

SECTION 500.

SPECIAL REGULATIONS

501. Land development project--Single-family cluster.

The intent of this subsection is to permit single-family cluster developments in conformance with the regulations contained herein. Single-family cluster development is intended to encourage the preservation of open space and environmentally sensitive areas while promoting more efficient use of land in harmony with its natural features and with the general intent of the zoning ordinance. Such uses are permitted within A-40, A-15, and A-10 districts. An owner or owners of a tract of land or a duly authorized agent thereof may seek approval for a cluster development only in a residence A-40, A-15 or A-10 district through submission to the city planning board of for [sic] a cluster subdivision plan in accordance with the subdivision regulations of the City of Warwick and this subsection.

501.1. *Administrative procedures.* Prior to the submission of an application for subdivision, the developer of any single-family cluster development is required to submit written and graphic descriptions of his proposed development to the city plan department in accordance with the requirements set forth in section 7 of the subdivision regulations of the City of Warwick regarding the preapplication conference. The director of city plan may make suggestions for improvement of such projects as proposed, and request additional information regarding the proposal as deemed necessary to conduct a thorough and proper review of the project.

501.2. *Permitted uses.* Single-family detached dwellings and, within the individual lots, such accessory uses as permitted in subsection 601 of this ordinance.

501.3. *Residential density.* The total number of dwelling units in the development cannot exceed the number of dwelling units derived from dividing the lot area proposed for development, less the amount required for streets and easements, by the minimum lot size requirement of the zoning district or districts in which the tract lies. The minimum lot size requirement for determining density calculations shall be those which appear in table 2, Dimensional Regulations, of this ordinance. Lot area shall be calculated in accordance with subsection 200.92, Lot area, of this ordinance.

Deductions for streets and easements for the purpose of density calculations shall be:

A-10	=	25 percent of the total lot area.
A-15	=	20 percent of the total lot area.
A-40	=	10 percent of the total lot area.

501.4. *District regulations.* The following requirements shall apply to single-family cluster developments.

(A) *A-10 district.*

Minimum lot area for development: 2 1/2 acres.

Minimum lot size: 8,500 square feet.

Minimum lot size with sewers: 7,000 square feet.

Minimum frontage: 60 feet.

Minimum lot width: 60 feet.

Minimum front and corner side yards: 18 feet.

Minimum rear yard: 20 feet.

Minimum side yards: Eight feet.

Maximum height: 35 feet.

(B) *A-15 district.*

Minimum lot area for development: Five acres.

Minimum lot size: 12,000 square feet.

Minimum lot size with sewers: 9,000 square feet.

Minimum frontage: 70 feet.

Minimum lot width: 70 feet.

Minimum front and corner side yards: 25 feet.

Minimum rear yard: 20 feet.

Minimum side yards: Eight feet.

Maximum height: 35 feet.

(C) *A-40 district.*

Minimum lot area for development: Ten acres.

Minimum lot size: 23,500 square feet.

Minimum lot size with sewers: 17,000 square feet.

Minimum frontage: 100 feet.

Minimum lot width: 100 feet.

Minimum front and corner side yards: 25 feet.

Minimum rear yard: 30 feet.

Minimum side yards: 15 feet.

Maximum height: 35 feet.

In reference to [subsections] (A) and (C) above, for lots fronting on any cul-de-sac, both the minimum frontage and lot width shall be at least 80 percent of the minimum requirements.

501.5. *Accessory use setbacks.* Subsection 601.2, Location of accessory buildings and uses, of this ordinance, which refers to side yard setbacks for accessory buildings and uses, is revised in an A-40 district for the purpose of single-family cluster development as follows. In said district, an accessory building or use shall not be located within ten feet of a side lot line. However, in an A-15 or A-10 district, accessory buildings and uses shall be subject to the same side yard requirements of subsection 501.4 for the district in which they are located.

501.6. *Common usable open space regulations.* All common usable open space areas dedicated for common use in a cluster development shall be governed by the regulations of this ordinance and the subdivision regulations of the City of Warwick.

501.7. *Common usable open space by district.*

- (A) In an A-10 district, a minimum of 20 percent of the total land area shall be dedicated for common usable open space.
- (B) In an A-15 district, a minimum of 25 percent of the total land area shall be dedicated for common usable open space.
- (C) In an A-40 district, a minimum of 35 percent of the total land area shall be dedicated for common usable open space.

See section 200.108(a) for the definition of usable open space.

501.8. *Uses permitted as common usable open space.* Conservation, wildlife and reforestation areas, outdoor recreational facilities and other similar activities, agricultural uses, and preservation of scenic vistas shall be permitted, all in accordance with the definition of usable open space under section 200.108(A). These uses shall be of a noncommercial nature exclusively for the present and future owners, lessees and sublessees of the lots in the plat and

their nonpaying guests.

