

## SECTION 600.

### SUPPLEMENTARY REGULATIONS

#### 601. Accessory buildings and uses.

Accessory buildings and uses as defined in subsections 200.2 and 200.3 include but are not limited to home occupations, accessory dwelling units, private garages, carports, vehicle storage, recreational vehicle storage, boat storage, sheds, greenhouses, swimming pools, and antennas. Accessory buildings and uses are subject to all the requirements of this ordinance except as specifically provided for by this subsection as follows.

601.1. *Accessory building and uses, residential.* Accessory buildings and uses, including private garages, in a residence district are permitted which:

- (A) Are clearly incidental to and customarily associated with the principal use.
- (B) Are operated and maintained under the same ownership and on the same lot as the principal use.
- (C) Do not exceed 20 feet in height for detached buildings.
- (D) Do not contain any dwelling units.

601.2. *Location of accessory buildings and uses.*

- (A) A building or use accessory to a dwelling, including an attached or detached garage or carport, shall not be located in any required front or corner side yard, shall not be located within ten feet of any rear lot line and may be located within a required side yard as follows:

In residence district A-40 to within 15 feet of a side lot line.

In residence district A-15 to within ten feet of a side lot line.

In residence district A-10 to within eight feet of a side lot line.

In residence district A-7 to within five feet of a side lot line.

- (B) In any district, seasonal boat storage of a single boat, for not more than nine consecutive months, may be located within a required front, side or rear yard.

601.3. *Home occupations.* Home occupations customarily conducted entirely within a dwelling including but not limited to custom dressmaking, tailoring, fabric sewing, foster family care of not more than four children, or office in which goods, wares or merchandise are not commercially created or repaired, are permitted in all residence districts provided that any such

home occupation:

- (A) Shall be operated entirely within a dwelling unit.
- (B) Shall be operated only by the person or persons residing within the dwelling unit.
- (C) Shall utilize not more than 20 percent of the gross floor area in the dwelling unit or not more than 300 square feet, whichever is less.
- (D) Shall have not more than one employee or regular assistant not residing in the dwelling unit.
- (E) Shall provide off-street parking; the number of parking spaces, location of said parking, and screening shall be determined by the building official, provided that no such parking shall be located within a required front yard, unless in an already existing driveway.

601.4. *Accessory dwelling unit.*

- (A) In an office (O) or general business (GB) district, one accessory dwelling unit shall be permitted on a lot in a commercial building which is permitted by right or special use permit in table 1, Use Regulations, provided that any such accessory dwelling unit:
  - (1) Shall be maintained entirely within a structure containing the principal use.
  - (2) Shall be occupied only by the owner or employee of the principal business use.
  - (3) Shall utilize not more than 1,000 square feet.
  - (4) Shall not permit boarders.
- (B) In any residence (A) district, one accessory family dwelling unit, as defined in section 200, shall be permitted on a lot in a principal residential structure only, provided that any such accessory family dwelling unit:
  - (1) Shall only be located on a lot that complies with the lot area regulations of the district in which it is located.
  - (2) Shall not have a separate entrance to the structure servicing only the accessory family dwelling unit.
  - (3) Shall not be larger than 600 square feet, or 30 percent of the gross floor area of the entire building, whichever is smaller.

- (4) Shall only be located on a lot that is serviced by public water and sewer, or if not, that has received specific approval from the Rhode Island department of environmental management and/or the department of health, as the case may be, for the extra accessory dwelling unit.
- (5) Shall only be occupied by a family member, including by birth, adoption or marriage, of the principal occupant of the structure.
- (6) Shall require a certificate of occupancy to be issued, by the building official, who may require adequate supporting documentation to prove that all of the conditions herein have been satisfied. The certificate of occupancy shall state on its face that its validity is limited to the named owner or occupant only, and that any subsequent owner or occupant will be required to apply for a new certificate.

601.5. *Private garages and vehicle and equipment storage.* Private garages and vehicle and equipment storage are subject to the following requirements:

- (A) *Private garage.* Any private garage or parking space in a residence district when used for boat or vehicle storage shall be occupied only by boats or vehicles owned and operated by the residents of the dwellings on the same lot except that one parking space may be occupied by the boat or the vehicle of a nonresident owner.
- (B) *Commercial vehicles.* No commercial vehicles having a gross vehicle weight of more than 9,900 pounds or having three or more axles shall be stored, parked, or garaged in a residence district, and the parking, storage or garaging of vans, trailers, or semitrailers or similar vehicles designed to be propelled by a separate means of locomotion, or vehicles designed to be used for moving said vans, trailers or semitrailers, and all self-propelled machinery designed for commercial use shall be prohibited in residence districts. Customized vans used principally as pleasure or recreational vehicles shall be exempt from the provisions of this section.
- (C) *Overnight parking of buses.* Overnight parking of buses shall not be permitted in a residential district. Special education buses shall be exempt from the provisions of this ordinance [subsection].
- (D) *Recreational vehicles and equipment.* Major recreational equipment including, but not limited to, camp or travel trailers, tent trailers, boats and boat trailers, may be parked or stored on any portion of a residential lot, subject to the requirements of subsection 601.2, provided, however, that it may be parked anywhere on residential premises for the purposes of loading or unloading for a period of not more than 24 hours. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on residential premises or in any location not approved for such use. Such equipment shall be stored in a safe

manner. No such major recreational equipment shall be so stored for a period in excess of one year unless it is in a condition for safe and effective performance of the function for which it is intended. The building official may grant an extension of such storage period upon a showing by the owner that he has engaged in repairing said equipment with reasonable diligence.

