

**APPENDIX A
ZONING¹**

SECTION 100. TITLE AND PURPOSE

101. Title.

This chapter shall be known as Appendix A, Zoning, Code of Ordinances, City of Warwick, Rhode Island; its short title shall be the Warwick Zoning Ordinance or "ordinance."

102. Authority.

This ordinance is set forth in compliance with G.L. 1956, §§ 45-24-27—45-24-72 (as amended), also known as the Rhode Island Zoning Enabling Act of 1991. This ordinance sets forth regulations and districts in accordance with the comprehensive plan of the City of Warwick, prepared in accordance with G.L. 1956, § 45-22.2-1 et seq. (as amended), and adopted on November 24, 1992, or any amendment thereto.

103. Purpose.

This ordinance is designed to:

- 103.1. Promote the public health, safety, and general welfare of the city.
- 103.2. Provide for a range of uses and intensities of use appropriate to the character of the city and reflect current and expected future needs.
- 103.3. Provide for orderly growth and development which recognizes:
 - (A) The goals and patterns of land use contained in the comprehensive plan of the city adopted pursuant to G.L. 1956, § 45-22.2-1 et seq. (as amended);
 - (B) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface [water] or groundwater pollution;
 - (C) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;

¹Editor's note(s)—Printed herein is the Comprehensive Zoning Ordinance of the City of Warwick, being Ordinance No. O-94-17, as adopted by the mayor and city council on August 16, 1994, and effective on December 31, 1994. Amendments to the zoning ordinance are indicated by parenthetical history notes following amended sections. The absence of a history note indicates that the section remains unchanged from the original zoning ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

State law reference(s)—Zoning, G.L. 1956, § 45-24-1 et seq.

- (D) The values of unique or valuable natural resources and features;
- (E) The availability and capacity of existing and planned public and/or private services and facilities;
- (F) The need to shape and balance urban and suburban development; and
- (G) The use of innovative development regulations and techniques.

103.4. Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

103.5. Provide for the protection of the natural, historic, cultural, and scenic character of the city or areas therein.

103.6. Provide for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.

103.7. Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

103.8. Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing, including opportunities for the establishment of low and moderate income housing.

103.9. Promote safety from fire, flood, and other natural or manmade disasters.

103.10. Promote a high level of quality in design in the development of private and public facilities.

103.11. Promote implementation of the Warwick comprehensive community plan, as amended.

103.12. Provide for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies.

103.13. Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.

103.14. Provide for procedures for the administration of this ordinance [including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.](#)

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103.15. Provide for reasonable accommodations in order to comply with the RI Fair Housing Practices Act, the US Fair Housing Amendments Act of 1988 (FHAA), the RI Civil Rights of [Persons with Disabilities Act, chapter 87 of title 42: and the Americans with Disabilities Act of 1990 \(ADA\), 42 U.S.C. § 12101 et seq. Individuals with Handicaps Act, and the American with Disabilities Act of 1990 \(ADA\).](#)

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(Ord. No. O-98-13, § I, 5-18-98)

SECTION 200. DEFINITIONS

In this ordinance words used in the present tense include the future, the singular includes the plural and the plural the singular. The word "used" includes "designed, intended or arranged to be used." The following terms for the purposes of this ordinance are defined as follows:

200.1. *Abutter*. One whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.

200.2. *Accessory family dwelling unit (ADU)*. [A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit](#)

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that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling. An accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, ~~and shall not have a separate means of ingress and egress.~~ An ADU that is attached to the principal dwelling shall maintain the appearance of a single family dwelling.

200.3. *Accessory use.* A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use may be restricted to the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related.

200.4. *Accessory use solar energy system, roof or ground-mounted.* A solar energy system that is structurally mounted to, structurally ballasted, or integrated into the design of the roof or any other architectural aspect of a building or structure.

200.5. *Actual use.* The specific use to which a building or property is put. This term shall not be taken as referring to the category of uses allowed in any zone (i.e., all residential, commercial or industrial uses), but rather to a single type of such use listed in the same numerical subcategory within table 1, Use Regulations.

200.6. *Adaptive reuse.* Means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

200.6. *Adjacent lots.* Two or more lots of record which have one or more common boundary on the same side of the street.

200.7. *Adult entertainment.*

- (A) Any commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. This shall also include any commercial establishment which regularly features persons who appear in a state of nudity or seminude, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- (B) Any bookstore, novelty store, video store, or any commercial establishment in which more than 25 percent of the in-store inventory contains, for sale or rental only, for any form of consideration, any one or more of the following:
 - (1) Books, magazines, periodicals, or other printed material, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - (2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.
- (C) Specified anatomical areas:
 - (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - (2) Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the areola.
- (D) "Specified sexual activities" means any of the following:

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- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy.

An adult entertainment business may have other principal purposes that do not involve the activities or materials described above. However, such purposes shall not have the effect of exempting the commercial businesses from being categorized as adult entertainment so long as the depiction or description of specified sexual activities or specified anatomical areas remains one of the principal purposes.

200.8. *Aggrieved party.* An aggrieved party, for purposes of this subsection, shall be:

- (a) Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of the building official; or
- (b) Anyone requiring notice pursuant to this ordinance.

200.9. *Airport.* Theodore Francis Green Airport, located in the City of Warwick, Rhode Island.

200.10. *Airport hazard.* Any overhead power line which interferes with radio communication between the airport and aircraft approaching or leaving same, or any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to the landing or taking off of aircraft.

200.11. *Airport hazard area.* Any area of land or water upon which an airport hazard might be established if not prevented as provided in G.L. 1956, ch. 3 (Airport Zoning Act), as amended.

200.12. *Antenna.* Equipment designed to transmit or receive electronic signals.

200.13. *Apartment hotel.* A building or portion thereof used for or containing both rooming units and dwelling units and where additional services such as restaurants, meeting rooms and recreational facilities may be provided.

200.14. *Applicant.* An owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency of the city.

200.15. *Application.* The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval, or permitting purposes.

200.16. *Auto body shop.* A building or portion of a building in which repairs, including body repair, painting or priming, are performed on automobile, truck or motorcycle bodies or chassis.

200.17. *Basement.* That portion of a building which is partly or completely below grade.

200.18. *Bedroom.* A room defined as a bedroom in accordance with applicable building code regulations as determined by the Building Official.

200.19. *Block frontage.* All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of dead-end street or city boundary measured along the street line.

200.20. *Buffer.* Land which is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

200.21. *Building.* Any structure used or intended for supporting or sheltering any use or occupancy.

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200.22. *Building, accessory.* A subordinate building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use. Where a substantial part of the wall of an accessory building is part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building.

200.23. *Building, detached.* A building having no party wall in common with another building.

200.24. *Building, principal.* The primary building on a lot or a building that houses a principal use.

~~200.25. *Building, semi-detached.* A building having one party wall in common with an adjoining building.~~

200.26. *Building envelope.* The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk; by other regulations; and/or any combination thereof.

200.27. *Building frontage.* The width of a building abutting or parallel to the street line.

200.28. *Building height.* ~~For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:~~

~~(i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or proposed freeboard, less the average existing grade elevation; or~~

~~(ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten (10) years, or as otherwise necessary.~~

~~*Building height.* The vertical distance from grade, as determined by the municipality, to the top of the highest point of the roof or structure. The distance may exclude spires, chimneys, flagpoles, and the like.~~

200.29. *Building official.* The building inspector of the City of Warwick, who is also the zoning enforcement officer.

200.30. *Carport.* A shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.

200.31. *Carwash.* A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for such purpose.

200.32. *Cemetery.* Land used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

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200.33. *Certificate of completeness.* A notice issued by the building official informing an applicant that the application is complete and meets the requirements of the city's regulations, and that the applicant may proceed with the approval process.

200.34. *Cesspool company.* A business enterprise engaged in pumping out or removal of sewage and sewage effluent from septic tanks, cesspools and other underground storage of liquid wastes for disposal at a sewage treatment plant, using trucks designed for that purpose.

200.35. *City.* The City of Warwick, Rhode Island.

200.36. *Cluster.* A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in the ordinance and may include, but are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development there is no increase in the number of lots that would be permitted under conventional development except where ordinance provisions include incentive bonuses for certain types or conditions of development.

200.37. *Clinic.* A place where medical or dental care is furnished to persons on an outpatient basis by doctors, clinical psychologists, dentists, physician's assistants, nurses and such other medical professionals licensed or regulated by the State of Rhode Island.

200.38. *Coastal features.* Coastal features that encompass the entire shoreline and consist of beaches and dunes, barrier beaches, coastal wetlands, coastal cliffs, bluffs and banks, rocky shores and manmade shorelines the prerequisites and classifications of which are defined within the State of Rhode Island Coastal Resources Management Program, as amended.

200.39. *Coin-operated amusement devices.* Any machine, which upon the insertion of a coin, slug, token, plate or disc may be operated by the public generally for use as a game of amusement, whether or not registering a score and whether its operation demands skill or chance or both. It shall include such devices as marble machines, mechanical grab machines, video or computer-type games, air games and all games, operations or transactions similar thereto under whatever name they may be called.

200.40. *Common ownership.* Either:

- (1) Ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots; or
- (2) Ownership by any association (such ownership may also include a municipality) of one or more lots under specific development techniques.

200.41. *Community center.* A building or group of buildings whose sole purpose is to house a nonprofit service, fraternal, or sectarian organization including administrative offices, child and elderly programs, recreation and assembly.

200.42. *Community residence.* A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. This shall include, but not be limited to the following:

- (a) Whenever six (6) or fewer children or adults with intellectual and/or developmental disability reside in any type of residence in the community, as licensed by the state pursuant to chapter 24 of title 40.1. All requirements pertaining to local zoning are waived for these community residences; Whenever six or fewer retarded children or adults reside in any type of residence in the community, as licensed by

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~~the state pursuant to G.L. 1956, § 40.1-24-1 et seq. All requirements pertaining to local zoning are waived for these community residences;~~

- (b) A group home providing care or supervision, or both, to not more than eight mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to G.L. 1956, § 40.1-24-1 et seq.;
- (c) A residence for children providing care or supervision, or both, to not more than eight children including those of the caregiver and licensed by the state pursuant to G.L. 1956, § 42-72.1-1 et seq.;
- (d) A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than 60 days nor more than two years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

200.43. *Comprehensive plan.* The comprehensive community plan of the City of Warwick, adopted and approved pursuant to G.L. 1956, § 45-22.2-1 et seq., and to which this ordinance shall be in compliance.

200.44. *Contaminated site.* A property (1) that has been identified by the Rhode Island Department of Environmental Management (RIDEM) as having reviewed and approved a solar energy system atop property containing hazardous material contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM as documented within a "letter of compliance" or an "interim letter of compliance," and (3) for which RIDEM has required the use of the property to be restricted through an environmental land use restriction.

200.45. *Council.* The city council of the City of Warwick, Rhode Island.

200.46. *Congregate elderly housing.* A form of elderly housing in which each individual or two person family is provided with separate quarters which contain living and sleeping space and which may contain kitchen and bath facilities. Each such living space shall be considered the equivalent of one dwelling unit. Such housing may also contain common dining, kitchen and limited support facilities.

200.47. *Day care—Day care center.* Any other day care center which is not a family day care home.

200.48. *Day care—Family day care home.* Any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six or less individuals who are not relatives of the caregiver, but may not contain more than a total of eight individuals receiving day care.

200.49. *Days.* Calendar days.

200.50. *Density, residential.* The number of dwelling units per unit of land.

200.51. *Development.* The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; any change in use, or alteration or extension of the use, of land.

200.52. *Development plan review.* The process whereby authorized local officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of the ordinance.

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200.53. *Development regulation.* Zoning, subdivision, land development plan, development plan review, historic district, official map, floodplain regulation, soil erosion control or any other governmental regulation of the use and development of land.

~~200.54. *Director.* Director of the department of city plan of the City of Warwick.~~

200.55. *District.* See Zoning use district.

200.56. *Dormitory.* A building used as rooming units for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery, or other similar institution.

200.57. *Drainage system.* A system for the removal of water from land by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development, the means for preserving surface [waters] and groundwaters, and the prevention and/or alleviation of flooding.

200.58. *Driveway.* That portion of a lot that consists of a travel lane used to access a parking area or garage and which is bounded on either side by an area that is not part of the parking area.

200.59. *Dwelling unit.* A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation and containing a separate means of ingress and egress.

200.60. *Dwelling, multi-household.* A building or portion thereof used for occupancy by three or more households living independently of each other.