(Ord. No. O-99-45, § II, 9-27-99; Ord. No. O-06-2, §§ II--IV, 1-18-06)

502. Land development project--Two-family and multiple-family dwelling approval by the zoning board of review.

502.1. *Applicability.* Any application for a two-family and/or multiple-family dwelling in a development containing from two to ten dwelling units shall require a special use permit from the zoning board of review in accordance with the requirements of subsection 906 and the specific requirements of this subsection. Special use permits for such developments may be permitted in those districts subject to the requirements of table 1, Use Regulations.

502.2. *Criteria for approval.* Two-family and/or multiple-family dwellings in developments containing from two to ten dwelling units are subject to the following minimum requirements:

- (A) *Relation to utilities and public facilities.* Public water must be provided for developments in excess of two-family and storm and surface drainage systems and other utility systems shall be installed by the developer as deemed necessary by the zoning board and shall conform to all city engineering regulations.
- (B) *Relation to transportation.* Developments must have frontage along improved streets in order to provide direct access to such dwellings.
- (C) *Compatibility.* The basic design, including proposed style and materials, of the proposed buildings, the relationship between the proposed buildings and the site, and the overall physical appearance of the developments shall be in general harmony with the character of the surrounding residential neighborhood and shall not serve to blight or detract from abutting residences or other property.
- (D) *Screening.* To the extent deemed necessary by the zoning board, fences, walls, or vegetative screening shall be provided along edges of the development 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 development. In both cases, screening shall be designed to control existing or potential adverse views from existing or potential first-floor residential windows in the development or other residential districts. In particular, the following shall be screened:
 - (1) Off-street parking areas.
 - (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.

502.3. *Development standards.* Two-family and/or multiple-family dwellings in developments containing between two and ten dwelling units are subject to the following minimum development standards:

- (A) *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 must 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) *Entrance and exit.* There shall be one curb cut or, if deemed necessary by the zoning board, a maximum of two curb cuts along the frontage of all sites to provide for safe entrance and exit. The requirements herein shall not relieve the owner of the requirement to obtain all applicable city and state permits for such curb cuts.
- (C) *Parking.* There shall be two parking spaces per dwelling unit. There shall be no outdoor parking or driveways within 15 feet of any dwelling or within ten feet of any property line.
- (D) *Landscaping.* The site shall be suitably landscaped in accordance with standards set forth in section 505, Landscaping and Screening Requirements for Nonresidential Uses.
 - (1) *Two-family dwelling (total dwelling units on the lot).*

	A-7, O, GB	A-10	A-15	A-40
Minimum landscaped open space	20%	20%	20%	20%

- (E) *Density and dimensional requirements.* The following density and dimensional requirements apply respectively either to two-family dwellings, where the number of dwelling units on the lot does not exceed two, or to any two-family and/or multiple-family dwellings, where the number of dwellings units in the development contains from three to ten dwellings units.
 - (1) *Two-family (total of two dwelling units on the lot).*

	A-7, O, GB	A-10	A-15	A-40
Minimum lot area (square feet)	10,500	15,000	22,500	60,000
Minimum frontage (feet) ₍₁₎	70	100	125	150
Minimum lot width (feet) ₍₁₎	70	100	125	150
Minimum front and corner side yard (feet)	25	30	35	45
Minimum side yard (feet)	15	20	25	35
Minimum rear yard (feet)	20	30	35	45

Maximum structure height (feet)	35	35	35	35
Minimum landscaped open space	10%	10%	15%	20%

Footnotes:

(1) For lots fronting on any cul-de-sac, both the minimum frontage and lot width shall be at least 90 percent of the minimum requirements.

(2) *Two-family and/or multiple-family dwellings with a total of three to ten dwelling units.*

	A-7, O, GB	A-10	A-15	A-40
Minimum lot area (square feet) ₍₁₎	20,000	30,000	40,000	60,000
Maximum density (dwelling units per acre)	9	7	5	3
Minimum frontage (feet) ₍₂₎	135	155	175	200
Minimum lot width (feet) ₍₂₎	135	155	175	200
Minimum front and corner side yard (feet)	30	35	35	45
Minimum side yard (feet)	20	25	25	35
Minimum rear yard (feet)	30	35	35	45
Maximum structure height (feet)	35	35	35	35
Minimum landscaped open space	20%	25%	30%	20%

Footnotes:

(1) Actual lot sizes may need to be larger depending on the number of dwelling units proposed.

