

## SECTION 300.

### ESTABLISHMENT AND CLASSIFICATION OF DISTRICTS

#### 301. Districts.

For the purpose of this ordinance, the City of Warwick is hereby divided into ten classes of districts, listed and designated on the "zoning plat" as follows:

Open Space District (OS)  
Residence A-40 District (A-40)  
Residence A-15 District (A-15)  
Residence A-10 District (A-10)  
Residence A-7 District (A-7)  
Office District (O)

Waterfront Business District (WB)  
General Business District (GB)  
Light Industrial District (LI)  
General Industrial District (GI)  
Warwick Station Intermodal District (Intermodal)  
Warwick Station Gateway District (Gateway)

The general intent and purposes of the zoning districts are as follows: Table 1 contains the use regulations for each district; table 2A contains the dimensional regulations for residence districts and table 2B contains the dimensional regulations for nonresidential districts.

301.1. *Open space district (OS)*. Properties mapped in accordance with subsection 303 of this ordinance for the purposes of maintaining open space, recreation, agriculture, conservation of natural resources, or other environmental conditions.

301.2. *Residence A-40 district (A-40)*. Properties mapped in accordance with subsection 303 of this ordinance and used for very low density residential use, comprising not more than one single-family dwelling unit per lot area measuring a minimum of 40,000 square feet.

301.3. *Residence A-15 district (A-15)*. Properties mapped in accordance with subsection 303 of this ordinance and used for low density residential use, comprising not more than one single-family dwelling unit per lot area measuring a minimum of 15,000 square feet.

301.4. *Residence A-10 district (A-10)*. Properties mapped in accordance with subsection 303 of this ordinance and used for medium density residential use, comprising not more than one single-family dwelling unit per lot area measuring a minimum of 10,000 square feet.

301.5. *Residence A-7 district (A-7)*. Properties mapped in accordance with subsection 303 of this ordinance and used for high density residential use, comprising not more than one single-family dwelling unit

per lot area measuring a minimum of 7,000 square feet.

301.6. *Office district (O)*. Properties mapped in accordance with subsection 303 of this ordinance and used primarily for professional and personal service offices, and low intensity businesses, which generally serve as a transition between residential and other nonresidential districts. The preservation of residential structures or the construction of new offices that are residential in character is encouraged to the extent possible and where appropriate.

301.7. *Waterfront business district (WB)*. Properties mapped in accordance with subsection 303 of this ordinance used primarily for businesses catering to marine activities.

301.8. *General business district (GB)*. Properties mapped in accordance with subsection 303 of this ordinance and generally used for a wide diversity of commercial establishments including retail, service, office, and automotive related uses.

301.9. *Light industrial district (LI)*. Properties mapped in accordance with subsection 303 of this ordinance and used for limited or light industrial purposes generally of a less intensive nature than those allowed in the general industrial district.

301.10. *General industrial district (GI)*. Properties mapped in accordance with subsection 303 of this ordinance and used for general industrial and manufacturing operations and enterprises, including assembly of durable goods, bulk storage, and general storage of trucks and construction equipment; provided however that such uses do not create serious problems of compatibility with other land uses and that they do not pose unwarranted toxic, explosive or environmental hazard in the general vicinity.

301.11. *Warwick Station Intermodal District (Intermodal)*. Properties mapped in accordance with subsection 303 of this ordinance and are intended to comply with the special zoning needs resulting from their location near the railroad terminal and the airport terminal site, including appropriate complementary uses, pedestrian and vehicular circulation and parking needs, access issues, traffic flow and congestion, lot coverage and height restrictions. The intent of the intermodal zone is to create and sustain an area of regional economic activity within a retail commercial and office core located on a circulation access spine linking the two transportation nodes described above. This area is the core commercial activity area of the Warwick Station Redevelopment District. It is intended that this zone have a high quality of design for pedestrian use, infrastructure improvements that will enable a flow of users between the two transportation nodes and an appropriate intensity of associated retail, office and hotel uses.

301.12. *Warwick Station Gateway District (Gateway)*. Properties mapped in accordance with subsection 303 of this ordinance and are intended to serve as transitional areas leading to the Intermodal District of the Warwick Station Redevelopment District from outlying areas, including the Post Road and Airport Road general business districts. The Gateway District is intended to allow limited commercial uses customarily associated with transportation facilities such as airport and railroad terminals as well as general commercial uses commonly allowed within general business districts. It is intended that this district have a high quality of design associated with vehicular circulation and appropriate landscaping and architectural design intended to create a separate identity and a cohesive appearance distinguishable from the outlying areas.  
(Ord. No. O-98-44, § I(Exh. A), 12-14-98)

## 302. Overlay districts.

Within each of the districts as designated in subsection 301, there may be overlay districts which are set forth herein due to certain unique natural characteristics and conditions and special areas of the city which require additional regulations, as specified herein, to meet the purposes of this ordinance. Overlay districts are designed to impose supplementary requirements and do not in any manner supersede or replace any requirements of the underlying district. The intent, purposes, and zoning plat designations of the overlay districts are as follows:

302.1. *Overlay district--Institutional-health care (IH)*. Properties mapped in accordance with subsection 303 of this ordinance and so designated to provide for health care facilities such as hospitals (including teaching hospitals). Specific institutional-health care overlay district regulations are found in subsection 306 of this ordinance.

302.2. *Overlay district--Institutional-educational (IE)*. Properties mapped in accordance with subsection 303 of this ordinance and so designated to provide for educational facilities, such as colleges, universities, vocational institutions, professional training schools and the like, but not including private and public schools that provide compulsory education such as grammar schools, junior high and high schools. Specific institutional-educational overlay district regulations are found in subsection 307 of this ordinance.

302.3. *Planned district residential overlay (PDR)*. Properties mapped in accordance with subsection 303 of this ordinance and so designated to allow two-family and multiple-family developments comprising more than ten dwelling units. It is generally intended that PDR overlay districts be combined with or limited to the underlying and corresponding residential districts: A-40, A-15, A-10, and A-7. PDR may also be permitted in underlying office and general business districts. In these cases, the residential density and dimensional requirements shall be the same as the A-7 district. Specific PDR overlay district regulations are found in subsection 308 of this ordinance.

302.4. *Planned unit development overlay district (PUD)*. Properties mapped in accordance with subsection 303 of this ordinance and so designated to allow a mixture of residential and limited commercial uses or industrial and limited commercial uses on the same site for the purpose of promoting flexible site plan layouts and design of appropriate large parcels. The underlying district will generally determine the principal use in a PUD overlay district; for example, a PUD in a residential district will provide a residential type development with a mixture of limited commercial uses, a PUD in an industrial district will provide an industrial type development with a mixture of limited commercial uses. Specific PUD overlay district regulations are found in subsection 309 of this ordinance.

302.5. *Flood hazard overlay district (AE, VE)*. Properties mapped in accordance with subsection 303 of this ordinance and so designated to protect properties and life from natural storms, hurricanes and flood damage. Specific flood hazard overlay district regulations are found in subsection 310 of this ordinance.

302.6. *Historic overlay district (H)*. Properties mapped in accordance with subsection 303 of this ordinance and so designated due to the historic, architectural or archaeological character of the structure or site or due to a wider historical significance to a neighborhood within the city. Specific historic overlay district regulations are found in subsection 311 of this ordinance.

302.7. *Watershed protection overlay districts.* Properties will be mapped in accordance with subsection 303 of this ordinance and so designated to protect environmentally sensitive surface water and groundwater bodies or wetlands. Specific watershed protection overlay district regulations will be found in subsection 312 of this ordinance.

302.8. *Groundwater protection overlay districts.* (Reserved)

TABLE 1. USE REGULATIONS

The abbreviated terms used in this table shall have the following meanings:

|     |   |
|-----|---|
| Yes | The use is permitted by right within the district so designated.  |
| No  | The use is prohibited within the district so designated.  |
| S   | The use is allowed by special use permit only if approved by the zoning board of review in accordance with subsection 906 of this ordinance.                      |
| A   | The use is deemed to be an amendment of the zoning ordinance and is allowed only if approved by the city council following the same procedure in subsection 1007. |

Footnotes appear at the end of this table.

The provisions of this ordinance shall not be construed so as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes of water and gas pipes, mains, conduits, electric light and electric power transmission and distribution lines, telephone lines, cable television lines, oil pipe lines, sewer mains, and incidental appurtenances and installations.

| Zoning Districts |                    | OS   | A-40 | A-15              | A-10              | A-7               | O                 | WB                 | GB | LI                 | GI | Inter-modal | Gate-way |     |
|------------------|--------------------|--|------|-------------------|-------------------|-------------------|-------------------|--------------------|----|--------------------|----|-------------|----------|-----|
| 100.             | Residential uses:  |  |      |                   |                   |                   |                   |                    |    |                    |    |             |          |     |
|                  | 101.               | Detached single-family dwelling unit   | No   | Yes               | Yes               | Yes               | Yes               | Yes <sup>(1)</sup> | No | Yes <sup>(1)</sup> | No | No          | No       | No  |
|                  | 102.               | A two-family, three-family or four-family dwelling in a development containing four or less dwelling units | No   | S <sup>(2)</sup>  | S <sup>(2)</sup>  | S <sup>(2)</sup>  | S <sup>(2)</sup>  | S <sup>(2)</sup>   | No | S <sup>(2)</sup>   | No | No          | No       | No  |
|                  | 102.1              | A multifamily dwelling in a development containing between five and ten dwelling units                     | No   | No                | No                | No                | No                | S <sup>(2)</sup>   | No | S <sup>(2)</sup>   | No | No          |          |     |
|                  | 103.               | Two-family and multiple-family dwelling in a development containing more than ten dwelling units           | No   | No <sup>(3)</sup> | No <sup>(3)</sup> | No <sup>(3)</sup> | No <sup>(3)</sup> | No <sup>(3)</sup>  | No | No <sup>(3)</sup>  | No | No          | Yes      | Yes |
|                  | 104.               | Congregate elderly housing containing between two and ten dwelling units                                   | No   | S <sup>(2)</sup>  | S <sup>(2)</sup>  | S <sup>(2)</sup>  | S <sup>(2)</sup>  | S <sup>(2)</sup>   | No | S <sup>(2)</sup>   | No | No          | No       | No  |
|                  | 105.               | Congregate elderly housing containing more than ten dwelling units   | No   | No <sup>(3)</sup> | No <sup>(3)</sup> | No <sup>(3)</sup> | No <sup>(3)</sup> | No <sup>(3)</sup>  | No | No <sup>(3)</sup>  | No | No          | No       | No  |
|                  | 106.               | Roominghouse   | No   | No                | No                | No                | No                | No                 | No | Yes                | No | No          | No       | No  |
|                  | 107.               | Room for less than three boarders  | No   | S <sup>(4)</sup>  | S <sup>(4)</sup>  | S <sup>(4)</sup>  | S <sup>(4)</sup>  | Yes <sup>(4)</sup> | No | Yes <sup>(4)</sup> | No | No          | No       | No  |
|                  | 107.1.             | Bed and breakfast for up to four guests  | No   | S                 | S                 | S                 | S                 | S                  | No | Yes                | No | No          | No       | No  |
|                  | 108.               | Mobile home, mobile home park, or trailer park   | No   | No                | No                | No                | No                | No                 | No | No                 | No | No          | No       | No  |
|                  | 109.               | Community residence  | No   | Yes               | Yes               | Yes               | Yes               | Yes                | No | Yes                | No | No          | No       | No  |
| 200.             | Agricultural uses: |  |      |                   |                   |                   |                   |                    |    |                    |    |             |          |     |