200.61. *Dwelling, one-household.* A building used exclusively for one household and containing only one dwelling unit.

200.62. *Dwelling, two-household.* A building used exclusively for occupancy by two households living independently of each other.

200.63. *Elderly housing.* A residential building where dwelling units are limited to families of not more than two persons where at least one person is 55 years of age or older, or where at least one person is handicapped or disabled.

200.64. *Extractive industry.* The extraction of minerals, including: solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

200.65. ~~*Family member.* A person, or persons, related by blood, marriage, or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household. *Family.* A person or persons related by blood, marriage, or other legal means. See also Household.~~

200.66. *Fast food restaurant.* That type of retail restaurant refreshment stand, and/or commercial establishment, self-service or otherwise, designed or used, in whole or in part, to cater to and/or accommodate, in whole or in part, the consumption of food, frozen dessert or beverages anywhere upon the premises, both inside and outside the building from which it is sold and/or dispensed, whether or not the owner of such restaurant or commercial establishment grants active permission for customers to do so, including, but not limited to, that type of retail establishment which includes substantially stand-up, counter, and/or drive-in service and primarily serves or dispenses food, frozen dessert or beverages in or with disposable or nonreusable containers and/or utensils.

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200.67. *Floating zone*. An unmapped zoning district adopted within the ordinance which is established on the zoning map only when an application for development, meeting the zone requirements, is approved.

200.68. *Floodplains or flood hazard area*. As defined in G.L. 1956, § 45-22.2-4, as amended. An area that has a one percent or greater chance of inundation in any given year, as delineated by the federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (PL 90-448) (42 USC 4011 et seq.).

200.69. *Floor area, gross (GFA)*. The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

200.70. *Floor area, net (NFA)*. Floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities and storage and other areas to which patrons or occupants do not have regular access.

200.71. *Garage, parking*. Any building, except those herein defined as a private garage, used for parking of vehicles. Such buildings may include stores and other commercial establishments, providing they conform to all regulations of the zone in which they are located.

200.72. *Garage, private*. A detached accessory building or portion of a principal building used for storage of vehicles, and provided that, if more than two vehicles are stored therein, the capacity does not exceed one vehicle for each 2,500 square feet of lot area.

200.73. *Grade*. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line, or when the lot line is more than six feet from the building, between the building and a point six feet from the building.

200.74. *Groundwater*. Water found underground which completely fills the open spaces between particles of sand, gravel, clay, silt, and consolidated rock fractures.

200.75. *Group quarters*. A dwelling unit in which individuals requiring supervision are provided living, sleeping, cooking, eating and sanitation facilities.

200.76. *Gravel pit*. A lot or parcel of land or portion thereof, which is used for the primary or principal purpose of extracting stone, sand, gravel or other earth material.

200.77. *Halfway houses*. A residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

200.78. *Hazardous waste*. Any waste, not including precious metal bearing wastes, or combination of wastes of a solid, liquid, contained gaseous or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (A) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
- (B) Pose a substantial present or potential hazard to human health or the environment.

Such wastes include, but are not limited to, those which are toxic, corrosive, flammable, irritants, strong sensitizers, substances which are assimilated or concentrated in and are detrimental to tissue, or which generate pressure through decomposition or chemical reaction.

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"Hazardous waste" shall also mean any hazardous waste defined in G.L. 1956, § 23-19.1-1 et seq., as amended, and the rules and regulations of the department of environmental management for "Hazardous Waste Generation, Transportation, Treatment, Storage and Disposal," including any amendments thereto.

200.79. *Hazardous waste management facility.* A facility, excluding vehicles, for collection, source separation, storage, processing, treatment, recovery or disposal of hazardous wastes, or a transfer station for hazardous waste, and may include a facility at which such activities occur and where waste has been generated.

200.80. *Historic overlay district definitions.*

- (A) *Alteration.* An act that changes one or more of the exterior architectural features or its appurtenances, including, but not limited to, the erection, construction, reconstruction, or removal of any structure or appurtenance.
- (B) *Appurtenances.* Features other than primary or secondary structures which contribute to the exterior appearance of a property, including, but not limited to, paving, doors, windows, signs, materials, decorative accessories, fences, and landscape features.
- (C) *Certificates of appropriateness.* A certificate issued by the city's historic district commission indicating approval of plans for alteration, construction, repair, removal, or demolition of a structure or appurtenances of a structure within a historic overlay district. Appropriate for the purpose of passing upon an application for a certificate of appropriateness means not incongruous with those aspects of the structure, appurtenances, or the district which the commission has determined to be historically or architecturally significant.
- (D) *Construction.* The act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including, but not limited to, buildings, extensions, outbuildings, fire escapes, and retaining walls.
- (E) *Demolition.* An act or process that destroys a structure or its appurtenances in part or in whole.
- (F) *Historic overlay district.* A specific division of the city as designated by ordinance. A historic overlay district may include one or more structures. "Historic district" also means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites, and [which] has been registered, or is deemed eligible to be included, on the state register of historical places pursuant to G.L. 1956, § 42-45-5, as amended. "Historic site" means any real property, manmade structure, natural object, or configuration or any portion or group of the foregoing which has been registered, or is deemed eligible to be included, on the state register of historic places pursuant to G.L. 1956, § 42-45-5, as amended.
- (G) *Removal.* A change meant to remedy damage or deterioration of a structure or its appearances.

200.81. *Home occupation.* Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

200.82. *Hospital.* An institution licensed by the State of Rhode Island to provide primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

200.83. *Household.* One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for

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determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

- (a) A family, which may also include servants and employees living with the family; or
- (b) A person or group of up to and including four unrelated persons living together.

200.84. *Hotel or motel.* A structure designed, used or offered for residential occupancy for any period less than one month, including motels but not including hospitals or nursing homes.

200.85. *Incentive zoning.* The process whereby the city may grant additional development capacity in exchange for the developer's provision of a public benefit or amenity as specified in this ordinance.

200.86. *Infrastructure.* Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

200.87. *Junk.* Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

200.88. *Junkyard, including auto wrecking.* A lot or structure or part thereof used for the storage, keeping, abandonment, collection, processing, purchasing, salvage, disposal or sale of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

200.89. *Kennel.* A use involving the permanent or temporary keeping or treatment of animals for commercial purposes. Maintaining pets as part of residential occupancy, breeding pedigree animals by a single owner (either as a hobby or for profit making), and raising of livestock for farming purposes are not within this definition of "kennel."

200.90. *Land development project.* A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in this ordinance.

200.91. *Large scale solar energy system.* Any solar energy system that is not either (1) an accessory solar energy system or (2) a contaminated site solar energy system as defined by this ordinance.

200.92. *Laundromat.* A place where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

200.93. *Less restrictive zone.* The order of zones from less restrictive to more restrictive is: GI, LI, GB, WB, O, A-7, A-10, A-15, A-40, OS.

200.94. *Lodging.* The provision of a rooming unit or units rented or leased for compensation.

200.95. *Lot.* Either:

- (1) The basic development unit for determination of lot area, depth, and other dimensional regulations; or
- (2) A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

200.96. *Lot area.* The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet. However, for any planned district residential (PDR) or planned district residential - limited (PDR-L) overlay district, subsection 308; planned unit development (PUD) overlay district, subsection 309;

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single-family cluster development, subsection 501; calculation of such lot area shall exclude any part under water or containing coastal or freshwater wetlands as defined by subsections 200.36 and 200.146.

200.97. *Lot building coverage.* That portion of the lot that is or may be covered by buildings, accessory buildings, and other created improvements on the ground that are more impervious than the natural surface, such as paving, patios, pools, and driveways. Impervious surfaces shall mean to include any material that prevents absorption of stormwater into the ground.

200.98. *Lot depth.* The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

200.99. *Lot frontage.* That portion of a lot abutting a street. Noncontiguous frontage shall not be less than minimum frontage requirements for the zone in question.

200.100. *Lot line.* A line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and shall include:

- (a) *Front.* The lot line separating a lot from a street right-of-way. Any lots fronting on more than one street, for example, corner and through lots, shall have a front lot line on each street, resulting in more than one front lot line;
- (b) *Rear.* The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and
- (c) *Side.* Any lot line other than a front or rear lot line.

200.101. *Lot width.* The required horizontal distance between the two side lot lines measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

200.102. *Lot, corner.* A lot at the junction of and fronting on two or more intersecting streets.

200.103. *Lot, through.* A lot which fronts upon two parallel or approximately parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

200.104. *Minimum landscaped open space.* The percentage or portion of lot area which shall be designed, developed, and maintained in grass, ground covers, shrubs, trees, and/or other living vegetation and natural features; walks, terraces, or other open areas accessible to the occupants of the lot, but excluding driveways, parking, buildings, and all other hard and impervious surfaces. Any minimum landscaped open area shall be at least ten feet measured in any direction on the lot.

200.105. *Mixed use.* A mixture of land uses within a single development, building, or tract.

200.106. *Modification.* Permission granted and administered by the building official, and pursuant to the provisions of this ordinance contained herein to grant a dimensional variance other than lot area requirements from this ordinance, not to exceed 25 percent of each of the applicable dimensional requirements.

200.107. *Mobile home.* A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted, or attached to a permanent slab foundation.

200.108. *More restrictive zone.* The order of zones from more restrictive to less restrictive is: OS, A-40, A-15, A-10, A-7, O, WB, GB, LI, GI.

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200.109. *Nightclub*. A retail establishment that stays open late at night and provides food, beverages and entertainment, but shall not include adult entertainment.

200.110. *Nonconformance*. A building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of this zoning ordinance and not in conformity with the provisions of such ordinance or amendment. Nonconformance shall be of only two types:

- (a) *Nonconforming by use*. A lawfully established use of land, building, or structure which is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use; or
- (b) *Nonconforming by dimension*. A building, structure, or parcel of land not in compliance with the dimensional regulations of the zoning ordinance. Dimensional regulations include all regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance shall be nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

200.111. *Nursing and convalescent home*. A structure designed or used for residential occupancy and providing medical or nursing care on the premises for occupants, but not including a hospital or clinic.

200.112. *Old growth forest*. A forest that is over 1 acre in size where the oldest trees in that forest have attained a minimum age of 100 years old.

200.113. *Old growth tree*. Any native tree that has attained a minimum age of 100 years old.

200.114. *Open space*. Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that the area may be improved with only those buildings, structures, streets, and off-street parks and other improvements that are designated to be incidental to the natural openness of the land.

- (A) *Usable open space*: Space which is effectively separated from automobile traffic and parking and is an integral part of the cluster development. The term shall not include:
 - 1. Space devoted to streets, driveways, parking, walkways, sidewalks, accessory uses or structures, wetlands, wetland buffers, water bodies, or rock outcroppings.
 - 2. Any land area required to be left unaltered by reason of a preexisting legally enforceable covenant, easement, or restriction which runs with the land.

200.115. *Overlay district*. A district that is superimposed on one or more districts or parts of districts and that imposes specified requirements in addition to, but not less, than those otherwise applicable for the underlying zone.

200.116. *Owner*. Any person, agent, firm or corporation who, alone, jointly, or severally with others: (a) shall have legal or record title to any property; or (b) shall have charge, care or control of any property as agent, executor, administrator, trustee or guardian.

200.117. *Parking area aisles*. An area consisting of lanes providing access to parking spaces.

200.118. *Parking space*. An area set aside for the parking of one vehicle.

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200.119. *Parking, accessory use.* Off-street parking of automobiles on the same or contiguous lot as a principal use where said parking is established or required in conjunction with the principal use.

200.120. *Parking, principal use.* Off-street parking of automobiles on one or more lots where parking spaces for more than four automobiles are available for public use whether free, for compensation, or to satisfy parking requirements of a principal use on separate and noncontiguous lots.

200.121. *Performance standards.* A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

200.122. *Permitted use.* A use by right which is specifically authorized in a particular zoning district.

200.123. *Planned development.* A "land development project," as defined herein, and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

200.124. *Preapplication conference.* A review meeting of a proposed development held between applicants and the department of city plan, before formal submission of an application for a permit or for development approval.

200.125. *Repair.* A change meant only to remedy damage or deterioration of a structure or its appurtenances.

200.126. *Rest home.* Group lodging for convalescing people, including elderly, where basic services are provided.

200.127. *Residential occupancy.* Those activities customarily conducted in living quarters in an urban and/or suburban setting, and excludes such activities as the keeping of livestock or fowl, activities resulting in noise which constitutes a nuisance in a residential area and activities which involve the storage of motor vehicle parts, machinery or parts, junk or scrap materials.