(2) For lots fronting on any cul-de-sac, both the minimum frontage and lot width shall be at least 90 percent of the minimum requirements.

(Ord. No. O-99-26, § I(Exh. A), 6-21-99; Ord. No. O-99-45, § II, 9-27-99)

503. Coastal regulations.

The following coastal regulations shall apply as specified below:

503.1. *Minimum setback.* There shall be a minimum setback of 50 feet from the inland edge of the coastal feature as defined by the Rhode Island coastal resources management council. This setback shall apply to all structures, paved roadways and parking areas, other impervious surfaces, individual sewage disposal systems, and underground utilities. However, it shall not apply to docks, piers, boat launching ramps or similar structures.

503.2. *Effect on density.* On any application to the zoning board or the city council for a two-family or multiple-family dwelling, where development or a portion of a development is proposed within 200 feet of the mean high-water mark of the coastline including coastal wetlands, tidal waters, salt marshes, and coastal ponds, the minimum lot area per dwelling unit requirement within said 200-foot area shall be the minimum lot area required in table 2A, Dimensional Regulations, for the district in which said 200-foot area is located.

504. Freshwater wetlands regulations.

There shall be a minimum setback of 50 feet from any freshwater wetland as defined by the Rhode Island department of environmental management in a wetlands edge verification. This setback shall apply to all structures, paved roadways and parking areas, other impervious surfaces, individual sewage disposal systems, and underground utilities. However, it shall not apply to docks, piers, boat launching ramps or similar structures.

505. Landscaping and screening requirements for nonresidential uses.

It is the intent of this subsection to ensure that there are properly vegetated and maintained landscaped buffers between potentially incompatible land uses in order to minimize and mitigate the potential impacts of noise, lighting, storm water runoff, and air pollution in accordance with subsection 103, Purpose of this ordinance. All nonresidential uses shall comply with the following minimum standards.

505.1 Minimum landscaped buffer.

- (A) A ten-foot-wide landscaped border shall be provided across the entire frontage of the lot except for any curb cuts. Refer to subsection 505.3 and 505.4 for planting requirements and sizes within the buffer beds.
- (B) A 20-foot wide landscaped border shall be provided along any property line that abuts a residence district, PDR overlay district, residential PUD overlay district, or an open space district where such lot contains at least 5,000 square feet including any coastal or freshwater wetlands, as defined in section 200.
- (C) In addition to (subsection) (B) above, any nonresidential use on a lot that abuts a district listed in (subsection) (B) above shall be screened along such abutting property line by a wall or fence (six-foot minimum height) of solid appearance or a tight evergreen hedge as specified in subsection 505.3, Plant Requirements and Sizes.
- (D) All outdoor trash receptacles, dumpsters and electrical boxes shall be screened on all sides by a fence and a tight evergreen hedge whose height shall be greater than or equal to the height of said structure, as specified in subsection 505.4, Plant Requirements and Sizes.

505.2 Plan submittal requirements.

- (A) A landscape plan shall be submitted for all projects in accordance with subsection 407, nonconformance as to landscape requirements, and in conjunction with any other submittals required for a special use permit, development plan review, or building permit.
- (B) For new projects or expansions exceeding 10,000 square feet of nonresidential development or more than six multifamily dwelling units, the landscape plan shall be prepared by a registered landscape architect, whose seal shall appear on the plan.
- (C) A landscape plan shall be deemed complete when it contains the following:
 - (1) A description of the site.
 - (2) The proposed project and parking site plan.
 - (3) Location, type and general quality of existing vegetation.
 - (4) Proper plan graphic representation of all proposed trees and shrubs drawn to approximately two-thirds of their mature growth after 20 years.
 - (5) All plants shall be labeled in accordance with a plant list by either using an abbreviated method (for larger plans) or by graphic symbols that correlate with a legend.
 - (6) Plant lists or schedules including the botanical and common name of the plant, quantity, spacing and size of all proposed landscape material.
 - (7) The location and description of other landscape improvements, such as walls, earth berms, fences, screens, sculptures, furnishings, paved areas, etc.
 - (8) Standard plant installation and protection details as necessary to insure conformance with this section. All details shall conform to most recent cultural practices.
- (D) Completed plans shall be submitted in duplicate to the city's landscape coordinator for final plan recommendations or review.
- (E) Once the plan is accepted and deemed complete by the city's landscape coordinator no changes shall be made to the plan without the prior written approval and acceptance of the changes by the city's landscape coordinator.