|      |              |  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |     |     |
|------|--------------|--|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-----|-----|
|      | 201.         | Raising of crops (commercial and noncommercial)  | Yes              | Yes              | Yes              | Yes              | Yes              | Yes              | Yes              | Yes              | Yes              | Yes              | No  | No  |
|      | 202.         | Commercial greenhouse  | No               | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | S                | No               | Yes              | Yes              | Yes              | No  | No  |
|      | 203.         | Sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors | No               | No               | No               | No               | No               | S                | No               | Yes              | Yes              | Yes              | No  | No  |
|      | 204.         | Raising and keeping of animals and livestock   | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | S <sup>(5)</sup> | No  | No  |
| 300. | Office uses: |  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |     |     |
|      | 301.         | Medical offices, excluding clinic  | No               | No               | No               | No               | No               | Yes              | No               | Yes              | Yes              | Yes              | No  | No  |
|      | 302.         | Clinic   | No               | No               | No               | No               | No               | S                | No               | Yes              | Yes              | Yes              | No  | No  |
|      | 303.         | Law office, accountant, architect or other nonmedical professional person                          | No               | No               | No               | No               | No               | Yes              | No               | Yes              | Yes              | Yes              | Yes | Yes |
|      | 304.         | Real estate, insurance, travel agency, advertising or similar agency office                        | No               | No               | No               | No               | No               | Yes              | No               | Yes              | Yes              | Yes              | Yes |     |
|      | 305.         | General office use   | No               | No               | No               | No               | No               | Yes              | No               | Yes              | Yes              | Yes              | Yes | Yes |
|      | 306.         | Bank, trust company or similar financial institution with drive-in window                          | No               | No               | No               | No               | No               | S                | No               | Yes              | Yes              | Yes              | No  | Yes |
|      | 307.         | Bank or other financial institution without drive-in window  | No               | No               | No               | No               | No               | Yes              | No               | Yes              | Yes              | Yes              | Yes | Yes |

|      |               |  |    |    |    |    |    |     |    |     |     |     |     |     |
|------|---------------|--|----|----|----|----|----|-----|----|-----|-----|-----|-----|-----|
|      | 308.          | Research and development laboratory, testing facility for environmental or medical purposes, or facility excluding radioactive and chemical or biological processes  | No | No | No | No | No | S   | No | S   | Yes | Yes | No  | No  |
|      | 309.          | Biological technologies, including rDNA (recombinant deoxyribonucleic acid), cell fusion, and novel bioprocessing techniques; including related research into processes that promote health diagnostics and therapeutics, agricultural biology including plant genetics for food purposes, environmental remediation techniques, and manufacture of instruments that assist in biological research | No | No | No | No | No | No  | No | S   | S   | S   | No  | No  |
| 400. | Service uses: |  |    |    |    |    |    |     |    |     |     |     |     |     |
|      | 401.          | Barbershop, beauty salon   | No | No | No | No | No | S   | No | Yes | No  | No  | Yes | Yes |
|      | 402.          | Laundry and dry cleaning, pickup, self-service cleaners, and laundromat  | No | No | No | No | No | S   | No | Yes | No  | No  |     |     |
|      | 403.          | Shoe repair, tailoring shop, or other similar establishment  | No | No | No | No | No | Yes | No | Yes | No  | No  |     |     |

|  |        |  |    |    |    |    |    |                      |    |                    |                   |                   |     |     |
|--|--------|--|----|----|----|----|----|----------------------|----|--------------------|-------------------|-------------------|-----|-----|
|  | 404.   | Television, radio, or other household appliance repair (no sales)  | No | No | No | No | No | Yes <sup>(6)</sup>   | No | Yes <sup>(6)</sup> | S                 | S                 |     |     |
|  | 405.   | Instant copy and printing shops, photographer's studio, and photo processor shops  | No | No | No | No | No | Yes                  | No | Yes                | S                 | S                 |     |     |
|  | 406.   | Arts or crafts studio (no classes or sales)  | No | No | No | No | No | Yes <sup>(6)</sup>   | No | Yes <sup>(6)</sup> | S                 | S                 |     |     |
|  | 407.   | Veterinary establishment and kennel  | No | No | No | No | No | S                    | No | Yes                | S                 | S                 |     |     |
|  | 408.   | Mortuary, undertaking or funeral home establishment  | No | No | No | No | No | S                    | No | Yes                | No                | No                |     |     |
|  | 409.   | Locksmith  | No | No | No | No | No | Yes <sup>(6)</sup>   | No | Yes <sup>(6)</sup> | S                 | S                 |     |     |
|  | 410.   | Caterer  | No | No | No | No | No | Yes <sup>(6)</sup>   | No | Yes <sup>(6)</sup> | S                 | S                 |     |     |
|  | 411.   | Hotel or motel   | No | No | No | No | No | S                    | S  | Yes                | S                 | S                 | Yes | Yes |
|  | 412.   | Public gathering hall, theater, and auditorium   | No | No | No | No | No | S                    | No | Yes                | S                 | S                 | Yes | Yes |
|  | 413.   | Indoor commercial recreation facility including health club and private club   | No | No | No | No | No | No                   | No | Yes                | S <sup>(16)</sup> | S <sup>(16)</sup> | Yes | Yes |
|  | 414.   | Outdoor commercial recreation facility, including amusement park, and sports center not elsewhere classified, driving range, pitch & putt, miniature golf, or similar activity | No | No | No | No | No | No                   | No | S                  | No                | No                | No  | No  |
|  | 414.1. | Outdoor recreation limited to driving range, miniature golf, pitch & putt, batting cages and/or little league baseball facilities  | No | No | No | No | No | Yes <sup>(15a)</sup> | No | S                  | S                 | S                 |     |     |

|      |              |   |     |    |    |    |    |                    |                    |                    |                  |                  |                             |     |
|------|--------------|---|-----|----|----|----|----|--------------------|--------------------|--------------------|------------------|------------------|-----------------------------|-----|
|      | 415.         | Golf course (excluding driving range, pitch & putt, miniature golf, or similar establishment) | Yes | S  | S  | S  | S  | No                 | No                 | No                 | No               | No               | No                          | No  |
|      | 416.         | Coin-operated amusement establishment   | No  | No | No | No | No | No                 | No                 | S                  | No               | No               | No                          | No  |
|      | 417.         | Massage establishment   | No  | No | No | No | No | No                 | No                 | S                  | No               | No               | No                          | No  |
|      | 418.         | Marina, yacht club  | No  | No | No | No | No | No                 | Yes                | No                 | No               | No               | No                          | No  |
|      | 419.         | Vehicle rental agency   | No  | No | No | No | No | No                 | No                 | S <sup>(7)</sup>   | S <sup>(7)</sup> | S <sup>(7)</sup> | Yes <sup>(14b), (16a)</sup> | Yes |
|      | 420.         | Carwash   | No  | No | No | No | No | No                 | No                 | S <sup>(7)</sup>   | S <sup>(7)</sup> | S <sup>(7)</sup> | No                          | No  |
|      | 421.         | Gas station (no repairs), may include convenience and/or grocery retail                       | No  | No | No | No | No | No                 | No                 | S <sup>(7)</sup>   | S <sup>(7)</sup> | S <sup>(7)</sup> | No <sup>(16a)</sup>         | S   |
|      | 422.         | Service station (with repairs)  | No  | No | No | No | No | No                 | No                 | S <sup>(7)</sup>   | S <sup>(7)</sup> | S <sup>(7)</sup> | No                          | No  |
|      | 422.1.       | Auto body repair shop   | No  | No | No | No | No | No                 | No                 | No                 | No               | S <sup>(7)</sup> | No                          | No  |
|      | 423.         | Boat repairs, painting or storage   | No  | No | No | No | No | No                 | Yes <sup>(7)</sup> | S <sup>(7)</sup>   | S <sup>(7)</sup> | S <sup>(7)</sup> | No                          | No  |
|      | 424.         | Building trades contractor, oil and fuel service, or similar establishment                    | No  | No | No | No | No | Yes <sup>(6)</sup> | No                 | Yes <sup>(6)</sup> | Yes              | Yes              | No                          | No  |
|      | 424.1.       | Landscaping and tree service  | No  | No | No | No | No | S <sup>(6)</sup>   | No                 | Yes <sup>(6)</sup> | Yes              | Yes              | No                          | No  |
|      | 425.         | Cesspool company  | No  | No | No | No | No | No                 | No                 | S                  | S                | S                | No                          | No  |
|      | 425[.1].     | Other service establishment   | No  | No | No | No | No | S                  | No                 | S                  | S                | S                | No                          | No  |
| 500. | Retail uses: |   |     |    |    |    |    |                    |                    |                    |                  |                  |                             |     |
|      | 501.         | Restaurant (with liquor license)  | No  | No | No | No | No | No                 | S                  | Yes <sup>(6)</sup> | S                | S                | Yes                         | Yes |
|      | 501.1.       | Nightclub   | No  | No | No | No | No | No                 | S                  | S                  | S                | S                | S                           | S   |
|      | 502.         | Restaurant (without liquor license)   | No  | No | No | No | No | S                  | S                  | Yes <sup>(6)</sup> | S                | S                | Yes                         | Yes |
|      | 503.         | Fast food restaurant  | No  | No | No | No | No | No                 | No                 | Yes <sup>(6)</sup> | No               | No               | Yes <sup>(13b)</sup>        | Yes |