601.6. *Swimming pools.* A swimming pool shall conform to the appropriate side, front and rear yard requirements of the particular residence district in which it is located; provided, however, that any filter and pump shall be located not less than 15 feet from the side or rear yard line. The installation or construction of any swimming pool shall require a building permit. Swimming pools are subject to the following requirements:

- (A) *Swimming pool requirements [for pools] less than 400 cubic feet.* All such swimming pools located in a residence district shall comply with the following conditions:
- (1) A plan of the lot indicating the allowable accessory use portions thereof within which the pool is to be located must be submitted with the application.
  - (2) Pool dimensions, depth and volume in gallons must be submitted with the application.
  - (3) When a filter system and motor is to be used, a plat plan showing the location of the pool and filtering system shall be submitted.
  - (4) Every outdoor swimming pool shall be completely surrounded by a fence or wall of not less than five feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors and gates; and if a picket fence is erected or maintained the horizontal dimensions shall not exceed four inches. A dwelling, accessory building, or the walls of an aboveground pool may be used as part of such enclosure, provided, that the required height of five feet be maintained. All gate and door openings through such enclosure shall be equipped with a self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling or accessory building which forms a part of the enclosure need not be so equipped. Ladders or similar means of entry shall be detached or made inaccessible when the pool is not in actual use. The building official may make modifications in the above fencing requirements upon the showing of a good cause, provided the protection as sought hereunder is not reduced thereby, and provided that it is in compliance with all other city and state regulations.
  - (5) Whenever a light is installed for evening swimming, it shall be faced and directed away from abutting property and properly shielded.

- (B) *Swimming pool requirements [for pools] 400 cubic feet or more.* In addition to the requirements of subsection 601.6(A), all swimming pools having a capacity of 400 cubic feet or more shall comply with the following additional requirements:
- (1) A plot plan indicating the location, topographic elevations and dimensions, drawn to scale, must be submitted.
  - (2) A drainage plan shall be submitted for approval of the building official.
  - (3) A filtering system is required, and the type, size and capacity thereof shall be submitted for approval of the building official.
  - (4) Prior to the issuance of a building permit for the construction of a swimming pool having a capacity of 400 cubic feet or more, a contract performance bond for the benefit of the property owner shall be filed with the building official, such bond to be in an amount equal to the amount stated on the building permit.

601.7. *Yard sales.* Yard sales are permitted in all residential districts except that no residence shall be permitted more than two yard sales in each calendar year.

601.8. *Accessory buildings and uses, nonresidential.* Buildings and uses customarily accessory to an authorized use when located on the same lot, including a garage for the exclusive use of the patrons of the principal building or use, are permitted as follows:

- (A) *Repair facilities.* Repair facilities incidental to a principal use when conducted entirely within a building.
- (B) *Yard requirements.* Accessory buildings and uses shall not be located in any required front, side, corner side or rear yard.

601.9. *Satellite dish antennas.* In the interest of promoting subsection 103, Purpose, of this ordinance, particularly with regard to the protection of residential neighborhoods and open spaces and to prevent any adverse aesthetic impact on such, a satellite dish antenna shall require a building permit and shall be subject to the following requirements:

- (A) In any residence district, one ground-mounted satellite dish antenna per lot shall be permitted as an accessory use subject to the following:
  - (1) *Location.* Satellite dish antennas shall be located in rear or side yards subject to the required rear or side yards for an accessory use, as provided in subsection 601.2. However, in no instance shall antennas be located closer to a street than the principal building.
  - (2) *Height.* The height of any ground-mounted antenna shall not exceed 20

feet.

- (3) *Size.* The diameter of such antenna shall not exceed 12 feet.
  - (4) *Screening.* Nonreception window portions or sides of antennas shall be screened from abutting properties and those across any street that are located in residence or open space districts, where the open space district contains a parcel of land 5,000 square feet or more including coastal or freshwater wetlands, as defined in section 200; by trees, vegetation or other screening at least four feet high, and compatible with surrounding properties.
  - (5) *Color and materials.* Satellite dish antennas shall be neutral in color and shall be constructed of material which minimizes impact to surrounding properties.
  - (6) *Maintenance.* All satellite dish antennas or required screening shall be maintained or replaced as needed.
  - (7) *Prohibited uses.* The use of a satellite dish antenna as a sign is prohibited.
- (B) In any residence district, one roof-mounted antenna per lot shall be permitted as an accessory use in lieu of the one ground-mounted antenna permitted in subsection 601.9(A) above, subject to the following:
- (1) *Location.* The applicant shall document to the building official that the location of such ground-mounted antenna as required in subsection 601.9(A)(1) above would result in the obstruction of the antenna reception window.
  - (2) *Height.* The height of any roof-mounted antenna shall not exceed the maximum height requirement of the district in which it is located.
  - (3) *Other requirements.* The requirements of subsection 601.9(A)(3) through (7) shall be met.
- (C) In any nonresidential district, a satellite dish antenna shall be permitted as an accessory use. However, where such district abuts properties or is located across from any street in a residence or open space district, where the open space district contains a parcel of land 5,000 square feet or more including freshwater or coastal wetlands, as defined in section 200; an accessory satellite dish antenna shall be permitted subject to the requirements of subsection 601.9(A)(4) through (7) above and the height and setback requirements of the district in which it is located.