505.3 Tree preservation and protection.

- (A) During the planning process a licensed arborist shall be consulted to identify all significant trees in the area and to help to devise protection and preservation strategies.
- (B) Existing trees and woodlands shall be preserved to the greatest extent possible. Factors to be considered shall include the size, age, condition, habitat, or historical significance of the tree. Trees to be preserved shall be selected early in the project planning process prior to establishing the site layout. Site grading shall be minimized in those areas to prevent damage to the preserved trees.
- (C) The following techniques shall be employed during construction to ensure the proper protection of all existing trees to be preserved.
 - (1) Keep all grading and other equipment that may subject trees to damage directly or indirectly away from the drip line of the tree. Erect a three-foot high minimum visible fence barrier outside of the drip line of the tree to keep all dangerous equipment out of this zone.
 - (2) Any accidentally damaged roots shall be pruned by a licensed arborist.
 - (3) Care shall be taken not to dispose of paint or any other solvents that may change the soil structure in or around the root protection zone.

505.4 *Plant requirements and sizes.*

- (A) Landscape plans shall provide a suitable mixture of evergreen, ornamental, shade trees, and shrubs to provide an adequate visual and noise buffer between adjacent land uses. Refer to appendix D.5 of the subdivision development regulations for a list of Recommended trees and shrubs. Fences, berms, and other structural features may also be used to provide an adequate buffering between land uses.
 - (1) Shrubs shall form a continuous visual screen and shall satisfy the size requirements set forth in this subsection.
 - (2) Approximately every 35 linear feet of landscaping shall contain one shade tree and five shrubs. Alternately, two ornamental trees or two evergreen trees may substitute for one shade tree.
 - (3) Berms shall be at least two feet high and shall have a minimum two to one slope.
- (B) Preservation of existing large trees can be used to reduce new plantings required by this subsection. Efforts to substitute existing plantings for new plantings shall be coordinated in advance with the city's landscape coordinator.
- (C) All plant material shall conform to the requirements described in the latest edition

of "American Standards for Nursery Stock," published by the American Association of Nurserymen. All plants shall be nursery grown.

- (D) All plants shall be selected in accordance with a certified USDA Hardiness Zone Map for zones 6A-6B.
- (E) Plants which are considered to be invasive or disease prone by local horticulturists and Universities should not be used in any landscape areas. Refer to table 5A for a list of unacceptable plants.
- (F) Trees and shrubs of the same species may be planted in masses to create uniformity along the site; however, large massing of one species should be avoided to reduce the risk of a monoculture environment.
- (G) Plants shall conform to the measurements specified in the plant schedule located on the planting plan.
 - (1) Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and 12 inches above grade for trees four inches in diameter or larger.
 - (2) Minimum branching height for all shade trees shall be a minimum of seven feet above finished grade to meet ADA standards.
 - (3) Minimum size for all shade trees shall be between 2 1/2 and three inches in diameter, and 12 to 14 feet in height.
 - (4) Minimum size for evergreen trees shall be between five to eight feet in height.
 - (5) All shrubs shall be a minimum of three feet in height (B&B) or three gallon (containerized) unless otherwise approved by the landscape coordinator.

505.5 Installation standards and specifications.

- (A) Installation of all plant material shall be performed in accordance with section D3.3, subsection E of the subdivision regulations.

505.6 Parking lot buffers.

- (A) When a parking area is located directly adjacent to a city street the following alternatives shall be considered to reduce the visual impact of the parking area. Alternatives include:
 - (1) Provide a ten-foot minimum landscaped setback area exclusive of that

required for sidewalks or utility easements between the street and the parking lot, to be planted with trees and shrubs in accordance to the requirements set forth in section 505.4, Plant Requirements and Sizes.

- (2) Where substantial grading is necessary and results in a parking area lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment should be planted with low shrubs and shade or ornamental trees. A minimum of ten feet of landscaping should be provided between the street and the parking lot.
 - (3) Where feasible, create a berm in accordance with subsection 505.4 for planting lawn, ground cover, shrubs and one tree every 35 feet.
 - (4) In cases where a quality woodland exists, preserve the existing trees between the parking area and the right-of-way. Provide additional evergreen or deciduous trees to achieve a visual buffer. Existing trees shall be protected during construction under the guidance of a professional horticulturist.
- (B) Provide a minimum of five percent interior landscaping for the purpose of planting shade trees and shrubs. The following alternatives are recommended:
- (1) Provide a continuous landscape strip between every four rows of parking. This should be a minimum of eight feet in width to accommodate a low hedge and shade trees.
 - (2) Create large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, low shrubs, and/or ground cover. These should preferably be located at the ends of parking rows.
 - (3) Provide planting islands (a minimum of nine feet wide) between every ten to 15 spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet.
- (C) Landscaping within the parking area should be used to delineate vehicular and pedestrian circulation patterns. Mechanical equipment, trash, and loading areas shall be screened on all sides by walls, fences, and landscaping, which shall consist of a thick evergreen hedge.