|      |   |   |    |    |    |    |    |     |                    |                    |                  |                   |     |     |
|------|---|---|----|----|----|----|----|-----|--------------------|--------------------|------------------|-------------------|-----|-----|
|      | 503.1.  | Retail trade--neighborhood establishment, 2,000 square feet GFA or less                                   | No | No | No | No | No | Yes | Yes                | Yes                | No               | No                | Yes | Yes |
|      | 503.2.  | Retail trade--community-wide establishment, more than 2,000 square feet GFA                               | No | No | No | No | No | No  | No                 | Yes                | Yes              | No                | Yes | Yes |
|      | 505.  | New or used vehicle sales, with service or outdoor display (excluding boats)                              | No | No | No | No | No | No  | No                 | S <sup>(7)</sup>   | S <sup>(7)</sup> | S <sup>(7)</sup>  | No  | No  |
|      | 507.  | New or used boat sales, with service or outdoor display   | No | No | No | No | No | No  | Yes <sup>(7)</sup> | S <sup>(7)</sup>   | S <sup>(7)</sup> | S <sup>(7)</sup>  | No  | No  |
|      | 508.  | Marine equipment, fishing and tackle store, bait shop   | No | No | No | No | No | No  | Yes                | Yes <sup>(6)</sup> | No               | No                | No  | No  |
|      | 509.  | Open air market or outdoor sales and display, mobile or otherwise   | No | No | No | No | No | No  | No                 | S                  | No               | No                | No  | No  |
|      | 50X   | Adult entertainment   | No | No | No | No | No | No  | No                 | No                 | No               | S <sup>(12)</sup> | No  | No  |
|      | 510.  | Other retail establishment  | No | No | No | No | No | No  | No                 | Yes <sup>(6)</sup> | No               | No                |     |     |
| 600. | Transportation, communication and utility uses: |   |    |    |    |    |    |     |                    |                    |                  |                   |     |     |
|      | 601.  | Airport or heliport   | No | No | No | No | No | No  | No                 | No                 | No               | No                | S   | No  |
|      | 602.  | Bus or railroad passenger station   | No | No | No | No | No | No  | No                 | S                  | S                | S                 | Yes | No  |
|      | 603.  | Automobile parking lot or parking garage for private passenger cars (as a principal use)                  | No | No | No | No | No | No  | No                 | S                  | Yes              | Yes               | S   | S   |
|      | 604.  | Truck, bus, taxi, or other commercial vehicle terminal yard or building for storage and servicing of such | No | No | No | No | No | No  | No                 | S                  | Yes              | Yes               | No  | No  |

|      |                     |   |    |                   |                   |                   |                   |                   |     |                         |                         |                         |     |     |
|------|---------------------|---|----|-------------------|-------------------|-------------------|-------------------|-------------------|-----|-------------------------|-------------------------|-------------------------|-----|-----|
|      | 605.                | Radio and television transmission station including towers  | No | No                | No                | No                | No                | No                | No  | S <sup>(13)</sup>       | S <sup>(13)</sup>       | S <sup>(13)</sup>       | No  | No  |
|      | 606.                | Radio or television studio  | No | No                | No                | No                | No                | Yes               | No  | Yes                     | Yes                     | Yes                     | No  | No  |
|      | 607.                | Electrical transformer station and substation, gas regulator station, water and sewer pumping station, and telephone exchange station as a principal use and not elsewhere classified in this table | No | S                 | S                 | S                 | S                 | S                 | S   | S                       | S                       | Yes                     | No  | S   |
|      | 608.                | Electric power plant  | No | No                | No                | No                | No                | No                | No  | No                      | No                      | S                       | No  | No  |
|      | 609.                | Nuclear power plant   | No | No                | No                | No                | No                | No                | No  | No                      | No                      | No                      | No  | No  |
|      | 610.                | Other utility, utility station, receiving or transmitting device or tower, or satellite dish antenna as a principal use and not elsewhere classified in this table                                  | No | No                | No                | No                | No                | No                | No  | S <sup>(8)</sup>        | S <sup>(8)</sup>        | S <sup>(8)</sup>        | No  | No  |
|      | 611.                | Telecommunications facility, including towers <sup>(15)</sup>   | No | No                | No                | No                | No                | No                | No  | A <sup>(8), (14a)</sup> | A <sup>(8), (14a)</sup> | A <sup>(8), (14a)</sup> |     |     |
| 700. | Institutional uses: |   |    |                   |                   |                   |                   |                   |     |                         |                         |                         |     |     |
|      | 701.                | Religious place of worship, including rectory, parsonage, convent and monastery   | No | Yes               | Yes               | Yes               | Yes               | Yes               | Yes | Yes                     | Yes                     | Yes                     | No  | No  |
|      | 702.                | Social community or recreation center   | No | S                 | S                 | S                 | S                 | S                 | No  | Yes                     | No                      | No                      | Yes | Yes |
|      | 703.                | Other use with religious purposes   | No | No                | No                | No                | No                | S                 | No  | Yes                     | No                      | No                      | No  | No  |
|      | 704.                | Hospital, including hospital for mental, drug, or alcohol treatment but excluding animal hospital   | No | No <sup>(9)</sup> | No <sup>(9)</sup> | No <sup>(9)</sup> | No <sup>(9)</sup> | No <sup>(9)</sup> | No  | Yes                     | S                       | S                       | No  | No  |

|        |  |    |                    |                    |                    |                    |                    |                    |     |     |     |     |     |     |
|--------|--|----|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-----|-----|-----|-----|-----|-----|
| 704.1. | Family day care home, as defined   | No | Yes                | Yes                | Yes                | Yes                | Yes                | Yes                | No  | Yes | No  | No  | No  | No  |
| 704.2. | Day care facility, as defined  | No | S                  | S                  | S                  | S                  | S                  | Yes                | Yes | Yes | Yes | Yes | No  | No  |
| 705.   | Extended care, convalescent, rest, or nursing home   | No | S                  | S                  | S                  | S                  | S                  | S                  | No  | Yes | S   | S   | No  | No  |
| 706.   | Preschool and kindergarten   | No | S                  | S                  | S                  | S                  | S                  | Yes                | No  | Yes | S   | S   | No  | No  |
| 707.   | Primary or grammar and junior high school or middle school, public, parochial or private school providing compulsory education, including uses listed in 706 when located in the same facility | No | Yes                | Yes                | Yes                | Yes                | Yes                | Yes                | No  | Yes | S   | S   | No  | No  |
| 708.   | High school, including preparatory school or academy, public, parochial or private school providing compulsory education   | No | Yes                | Yes                | Yes                | Yes                | Yes                | Yes                | No  | Yes | S   | S   | No  | No  |
| 709.   | Junior college, college or university, including public or private institutions of higher learning   | No | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No  | Yes | S   | S   | No  | Yes |
| 710.   | Vocational, business or other schools  | No | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No  | Yes | S   | S   | No  | Yes |
| 711.   | Resident dormitory, fraternity, or sorority  | No | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No <sup>(10)</sup> | No  | Yes | S   | S   | No  | Yes |
| 712.   | Government administrative offices  | No | No                 | No                 | No                 | No                 | No                 | Yes                | No  | Yes | Yes | Yes | Yes | Yes |
| 713.   | Police, fire, other public safety facility or other government facility not elsewhere classified in this table   | No | S                  | S                  | S                  | S                  | S                  | Yes                | Yes | Yes | Yes | Yes | Yes | Yes |
| 714.   | Library or museum  | No | S                  | S                  | S                  | S                  | S                  | Yes                | No  | Yes | Yes | Yes | No  | No  |

|      |                 |  |     |     |     |     |     |     |     |     |     |     |     |     |
|------|-----------------|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|      | 715.            | Public park, playground or public recreation building                        | Yes | S   | S   | S   | S   | No  | No  | No  | No  | No  | Yes | Yes |
|      | 716.            | Community water supply, wells or conservation area                           | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
|      | 717.            | Cemetery   | No  | S   | S   | S   | S   | No  | No  | No  | No  | No  | No  | No  |
|      | 718.            | Crematory  | No  | No  | No  | No  | No  | No  | No  | No  | No  | No  | No  | No  |
|      | 719.            | Prison   | No  | No  | No  | No  | No  | No  | No  | No  | No  | No  | No  | No  |
| 800. | Light industry: |  |     |     |     |     |     |     |     |     |     |     |     |     |
|      | 801.            | Assembling and packaging of articles   | No  | No  | No  | No  | No  | No  | No  | No  | Yes | Yes | No  | No  |
|      | 802.            | Manufacturing, welding, fabricating, processing, assembling or packaging of: |     |     |     |     |     |     |     |     |     |     |     |     |
|      |                 | 1. Food and beverage products  | No  | No  | No  | No  | No  | No  | No  | No  | Yes | Yes | No  | No  |
|      |                 | 2. Clothing but not textile manufacture                                      | No  | No  | No  | No  | No  | No  | No  | No  | Yes | Yes | No  | No  |
|      |                 | 3. Paper and paper board products  | No  | No  | No  | No  | No  | No  | No  | No  | Yes | Yes | No  | No  |
|      |                 | 4. Drugs   | No  | No  | No  | No  | No  | No  | No  | No  | Yes | Yes | No  | No  |
|      |                 | 5. Leather goods, excluding footwear   | No  | No  | No  | No  | No  | No  | No  | No  | Yes | Yes | No  | No  |

|  |  |     |  |    |    |    |    |    |    |    |    |     |     |    |    |
|--|--|-----|--|----|----|----|----|----|----|----|----|-----|-----|----|----|
|  |  | 6.  | Electric and electronic equipment including audio, video, computer, and office machines                                | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  |  | 7.  | Engineering and scientific instruments and supplies  | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  |  | 8.  | Medical and dental instruments and supplies, including optical instruments and lenses but excluding laboratory testing | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  |  | 9.  | Photographic equipment and supplies  | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  |  | 10. | Watches, clocks, and clockwork mechanisms  | No | No | No | No | No | No | No | No | Yes | Yes | No | No |