200.128. *Restaurant.* A retail establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises including establishments commonly known as bars, grilles, cafes, and taverns, permitting consumption on the premises, but excludes fast food restaurants.

200.129. *Right-of-way.* Any easement in or property acquired by the City of Warwick or State of Rhode Island for the purpose of establishing streets or highways, including pedestrian sidewalks, bicycle paths, safety rest areas, landscaping or any other purpose incidental to highway travel.

200.130. *Roominghouse.* A dwelling or portion thereof in which lodging is provided to more than two but no more than ten individual boarders in rooms without separate kitchen facilities, including boardinghouses, lodginghouses, tourist homes, bed and breakfast establishments and the like.

200.131. *Satellite dish antenna.* A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn or parabola. Such device shall be used to transmit and/or receive radio or electromagnetic waves between earth and/or orbitally based uses which include, but are not limited to, satellite earth stations, television-reception-only satellite dish antennas, and satellite microwave antennas.

200.132. *Service station.* An automobile service station that performs automotive repairs or service, and which may supply fuel, oil, and automobile accessories to motor vehicles, include grease racks or elevators, [and] provide minor tire and battery services, but excluding the storage of junk cars.

200.133. *Setback line or lines.* A line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

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200.134. *Short-term rental of dwelling unit.* The lease or other contractual arrangement for the occupation of a dwelling unit for 31 consecutive days or less; provided, however, that this term does not include an extension, including a month-to-month extension, granted without an intervening period of non-occupancy to tenant currently occupying the premises under a written lease for a term of more than 31 days.

200.135. *Sign.* Any permanent or temporary device or structure which is:

- (A) Freestanding, attached to a building or structure or erected, painted, represented or reproduced inside or outside any building or structure or any natural object such as a tree, rock, [or] bush including the ground itself; or
- (B) Which displays, reproduces or includes any letter, word, name, number, model, symbol, insignia, design, device, representation or trademark, or flag (including banner or pennant); or
- (C) Which is used to identify the premises or occupant or owner of the premises; to advertise any trade, business, profession, industry, service or other activity; to advertise any product or item; to advertise the sale or rental or use of all or part of any premises, including that upon which it is displayed; to direct vehicular or pedestrian traffic other than state, county or municipal highway and roadway markers; and shall include any announcement, declaration, demonstration, display, illustration, insignia, or any representation used to advertise or promote the interests of any person.

In no event shall the word "sign" be construed to mean any sign in the interior of any structure unless it is specifically set forth in this ordinance or displayed within the view of persons passing on a street.

200.136. *Signs: Described by location.*

- (A) *Ground.* A detached sign erected upon or supported by the ground.
- (B) *Roof.* A sign erected upon the roof of any building.
- (C) *Wall.* A sign erected against the wall of any building with the exposed face thereof in a plane parallel to the plane of said wall, and which sign is mounted at a distance, measured perpendicular to said wall, no greater than 12 inches. A wall sign shall include a sign suspended from the ceiling of a marquee, canopy or vestibule and a sign attached to any fence, screen, or freestanding wall.
- (D) *Projecting.* A sign erected approximately perpendicular to the wall of a building, including a sign erected at the corner of a building, projecting into an open space or yard but not projecting into the right-of-way of any street, sidewalk, alley or other public thoroughfare.
- (E) *Marquee.* A sign other than a projecting sign mounted on the marquee of any building.
- (F) *Canopy or awning.* A sign other than a projecting sign designated on a canopy or awning and identifying the name or address of a building or an establishment contained therein.
- (G) *Face signs.* Signed painted on the wall of a building.

200.137. *Signs: Described by message conveyed.*

- (A) *Real estate.* A sign advertising the sale, rental or lease of the premises on which it is maintained, including a subdivision sign.
- (B) *Job site or improvement.* Temporary signs, announcing the erection of buildings or other construction work, either freestanding or attached to the premises.
- (C) *Business.* A sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.

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- (D) *Bulletin board; change board.* A sign of permanent character, but with movable letters, words or numerals, or changeable copy, not by any mechanical or electronic means, indicating the names of persons associated with the events conducted upon or products or services offered upon the premises upon which such sign is maintained.
- (E) *Professional.* A sign indicating the name and occupation of a professional person or group of associated professional persons.
- (F) *Nameplate.* A sign indicating the name and address of an occupant.
- (G) *Instructional or directional.* A sign conveying instructions with respect to the premises on which it is maintained, such as a sign designating the entrance to or exit from a parking area, a trespassing sign, a danger sign, and similar signs.
- (H) *Temporary promotional.* A display sign, banner or other advertising device constructed of cloth, canvas, fabric, plywood or other light temporary material, with or without a structural frame, intended to promote special sales, free gifts, openings, or campaigns.
- (I) *Billboard.* An outdoor advertising structure displaying a sign or signs not pertinent to a use on the premises.
- (J) *Off-site directional signs.* Official signs erected by the City of Warwick, the State of Rhode Island or federal government, indicating the route to major public facilities, shopping areas and the like and such signs erected by service clubs and churches.
- (K) *Political signs.* Signs designating candidates for elective office.
- (L) *Yard sale signs.* Signs designating the location or items for sale of a yard sale.

200.138. *Single-household cluster development.* A detached single-household residential development of a tract of land which is sensitive to topography and natural site features, providing more open space for common use through the reduction of lot size requirements.

200.139. *Single-household dwelling.* A structure, except a mobile home, designed or used for residential occupancy by one family.

200.140. *Site plan.* The development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

200.141. *Solar energy system.* The equipment and requisite hardware and structures that provide and are used for collecting, transferring, converting, storing or using incident solar energy for water heating, space heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. This shall include photovoltaic arrays and installations that utilize ground-mounted systems. A solar energy system, when the principal use of a parcel, shall be deemed to be a manufacturing use.

200.142. *Solar energy system, accessory.* A solar energy system that is incidental and subordinate to the principal use(s) of the parcel or development including the following:

- (a) Roof or building-mounted energy-generating panels;
- (b) Solar canopies and ground-mounted arrays.

200.143. *Solar energy system, canopy.* A solar energy system that has a support structure secured to the ground through the use of structural footings and is restricted to paved areas such as parking lots.

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200.144. *Special use.* A regulated use which is permitted pursuant to the special use permit issued by the board, pursuant to section 906. Formerly referred to as a special exception.

200.145. *Solid waste.* As defined by G.L. 1956, § 23-19-5(9), or any amendments thereto, including any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semisolid, or contained gaseous material generated by residential, institutional, commercial, industrial and agricultural sources, but does not include solids or dissolved materials in domestic sewage.

200.146. *Story.* That portion of a building between the upper surface of any floor and the upper surface of the floor next above, having more than one-half of its height above the average elevation of the finished lot grade adjoining the building and any portion of a building, used for human occupancy between the topmost floor and the roof. In any building not divided into customary stories, each ten feet of building height shall be counted as one story.

200.147. *Story above grade.* Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

- (A) More than six feet above the grade plane;
- (B) More than six feet above the finished ground level for more than 50 percent of the total building perimeter; or
- (C) More than 12 feet above the finished ground level at any point.

200.148. *Public street.* A public right-of-way or highway established, accepted, and/or maintained under public authority.

200.149. *Street line.* The dividing line between a street and an adjacent lot.

200.150. *Street, cul-de-sac.* A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

200.151. *Structure.* A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water.

200.152. *Substandard lot of record.* Any lot lawfully existing at the time of adoption or amendment of this zoning ordinance and not in conformance with the dimensional and/or area provisions of this ordinance.

200.153. *Swimming pool.* Any receptacle of two or more feet in depth and with a surface area of more than 100 square feet, which is constructed, erected or installed, and which is used, designed for use or intended for use as a swimming pool, so called, in connection with a residential use.

200.154. *Telecommunication facilities definitions.*

- (A) *American National Standards Institute (ANSI):* Collaborative body composed of academic, industry, and governmental representatives who establish consensus standards for safe human exposure to radio frequency electromagnetic fields.
- (B) *Building antennas:* Building-mounted telecommunications antennas and/or dishes which can be architecturally integrated into a building so that they are visually unobtrusive.
- (C) *Co-location:* Locating wireless communications equipment for more than one provider on a single site.

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- (D) *Development plan review*: The process whereby the planning board reviews the site plans and other documentation of a development to determine the compliance with the stated purpose and standards of the ordinance.
- (E) *Personal Communication Services (PCS)*: Wireless voice communication that is an extension of existing telephone use utilizing digital technology and land-based lines.
- (F) *Telecommunications Act*: The Federal Telecommunications Act of 1996, as defined by P.L. 104-104 Section 704, or any amendments thereto.
- (G) *Telecommunication facilities*: A facility that sends and/or receives radio frequency signals. Telecommunication facilities include structures, telecommunications towers, antennas, microwave dishes, and accessory buildings relating to telecommunication services but excludes building antennas and accessory buildings located on the roof of a building.
- (H) *Telecommunication towers*: Towers intended to support equipment used to transmit and/or receive telecommunications signals, including latticed and monopoles for the provision of wireless services.
- (I) *Tower height*: The vertical distance from grade, as determined by the municipality, to the top of the highest point of the structure.
- (J) *Wireless communications equipment*: Equipment used to transmit or receive telecommunications signals.

200.155. *Temporary structure*. A structure having the same requirements as a permanent structure except that it does not require a foundation.

[200.156. *Unified Development Review*. The review and approval, approval with conditions, or denial of requests for variances and special-use permits submitted as part of land development and subdivision applications, pursuant to RIGL 45-24-46.4](#)

200.156. *Use*. The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

200.157. *Variance*. Permission to depart from the literal requirements of this ordinance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by this ordinance. There shall be only two categories of variance, a use variance or a dimensional variance.

- (a) *Use variance*. Permission to depart from the use requirements of this ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this ordinance.
- (b) *Dimensional variance*. Permission to depart from the dimensional requirements of this ordinance [under the applicable standards set forth in RIGL 45-24-41.](#) ~~where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.~~

200.158. *Vested rights*. The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to the completion of the project.

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200.159. *Wetland, freshwater.* "Freshwater wetlands" includes, but is not limited to, those areas that are inundated or saturated by surface or groundwater at a frequency and duration to support, and that under normal circumstances do support a prevalence of vegetation adapted for life in saturated soil conditions. Freshwater wetlands includes, but is not limited to: marshes, swamps, bogs, emergent, and submergent plant communities, and for the purposes of this chapter, rivers, streams, ponds, and vernal pools. A marsh, swamp, bog, pond, river or stream floodplain or bank, area subject to flooding or storm flowage; emergent or submergent plant community in any body of freshwater; or area within 50 feet of the edge of a bog, marsh, swamp, or pond; or the land area within 200 feet of the edge of a flowing water body having a width of ten feet or more and that area within 100 feet of the edge of any flowing body having a width of less than ten feet during normal flow.

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200.160. *Yard.* The required space on a lot, open, unoccupied and unobstructed by structures, located between any lot line and the setback required therefrom, except as otherwise specified in this ordinance.

200.161. *Yard, front.* A yard extending across the width of the lot, bounded by the required side yards, the building frontage and the street, and which is open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this ordinance.

200.162. *Yard, rear.* A yard extending across the width of the lot, bounded by the required side yards, the rear of the building and the rear lot line.

200.163. *Yard, side.* A yard extending from the side of the building to the side lot line, the length of which is measured from the front lot line to the rear lot line.

200.164. *Yard sale.* Any interior or exterior market at which antiques, curios, jewelry, dishes, glassware, books, furniture, tools, new or secondhand household goods, clothing or other similar articles are sold or traded.

200.165. *Zoning certificate.* A document signed by the building official, as required herein, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of the municipal zoning ordinance or is an authorized variance or modification therefrom.

200.166. *Zoning map.* The map or maps which are a part of the zoning ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the city.

200.167. *Zoning use districts.* The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. The districts include, but are not limited to: agricultural, commercial, industrial, institutional, open space, and residential. Each district may include subdistricts. Districts may be combined.

(Ord. No. O-97-18, § I, 8-12-97; Ord. No. O-97-20, § I, 9-8-97; Ord. No. O-06-2, § I, 1-18-06; Ord. No. O-10-19, § I, 10-19-10; Ord. No. O-14-10, § I, 6-13-14; Ord. No. O-22-7, § I, 3-22-22; Ord. No. O-23-4, § I, 2-28-23)

SECTION 300. ESTABLISHMENT AND CLASSIFICATION OF DISTRICTS

301. Districts.

For the purpose of this ordinance, the City of Warwick is hereby divided into thirteen classes of districts, listed and designated on the "zoning plat zoning map" 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 City Centre Warwick](#) Intermodal District (Intermodal)
[Warwick Station City Centre Warwick](#) Gateway District (Gateway)
 Village District (V)

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.

