storage reservoirs and aqueducts, then the project
208 developer shall submit a "project impact report" delineating the potential
209 environmental impacts of the facility and further prove that there will be no

210 significant risk to the public health, safety and welfare. The building inspector shall
211 transmit the project impact report, together with any other pertinent information to
212 the Cranston industrial performance commission for review and approval. An
213 approval from the industrial performance commission shall be incorporated into
214 subsequent negotiations with the developer and the city, but shall not bind said
215 negotiations nor ratification of any siting agreement by the city council.

216 f. The following regulations for an industrial hazardous waste management facility
217 shall apply.

Minimum Lot Area	200,000 sq. ft.
Minimum Lot Width and Frontage	300 ft.
Minimum Front Yard	50 ft.
Minimum Rear Yard	50 ft.
Minimum Side Yard	50 ft.
Maximum Lot Coverage (%)	40%

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220 **Section 2.** This ordinance shall take effect upon its final adoption.
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223 Positive Endorsement: Negative Endorsement: (Attach reasons)
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City Solicitor Date City Solicitor Date

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229 Sponsored by Council President Jessica M. Marino

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231 Referred to Ordinance Committee on Oct. 12, 2023