|  |      |   |  |    |    |    |    |    |    |    |    |     |     |    |    |
|--|------|---|--|----|----|----|----|----|----|----|----|-----|-----|----|----|
|  |      | 11.   | Jewelry, insignia, emblems, badges, notions, and costume jewelry, but excluding electroplating | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  |      | 12.   | Musical instruments  | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  |      | 13.   | Sporting goods and toys  | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  |      | 14.   | Art supplies, including pens, pencils, and similar products                                    | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  |      | 15.   | Signs and advertising devices  | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  |      | 16.   | Miscellaneous products including umbrellas, parasols, canes, brooms, and brushes               | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  | 803. | Bottling of beverages   |  | No | No | No | No | No | No | No | No | Yes | Yes | No | No |
|  | 804. | Distribution center, parcel delivery center, delivery warehouse |  | No | No | No | No | No | No | No | S  | Yes | Yes | No | No |

|      |                   |  |    |    |    |    |    |    |    |                    |                     |                     |    |    |
|------|-------------------|--|----|----|----|----|----|----|----|--------------------|---------------------|---------------------|----|----|
|      | 805.              | Laundry, dry cleaning plant  | No | No | No | No | No | No | No | S                  | Yes                 | Yes                 | No | No |
|      | 806.              | Printing, binding, publishing and related arts and trades  | No | No | No | No | No | No | No | S                  | Yes                 | Yes                 | No | No |
|      | 807.              | Ministorage and miniwarehouse facility   | No | No | No | No | No | No | No | S                  | S                   | S                   | No | No |
|      | 808.              | Processing and packaging of fish or fish products  | No | No | No | No | No | No | S  | No                 | Yes                 | Yes                 | No | No |
|      | 809.              | Wholesale business and storage in roofed structure or outdoors, but not including wholesale storage of flammable liquids, gas or explosives      | No | No | No | No | No | No | No | Yes <sup>(6)</sup> | Yes <sup>(11)</sup> | Yes <sup>(11)</sup> | No | No |
|      | 810.              | Storage warehouse, cold storage plant, storage building, but not including storage of junk, scrap metal, rags, waste paper and similar materials | No | No | No | No | No | No | No | S                  | Yes                 | Yes                 | No | No |
|      | 811.              | Open-lot storage of new building materials, machinery, and metals, but not junk, scrap and wastes  | No | No | No | No | No | No | No | No                 | Yes                 | Yes                 | No | No |
|      | 812.              | Open-lot storage of coal, sand, or other similar material  | No | No | No | No | No | No | No | No                 | S                   | Yes                 | No | No |
| 900. | General industry: |  |    |    |    |    |    |    |    |                    |                     |                     |    |    |
|      | 901.              | Dismantling or wrecking of used motor vehicles and storage or sale of dismantled, inoperative or wrecked vehicles or their parts                 | No | No | No | No | No | No | No | No                 | No                  | S                   | No | No |



|  |      |  |   |    |    |    |    |    |    |    |    |    |   |    |    |
|--|------|--|---|----|----|----|----|----|----|----|----|----|---|----|----|
|  |      | 7.   | Stockyard   |    |    |    |    |    |    |    |    |    |   |    |    |
|  |      | 8.   | Landfill or underground injection well for hazardous materials. |    |    |    |    |    |    |    |    |    |   |    |    |
|  | 908. | Open-lot storage of secondhand lumber or other used building material  | No  | No | No | No | No | No | No | No | No | No | S | No | No |
|  | 909. | Open-lot storage of junk, scrap, paper, rags or other salvage articles | No  | No | No | No | No | No | No | No | No | No | S | No | No |
|  | 910. | Hazardous waste management facility <sup>(14)</sup>                    | No  | No | No | No | No | No | No | No | S  | S  |   |    |    |

Footnotes:

- (1) Subject to all the dimensional requirements in the A-7 district.
- (2) Subject to the requirements of subsection 502.
- (3) Eligible for PDR overlay designation, subject to all the requirements for planned district residential (PDR) in subsection 308.
- (4) Provided that the rooms are offered by an owner-occupant of the dwelling unit and are located in the principal dwelling; that boarders do not have access to separate kitchen facilities; and that the requirements of subsection 601.3 shall govern.
- (5) Provided that raising and keeping of animals and livestock is by an owner-occupant of the property which shall consist of a minimum of five contiguous acres in the same ownership.
- (6) Outdoor storage or overnight parking in excess of five vehicles or in excess of 25 percent of the lot devoted to outdoor storage of equipment or materials accessory to the principal use shall require a special use permit in accordance with subsection 906.
- (7) In addition to required dimensional regulations, permitted and special use permit uses shall require a minimum of 10,000 square feet, with 100 feet of frontage and 100 feet of lot width.
- (8) Any satellite dish antenna as a principal use shall be subject to the requirements of subsections 601.9 and 906.
- (9) Eligible for overlay designation institutional-health care, subject to all the requirements of subsection 306.
- (10) Eligible for overlay designation institutional-educational, subject to all the requirements of subsection 307.
- (11) Retail or display areas within wholesale establishments shall be limited to 1,000 square feet of net floorspace.
- (12) Provided that such use shall have a setback of 200 feet from all residence districts and school buildings.
- (13) Provided that such use shall not interfere with the airport hazard zone.
- (14) See Definition 200.76.

(14a) Subject to all of the requirements of Special Regulations Section 506 Telecommunications Facilities.

(14b) Vehicle rental agency with on site storage is prohibited.

(15) Telecommunications facilities co-located on existing public properties may be allowed in residential zoning districts only upon approval of the use by the city council.

(15a) For parcels of ten acres of land or larger only. If the parcel is less than ten acres, then a special use permit is required.

(15b) Fast food restaurant with drive-through window shall be prohibited.

(16) Any sports or amusement machine or device, whether or not registering a score and whether or not its operation demands skill or chance or both, such as pool tables, billiards tables, video or computer type games, air games, marble machines, mechanical grab machines and all games, operations or transactions similar thereto, whether or not operated by the insertion of a coin, slug, token, plate, or disc, shall be allowed as an accessory use to the principal use of an indoor commercial recreational facility.

(16a) Airport related service uses located within the Intermodal zone and directly abutting Pot Road at the time of the effective date of this ordinance [Ordinance No. O-98-44] shall be allowed to expand within the limits of their property and abutting properties held in the same ownership at the time of the effective date of this ordinance [Ordinance No. O-98-44]. For the purposes of this ordinance airport related uses shall be defined in Table 1. Use regulations as #421 gasoline station and #419 vehicle rental agency, which may consist of such accessory uses as vehicle storage, fuel pumps, motor vehicle maintenance, vehicle washing, and sales of rental vehicles.

TABLE 2A. DIMENSIONAL REGULATIONS

|     |  | O <sup>(1)</sup> , GB <sup>(1)</sup> , A-7 | A-10   | A-15   | A-40, OS |
|-----|--|--|--------|--------|----------|
| (A) | Permitted uses in all residence districts.     |  |        |        |          |
|     | Minimum lot area (square feet)                 | 7,000                                      | 10,000 | 15,000 | 40,000   |
|     | Minimum frontage (feet) <sup>(2), (4)</sup>    | 70   | 100    | 125    | 150      |
|     | Minimum lot width (feet) <sup>(2), (4)</sup>   | 70   | 100    | 125    | 150      |
|     | Minimum front and corner side yard (feet)      | 25   | 25     | 30     | 40       |
|     | Minimum side yard (feet)                       | 8  | 15     | 20     | 30       |
|     | Minimum rear yard (feet) <sup>(5)</sup>        | 20   | 20     | 30     | 40       |
|     | Maximum structure height (feet) <sup>(3)</sup> | 35   | 35     | 35     | 35       |
|     | Minimum landscaped open space                  | 10%  | 10%    | 15%    | 20%      |

Footnotes:

<sup>(1)</sup> Detached single-household residential uses in O and GB districts are subject to the dimensional requirements of the A-7 district. See section 304.5 for dimensional requirements when there are two uses on a single lot.

<sup>(2)</sup> For lots fronting on any street cul-de-sac, both the minimum frontage and lot width shall be at least 80 percent of the requirements.

<sup>(3)</sup> See subsection 304.9 of this ordinance relating to height requirements in the vicinity of Theodore Francis Green Airport.

<sup>(4)</sup> On corner lots, the required frontage and width shall be necessary only on one street provided that the second street frontage maintains the minimum of 80 percent of the frontage requirement.

<sup>(5)</sup> On corner lots, the rear setback shall conform to the side setback requirements.

Note for all setback requirements: Setbacks shall be measured from the lot line to any building projection and not necessarily the foundation.

TABLE 2B. DIMENSIONAL REGULATIONS

|     |  | O                 | WB                | GB                | LI, GI            | Inter- modal | Gate- way |
|-----|--|-------------------|-------------------|-------------------|-------------------|--------------|-----------|
| (B) | Nonresidential uses in other districts.      |                   |                   |                   |                   |              |           |
|     | Minimum lot area (square feet)               | 6,000             | 6,000             | 6,000             | 6,000             | 6,000        | 30,000    |
|     | Maximum density, dwelling units per acre     |                   |                   |                   |                   | 0            | 0         |
|     | Minimum frontage (feet) <sup>(1), (4)</sup>  | 60                | 60                | 60                | 60                | 60           | 60        |
|     | Minimum lot width (feet) <sup>(1), (4)</sup> | 60                | 60                | 60                | 60                | 60           | 60        |
|     | Minimum front and corner side yard (feet)    | 25                | 25                | 25                | 25                | 0            | 10        |
|     | Minimum side yard (feet)                     | 15 <sup>(2)</sup> | 15 <sup>(2)</sup> | 15 <sup>(2)</sup> | 15 <sup>(3)</sup> | 0            | 15        |
|     | Minimum rear yard (feet) <sup>(6)</sup>      | 20 <sup>(2)</sup> | 20 <sup>(2)</sup> | 20 <sup>(2)</sup> | 20 <sup>(3)</sup> | 0            | 20        |
|     | Maximum structure height (feet)              | 35                | 35                | 40                | 45                | 75           | 75        |
|     | Minimum landscaped open space <sup>(5)</sup> | 10%               | 10%               | 10%               | 10%               | 10%          | 10%       |

Footnotes:

- (1) For lots fronting on any street cul-de-sac, both the minimum frontage and lot width shall be at least 80 percent of the requirements.
- (2) A commercial building or use including an accessory building or use shall be set back a minimum of 40 feet from an abutting residence district, PDR overlay district, residential PUD overlay district, and open space district, where the open space district contains a parcel of land 5,000 square feet or more including wetlands, as defined in subsection 200.146.
- (3) A commercial building or use including an accessory building or use in an industrial district shall be set back as required in footnote (2) above. An industrial building or use including an accessory building or use shall be set back a minimum of 40 feet from an abutting commercial district. A setback of 100 feet shall be required wherever such industrial building or use abuts any district listed in footnote (2) above.
- (4) On corner lots, the required frontage and width shall be necessary only on one street provided that the second street frontage maintains the minimum of 80 percent of the frontage requirement.
- (5) Also subject to the requirements of subsection 505.
- (6) On corner lots, the rear setback shall conform to the side setback requirements.