This zoning ordinance provides a listing of all land uses and/or performance standards for uses that are permitted within the zoning use districts of the municipality. Any use not specifically listed may be presented by the property owner to the zoning board of review or building official for an evaluation and determination of whether the proposed use is of a similar type, character, and intensity as a listed permitted use. Upon such determination, the proposed use may be considered to be a permitted use.

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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 Development District (WSDDCCW)~~*City Centre Warwick (CCW)*. The ~~Warwick Station Development District~~*City Centre Warwick* shall consist of that area presented in the ~~Warwick Station Development District~~*City Centre Warwick* Master Plan and Warwick Comprehensive Community Plan. The Development District shall consist of two distinct zoning districts; the Intermodal District as defined in section 301.11A of this ordinance and the Gateway District as defined in subsection 301.11B of this ordinance, and as illustrated on the Warwick Zoning Ordinance Map. Warwick Planning Department and Planning Board are hereby authorized to carry out the purposes of the ~~Warwick Station Development District~~*City Centre Warwick*.

All development within the Development District shall be reviewed and approved by the Warwick Planning Department and/or Warwick Planning Board as a Land Development Project as defined in subsection 200.87 entitled Land Development Project and in accordance with the City of Warwick Land Development and Subdivision Review Regulations. The planning department and planning board shall also provide assistance to property owners and the city including the city council, zoning board of review and other agencies on planning issues within the ~~WSDDCCW~~ related to design and site planning and on related issues as it deems appropriate, including the design of public improvements such as street rehabilitation, paving, lighting, sidewalks, curbing and drainage.

301.11A ~~Warwick Station~~*City Centre Warwick Intermodal District (Intermodal)*. Properties mapped in accordance with subsection 303 of this ordinance and which are intended to capitalize on the opportunities resulting from their location in proximity to the Intermodal facility and the Airport terminal, 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 District is to create and sustain an area of regional economic activity consisting of retail, commercial, office and residential uses located on a circulation access spine linking transportation nodes. This area is the core commercial activity area within ~~Warwick Station Development District~~*City Centre Warwick*. 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 different transportation nodes and an appropriate density of associated retail, office, residential and hotel uses.

301.11B. ~~Warwick Station~~*City Centre Warwick Gateway District (Gateway)*. Properties mapped in accordance with subsection 303 of this ordinance and which are intended to serve as transitional areas leading to the Intermodal District of the ~~Warwick Station Development District~~*City Centre Warwick* 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 as well as general commercial uses commonly allowed within general business districts. It is intended that this zone 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.

301.12 Reserved.

301.13 *Village district (V)*. Properties mapped in accordance with subsection 303 of this ordinance and used for a mixed-use district that provides services useful to citizens within the District and surrounding residential areas, reduces the need for residents to travel outside of the district for basic products and services, increases pedestrian activity within the village center, revitalizes the economic life and improves the appearance of properties within the central village.

Specific components of this purpose include:

-
- A. To provide residential units in the village center to meet a variety of housing needs, and provide a customer base to support local businesses.
 - B. To create live/work opportunities for professionals, artists, crafts persons and business owners.
 - C. To develop dimensional and building design regulations that create a sense of community center and are in scale with the adjacent neighborhoods.
 - D. To encourage commercial uses on the first floor of buildings.

(Ord. No. O-98-44, § I(Exh. A), 12-14-98; Ord. No. O-11-18, § I, 10-20-11; Ord. No. O-12-6, § I(Exh. A), 1-19-12)

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 zoning map](#) 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) and planned district residential - limited overlay (PDR-L)*. Properties mapped in accordance with subsection 303 of this ordinance and so designated to allow two-family and multiple-family developments. It is generally intended that PDR and PDR-L overlay districts be combined with or limited to the underlying and corresponding residential districts: A-40, A-15, A-10, and A-7. PDR and PDR-L overlay districts 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 and PDR-L 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.

Buildings within the district may be constructed, altered, enlarged, or reconstructed for one or more of the uses as listed in the Table of Use Regulations and uses customarily considered accessory to such uses with certain additional location and size requirements:

| Zoning Districts | | OS | A-40 | A-15 | A-10 | A-7 | O | WB | GB | LI | GI | Inter-modal | Gate-way | Village District | |
|------------------|-------------------|------------------------------------------------------------------------------------------------------------------------|-----------|-------------------|-------------------|-------------------|-------------------|--------------------|-----------|--------------------|-----------|-------------|---------------------|------------------|------------|
| 100. | Residential uses: | | | | | | | | | | | | | | |
| | 101. | Detached single-family dwelling unit | No | Yes | Yes | Yes | Yes | Yes ⁽¹⁾ | No | Yes ⁽¹⁾ | No | No | No | No | Yes |
| | <u>101.A</u> | <u>Two-Family</u> | <u>No</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>S</u> | <u>No</u> | <u>S</u> | <u>No</u> | <u>No</u> | <u>No</u> | <u>No</u> | <u>Yes</u> |
| | 102. | A two-family , three-family or four-family dwelling in a development containing four or less dwelling units | No | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No | No ⁽³⁾ | No | No | No | No | Yes |
| | 102.1. | A multifamily dwelling in a development containing between | No | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No | No ⁽³⁾ | No | No | Yes ⁽²³⁾ | Yes | S |

| | | | | | | | | | | | | | | | |
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| | | five and ten dwelling units | | | | | | | | | | | | | |
| | 103. | Two-family and multiple-family dwelling in a development containing ten or more dwelling units | No | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No | No ⁽³⁾ | No | No | Yes | Yes | No |
| | 104. | Congregate elderly housing containing between two and ten dwelling units | No | S ⁽²⁾ | S ⁽²⁾ | S ⁽²⁾ | S ⁽²⁾ | S ⁽²⁾ | No | S ⁽²⁾ | No | No | No | No | Yes |
| | 105. | Congregate elderly housing containing more than ten dwelling units | No | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No ⁽³⁾ | No | No ⁽³⁾ | No | No | No | No | No |
| | 106. | Roominghouse | No | No | No | No | No | No | No | Yes | No | No | No | No | No |
| | 107. | Room for less than three boarders | No | S ⁽⁴⁾ | S ⁽⁴⁾ | S ⁽⁴⁾ | S ⁽⁴⁾ | Yes ⁽⁴⁾ | No | Yes ⁽⁴⁾ | No | 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 | Yes |
| | 108. | Mobile home, mobile home park, or trailer park | No | 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 | No |
| | 110. | Short-term rental of dwelling unit | No | Yes | Yes | Yes | Yes | No | No | No | No | No | No | No | Yes |
| 200. | Agricultural uses: | | | | | | | | | | | | | | |
| | 201. | Raising of crops (commercial and noncommercial) | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | No | No | No |

| | | | | | | | | | | | | | | | |
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| | 202. | Commercial greenhouse | No | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | S | No | Yes | Yes | Yes | No | 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 | No |
| | 204. | Raising and keeping of animals and livestock | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | S ⁽⁵⁾ | No | No | No |
| 300. | Office uses: | | | | | | | | | | | | | | |
| | 301. | Medical offices, excluding clinic | No | No | No | No | No | Yes | No | Yes | Yes | Yes | No | Yes | S |
| | 302. | Clinic | No | No | No | No | No | S | No | Yes | Yes | Yes | No | Yes | No |
| | 303. | Law office, accountant, architect or other nonmedical professional person | No | No | No | No | No | Yes | No | Yes | Yes | Yes | Yes ⁽²⁵⁾ | Yes | Yes |
| | 304. | Real estate, insurance, travel agency, advertising or similar agency office | No | No | No | No | No | Yes | No | Yes | Yes | Yes | Yes ⁽²⁵⁾ | Yes | Yes |
| | 305. | General office use | No | No | No | No | No | Yes | No | Yes | Yes | Yes | Yes ⁽²⁵⁾ | Yes | Yes ⁽¹⁷⁾ |
| | 306. | Bank, trust company or similar financial institution with drive-in window | No | No | No | No | No | S | No | Yes | Yes | Yes | No | Yes | Yes ⁽¹⁸⁾ |
| | 307. | Bank or other financial institution without drive-in window | No | No | No | No | No | Yes | No | Yes | Yes | Yes | Yes ⁽²⁵⁾ | Yes | Yes |

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| | 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 | S ⁽²⁵⁾ | S | 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 | No | No | No | No | No | No | No | S | S | S | S ⁽²⁵⁾ | S | No |

| | | | | | | | | | | | | | | | |
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| | | instruments that assist in biological research | | | | | | | | | | | | | |
| 400. | Service uses: | | | | | | | | | | | | | | |
| | 401. | Barbershop, beauty salon | No | No | No | No | No | S | No | Yes | No | No | Yes ⁽²⁴⁾ | Yes | Yes |
| | 402. | Laundry and dry cleaning, pickup, self-service cleaners, and laundromat | No | No | No | No | No | S | No | Yes | No | No | Yes ⁽²⁴⁾ | Yes | S |
| | 403. | Shoe repair, tailoring shop, or other similar establishment | No | No | No | No | No | Yes | No | Yes | No | No | Yes ⁽²⁴⁾ | Yes | Yes |
| | 404. | Television, radio, or other household appliance repair | No | No | No | No | No | Yes ⁽⁶⁾ | No | Yes ⁽⁶⁾ | Yes | Yes | No | No | Yes |
| | 405. | Instant copy and printing shops, photographer's studio, and photo processor shops | No | No | No | No | No | Yes | No | Yes | Yes | Yes | Yes ⁽²⁴⁾ | Yes | Yes |
| | 406. | Arts or crafts studio (no sales) | No | No | No | No | No | Yes ⁽⁶⁾ | No | Yes ⁽⁶⁾ | Yes | Yes | No | No | Yes |
| | 407. | Veterinary establishment and kennel | No | No | No | No | No | S | No | Yes | Yes | Yes | No | Yes | Yes |
| | 408. | Mortuary, undertaking or funeral home establishment | No | No | No | No | No | S | No | Yes | No | No | No | No | S |
| | 409. | Locksmith | No | No | No | No | No | Yes ⁽⁶⁾ | No | Yes ⁽⁶⁾ | Yes | Yes | No | Yes | Yes |
| | 410. | Caterer | No | No | No | No | No | Yes ⁽⁶⁾ | No | Yes ⁽⁶⁾ | Yes | Yes | No | Yes | S |
| | 411. | Hotel or motel | No | No | No | No | No | S | S | Yes | S | S | Yes ⁽²⁵⁾ | Yes | S |

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| 412. | Public gathering hall, theater, and auditorium | No | No | No | No | No | S | No | Yes | S | S | Yes | Yes | Yes ⁽¹⁹⁾ |
| 413. | Indoor commercial recreation facility including health club and private club | No | No | No | No | No | No | No | Yes | Yes | Yes | Yes ⁽²⁵⁾ | Yes | S |
| 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 | S | 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 ^(15a) | No | S | S | S | No | S | No |
| 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 | No |
| 416. | Coin-operated amusement establishment | No | No | No | No | No | No | No | S | No | No | Yes ⁽²⁴⁾ | S | S |
| 417. | Massage establishment | No | No | No | No | No | No | No | S | No | No | No | No | S |