505.7 Maintenance of Landscaped areas.

- (A) After a period of one full year from the date of planting the contractor or owner shall remove all stakes, guy wires, tape and replace any dead plant material.
- (B) All landscaping must be maintained throughout the entire life of the project and

any plant material that dies within this time period shall be replaced by the owner or contractor.

505.8 Enforcement.

- (A) Failure to comply with the articles contained in this section shall result in enforcement and penalties outlined in section 1006, Penalties and Enforcement. (Ord. No. O-99-26, § I(Exh. A), 6-21-99)

506. Telecommunications facilities and towers.

It is the intent of this subsection to regulate telecommunication facilities to establish specific and reasonable development standards, and to minimize the visual impacts of telecommunications facilities while at the same time conforming to the Federal Telecommunications Act. No telecommunication facilities shall be erected or installed except in compliance with the provisions of this article. Where conflicts exist between this article and the remainder of this Code, the provisions of this article shall govern.

- (A) Telecommunication facilities are prohibited in all historic zoning overlay districts.
- (B) Administrative review procedure.
1. Development plan review: All applications for telecommunications facilities will require a development plan review and recommendation from the planning board prior to a city council hearing.
 2. Co-location. All applicants shall first pursue the option of co-location on existing telecommunication facilities and/or public facilities. Should an existing structure/site not be utilized, justifying evidence shall be submitted. Notwithstanding any zoning approvals, co-location on existing telecommunications facilities not exceeding the approved structure height shall be allowed without further zoning board of review or city council approvals being necessary.
 3. FAA/RIAC approval: All applicants shall first receive Federal Aviation Administration (FAA) and Rhode Island Airport Corporation (RIAC) approval prior to the plan development review process.
 4. Notification: Upon city council approval, a successful applicant shall send certified mail announcements to all other telecommunications providers servicing the city declaring the applicant's sharing capabilities and siting locations.
- (C) Performance standards:
1. Location: No telecommunications facility shall be located within two

miles of another facility.

2. **Materials:** Telecommunication towers shall have nonreflective material and be painted in a neutral color in order to blend into the background as much as possible.
3. **Maintenance:** All telecommunications towers and required screening shall be maintained or replaced as needed.
4. **Setback requirements for telecommunications facilities:**
 - i. **Minimum setback from residential and open space zoning districts:** 100 feet.
 - ii. **Minimum front yard:** 45 feet.
5. **Tower height:** The height of any telecommunications tower shall be limited to the height of the zoning district, provided that the height may be increased by one foot for each one-foot setback from all required setbacks.
6. **Screening:** All ground-based facilities shall be appropriately screened and secured as follows:
 - i. The perimeter of the facility shall be surrounded by a six-foot chainlink fence or equivalent.
 - ii. The perimeter of the facility (excluding the access point) shall be fully screened by a tight evergreen hedge not less than six feet in height at the time of planting.
 - iii. The access point shall be located or screened so that the base of the facility is not visible from any street or abutting residence or open space district.
7. **Utilities:** All utilities servicing a telecommunications facility shall be installed underground and shall conform to the appropriate utility companies' policy for such underground installation.
8. **Building antennas:** Building antennas shall be designed in a manner that is visually unobtrusive. Building antennas shall be screened or mounted and/or painted in such a way that will blend with the color and texture of the existing building. Antenna height shall not exceed the maximum height requirement of the district in which it is located, provided that the city council may allow the height of the antenna to be up to 25 feet above the allowed structure height.

(Ord. No. O-97-18, § I, 8-12-97; Ord. No. O-98-36, § II, 10-13-98; Ord. No. O-99-23, § I, 4-19-

99)

507. Landscaping and screening requirements for the Warwick Station Intermodal and Gateway Districts.

It is the intent of this subsection to require that the properties within the Warwick Station Intermodal and Gateway Districts be suitably landscaped and screened in order to provide for attractive and well maintained development in accordance with subsection 103, Purpose of this ordinance. All uses in the Warwick Station Intermodal and Gateway Districts shall comply with the minimum standards contained in section 505 as well as the landscaping and screening requirements specified in section 700, Parking and Loading.

(Ord. No. O-98-44, § I(Exh. A), 12-14-98)

Editors Note: Section I(Exh. A), of Ord. No. O-98-44, adopted Dec. 14, 1998, amended the Code by adding provisions designated as app. A, § 506. Inasmuch as there were already provisions so designated, the provisions have been redesignated as app. A, § 507, at the discretion of the editor.