Note for all setback requirements: Setbacks shall be measured from the lot line to any building projection and not necessarily the foundation.

(Ord. No. O-96-20, § I, 5-20-96; Ord. No. O-97-18, § I, 8-12-97; Ord. No. O-98-24, §§ I, II, 6-15-98; Ord. No. O-98-36, § I, 10-13-98; Ord. No. O-98-41, § I, 11-16-98; Ord. No. O-98-44, § 1(Exh. A), 12-14-98; Ord. No. O-99-45, § I, 9-27-99)

### **303. District boundaries.**

The boundaries of said districts including all overlay districts are hereby established as shown on the assessor's plats of the City of Warwick, each entitled "zoning plat," which are adopted as part of this ordinance and which are on file in the office of the city clerk.

303.1. *Split lots.* Wherever a district boundary splits a lot into two or more separate zoning districts, the proposed use shall be permitted only if it is allowed in the district in question. The dimensional requirements for such permitted use shall be determined by the district in which it is located. Where a proposed use is permitted in two or more districts on the same lot, the dimensional requirements, other than density, shall be determined by the district's dimensional regulations which represent 50 percent or more of the lot or contains the most lot area, except as provided in subsection 405.4(D). For density requirements, all portions of the lot

shall be calculated proportionately.

303.2. *Interpretation.* Where, due to the scale, lack of detail or illegibility of the zoning plats of the City of Warwick, it shall be determined that the boundary lines of districts are lot lines, centerlines of streets or such lines extended, railroad right-of-way lines, or the centerlines of watercourses. Questions concerning the text of this ordinance and the exact location of district boundary lines as shown on the zoning plats shall be decided by the building official. Any person aggrieved by such interpretation of the building official may appeal such interpretation to the zoning board of review.

### **304. General provisions.**

304.1. *Zoning affects every structure and use.* No structure shall be constructed, erected, placed, moved or maintained nor shall the exterior be altered and no land use shall be commenced or continued within the city unless in conformity with the regulations herein specified for the district in which it is located, except as provided for in section 400, Nonconformance.

304.2. *Reduction of lot and yard areas prohibited.* No lot, yard, required open space, or off-street parking area shall be so reduced, diminished, or maintained that the yards, other open space, total lot area, or off-street parking area shall be smaller than prescribed by this ordinance.

304.3. *Required yards cannot be used by another use or building.* No part of a yard, parking space, or other open space required for any building or use for the purpose of complying with the provisions of this ordinance shall be included as part of a yard, parking space, or other open space required under this ordinance for another use or building except as provided in subsection 701.5.

304.4. *Only one dwelling structure on any lot.* In no case shall there be more than one residential building and its accessory buildings on one lot except that PDR, PUD, and two-family and/or multiple-family developments may permit more than one residential structure per lot in conformity with subsections 308, 309, and 502, respectively, of this ordinance.

304.5. *More than one nonresidential use or building on a lot.* More than one nonresidential structure may be allowed on a single lot within appropriately zoned nonresidential districts if devoted to the same actual use. Upon application to the zoning board of review, a special use permit may be granted in accordance with subsection 906 of this ordinance, where more than one actual use on a lot may be requested, provided however that such uses shall be only those that are permitted within the district in question. In both instances, principal front and rear walls of a building shall be at least 40 feet from any wall of another building. Any side wall of a building may not be less than 25 feet from any side wall of another building. More than one nonresidential use and/or structure is allowed on a single lot within the Warwick Station Intermodal and Gateway Districts without zoning board of review approval being necessary, provided however, that such uses may be only those that are permitted in the district in question.

304.6. *Public street access.* No structure shall be erected on or moved onto a lot which

does not have frontage on a public street equal to or greater than the required minimum frontage in table 2, or elsewhere as required in this ordinance, for the district in which it is located, except as permitted in subsections 405.4 and 405.5. For the purpose of this subsection only, and no other purpose, the following named private streets shall be considered to be the equivalent of public streets as defined in subsection 200.136 in order to satisfy the frontage requirements of this subsection: Ivy Avenue, Hawthorn Avenue, Hemlock Avenue, Woodbine Avenue, Promenade Avenue, Janice Road, Laurel Avenue, Amore Road, Lorna Avenue, Claflin Road, Cooper Avenue, Eighth Avenue, Ninth Avenue, Tenth Avenue, Beach Park Avenue, 11th Avenue, 12th Avenue, 13th Avenue, 14th Avenue, 15th Avenue, "A" Avenue, Eddy Court, Adin Court, Ode Court, Clarence Court, Isabel Court, easterly side of Andrew Comstock Road, and Buttonwoods Avenue from Andrew Comstock Road in an easterly direction to its end.

304.7. *Visibility.* On any lot, no wall, fence, sign, hedge, shrub, or other obstruction to visibility shall exceed 3 1/2 feet in height within five feet of the front property line.

304.8. *Temporary uses permitted.* A temporary building for construction materials and/or equipment for a permitted use on a construction site, a temporary office for the sale or rental of real property, if in connection with and incidental and necessary to a real estate development, and a temporary trailer used for residential occupancy necessitated by any loss or damage of a principal structure by fire, hurricane or other natural disaster shall be permitted in any district subject to approval by the building inspector provided that any building permit for any such temporary use shall be valid for not more than six months unless such time period is extended by the building inspector [and] may be permitted as an accessory use, but in no event shall continue for more than 30 days following the completion of such construction or sale or rental of such property.

All commercial trash receptacles and dumpsters are prohibited in all single-family residential zoning districts. Where a trash receptacle or dumpster is used for remodeling, construction of a home, or removal of debris, it shall be allowed for not more than 90 days unless the building official extends such time period. In no event shall the use continue for more than 30 days following the completion of such activity on the property.

Temporary storage containers may be permitted as an accessory use in GB, LI, and GI zones provided that there shall be screening in accordance with section 505 of this ordinance.

304.9. *Height restrictions around airport.* In any district the height of any structure hereafter erected or altered in the vicinity of the Theodore Francis Green Airport shall not exceed the heights indicated in the airport approach plans pursuant to G.L. 1956, § 1-3-4.

304.10. *Handicap access residential.* Notwithstanding any other provision of this ordinance, appropriate handicap access to residential structures shall be allowed as a reasonable accommodation for any person(s) residing, or intending to reside, in a residential structure. (Ord. No. O-98-13, § I, 5-18-98; Ord. No. O-99-62, § I, 11-15-99)

### **305. Administrative procedures for overlay districts.**

The administrative procedures described in this subsection apply to the following overlay districts, except for flood hazard, historic overlay, watershed protection and groundwater protection overlay districts, which are described in subsections 310 and [through] 313, respectively:

Institutional-health care (IH), subsection 306.

Institutional-educational (IE), subsection 307.

Planned district residential (PDR), subsection 308.

Planned unit development (PUD), subsection 309.

For the purposes of this subsection, all references to "overlay districts" shall specifically include only the four overlay districts listed above.

305.1. *Administrative procedure.* Overlay districts may be enacted by the city council following full compliance with this subsection.

- (A) *Preapplication conference.* The applicant for an overlay district is required to submit written and graphic descriptions of his/her proposed development to the department of city plan. The plan shall include the location and areas of all open spaces, building area, recreational areas, and parking spaces. The preapplication conference is intended to allow [the] department to:
- (1) Acquaint the applicant with the comprehensive plan and any specific plans that apply to the site, as well as this and other ordinances that affect the proposed development;
  - (2) Suggest improvements to the proposed design on the basis of a review of the sketch plan;
  - (3) Advise the applicant to consult appropriate authorities on the character and placement of public utility services; and
  - (4) Help the applicant to understand the steps to be taken to receive approval.
- (B) *Development plan review prerequisite for approval.* Any amendment to this zoning ordinance by which an overlay district would be established shall be considered and/or enacted only after a development plan for said overlay district shall have been received and given a recommendation by the planning board of the City of Warwick.
- (C) *Application to city council for a change of zone.* In order for an overlay district to be established, the city council must amend the "zoning plat" as defined in subsections 303 and 1007 of this ordinance.

- (D) *Final site plan submission.* After a change of zone by the city council, the applicant shall submit copies of the complete and final site plan for the overlay district as approved by the city council, with any modifications thereto, to the building official, who shall forward such plan to the director of city plan for review.
- (E) *Action on the site plan.* Not more than 30 days after receipt of the development plan, the director of city plan shall determine whether the proposed development complies with all requirements of the this zoning ordinance, the comprehensive plan and all modifications imposed by the city council. The site plan submitted for final review must be in substantial conformity with the plan approved by the city council, provided the number of dwelling units and/or the number and gross floor area of buildings does not change. The director of city plan shall notify the building official in writing that the plan meets the requirements of the zoning ordinance.
- (F) *Change of approved site plan.* If the applicant wants to make any amendment to an approved development plan, a written request shall be submitted to the building official. The building official shall forward such plan to the director of city plan for review. If in the opinion of the director of city plan a requested change is sufficiently substantial, the building official shall require that the applicant repetition the city council according to the procedures outlined in this subsection.
- (G) *Duration of approval.* Any amendment to this zoning ordinance by which an overlay district is established may be repealed by the city council one year from the date of its enactment unless a building permit for construction in the overlay district shall have been issued. The action to repeal shall be in accordance with subsection 1007 of this ordinance. The zoning classification of any overlay district which has been repealed shall revert to the classification in effect before the enactment of the appropriate overlay district amendment.