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| | 418. | Marina, yacht club | No | No | No | No | No | No | Yes | No | No | No | No | No | S |
| | 419. | Vehicle rental agency | No | No | No | No | No | No | No | S ⁽⁷⁾ | S ⁽⁷⁾ | S ⁽⁷⁾ | Yes ^{(14b), (16a)} | Yes | No |
| | 420. | Carwash | No | No | No | No | No | No | No | S ⁽⁷⁾ | Yes ⁽⁷⁾ | Yes ⁽⁷⁾ | No | No | No |
| | 421. | Gas station (no repairs), may include convenience and/or grocery retail | No | No | No | No | No | No | No | S ⁽⁷⁾ | S ⁽⁷⁾ | S ⁽⁷⁾ | No ^(16a) | S | No |
| | 422. | Service station (with repairs) | No | No | No | No | No | No | No | S ⁽⁷⁾ | S ⁽⁷⁾ | S ⁽⁷⁾ | No | No | No |
| | 422.1. | Auto body repair shop | No | No | No | No | No | No | No | No | S ⁽⁷⁾ | S ⁽⁷⁾ | No | No | No |
| | 423. | Boat repairs, painting or storage | No | No | No | No | No | No | Yes ⁽⁷⁾ | S ⁽⁷⁾ | S ⁽⁷⁾ | S ⁽⁷⁾ | No | No | No |
| | 424. | Building trades contractor, oil and fuel service, or similar establishment | No | No | No | No | No | Yes ⁽⁶⁾ | No | Yes ⁽⁶⁾ | Yes | Yes | No | No | No |
| | 424.1. | Landscaping and tree service | No | No | No | No | No | S ⁽⁶⁾ | No | Yes ⁽⁶⁾ | Yes | Yes | No | No | No |
| | 425. | Cesspool company | No | No | No | No | No | No | No | S | S | S | No | No | No |
| | 425.1. | Other service establishment | No | No | No | No | No | S | No | S | S | S | S ⁽²⁴⁾ | S | S |
| 500. | Retail uses: | | | | | | | | | | | | | | |
| | 501. | Restaurant (with liquor license) | No | No | No | No | No | No | S | Yes ⁽⁶⁾ | S | S | Yes ⁽²⁴⁾ | Yes | Yes ⁽²⁰⁾ |
| | 501.1. | Nightclub | No | No | No | No | No | No | S | S | S | S | S ⁽²⁴⁾ | S | S |
| | 502. | Restaurant (without liquor license) | No | No | No | No | No | S | S | Yes ⁽⁶⁾ | S | S | Yes ⁽²⁴⁾ | Yes | Yes ⁽²⁰⁾ |

| | | | | | | | | | | | | | | | |
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| 503. | Fast food restaurant | No | No | No | No | No | No | No | No | Yes ⁽⁶⁾ | No | No | Yes ^{(15b), (24)} | Yes | Yes ⁽²¹⁾ |
| 503.1. | Retail trade— Neighborhood establishment, 2,000 square feet GFA or less | No | No | No | No | No | No | Yes | Yes | Yes | No | No | Yes ⁽²³⁾ | Yes | Yes |
| 503.2. | Retail trade— Community-wide establishment, more than 2,000 square feet GFA | No | No | No | No | No | No | No | No | Yes | Yes | No | Yes ⁽²⁴⁾ | Yes | S ⁽²²⁾ |
| 505. | New or used vehicle sales, with service or outdoor display (excluding boats) | No | No | No | No | No | No | No | No | S ^{(7) (26)} | S ⁽⁷⁾ | S ⁽⁷⁾ | No | No | No |
| 507. | New or used boat sales, with service or outdoor display | No | No | No | No | No | No | No | Yes ⁽⁷⁾ | S ⁽⁷⁾ | S ⁽⁷⁾ | S ⁽⁷⁾ | No | No | No |
| 508. | Marine equipment, fishing and tackle store, bait shop | No | No | No | No | No | No | No | Yes | Yes ⁽⁶⁾ | No | No | No | No | Yes |
| 509. | Open air market or outdoor sales and display, mobile or otherwise | No | No | No | No | No | No | No | No | S | No | No | No | No | S |
| 50X | Adult entertainment | No | No | No | No | No | No | No | No | No | No | S ⁽¹²⁾ | No | No | No |
| 510. | Other retail establishment | No | No | No | No | No | No | No | No | Yes ⁽⁶⁾ | No | No | Yes ⁽²⁴⁾ | Yes | S |
| 511. | Retail sales of marijuana and | No | No | No | No | No | No | No | No | Yes ⁽²⁹⁾ | S | S | No | No | No |

| | | | | | | | | | | | | | | | |
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| | | marijuana-related products | | | | | | | | | | | | | |
| 600. | Transportation, communication and utility uses: | | | | | | | | | | | | | | |
| | 601. | Airport or heliport | No | No | No | No | No | No | No | No | No | No | S | No | No |
| | 602. | Bus or railroad passenger station | No | No | No | No | No | No | No | S | S | S | Yes | No | S |
| | 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 ⁽²⁵⁾ | S | Yes |
| | 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 | No |
| | 605. | Radio and television transmission station including towers | No | No | No | No | No | No | No | S ⁽¹³⁾ | Yes ⁽¹³⁾ | Yes ⁽¹³⁾ | No | No | No |
| | 606. | Radio or television studio | No | No | No | No | No | Yes | No | Yes | Yes | Yes | No | No | No |
| | 607. | Electrical transformer station and substation, gas regulator station, water and sewer pumping station, and telephone exchange station as a principal | No | S | S | S | S | S | S | S | Yes | Yes | No | S | S |

| | | | | | | | | | | | | | | | |
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| | | use and not elsewhere classified in this table | | | | | | | | | | | | | |
| | 608. | Accessory use solar canopy | No | No | No | No | No | Yes | No | Yes | Yes | Yes | No | No | No |
| | 609. | Nuclear power plant | No | 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 ⁽⁸⁾ | S ⁽⁸⁾ | S ⁽⁸⁾ | No | No | No |
| | 611. | Telecommunications facility, including towers ⁽¹⁵⁾ | No | No | No | No | No | No | No | A ⁽⁸⁾ , (14a) | A ⁽⁸⁾ , (14a) | A ⁽⁸⁾ , (14a) | No | No | No |
| | 612. | Contaminated Site solar energy system, ground-mounted | No | No | No | No | No | No | No | No | S ⁽²⁸⁾ | S ⁽²⁸⁾ | No | No | No |
| | 613. | Accessory use rooftop or ground-mounted solar energy systems | No | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | 614. | Large scale solar energy system | No | No | No | No | No | No | No | No | No | No | No | No | No |
| 700. | Institutional uses: | | | | | | | | | | | | | | |
| | 701. | Religious place of worship, including rectory, parsonage, convent and monastery | No | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes ⁽²⁴⁾ | Yes | Yes |
| | 702. | Social community or recreation center | No | S | S | S | S | S | No | Yes | No | No | No | Yes | Yes |

| | | | | | | | | | | | | | | | |
|--|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------------------|-------------------|-------------------|-------------------|-------------------|-----|-----|-----|-----|---------------------|-----|-----|
| | 703. | Other use with religious purposes | No | No | No | No | No | S | No | Yes | No | No | No | No | S |
| | 704. | Hospital, including hospital for mental, drug, or alcohol treatment but excluding animal hospital | No | No ⁽⁹⁾ | No ⁽⁹⁾ | No ⁽⁹⁾ | No ⁽⁹⁾ | No ⁽⁹⁾ | No | Yes | S | S | No | No | No |
| | 704.1. | Family day care home, as defined | No | Yes | Yes | Yes | Yes | Yes | No | Yes | No | No | No | No | Yes |
| | 704.2. | Day care facility, as defined | No | S | S | S | S | Yes | Yes | Yes | Yes | Yes | Yes ⁽²⁴⁾ | Yes | Yes |
| | 705. | Extended care, convalescent, rest, or nursing home | No | S | S | S | S | S | No | Yes | S | S | No | No | S |
| | 706. | Preschool and kindergarten | No | S | S | S | S | Yes | No | Yes | S | S | Yes ⁽²⁴⁾ | Yes | S |
| | 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 | No | Yes | S | S | No | No | S |
| | 708. | High school, including preparatory school or academy, public, parochial or private | No | Yes | Yes | Yes | Yes | Yes | No | Yes | S | S | No | No | No |

| | | | | | | | | | | | | | | | |
|------|-----------------|----------------------------------------------------------------------------------------------------------------|-----|--------------------|--------------------|--------------------|--------------------|--------------------|-----|-----|-----|-----|---------------------|-----|-----|
| | | school providing compulsory education | | | | | | | | | | | | | |
| | 709. | Junior college, college or university, including public or private institutions of higher learning | No | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No | Yes | S | S | No | Yes | No |
| | 710. | Vocational, business or other schools | No | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No | Yes | Yes | Yes | No | Yes | No |
| | 711. | Resident dormitory, fraternity, or sorority | No | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No ⁽¹⁰⁾ | No | Yes | S | S | No | Yes | No |
| | 712. | Government administrative offices | No | No | No | No | No | Yes | No | Yes | 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 | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| | 714. | Library or museum | No | S | S | S | S | Yes | No | Yes | Yes | Yes | Yes ⁽²⁵⁾ | Yes | Yes |
| | 715. | Public park, playground or public recreation building | Yes | S | S | S | S | No | No | No | No | No | Yes | Yes | Yes |
| | 716. | Community water supply, wells or conservation area | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | Yes | No | No | Yes |
| | 717. | Cemetery | No | S | S | S | S | No | No | No | No | No | No | No | No |
| | 718. | Crematory | No | 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 | No |
| 800. | Light industry: | | | | | | | | | | | | | | |
| | 801. | Assembling and packaging of articles | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |

| | | | | | | | | | | | | | | | | |
|--|------|--------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|-----|-----|----|----|----|
| | 802. | Manufacturing, welding, fabricating, processing, assembling or packaging of: | | | | | | | | | | | | | | No |
| | | 1. Food and beverage products | No | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 2. Clothing but not textile manufacture | No | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 3. Paper and paper board products | No | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 4. Drugs | No | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 5. Leather goods, excluding footwear | No | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 6. Electric and electronic equipment including audio, video, computer, and office machines | No | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 7. Engineering and scientific instruments and supplies | No | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 8. Medical and dental instruments and supplies, | No | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |

| | | | | | | | | | | | | | | | | |
|--|--|-----|------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|-----|-----|----|----|----|
| | | | including optical instruments and lenses but excluding laboratory testing | | | | | | | | | | | | | |
| | | 9. | Photographic equipment and supplies | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 10. | Watches, clocks, and clockwork mechanisms | No | No | No | No | No | No | No | No | Yes | Yes | No | 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 | No |
| | | 12. | Musical instruments | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 13. | Sporting goods and toys | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 14. | Art supplies, including pens, pencils, and similar products | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 15. | Signs and advertising devices | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 16. | Miscellaneous products | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |

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| | | including umbrellas, parasols, canes, brooms, and brushes | | | | | | | | | | | | | | |
| | 803. | Bottling of beverages | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No | |
| | 804. | Distribution center, parcel delivery center, delivery warehouse | No | No | No | No | No | No | No | S | Yes | Yes | No | No | No | |
| | 805. | Laundry, dry cleaning plant | No | No | No | No | No | No | No | S | Yes | Yes | No | No | No | |
| | 806. | Printing, binding, publishing and related arts and trades | No | No | No | No | No | No | No | S | Yes | Yes | No | No | No | |
| | 807. | Ministorage and miniwarehouse facility | No | No | No | No | No | No | No | S No | S | Yes No | No | No | No | |
| | 808. | Processing and packaging of fish or fish products | No | No | No | No | No | No | S | No | Yes | Yes | No | 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 ⁽⁶⁾ | Yes ⁽¹¹⁾ | Yes ⁽¹¹⁾ | No | No | No | |
| | 810. | Storage warehouse, cold storage plant, storage building, but not including storage of junk, scrap metal, | No | No | No | No | No | No | No | S | Yes | Yes | No | No | No | |

| | | | | | | | | | | | | | | | |
|------|-------------------|----------------------------------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|-----|-----|----|----|----|
| | | rag, waste paper and similar materials | | | | | | | | | | | | | |
| | 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 | No |
| | 812. | Open-lot storage of coal, sand, or other similar material | No | No | No | No | No | No | No | No | S | Yes | No | 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 | No |
| | 902. | Stone cutting, shaping, and finishing, in completely enclosed buildings | No | No | No | No | No | No | No | No | S | Yes | No | No | No |
| | 903. | Textile mill | No | No | No | No | No | No | No | No | S | Yes | No | No | No |
| | 904. | Plaster of Paris or ceramic products manufacture | No | No | No | No | No | No | No | No | S | Yes | No | No | No |
| | 905. | Asphalt or concrete plant | No | No | No | No | No | No | No | No | S | S | No | No | No |
| | 906. | Sand and gravel operation | No | No | No | No | No | No | No | No | S | S | No | No | No |

| | | | | | | | | | | | | | | | | |
|--|------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|-----|-----|----|----|----|
| | 907. | Manufacturing, welding, fabricating, processing, assembling or packaging or other industrial operation, but the following are expressly prohibited: | No | No | No | No | No | No | No | No | No | Yes | Yes | No | No | No |
| | | 1. Acid manufacture. | | | | | | | | | | | | | | |
| | | 2. Cement, concrete, lime or gypsum manufacture. | | | | | | | | | | | | | | |
| | | 3. Explosives or fireworks manufacture. | | | | | | | | | | | | | | |
| | | 4. Glue manufacture. | | | | | | | | | | | | | | |
| | | 5. Incineration of solid waste or dead animals. | | | | | | | | | | | | | | |
| | | 6. Petroleum refining. | | | | | | | | | | | | | | |
| | | 7. Stockyard. | | | | | | | | | | | | | | |
| | | 8. Landfill or underground injection well for hazardous materials. | | | | | | | | | | | | | | |
| | 908. | Open-lot storage of secondhand lumber or | No | No | No | No | No | No | No | No | No | S | No | No | No | No |

| | | | | | | | | | | | | | | | |
|--|------|------------------------------------------------------------------------|----|----|----|----|----|----|----|----|----|---|----|----|----|
| | | other used building material | | | | | | | | | | | | | |
| | 909. | Open-lot storage of junk, scrap, paper, rags or other salvage articles | No | No | No | No | No | No | No | No | No | S | No | No | No |
| | 910. | Hazardous waste management facility ⁽¹⁴⁾ | No | No | No | No | No | No | No | No | S | S | No | No | No |