(Ord. No. O-95-16, 5-15-95; Ord. No. O-06-6, § I, 2-15-06)

## **602. Yard encroachments and exemptions.**

602.1. *Extensions into front yard.* The space in a required front yard shall be open and unobstructed by structures other than signs and light posts except that in a residence district an uncovered porch may extend not to exceed eight feet into the front yard. All other uncovered porches or decks in other yards shall be subject to the yard requirements for the district in which they are located.

602.2. *Building projections.* Projections of window sills, belt courses, eaves, cornices and other ornamental features may extend up to two feet into any required yard.

602.3. *Yard extension for gasoline pumps.* A gasoline pump or pumps may be located 15 feet from any front lot line.

602.4. *Required front yards in developed blocks.* In a block in which 25 percent or more of the frontage within 200 feet on both sides of a lot and on the same side of the street is developed with structures, the required front yard for a structure hereafter erected on that lot shall extend to the average alignment of such existing structures, as shown on a plan certified by an engineer or a registered land surveyor, instead of as provided in the preceding sections of this ordinance; except that no residence shall have a front yard of less than five feet in depth or need have a front yard of greater depth than 40 feet in an A-40 district, 30 feet in an A-15 district, or 25 feet in an A-10 or A-7 district.

### **603. Fences.**

603.1. *In residence districts.* No fence constructed wholly or in part of barbed wire shall be permitted in residence districts, except upon approval of the zoning board of review. No fence in a residence district may exceed six feet in height. The installation or construction of any fence shall require a building permit.

603.2. *In all districts.* No fence or portion of a fence containing exposed wires from which a person can get an electrical shock, or containing barbed wire, shall be permitted in any district in the City of Warwick unless the owner of the property shall have obtained a special use permit from the zoning board of review, in accordance with section 900 of this ordinance. In addition to the zoning board of review's findings as prescribed in subsection 900 of this ordinance, the following shall also apply: considering the character of the district, the location of the fence, the likelihood of injury or shock to persons from the fence, and the purpose of the fence, that the fence does not constitute a nuisance or hazard. This regulation shall apply to existing as well as proposed fences.

### **604. Operating standards for all uses.**

All uses shall be subject to the following operating standards. To ensure compliance, detailed plans may be required by the building official, at his/her discretion, before the issuance of a building permit.

604.1. *Noise and vibration.* All noise and vibration from machinery or other sources shall

be muffled, insulated or screened in a manner which will minimize vibration or deflect sound waves away from abutting lots.

604.2. *Glare, light, and heat.* The emission of glare, light (interior or exterior), or heat shall be shielded in a manner which will minimize such emission beyond the lot where such use is located.

604.3. *Odor, smoke, gas, dust or other emission.* The emission of odor, smoke, gas, dust, or other emissions in concentrations or amounts that are noxious, toxic, corrosive, or a nuisance shall not be permitted.

604.4. *Waste.* Individual sewage disposal systems shall be approved by the Rhode Island department of environmental management before the issuance of a building permit. Municipal sewer connections shall be approved by the Warwick sewer authority before the issuance of a building permit.

604.5. *Storm and surface water drainage.* All storm and surface water drainage systems shall be approved by the City of Warwick, director of public works, before the issuance of a building permit. All runoff shall be provided for on-site and/or off-site if discharged into a municipal drainage system. In no instance shall there be any net increase in runoff, nor shall any runoff be discharged onto abutting lots or into any freshwater or coastal wetlands, as defined in section 200 of this ordinance. Storm drainage systems shall be designed by a Rhode Island registered engineer unless other designer is deemed acceptable to the director of public works and the building official.

604.6. *Public safety.* The location of all buildings, structures, parking, driveways, loading areas, and the number, location, size, and adequate supply of water to fire hydrants shall be approved by the City of Warwick fire department before the issuance of a building permit, and subject to the following requirements regarding internal streets, roadways and parking:

- (A) All corners shall provide a turning radius of 41 feet.
- (B) All fire access lanes shall provide a minimum of 24 feet of unobstructed width to allow for access by emergency vehicles.
- (C) The fire chief shall have the authority to require the posting of all fire lanes.
- (D) There shall be no architectural, landscaping, or natural barriers to prevent adequate access to any building by an emergency vehicle.
- (E) The fire chief shall have the authority to require the installation of fire hydrants for all new or expanded uses.