305.2. *Content of site plan.* Applicants for an overlay district shall submit six copies of a site plan drawn by a registered engineer, architect or surveyor at a scale of no more than 100 feet to the inch indicating:

- (A) Existing and proposed property boundary lines, zoning lines, [and] abutting lots including those across any street and the property owners of such.
- (B) Location and dimensions of existing and proposed principal and accessory buildings and structures on the site.
- (C) Location of existing and proposed roads and sidewalks and the location, dimensions and number of off-street parking and loading spaces including guest parking spaces.

- (D) Location, dimensions, and design of existing and proposed signs and exterior illumination of the site.
- (E) Location of existing and proposed recreation facilities, open space, easements and/or rights-of-way, and utilities including water supply, sewage disposal, storm drainage, and electrical or gas service.
- (F) Soil types and where regrading is proposed, existing and proposed grade contours at five-foot intervals (to be shown separately if necessary).
- (G) Location and type of existing and proposed major tree and shrub areas, flood hazard areas as defined by this ordinance, and location and area of coastal or freshwater wetlands, as defined in subsections 200.36 and 200.146.
- (H) Location, dimensions and type of existing and proposed screening, fences, or walls.
- (I) Proposed density, number of bedrooms per dwelling unit, and percentage of lot coverage as defined by subsection 200.93 of this ordinance.
- (J) General exterior architectural plans and elevations of all proposed structures indicating proposed style and materials.
- (K) Any other information deemed necessary by the secretary of the planning board or the director of city plan.
- (L) Title block in the lower righthand corner of the site plan showing names of the property owner and developer, date of original plan and revisions, if any, north arrow, and a blank for the signature of the director of city plan for final site plan approval as required in subsection 305.1(E).
- (M) The director of city plan may waive any of the above submittal requirements ([subsections] (A) through (L)) if he/she determines such are unnecessary.

**306. Overlay district regulations--Institutional-health care (IH).**

306.1. *Intent.* It is the intent of this subsection to establish an institutional overlay district for the purpose of regulating health care facilities within the City of Warwick and in accordance with subsection 302.1 of this ordinance.

306.2. *Permitted uses.* The following health care facilities are permitted within the institutional-health care (IH) overlay district in accordance with table 1, Use Regulations.

- (A) Hospital and related facilities including hospital for mental, drug, or alcohol treatment but excluding animal hospital.

- (B) Any use accessory to the foregoing as defined in this ordinance.

306.3. *Dimensional regulations.* The institutional-health care (IH) overlay district shall be subject to the requirements of table 2B, Dimensional Regulations, for the office (O) district, notwithstanding the requirements of the underlying district, except as provided below:

- (A) Minimum lot area shall be two contiguous acres in the same ownership.
- (B) Minimum frontage and lot width shall be 100 feet.
- (C) Maximum structure height shall be determined by the relationship between existing and proposed buildings on the institutional site and the amount of open space between them, as follows:
  - (1) If a health care facility building is proposed to be located on a parcel that abuts a residence district, PDR overlay district, residential PUD overlay district, and open space district, where the open space district contains a parcel of land 5,000 square feet or more including wetlands, as defined in subsection 200.146, there shall be a buffer of 50 feet between said district boundary and the nearest structure. The buffer area shall be left vacant and in a natural state. If the buffer area had been disturbed by construction such as earth removal, it shall be restored to a natural vegetative state with indigenous trees, shrubs, and ground cover.
  - (2) Building height shall be limited to 35 feet whenever a health care facility building is located along the buffer described in [subsection] (1) above or is located along the required front yard. The height may be increased by one foot for each one foot setback away from said buffer line or front yard, to a maximum of 60 feet.
  - (3) Buildings shall be spaced apart so that principal front and rear walls of a building shall be at least 40 feet from any wall of another building. Any side wall of a building may not be less than 30 feet from any side wall of another building.
  - (4) In all other cases, the building height within the institutional-health care (IH) overlay district shall not exceed 60 feet.
- (D) Minimum landscaped open space shall be 25 percent.
- (E) Parking and loading shall be in accordance with subsections 701.7 and 702, respectively.

306.4. *Administrative procedure.* The institutional-health care (IH) overlay district may be enacted by amendment to the "zoning plat" upon application to the city council. The

procedures described in subsections 305.1 and 305.2 shall govern the approval process for the institutional-health care (IH) overlay district.

### **307. Overlay district regulations--Institutional-educational (IE).**

307.1. *Intent.* It is the intent of this subsection to establish an institutional overlay district for the purpose of regulating educational facilities within the City of Warwick and in accordance with subsection 302.2 of this ordinance.

307.2. *Permitted uses.* The following educational facilities are permitted within the institutional-educational (IE) overlay district in accordance with table 1, Use Regulations.

- (A) Junior college, college or university, including public or private institutions of higher learning.
- (B) Vocational, business or other schools.
- (C) Resident dormitory, fraternity, or sorority.
- (D) Accessory uses to the preceding including living quarters for students, faculty, and staff, dining and/or restaurant facilities with kitchen and food preparation and storage (provided however that restaurants be clearly related to and catering to the students, faculty, staff, and guests of the institution), parking lots and garages, heating plants, fraternities, sororities, and other uses clearly incidental to the primary institutional use.

307.3. *Dimensional regulations.* The institutional-educational (IE) overlay district shall comply with subsection 306.3 of this ordinance.

307.4. *Administrative procedure.* The institutional-educational (IE) overlay district may be enacted by amendment to the "zoning plat" upon application to the city council. The procedures described in subsections 305.1 and 305.2 shall govern the approval process for the institutional-educational (IE) overlay district.

### **308. Overlay district regulations--Planned district residential (PDR).**

Planned district residential (PDR) overlay districts are established in accordance with subsection 302.3 of this ordinance and may be enacted from time to time by amendments to this ordinance consisting of appropriate changes in the boundaries of districts in such a manner as best to fit the general pattern of land use established by the comprehensive plan and this ordinance and to further the purposes set forth in section 100. The specific regulations set forth herein apply to the following districts: A-7, A-10, A-15, A-40, office and general business districts.

308.1. *Administrative procedure.* See subsection 305.

308.2. *Design standards.* Two-family and multiple-family dwellings in developments containing more than ten dwelling units shall be permitted only in planned district residential (PDR) overlay districts and shall be subject to the following minimum requirements:

- (A) *Building design.* Applicants are encouraged to design buildings with varied setbacks and/or varied siting to prevent parallel rows of identical buildings. Principal front or rear walls of a building shall be at least 40 feet from any wall of another building. Any side wall of a building may not be less than 30 feet from any side wall of another building.
- (B) *Relation to utilities and public facilities.* Public sewers, water lines, storm and surface drainage systems and other utility systems must exist or shall be installed by the applicant.
- (C) *Relation to transportation.* Two-family and multiple-family dwellings shall be located along or provide direct access to major streets and highways.
- (D) *Off-street parking and landscaping.* A minimum of two parking spaces per dwelling unit shall be provided. Off-street parking shall be appropriately landscaped within each parking area as required in section 700. No outdoor parking space is permitted within any required front or corner side yard and no outdoor parking space or driveway is permitted within 15 feet of any residential building. No outdoor parking space or driveway is permitted within ten feet of any property line. A ten-foot-wide border of grass, vegetation, or other live ground cover is required around the entire perimeter of the site, except for any curb cuts. For standards, see section 505.
- (E) *Vehicular and pedestrian access points.* Principal vehicular access to PDR overlay districts shall be from major streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes as well as traffic dividers shall be provided where existing or anticipated heavy flows indicate need as determined by the planning [sic] director of city plan. In no event shall streets within a planned development connect to streets outside the development in such a way as to encourage use of minor streets for through traffic.

Access for pedestrians and bicyclists entering or leaving the PDR overlay district shall be so arranged as to provide safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Pedestrian crossings at edges of the development shall be safely located, marked and controlled. Where there is substantial exposure of pedestrian to vehicular traffic at the edges of the district, fences or other barriers shall be erected and maintained to prevent pedestrian crossings except at designated points. Bicycle and/or bridle paths, if provided, shall be coordinated with the pedestrian way system so that bicycle, horse and pedestrian street crossings are combined.

- (F) *Yards.* The location of buildings and structures in the PDR overlay district shall be regulated by subsection 308.3, Development standards. Lots located in more than one zoning district shall be regulated by subsection 303.1.
- (G) *Screening.* Fences, walls, and/or vegetative screening shall be provided along edges of PDR overlay districts, to protect residents or visitors to such developments from undesirable views, glare, noise or other off-site influences or to protect residents or visitors in adjoining residential districts from similar adverse influences within the PDR overlay district. In both cases, screening shall be designed to control existing or potential adverse views from existing or potential first-floor residential windows in the PDR overlay district or other residential districts. In particular, the following shall be screened:
- (1) Off-street parking areas containing more than ten parking spaces. When nearest portions of noncontiguous parking areas are separated by less than 50 feet of landscaped space, as measured from their nearest points, they shall be considered as combined for computing the number of spaces.
  - (2) Service areas for storage and collection of trash and garbage.
  - (3) Utility areas such as sewage pumping stations, electric utility substations and the like.

308.3. *Development standards.* The number of units per acre, dimensions, and other requirements, shall vary according to the district in which it is located. The following table establishes the minimum requirements or maximum allowances for each district:

**SUBSECTION 308.3 DEVELOPMENT STANDARDS FOR  
PLANNED DISTRICT RESIDENTIAL (PDR)**

| Permitted Uses in PDR Overlay Districts   | A-7 <sup>(1)</sup> | A-10 <sup>(2)</sup> | A-15 <sup>(3)</sup> | A-40 <sup>(4)</sup> |
|---|--------------------|---------------------|---------------------|---------------------|
| Minimum lot area (square feet)            | 40,000             | 55,000              | 80,000              | 160,000             |
| Maximum density, dwelling units/acre      | 12                 | 9                   | 6                   | 3                   |
| Minimum frontage (feet) <sup>(5)</sup>    | 175                | 200                 | 250                 | 300                 |
| Minimum lot width (feet) <sup>(5)</sup>   | 175                | 200                 | 250                 | 300                 |
| Minimum front and corner side yard (feet) | 35                 | 40                  | 45                  | 45                  |
| Minimum side yard (feet)                  | 25                 | 30                  | 35                  | 35                  |
| Minimum rear yard (feet)                  | 35                 | 40                  | 45                  | 45                  |
| Maximum building height (feet)            | 35                 | 35                  | 35                  | 35                  |
| Minimum landscaped open space             | 15%                | 20%                 | 25%                 | 30%                 |

Footnotes:

- (1) For underlying districts A-7, O, and GB.
- (2) For underlying districts A-10.
- (3) For underlying districts A-15.
- (4) For underlying districts A-40.
- (5) For lots fronting on any cul-de-sac, both the minimum frontage and lot width shall be at least 80 percent of the minimum requirement.