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 or PDR-L overlay designation, subject to all the requirements for planned district residential (PDR) and (PDR-L) planned district residential - limited 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.
- ⁽¹⁷⁾ Special Use Permit required for general office use greater than 3,000 square feet GFA.
- ⁽¹⁸⁾ No more than one drive thru lane permitted, with a width of 11 feet and a canopy height no less than 10'6" and no greater than 12 feet. Additional bank machines may be provided for pedestrian walkup access, provided such access is safe for pedestrian circulation.
- ⁽¹⁹⁾ Special Use Permit required for public gathering hall, theater or auditorium with more than 350 seats.
- ⁽²⁰⁾ Special Use Permit required for restaurants exceeding 3,000 square feet GFA and restaurants, cafes or other places serving prepared foods that may be served or sold from windows serving the sidewalk, or at tables and chairs outside the establishment. All outdoor seating and serving areas are allowable only by special permit and are subject to approval for use of the public sidewalk and/or right of way, if applicable.
- ⁽²¹⁾ Fast food establishments shall be 2,000 square feet GFA or less, drive thru windows are prohibited. All requirements for serving prepared food from windows serving the sidewalk or tables and chairs outside the establishment shall be as in Footnote (20).
- ⁽²²⁾ "Big Box" and Retail establishments 10,000 square feet GFA or larger are prohibited.

(23) Subject to planning board approval as a component of a larger mixed-use development within a multistory building. This use is prohibited as a principal use.

(24) Allowed as a component of mixed-use development within a multi-story building with this actual use code composing no more than 25 percent of the total gross floor area of the entire building. This use is prohibited as a principal use within a new single story structure. This use may be approved as an interim use within a single story building or structure which was lawfully existing or established prior to January 2012 if approved by the Planning Board in conformance with the [WSDPCCW](#) design standards and the Zoning Board as a special use permit, if applicable.

(25) Allowed within a building that is at least two stories in height. This use may be approved as an interim use within a single story structure which was lawfully existing or established prior to January 2012 subject to approval by the planning board in conformance with the [WSDPCCW](#) design standards.

(26) Auto body repair allowed as a component of a new or used vehicle sales development, provided the parcel is at least 3.75 acres in area with frontage on a state road or highway. If the parcel consists of multiple lots, all lots must be dedicated to actual Use Code 505. New or Used Vehicle Sales. The auto body repair facility shall be set back a minimum of 100 feet from all residential or open space zoning districts and shall consist of no more than 20 percent of the total gross floor area of all the buildings on the parcel dedicated to actual use Code 505. This use is prohibited as a principal use.

(28) Subject to all applicable review procedure and performance standards outlined in section 509.

(29) Allowed only within selected areas of GB district along Route 2 between and including the intersections of Route 113 and Route 2, and Route 3/Cowesett Road and Route 2.

TABLE 2A. DIMENSIONAL REGULATIONS

| | O ⁽¹⁾ , GB ⁽¹⁾ , 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) ^{(2), (4)} | 70 | 100 | 125 | 150 |
| Minimum lot width (feet) ^{(2), (4)} | 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) ⁽⁵⁾ | 20 | 20 | 30 | 40 |
| Maximum structure height (feet) ⁽³⁾ | 35 | 35 | 35 | 35 |
| Minimum landscaped open space | 10% | 10% | 15% | 20% |

Footnotes:

⁽¹⁾ 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.

⁽²⁾ 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.

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

⁽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⁾ 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 | Village District |
|----------------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------|----------|------------------|
| (B) Nonresidential uses in other districts. | | | | | | | |
| Minimum lot area (square feet) | 6,000 | 6,000 | 6,000 | 6,000 | 6,000 | 30,000 | 6,000 |
| Maximum density, dwelling units per acre | | | | | N/A | N/A | 12 |
| Minimum frontage (feet) ^{(1), (4)} | 60 | 60 | 60 | 60 | 60 | 60 | 40 |
| Minimum lot width (feet) ^{(1), (4)} | 60 | 60 | 60 | 60 | 60 | 60 | 40 |
| Minimum front and corner side yard (feet) | 25 | 25 | 25 | 25 | 0 | 10 | 0 |
| Maximum front yard (feet) | — | — | — | — | — | — | 10 |
| Minimum side yard (feet) | 15 ⁽²⁾ | 15 ⁽²⁾ | 15 ⁽²⁾ | 15 ⁽³⁾ | 0 | 15 | 0 |
| Minimum rear yard (feet) ⁽⁶⁾ | 20 ⁽²⁾ | 20 ⁽²⁾ | 20 ⁽²⁾ | 20 ⁽³⁾ | 0 | 20 | 20 |
| Maximum structure height (feet) | 35 | 35 | 40 | 45 | 75 | 75 | 35 |
| Minimum landscaped open space ⁽⁵⁾ | 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, § I(Exh. A), 12-14-98; Ord. No. O-99-45, § I, 9-27-99; Ord. No. O-09-15, § I, 7-14-09; Ord. No. O-10-19, § I, 10-19-10; Ord. No. O-11-8, § I(Exh. A), 10-20-11; Ord. No. O-12-6, § I(Exh. A), 1-19-12; Ord. No. O-13-10, § I, 6-20-13; Ord. No. O-22-7, § II, 3-22-22; Ord. No. O-23-2, § I, 1-9-23; Ord. No. O-23-4, § II, 2-28-23)

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 ~~map 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 plat zoning maps~~ 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 plat zoning maps~~ 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.~~

More than one nonresidential use or more than one residential use and non residential use is allowed on a single lot or building within a village district without zoning board of review approval being necessary provided that such uses may be only those that are permitted in the district and provided that each establishment shall not exceed 3,000 square feet. The floor area of buildings within the district may be used for more than one permitted use, whether such uses are allowed by right, or by special permit authorized by the zoning board of review; provided, however, that the building and lot meet the most restrictive dimensional requirements applicable to the individual uses.

The ground floor of a multiuse building shall be used for allowed commercial uses and as a lobby or access for upper storey uses. Upper stories shall house residential uses, if applicable.

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, Clafin 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 3½ 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.

304.11. *"Adaptive reuse". Notwithstanding any other provisions of this chapter, adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed use developments which include the development of at least fifty percent (50%) of the existing gross floor area into residential units, shall be a permitted use and allowed by specific and objective provisions of a zoning ordinance, except where such is prohibited by environmental land use restrictions recorded*

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on the property by the state of Rhode Island department of environmental management or the United States Environmental Protection Agency preventing the conversion to residential use.

1. The specific zoning ordinance provisions for adaptive reuse shall exempt adaptive reuse developments from off-street parking requirements of over one space per dwelling unit.
2. Density. (A) For projects that meet the following criteria, zoning ordinances shall allow for high density development and shall not limit the density to less than fifteen (15) dwelling units per acre:
 - a. Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building and fire codes and utilities; and
 - b. The development includes at least twenty percent (20%) low- and moderate-income housing; and
 - c. The development has access to public sewer and water service or has access to adequate private water, such as a well and and/or wastewater treatment system(s) approved by the relevant state agency for the entire development as applicable.
3. For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing and has access to public sewer and water service or has access to adequate private water, such as a well, and wastewater treatment system(s) approved by the relevant state agency for the entire development, as applicable. The density proposed shall be determined to meet all public health and safety standards.
4. Notwithstanding any other provisions of this chapter, for adaptive reuse projects, existing building setbacks shall remain and shall be considered legal nonconforming, but no additional encroachments shall be permitted into any nonconforming setback, unless otherwise allowed by zoning ordinance or relief is granted by the applicable authority.
5. For adaptive reuse projects, notwithstanding any other provisions of this chapter, the height of the existing structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any rooftop construction shall be included within the height exemption

(Ord. No. O-98-13, § I, 5-18-98; Ord. No. O-99-62, § I, 11-15-99; Ord. No. O-11-18, § I(Exh. A), 10-20-11)

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) and planned district residential - limited (PDR-L), 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.

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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~~zoning map" 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 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.

(Ord. No. O-10-19, § I, 10-19-10)

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~~zoning map" 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~~zoning map" 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) and planned district residential-limited (PDR-L).

Planned district residential (PDR) and planned district residential-limited (PDR-L) 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 shall be permitted only in planned district residential (PDR) and planned district residential-limited (PDR-L) 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) *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.
- (C) *Relation to utilities and public facilities.* Public sewers, shall be required for all developments of ten dwelling units or more and shall be installed by the applicant. Water lines, storm and surface drainage systems and other utility systems must exist or shall be installed by the applicant.
- (D) *Relation to transportation.* Developments of five units or more shall be located along or provide direct access to major streets and highways.
- (E) *Off-street parking and landscaping.* A minimum of two parking spaces per dwelling unit shall be provided for developments of four (4) units or less and a minimum of two and one-half parking spaces per dwelling unit shall be required for developments of five or more. 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.
- (F) *Vehicular and pedestrian access points.* All developments shall provide the required minimum frontage along an improved and accepted city street. Principal vehicular access for developments of five or more dwelling units 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.

- (G) *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.
- (H) *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 tables establish 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 ⁽¹⁾ | A-10 ⁽²⁾ | A-15 ⁽³⁾ | A-40 ⁽⁴⁾ |
|-------------------------------------------|--------------------|---------------------|---------------------|---------------------|
| Minimum lot area (square feet) | 40,000 | 55,000 | 80,000 | 160,000 |
| Maximum density, dwelling units/acre | 12 10 | 9 7 | 6 4 | 3 |
| Minimum frontage (feet) ⁽⁵⁾ | 175 | 200 | 250 | 300 |
| Minimum lot width (feet) ⁽⁵⁾ | 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.

SUBSECTION 308.3(A) DEVELOPMENT STANDARDS FOR
PLANNED DISTRICT RESIDENTIAL-LIMITED (PDR-L)

| PDR-L 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.

| PDR-L Multiple-family dwellings with a total of three to nine 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.

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.

(Ord. No. O-10-19, § 1, 10-19-10)

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~~zoning map" 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~~zoning map" 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~~zoning map" 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~~zoning map."

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 address the problem, the Historic District Commission shall refer the property to the Building Official. ~~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, § 1, 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)

SECTION 400. NONCONFORMANCE

401. General application.

A nonconformance is a building, structure, sign, or parcel of land, or use thereof, which was lawfully existing at the time of the adoption or amendment of this zoning ordinance, and not in conformity with the provisions of such ordinance or amendment.

401.1. *Lawfully existing or established.* A building, structure, sign, or parcel of land, or ~~use~~ development thereof, was lawfully existing or lawfully established if it was in existence prior to March 22, 1957, or was established in conformance with the zoning ordinance in effect at the time the use was first established. For the purposes of this ordinance, the placement or use of a sign, with or without any other structure or use, is considered a use of land. A lot was lawfully existing or lawfully established if it was of record or shown on a recorded plat prior to March 27, 1957 and was separately owned.

401.2. *Prior illegal establishment.* Any use or structure illegally established prior to the effective date of this ordinance or any amendment thereto shall not be granted nonconformance status nor shall it become legally established subsequent to the effective date of this ordinance or any amendment thereto.

401.3. *Nonconforming by use.* A lawfully established use of land, building, or structure which is not a permitted use in the zoning district in which it is located, as set forth in section 300, is nonconforming by use.

