

**Section 130.
Special Exceptions**

A. Special exceptions may be granted to prohibited activities to permit alterations and activities that do not conform with a Council goal for the areas affected or which would otherwise be prohibited by the requirements of this document only if and when the applicant has demonstrated that:

- 1) The proposed activity serves a compelling public purpose which provides benefits to the public as a whole as opposed to individual or private interests. The activity must be one or more of the following:
 - (a) an activity associated with public infrastructure such as utility, energy, communications, transportation facilities, however, this exception shall not apply to activities proposed on all classes of barriers, barrier islands or spits except as provided in 210.2.D.9;
 - (b) a water-dependent activity that generates substantial economic gain to the state; and/or
 - (c) an activity that provides access to the shore for broad segments of the public.
- 2) All reasonable steps shall be taken to minimize environmental impacts and/or use conflict.
- 3) There is no reasonable alternative means of, or location for, serving the compelling public purpose cited.

B. Special exceptions may be granted only after proper notice in accordance with the Rhode Island Administrative Procedures Act, a public hearing has been held, and the record of that hearing has been considered by the full Council. The Council shall make public the findings and conclusions upon which a decision to issue a Special Exception are based.

C. In granting a Special Exception, the Council shall apply conditions as necessary to promote the objectives of the Program. Such conditions may include, but are not limited to, provisions for:

- 1) Minimizing adverse impacts of the alteration upon other areas and activities by stipulating the type, intensity, and performance of activities, and the hours of use and operation;
- 2) Controlling the sequence of development, including when it must be commenced and completed;
- 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, plots, or specifications.