308.4. *Density increase.* It is the intent of this subsection to limit PDR overlay district densities to the maximum allowances set forth in subsection 308.3. However, it is recognized that in certain instances, as described below, an increase in the maximum densities permitted may be desirable. Upon recommendation of the director of city plan and based upon subsection 103, Purpose, of this ordinance, the city council may permit a density increase as follows. Up to a 15 percent increase in dwelling units over the maximum density allowance set forth in subsection 308.3 may be permitted if the city council shall have determined compliance with one or more of the following listed in [subsections] (A) through (C) below. Up to a 30 percent increase is permitted if the city council shall have determined compliance with [subsection] (D) below. Any combination of [subsections] (A) through (C) with [subsection] (D) cannot exceed said 30 percent increase. In determining the appropriate percent increase, the city council shall review the recommendation of the director of city plan as to the extent of compliance with any or any combination of [subsections] (A) through (D).

- (A) Provision of elderly housing for at least 80 percent of the dwelling units. (With parking requirement of one parking space per dwelling unit.)
- (B) Provision of low and moderate income housing whereby not less than 25 percent of the total number of dwelling units shall be rented or sold at a rate or price below market levels.
- (C) Provision of publicly accessible easements for pedestrians, bicyclists, bus shelters on private property, and other public amenities deemed desirable for the public enjoyment, convenience and welfare.
- (D) Adaptive reuse of historically and/or architecturally significant buildings, particularly mill type industrial buildings proposed to be adapted for housing.

### **309. Overlay district regulations--Planned unit development (PUD).**

The planned unit development (PUD) overlay districts are established in accordance with section 302.4 of this ordinance and may be enacted from time to time by amendments to this ordinance consisting of appropriate changes in the boundaries of districts in such a manner as best to fit the general pattern of land use established by the comprehensive plan and this

ordinance and to further the purposes set forth in section 100. PUD overlay districts are intended to encourage mixed use developments involving residential, commercial, and industrial uses in areas that are specifically designated for such uses and in strict accordance with the requirements contained in this subsection. Such districts may be created by action of the city council as amendments to the zoning map, on application and approval of specific and detailed plans, where tracts suitable in location and character are planned, and shall be classified as planned unit development.

309.1. *Administrative procedure.* See subsection 305.

309.2. *Minimum lot area required.* The minimum required area for a planned unit development shall be ten acres on one or more contiguous lots that are not separated by a public right-of-way and that are in the same ownership. The minimum area shall be calculated in accordance with subsection 200.92.

309.3. *Development standards.* Any residential use permitted within a PUD shall be subject to the maximum density allowances of subsection 308.3, Development standards for PDR. The underlying district shall determine the appropriate density, as for PDR. Density increases as provided in subsection 308.4 may also apply to this subsection. Other requirements concerning dimensions, parking, landscaping, and any additional requirements of this ordinance shall be met to the fullest extent possible. However, the city council, at its discretion and based on the purposes of the PUD overlay district in subsection 302.4, may allow variances from the terms of such dimensional requirements.

309.4. *Residential PUD.* Planned unit development projects are eligible for consideration within all residence districts. The mixture of uses shall include residential as the principal use, combined with other uses as follows:

| Permitted Use             | Maximum Gross Floor Area (GFA) |
|---------------------------|--------------------------------|
| (1) Residential           | Allowable in subsection 308.3  |
| with Retail and/or Office | 25% of residential GFA         |
| Industrial                | 0%                             |

Office and retail gross floor area in any combination shall not exceed 25 percent of the maximum allowable gross floor area.

309.5. *Office PUD.* Planned unit development projects are eligible for consideration within the office district. The mixture of uses shall be either office or residential as the principal use, combined with other uses as follows:

| Permitted Use | Maximum Gross Floor Area (GFA) |
|---------------|--------------------------------|
| (1) Office    | Allowable in O district        |

|                                |   |
|--------------------------------|---|
| with Retail or (2) Residential | 25% of office GFA Allowable in subsection 308.3 |
| with Office and/or Retail      | 25% of residential GFA                          |
| Industrial                     | 0%  |

Office and retail gross floor area in any combination shall not exceed 25 percent of the maximum allowable gross floor area in a PUD with primarily residential use. Retail gross floor area shall not exceed 25 percent of the maximum allowable gross floor area in a PUD with primarily office use.

309.6. *General business PUD.* Planned unit development projects are eligible for consideration within the general business district. The mixture of uses shall include residential as the principal use, combined with other uses as follows:

| Permitted Use             | Maximum Gross Floor Area (GFA) |
|---------------------------|--------------------------------|
| (1) Residential           | Allowable in subsection 308.3  |
| with Retail and/or Office | 25% of residential GFA         |
| Industrial                | 0%                             |

Office and retail gross floor area in any combination shall not exceed 25 percent of the maximum allowable gross floor area.

309.7. *Light and general industrial PUD.* Planned unit development projects are eligible for consideration within the light and general industrial districts. The mixture of uses shall include industrial or office as the major use, combined with other uses as follows:

| Permitted Use            | Maximum Gross Floor Area (GFA)  |
|--------------------------|---------------------------------|
| (1) Industrial or Office | Allowable in LI or GI districts |
| with Retail              | 25% of industrial or office GFA |
| Residential              | 0%                              |

Retail gross floor area shall not exceed 25 percent of the maximum allowable gross floor area in a PUD with primarily industrial or office use.

309.8. *Other districts.* PUD's are expressly prohibited in open space and waterfront business districts.

**310. Overlay district regulations--Flood hazard (AE, VE).**

310.1. *Intent.* Flood hazard overlay districts are established to protect lives and property from natural devastation caused by flooding from hurricanes and other such storm activity. Flood

hazard overlay districts include the land area of the city which is subject to inundation by the 100-year flood, designated as zones AE or VE and as provided in subsection 303 of this ordinance.

310.2. *Development permit required.* Within the flood hazard overlay district defined in subsection 310.1, a development permit shall be obtained from the building official for any manmade change to improved or unimproved real estate including, but not limited to, mining, building or other structures, dredging, filling, grading, paving, excavation or drilling operations. Applicants for development permits within the flood hazard overlay district shall supply the following information to the building official:

- (A) Accurate location of the proposed development;
- (B) Nature of the proposed development including types of activities proposed, areas to be disturbed, and quantities of materials to be excavated, moved or filled;
- (C) Elevation(s) of the site of the proposed development relative to mean sea level datum;
- (D) A Federal Emergency Management Agency, National Flood Insurance Program elevation certificate shall be submitted at the completion of foundation; and
- (E) A description of the extent to which any existing watercourse will be altered or relocated as a result of the proposed development.

Development permit applications will be reviewed to assure that the proposed development will be reasonably safe from flooding, to assure that the flood-carrying capacity of any altered or relocated watercourse will be maintained, and to assure that the requirements of subsections 310.4, 310.5 and 310.6, as applicable, are met. Prior to approving applications for the alteration or relocation of a watercourse, the building official shall cause notification of adjacent communities, the Rhode Island department of administration, division of planning, or its appropriate successor agency, and the Federal Emergency Management Agency, or its appropriate successor agency.

310.3. *Floodways adopted.* Floodways are those portions of the flood hazard overlay district which must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point. The floodway areas designated by the Federal Emergency Management Agency on the "Floodway Boundary Map-- City of Warwick, Rhode Island, March 15, 1982" or any amendment thereto are incorporated in the "zoning plat" in accordance with section 303 of this ordinance and are the areas to which the floodway encroachment regulations of subsection 310.4 of this ordinance shall apply.

310.4. *Floodway encroachment prohibited.* No development proposing fill, new construction, substantial improvement or other encroachment within a floodway as defined and adopted in subsection 310.3 shall be issued a development permit unless it is demonstrated to the satisfaction of the building official that the proposed development will not result in any increase

in flood levels during the occurrence of the 100-year flood.

310.5. *Flood zone (AE) areas designation.* Flood zone (AE) areas are defined as those areas within the flood hazard overlay district that correspond with the 100-year floodplain as designated in section 303 of this ordinance.

310.6. *Velocity (VE) zone areas designated.* Velocity (VE) zone areas are defined as those areas within the flood hazard overlay district that are located along the city's coastline which are subject to high-velocity waters from hurricane wave wash and wave run-up as designated on the "zoning plat" as provided in section 303 of this ordinance.

310.7. *Velocity (VE) zone development requirements.* Within all velocity (VE) zone areas as designated in subsection 310.6, the following requirements shall apply to any proposed development in addition to all other requirements applicable under this ordinance:

- (A) The alteration of sand dunes, where existent, is prohibited;
- (B) All new construction shall be located landward of the reach of mean high tide.

### **311. Overlay district regulations--Historic (H).**

This subsection is intended to create historic overlay district(s) for the purpose of preserving structures and sites of historic, architectural, and archaeological value by regulating the construction, alteration, repair, removal or demolition of such structures and sites. Within historic overlay districts now existing or hereafter created, it is intended that such historic overlay districts be permitted in general areas or for individual structures and premises officially designated as having historic significance. However, written permission must be obtained from the property owner for the historic overlay district designation for individual structures or lots which do not abut any other lots in an historic overlay district.

311.1. *District boundaries.* The historic overlay districts are established as shown on the "zoning plat" as provided in section 303 of this ordinance, and include those areas established by request of the owner and those areas established by the city council through enactment of amendments to the "zoning plat."