401.4. *Nonconforming by dimension.* A lawfully established building, structure, or parcel of land not in compliance with the dimensional regulations of this ordinance is nonconforming by dimension. Dimensional regulations include all regulations of this ordinance, other than those pertaining to the permitted uses. A lawfully established building, structure, parcel of land, or use thereof, not in compliance with the parking regulations of this ordinance, as set forth in section 700, is also nonconforming by dimension. A lawfully existing or lawfully established lot that is not in compliance with the dimensional regulations of the zoning ordinance, including, but not limited to, those regulations for minimum lot size, lot width and lot frontage (also known as a substandard lot of record), is also nonconforming by dimension.

401.5. *Nonconforming by dwelling units.* A building or structure containing more dwelling units than are permitted by the use regulations of this ordinance shall be nonconforming by use. A building or structure containing a permitted number of dwelling units by the use regulations of this zoning ordinance, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

401.6. *Most restrictive regulations to apply.* A building, structure or parcel of land nonconforming by more than one factor, such as by use, dimension, area or parking, shall comply with all regulations of this section. Where the regulations conflict, the most restrictive regulations shall apply.

401.7. *Existence by variance or special use permit.* A nonconforming building, structure, sign, or parcel of land or the use thereof, which exists by virtue of a variance or a special use permit (or a special exception) granted by the board, shall not be considered a nonconformance for the purposes of this section, and shall not acquire the rights of this section. Rather, such building, structure, sign, parcel of land, or use thereof, shall be considered a use by variance or a use by special use permit and any moving, addition, enlargement, expansion, intensification or change of such building, structure, sign, parcel of land or use thereof, to any use other than a permitted use or other than in complete conformance with this ordinance, shall require a further variance or special use permit from the board.

402. Building or structure nonconforming by use.

Nonconforming uses are incompatible with and detrimental to permitted uses in the zoning districts in which they are located. Nonconforming uses cause disruption of the comprehensive land use pattern of the city, inhibit present and future development of nearby properties, and confer upon their owners a position of unfair advantage. It is intended that existing nonconforming uses shall not justify further departures from this ordinance for themselves, or for any other properties.

402.1. *Treatment in residential zones.* Nonconforming uses in residential zones are to be treated in a stricter fashion than nonconforming uses located in nonresidential zones. Due to the disruption which nonconforming uses cause to the peace and tranquility of a residential zone, nonconforming uses therein should be eventually abolished or reduced to total conformity over time.

402.2. *Continuance of use.* Nothing in this ordinance shall prevent or be construed to prevent the continuance of a nonconforming use of any building or structure for any purpose to which such building or structure was lawfully established.

402.3. *Maintenance and repair.* A building or structure containing a nonconforming use may be maintained and repaired except as otherwise provided in this section.

402.4. *Moving.* A building or structure containing a nonconforming use shall not be moved in whole or in part either on or off the lot on which it is located unless the use contained within such building or structure is made to conform to the use regulations of the zone in which it is relocated.

402.5. *Addition and enlargement.* A building or structure containing a nonconforming use shall not be added to or enlarged in any manner, including any addition or enlargement of floor area or volume, unless the use contained within such building or structure, including such addition and enlargement, is made to conform to the use regulations of the zone in which it is located.

402.6. *Expansion.* A nonconforming use of a building or structure shall not be expanded into any other portion of the building or structure which contains a conforming use or which is unoccupied or unused.

402.7. *Intensification.* A nonconforming use of a building, structure or land shall not be intensified in any manner. Intensification shall include, but not be limited to, increasing hours of operation, increasing the number of dwelling units or increasing the seating capacity of a place of assembly. However, this section shall not prohibit the reconfiguration of existing dwelling units within a building or structure so long as such reconfiguration complies with the requirements of subsection 402.6.

402.8. *Change of use.*

- (A) *Residential zones.* Within any residential zone, a nonconforming use shall only be changed to a permitted use or to the same actual use. A nonconforming use, if changed to a permitted use, may not be changed back to a nonconforming use.

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- (B) *Nonresidential zones.* Within any nonresidential zone, a nonconforming use may be changed to a permitted use, or to the same use code listed under section 300. A nonconforming use, if changed to a permitted use, may not be changed back to a nonconforming use.

402.9. *Abandonment.* If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use shall consist of some overt act, or failure to act, which would lead one to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use unless the owner can demonstrate an intent not to abandon the use. An involuntary interruption of nonconforming use, such as by fire and natural catastrophe, does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of one year or more, the owner of the nonconforming use will be presumed to have abandoned the nonconforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.

403. Building or structure nonconforming by dimension.

Buildings or structures that are nonconforming by dimension are likely to cause overcrowding and congestion in the neighborhoods, contribute to unhealthy conditions and are contrary to the purposes of this ordinance. Buildings or structures that are nonconforming by dimension cause disruption of the comprehensive land use pattern of the city, inhibit present and future development of nearby properties, and confer upon their owners a position of unfair advantage. It is intended that existing buildings or structures that are nonconforming by dimension shall not justify further departures from this ordinance for themselves or for any other property.

403.1. *Continuance.* Nothing in this ordinance shall prevent or be construed to prevent the continuance of the use of any building or structure nonconforming by dimension for any purpose to which such building or structure was lawfully established.

403.2. *Maintenance and repair.* A building or structure nonconforming by dimension may be maintained and repaired except as otherwise provided in this section.

403.3. *Moving.* A building or structure which is nonconforming by dimension shall not be moved in whole or in part to any other location on the lot in which it is located unless every portion of such building or structure is made to conform to all of the dimensional requirements of the zone in which it is located.

403.4. *Addition and enlargement.* A building or structure nonconforming by dimension shall not be added to or enlarged in any manner, unless such addition or enlargement conforms to all of the dimensional regulations of the zone in which the building or structure is located.

403.5. *Expansion.* A conforming use within a building or structure which is nonconforming by dimension (other than by lot area per dwelling unit) may be expanded into any other portion of the building or structure which is unoccupied or unused.

403.6. *Intensification.* A conforming use within a building or structure which is nonconforming by dimension may be intensified, provided that such intensification is in conformance with the use and lot area per dwelling unit regulations, if applicable, for the zone in which it is located.

403.7. *Change in use.* A conforming use within a building or structure which is nonconforming by dimension may be changed to any other conforming use.

403.8. *Demolition.* A building or structure nonconforming by dimension, if voluntarily demolished, shall not be reconstructed, unless it conforms with the dimensional regulations of the zone in which it is located. Such voluntary demolition shall be considered an abandonment of the use. If such building or structure is involuntarily demolished, destroyed, or damaged, it may be repaired or rebuilt to the same size and dimension as previously existed.

404. Land nonconforming by use development.

404.1. *Continuance.* The lawfully established nonconforming use development of land, where no building is involved, may be continued, provided that no such nonconforming use development of land shall in any way be expanded or intensified either on the same or adjoining property.

404.2. *Change of use development.* The nonconforming use development of land shall not be changed to a different use development, unless such use development conforms to the use development regulations of the zone in which it is located.

404.3. *Private residential areas.* An existing dwelling located on tax assessor's plat 305, lot 58 (Spring Green/Gaspee Point), plat 315, lot 136 (Cole Farm), plat 369, lot 111 (Buttonwoods Beach) and plat 380, lot 3 (Rocky Beach) may be enlarged or altered upon receipt of a building permit without approval from the zoning board of review being necessary; provided that such construction complies with current applicable building codes, private covenants/declarations, and the front and corner side yard and rear yard requirements of table 2A, Dimensional Regulations, for the district in which it is located.

(Ord. No. O-94-34, § I, 12-19-94)

405. Land nonconforming by area.

~~405.1. *Enlargement of undersized lots.* Lawfully established lots which have less than the minimum area requirements may be maintained and may be changed by adding additional land to such lots without prejudice to the rights of the owner of such lots pursuant to the provisions of this section.~~

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405.2. *Merger of abutting nonconforming lots.* If two or more abutting nonconforming lots are held in the same ownership as of June 20, 1988 or subsequent thereto, such lots shall be combined for the purposes of this ordinance in order to conform or more nearly conform to any of the dimensional requirements of this ordinance for the district in which the lots are located and such lots shall not be sold separately.

~~Notwithstanding the failure of that lot or those lots to meet the dimensional and/or quantitative requirements, and/or road frontage or other access requirements, applicable in the district as stated in the ordinance, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. All proposals exceeding such reduced requirement shall proceed with a modification request under § 45-24-46 or a dimensional variance request under § 45-24-41, whichever is applicable.~~

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~~Provisions may be made for the merger of contiguous unimproved, or improved and unimproved, substandard lots of record in the same ownership to create dimensionally conforming lots or to reduce the extent of dimensional nonconformance. The ordinance shall specify the standards, on a district by district basis, which determine the mergers. The standards include, but are not to be limited to, the availability of infrastructure, the character of the neighborhood, and the consistency with the comprehensive plan. The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200') of the subject lot, as confirmed by the zoning enforcement officer.~~

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405.3. *Subdivision of merged lots.* A lot which has been created by the merger of two or more nonconforming lots, as provided for in subsection 405.2, may be subdivided or combined with other lots and

subdivided, provided that approval is given by the planning board, ~~and provided that the following requirements are met:~~

~~(A) In all zones, where any portion of the lot is within the "coastal zone" as defined by the Rhode Island coastal resources management council, all dimensional requirements for the zone, including without limitation, area, frontage and lot width, shall be met.~~

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~~(B) In the A-7 zone, all dimensional requirements for the zone, including, without limitation, area, frontage and lot width, shall be met.~~

~~(C) In the A-10, A-15 and A-40 zones, if public water and sewer is provided, then the minimum lot area, frontage and lot width of the resulting lot or lots may be reduced to not less than 80 percent of the requirements for the zone. If public water is not provided, then all dimensional requirements for the zone, including, without limitation, area, frontage and lot width, shall be met.~~

405.4. *Residential use of nonconforming lots.* In any district in which dwellings are permitted, a dwelling may be erected, enlarged, or altered on a nonconforming lot or on two or more abutting nonconforming lots subject to the following:

~~(A) Where such lot or lots contain less than 7,000 square feet, or have less than 50 feet of frontage, it shall be necessary for the owner thereof to receive from the zoning board of review a dimensional variance in order to construct a new dwelling thereon; and the zoning board of review shall designate the maximum size of the dwelling to be placed thereon and its location on said lot or lots and any other conditions it deems reasonably necessary to promote the purposes of this ordinance.~~

~~(B) Where such lot or lots contain 7,000 square feet or more, and have a minimum frontage of at least 50 feet, a new dwelling may be constructed thereon without approval from the zoning board of review being necessary provided that such construction complies with the front and corner side yard, side yard and rear yard requirements of table 2A, Dimensional Regulations, for the district in which such lot is located.~~

~~(A)(C) Where there is an existing dwelling on a nonconforming lot prior to the effective date of this ordinance or any amendment thereto, such dwelling may be enlarged or altered without approval from the zoning board of review being necessary provided that such alteration or enlargement complies with the front and corner side yard, side yard and rear yard requirements of table 2A, Dimensional Regulations, for the district in which such lot is located.~~

~~(D) Any vacant lot in a residence district or any existing dwelling on a lot in a residence district made nonconforming by the adoption of this ordinance or by the adoption of the predecessor to this ordinance on June 20, 1988, may be built upon, enlarged or altered after the effective date of such ordinance provided that the construction, alteration or enlargement complies with the front and corner side yard, side yard and rear yard requirements of table 2A, Dimensional Regulations, for the district in which such lot was formerly located, provided that the requirements of subsection 405.2 are met, if applicable.~~

405.5. *Nonresidential use of nonconforming lots.* In any district where nonresidential uses and structures are permitted, such structure may be erected, enlarged, or altered on a nonconforming lot with at least 50 feet of frontage provided that such alteration, enlargement or construction complies with the front and corner side yard, side yard and rear yard setback requirements of table 2B, Dimensional Regulations, for the district in which such lot is located and further provided that the requirements of subsection 405.2, and of sections 505 and 700 are met, if applicable.