311.2. *Historic district commission.*

- (A) *Establishment.* There is hereby established a historic district commission to carry out the purposes of subsections 311 through 311.5 of this ordinance.
- (B) *Membership and appointment.* The historic district commission shall consist of seven qualified members who are residents or [of] the City of Warwick. The appointed members of said commission shall be appointed for three-year terms except the initial appointments of some of the members shall be for less than three years to the end that the initial appointments shall be staggered and so that subsequent appointments shall not recur at the same time.

311.3. *Powers, duties, and application procedures of the historic district commission.*

- (A) *Certificate of appropriateness required.* Before a property owner may authorize or commence construction, alteration, repair, removal or demolition affecting the exterior appearance of a structure or its appurtenances within a historic overlay district, the owner must apply for and receive a certificate of appropriateness from the commission. In applying for a certificate of appropriateness, a property owner must comply with application procedures as established by the commission pursuant to G.L. 1956, § 45-24.1-1 et seq., as amended, and the provisions of this ordinance. A certificate of appropriateness is necessary only if a building permit is required for such construction, alteration, repair, removal, or demolition. The building official shall not issue a building permit until the commission has granted a certificate of appropriateness.
- (B) *Applications for certificates of appropriateness.* Said applications shall contain information which is reasonably necessary to evaluate the proposed construction, alteration, repair, removal, or demolition, including but not limited to plans, drawings, photographs or other information, and it shall be filed with the commission at the office of the department of city plan. A determination shall be made in accordance with the commission's rules and regulations as to completeness. Incomplete applications shall be returned to the applicant within ten working days of receipt by the planning department.
- (C) *Application and plan review.* In reviewing the application and plans, the commission shall give consideration to:
- (1) The historic and architectural significance of the structure and its appurtenances;
  - (2) The way in which the structure and its appurtenances contribute to the historical and architectural significance of the district; and
  - (3) The appropriateness of the general design, arrangement, texture, material and siting proposed in the plans.

The commission shall pass only on exterior features of a structure and its appurtenances and shall not consider interior arrangements.

- (D) [*Decisions.*] All decisions of the commission shall be in writing. The commission shall articulate and explain the reasons and basis of each decision on a record, and in the case of a decision not to issue a certificate of appropriateness, the commission shall include the basis for its conclusion that the proposed activity would be incongruous with those aspects of the structure, to be historically or architecturally significant. The commission shall send a copy of the decision to the applicant.

The mayor shall have the right to name an auxiliary member to the commission in addition to the regular members, which auxiliary member shall sit as an active member, upon the request of the chairperson of the commission, when and if a regular member of the commission is unable to serve at any meeting of the commission. Appointed members of the commission shall be eligible for reappointment and [sic] upon the expiration of their term and shall continue to serve until replaced. In the event of a vacancy on the commission, the mayor may make interim appointment(s) of appointed members, with the consent of the city council, for the remainder of the unexpired term.

Members of the commission shall have a demonstrated interest in historic preservation and may be from but not limited to the following professions and disciplines; history, archeology, architecture, art and architectural history, and social and economic history. Duly organized and existing preservation societies may present to the mayor lists of qualified citizens to be considered for appointment.

- (E) *Organization.* The commission shall organize annually and elect from its membership a chairperson, vice-chairperson and secretary and shall adopt and publish all rules and regulations necessary to carry out its functions under this ordinance. The commission shall also adopt and publish standards of review (which shall be in harmony with the Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Buildings, 36 CFR 671, as amended), within 12 months following the adoption of this ordinance to inform historic district residents, property owners, and the general public of those criteria by which the commission shall determine whether to issue a certificate of appropriateness. The commission may from time to time amend these standards as reasonably necessary, and it shall publish all such amendments.

At least four members of the commission shall constitute a quorum for the transaction of its business. The commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding regular meetings. They shall provide for the calling of special meetings by the chairperson. The commission shall provide notice of its meetings and comply in all respects with requirements of the state Open Meetings Law. All meetings of the commission shall be open to the public, and any person or his duly constituted representative shall be entitled to appear and be heard on any matter before the commission before it reaches its decision.

The commission shall keep a record, which shall be open to public inspection, of its resolutions, proceedings, findings, decisions and actions. The concurring vote of four members shall constitute approval of plans before it for review, or for the adoption of any resolution, motion, or other action of the commission. The concurring vote of four members shall be necessary for disapproval. The commission shall submit an annual report of its activities to the mayor and city

council.

- (F) [*Rejection of application.*] In the case of application for construction, repair, alteration, removal, or demolition affecting the exterior appearance of a structure or its appurtenances, which the commission deems so valuable to the city, state or nation, the commission shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure. Unless the historic district commission is satisfied that the retention of such structure constitutes a hazard to public safety, which hazard cannot be eliminated by economic means available to the owner, including the conveyance of such structure to any purchaser willing to preserve such structure, the commission shall file with the building official its rejection of such application.

In the absence of change in such structure arising from casualty, no new application for the same or similar work shall be filed within one year after such rejection.

- (G) [*Approval of application.*] In the case of any structure deemed to be valuable for the period of architecture it represents, and important to the neighborhood within which it exists, the historic district commission may file with the building official its certificate of appropriateness for such application if any of the circumstances under which a certificate of appropriateness might have been given under the preceding paragraph (F) are in existence or if:
- (1) Preservation of such structure is a deterrent to a major improvement program which will be of substantial benefit to the community.
  - (2) Preservation of such structure would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including sale of the structure to any purchaser willing to preserve such structure.
  - (3) Preservation of such structure would not be in the best interest of the majority of the community.

When considering an application to demolish or remove a structure of historic or architectural value, the commission shall assist the owner in identifying and evaluating alternatives to demolition, including sale of the structure on its present site. In addition to any other criteria, the commission also shall consider whether there is a reasonable likelihood that some person or group other than the current owner is willing to purchase, move and preserve such structure and whether the owner has made continuing bona fide and reasonable efforts to sell the structure to any such purchaser willing to move and preserve such structure.

- (H) [*Consultants; expenditures.*] The historic district commission shall have the power to call in additional experts to aid it in its deliberations. Expenditures of the

historic commission shall be limited to amounts appropriated for its use.

- (I) [*Advice to city agencies.*] In order to assist the city, its agencies, boards, commissions, staff, mayor and city council on matters of historic preservation, the historic district commission may provide its expertise and advice as appropriate.

311.4. *Certificate of appropriateness or rejection of plans.* The historic district commission shall file with the building official its certificate of appropriateness or rejection of all plans submitted to it for review. No work shall begin until such certificate shall have been filed, but in the case of rejection, such certificate shall be binding upon the building official and no permit shall be issued in such case. The failure of the historic district commission to act within 45 days from the day of application filed with it unless an extension is agreed upon mutually by the applicant and the historic district commission shall be deemed to constitute approval. In the event, however, that the historic district commission shall make a finding of fact, that the circumstances of a particular application require further time for additional study and information than can be obtained within the aforesaid period of 45 days, then and in said event the historic district commission shall have a period of up to 90 days within which to act upon such application.

311.5. *Exception to application of this subsection.* Nothing in this ordinance shall be construed to prevent painting, routine maintenance or repair of any structure within a historic overlay district, provided that such maintenance or repair does not result in any change of design, type of material, or appearance of the structure or appurtenance; nor shall anything in this ordinance be construed to prevent the construction, alteration, repair, moving, or demolition of any structure under a permit issued by the building official prior to the passage of this ordinance.

311.6--311.9. *Reserved.*

311.10. *Stone walls.* The city's stone walls are a tangible link to the city's colonial and agrarian past and, as such, hold a unique historic significance for the city. This historic resource is continuously threatened by both private and public development pressures which have and will result in their destruction unless they are protected from such development pressures.

(A) *Definition.* A stone wall for the purposes of this section is defined as a vertical structure of aligned natural stone, normally constructed to designate a property boundary between farmsteads or segregate agricultural activities within a single farmstead during the 17th, 18th and 19th centuries.

(B) *Restrictions pertaining to altering stone walls.*

1. The historic district commission must approve any alterations to:

- (a) Stone walls flanking city or state roads within the municipal boundaries of the city. Any alteration of said walls shall require a certificate of appropriateness from the historic district commission.

- (b) Stone walls that will be altered or demolished as part of construction of a subdivision. In such instances, a certificate of appropriateness issued by the historic district commission for alterations to said wall(s) shall be a condition of any subdivision approval(s).
- 2. Walls exempted from review:
  - (a) Contemporary stone walls. Those constructed after 1900 with the exception of those walls identified as a significant component of a property listed on, or found to be eligible for listing on, the National Register of Historic Places.
- 3. Stone walls in disrepair or in neglected condition may not be removed for the sake of convenience from their present location but must be repaired or left as is. Exceptions to this prohibition are:
  - (a) Walls posing a threat to the public health and safety. In the case of a wall whose condition represents a real and immediate threat to the public health and safety, the historic district commission shall issue an order to the property owner to stabilize and repair said wall. If said property owner does not make a good faith effort to correct the problem within 20 business days of notification of said problem by the historic district commission, said commission shall have the option to undertake said repairs and place a lien on the subject property to recover the cost of said repairs.
- 4. When relocation of a stone wall is the only viable alternative, said wall's reconstruction shall match that of the original wall. If the existing wall is of drywall construction, a reconstructed wall shall be of either drywall or hidden cement construction.
- 5. Procedure for obtaining permission to alter a stone wall.
  - (a) Requests for a certificate of appropriateness to alter or relocate a stone wall shall be submitted in writing to the historic district commission. Each request shall include:
    - (1) A plan showing the proposed work and the extent of the alteration and/or demolition along with photographs of the existing wall.
    - (2) A description of the alteration and the reasons for the change.
    - (3) A list of property owners located within a 200 foot radius of the alteration.
  - (b) The historic district commission shall review each request to insure

compliance with the provisions of this section. The historic district commission shall approve, disapprove or approve with conditions requests for altering stone walls.

(Ord. No. O-12-92, § I, 7-21-92)

**312. Overlay district regulations--Watershed protection (WP).**

It is the intent of this subsection to provide regulations for the development and implementation of an overlay district for the purpose of protecting an environmentally sensitive water body from levels of pollution that have been found to threaten public health, safety, welfare and/or use.

(Reserved)

**313. Overlay district regulations--Groundwater protection (GWPD).**

(Reserved)