~~406. Buildings and structures nonconforming by parking.~~

~~A building or structure is considered nonconforming by parking if the lawfully established use of the building or structure does not meet the parking requirements of section 700.~~

~~406.1. *Addition, enlargement, expansion and intensification.* Any building or structure nonconforming by parking may not be added to, enlarged, expanded or intensified, unless brought into full compliance with the parking requirements of section 700, such that sufficient parking is provided for the entire structure including the original portion and the addition, enlargement, expansion or intensification.~~

~~406.2. *Change of use.* A building or structure nonconforming by parking may be changed to a different use other than residential use, pursuant to all other provisions of this ordinance, provided that such new use meets the following parking requirements. The number of additional parking spaces required shall be the difference between the number of spaces required for the proposed use and the number of spaces required for the previous use. In the event that the new use requires less parking spaces than the previous use, no additional parking spaces need be supplied. However, none of the existing parking spaces shall be eliminated unless the total number of spaces required by this ordinance for the new use are provided.~~

~~407. Nonconformance as to landscaping requirements.~~

~~Any existing nonresidential use that is nonconforming as to the minimum landscaped open space requirements of this ordinance or the landscaping and screening requirements of subsection 505 may be enlarged in terms of gross floor area, volume, or use without satisfying such landscaping requirements provided that such enlargement is less than or equal to a 25 percent increase of the structure or use of the lot. Any such enlargement exceeding such 25 percent increase shall comply with such landscaping requirements for the entire lot and use.~~

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: 2½ 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. ~~Reserved.~~ LAND DEVELOPMENT PROJECT

502.1 Purpose

The purpose of the land development project, as established by state statute, is to review proposed developments to determine compliance with the standards and intent of this Ordinance and the development review regulations adopted by the Planning Board pursuant to RIGL 45-23.

502.2 Authority

The Planning Board may approve a land development project. The Planning Board may also approve modifications to dimensional standards. The Planning Board may also approve variances and special use permits through unified development review.

No demolition, foundation, or building permits will be issued, and no site work will be allowed for any development requiring approval of a land development project until the Planning Board has approved the final plan.

502.3 Applicability

Any development that meets one or more of the following criteria is considered a land development project:

- a. New construction of 10,000 square feet or more in gross floor area.
- b. Additions or enlargements to structures where the new gross floor area of the addition or enlargement is 10,000 square feet or more.
- c. Construction of new gross floor area that creates 10 or more dwelling or rooming units.
- d. Development of 50 or more new parking spaces.
- e. Developments that warrant changes in traffic signalization or degradation in level of service.

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D. Procedure

All land development projects, including requests for unified development review, shall be reviewed by The Planning Board according to the "Development Review Regulations" adopted by the Planning Board pursuant to RIGL 45-23.

502.4 Adjustments of Dimensional Regulations

The Planning Board has the authority to make adjustments to certain dimensional and design standards through land development project review when one or more of the following occur:

- a. Where open space is permanently set aside for public or common use.**
- b. Where the physical characteristics, location, or size of the site require an adjustment.**
- c. Where the location, size, and type of use require an adjustment.**
- d. Where the required build-to percentage requires an adjustment.**
- e. Where design standards require an adjustment.**
- f. Where housing for low- and moderate-income families is provided.**
- g. Where other amenities not required are provided, as stipulated in this Ordinance.**
- h. Where structured parking is provided.**
- i. Where vertical mixed-use development is provided, of which at least 50% is devoted to residential use.**

502.5 STAFF LEVEL DEVELOPMENT PLAN REVIEW

A. Purpose

The purpose of staff level development plan review is to authorize the Building Official and Planning Director to review proposed developments with minor land use impacts, to determine compliance with this Ordinance.

B. Authority

Staff Level Development Plan Review may approve a project subject to development plan review.

C. Applicability

1. The Staff Level Development Plan Review Committee reviews the following types of development:

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a. Any development or redevelopment on a lot or lots within a commercial or industrial zone that does not
abut residential uses.

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b. Any new pavement with an area of 10,000 square feet or less.

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e. Any development that includes a drive-through facility.

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f. Projects within commercial or industrial areas that do not cause degradation in level of service in terms of
traffic circulation with respect to surrounding streets.

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D. The following types of development are not subject to development plan review by the Staff Level

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Development Plan Review:

1. Any development that requires land development project review or development plan review by the Planning Board,

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E. Procedure

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1. The Staff Level Development Plan Review Committee shall begin development plan review within 30 days of submittal of a complete application.

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2. The Staff Level Development Plan Review Committee shall, within 60 days of submittal of a complete application, review and evaluate the plan, pursuant to the standards of this Ordinance, and approve, approve with conditions, or deny the plan. If approved subject to certain conditions, all plans, and drawings submitted as part of the application for a building permit shall reflect those conditions.

E. Modifications to Staff Level Development Plan Review

Modifications to a plan approved through Staff Level Development Plan Review shall be submitted as a new Development Plan Review application.

502.6 PLANNING BOARD DEVELOPMENT PLAN REVIEW

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A. Purpose

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The purpose of Planning Board Development Plan Review is to review proposed developments to determine compliance with this Ordinance.

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B. Authority

The Planning Board may approve a project subject to development plan review.

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C. Applicability

The Planning Board reviews all types of development not subject to staff level reviews.

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D. Procedure

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1. The Planning Board shall begin development plan review within 30 days of submittal of a complete application.

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2. The Planning Board shall, within 60 days of submittal of a complete application, review and

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evaluate the plan, pursuant to the standards of this Ordinance, and approve, approve with conditions, or deny the plan. If approved subject to certain conditions, all plans, and drawings submitted as part of the application for a building permit shall reflect those conditions.

E. Modifications to Planning Board Development Plan Review

Modifications to a plan approved through Planning Board Development Plan Review shall be submitted as a new development plan review application.

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Editor's note(s)—Ord. No. O-10-19, § I, adopted October 19, 2010, repealed § 502, which pertained to land development project—two-family and multiple-family dwelling approval by the zoning board of review and derived from 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 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 2½ 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.

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- (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.

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.

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- 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. ~~Warwick Station Development District (WSDDCCW)~~ City Centre Warwick (CCW).

The intent of the ~~Warwick Station Development District~~ City Centre Warwick ("~~WSDDCCW~~") is to encourage, guide and direct development and to ensure that the character presented in the ~~Warwick Station Development District~~ City Centre Warwick Master Plan, as amended, is maintained and that mixed uses provide for the health and growth of the Development District. The construction and design of buildings and open spaces shall be regulated and approved in accordance with the provisions of the ~~Warwick Station Development District~~ City Centre Warwick Master Plan.

Specific components of this purpose include:

- A. To comply with all the elements of section 103 purpose as contained in this zoning ordinance.
- B. To ensure that the District capitalizes on the substantial public investment in T.F. Green Airport, the Intermodal facility and the Interlink.
- C. To expand economic development opportunity within the District by encouraging private-sector investment.
- D. To provide for an orderly development process that places a premium on quality of design, walkability, function and mitigating traffic impacts and supports multimodal travel options.

507.1. Procedures for approval.

- (a) *Application.* Before a property owner applies for a building permit or commences improvements including the construction, reconstruction, alteration, repair, demolition, removal and/or rehabilitation of new or existing buildings, or appurtenances (paving, curb cuts, parking areas, drainage, etc.) within the ~~WSDDCCW~~, a written application for such work and appropriate development plans shall be submitted to the Planning Department.

The administrative officer to the planning board shall have the authority to review an application and approve, approve with conditions or deny any application administratively or, at his/her discretion, may forward the application to the planning board for review and action pursuant to the provisions of this section of the zoning ordinance and no building permit shall be issued before a project receives design approval from either the administrative officer or the planning board.

- (b) *Administrative approval.* The following shall not require formal planning board approval and may be approved administratively by the administrative officer. Any application denied by the administrative officer may be appealed by the applicant to the planning board for action at the next available meeting of the planning board.

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- (1) Work meant to remedy damage or deterioration of a structure or its appurtenances which involves no change in type of materials, dimensions, design, configuration, texture or visual appearance;
 - (2) Exterior alterations to existing buildings, parking areas and appurtenances that require a building permit.
 - (3) Business enhancement plantings.
 - (4) Signs that conform to all of the requirements contained section 800 "signs."
- (c) *Planning board review.* The planning board shall review all applications including, but not limited to, new construction, additions, moving of structures and demolition of buildings. Such review shall be held during a regular Planning Board meeting in accordance with the procedures contained in the City of Warwick Land Development Subdivision Review Regulations.
- (d) *Determination.* The planning board shall be authorized to approve, approve with conditions or deny an application. Approval shall be based upon conformance with the regulations of this section, the [Warwick Station Development District City Centre Warwick](#) Master Plan, as amended, City of Warwick Development Review Regulations and the [WSDPCCW](#) Design Manual.
- (e) *Advice from other agencies.* In order to assist in its review, the planning board may request other agencies to review and comment on proposals. Compliance with the Design Guidelines of the [WSDPCCW](#) Master Plan and Ordinance shall be determined by the planning board or a designated design review subcommittee. This process may be assisted by a third party peer review consultant to provide design review on an on-call basis at the request of the applicant or the board, provided that the proper findings of fact have been made. This consultant may be selected by the applicant subject to prior approval from the board. The consultant shall have demonstrated a satisfactory knowledge of the design principles, fundamentals and objectives as contained within the [WSDPCCW](#) Master Plan. The total fee for the third party peer review shall be paid by the applicant before the application receives final approval.

507.2. *Design regulations for alterations and enlargements of existing buildings, parking areas and/or landscaping.* All exterior improvements on existing buildings in the [WSDPCCW](#) are subject to approval by the administrative officer or planning board and shall be regulated by these standards and guidelines except for those activities listed in section 507.1(b) administrative approval. The purpose of these regulations and the [WSDPCCW](#) Design Manual is to establish design criteria to create and maintain the architectural and landscape features of the district envisioned in the [Warwick Station Development District City Centre Warwick](#) Master Plan.

- (a) *Minimum standards.* The following are minimum standards for the design of alterations or additions to existing buildings:
- (1) *Design.* Alterations and additions to existing buildings shall follow the design standards defined within the [Warwick Station Development District City Centre Warwick](#) Master Plan and further detailed within the [WSDPCCW](#) Design Manual. All designs shall be compatible with the size, scale, massing, proportion, material, and other features and environmental setting of a pedestrian-scaled urban development.
 - (2) *Additions and alterations.* Wherever possible, additions or alterations to buildings, structures, and appurtenances shall be designed in a manner that transforms existing buildings to conform to the character of the district in compliance with the standards for new construction listed in section 507.3.
 - (3) *Exterior lighting and glare.* All exterior lighting shall be designed to minimize negative impacts on neighboring properties. Night sky pollution shall be controlled by downshaded lighting or shielded lighting. All lighting shall be based upon a pedestrian scale appropriate for the [Warwick](#)

[Station Development District City Centre Warwick](#) setting. Glare from outdoor lights and signs and from the movement of vehicles on site shall be shielded from the view of adjacent residential properties.

- (4) *Landscaping and screening.* Landscaping and screening requirements for the [Warwick Station City Centre Warwick](#) Intermodal and Gateway Districts. It is the intent of this subsection to require that properties within the [Warwick Station City Centre Warwick](#) Intermodal and Gateway Districts be suitably landscaped and screened in order to provide for attractive and well maintained development in accordance with section 103, purpose of this ordinance. All uses in the [Warwick Station City Centre Warwick](#) Intermodal and Gateway Districts shall comply with the minimum standards contained in section 505, landscaping and screening requirements for nonresidential uses; the landscaping and screening requirements specified in section 700, parking and loading; as well as the guidelines found in the [WSDPCCW](#) Design Manual.

507.3. *Design regulations for new construction, parking, landscaping, stormwater control, and signage.* All new construction in the [WSDPCCW](#) is subject to approval by the planning board and shall be regulated by these standards and guidelines as well as those defined within the [Warwick Station Development District City Centre Warwick](#) Master Plan, the [WSDPCCW](#) Design Manual, and sections 505.2 through 505.5 and 505.7 of section 505, landscaping and screening requirements for nonresidential uses, except for those activities listed in subsection 507.1(b) administrative approval. The purpose of these regulations is to establish design criteria to create a development district which is pedestrian in scale and to ensure that new construction is consistent with the [WSDPCCW](#) Master Plan.

- (a) *Minimum standards.* The following are minimum standards for all new construction projects.
 - (1) *Design.* Buildings, structures and site layout, shall be visually compatible with the character contained in the [Warwick Station Development District City Centre Warwick](#) Master Plan and the surrounding area, including building materials, massing, scale, building roof lines, and site furnishings.
 - (2) *Architectural elements.* Architectural elements should be in proportion to the overall building and should also be congruent with the surrounding building context. Exaggerated or excessively large (or small) architectural elements should be avoided. Development projects should reuse existing buildings of historical significance whenever possible.
 - (3) *Scale.* Large scale development may be encouraged in appropriate areas, but pedestrian level streetscapes shall be included as an integral design element. Conventional suburban-oriented, individual structures with a single entrance set back on a large expanse of asphalt parking are prohibited. New buildings should not be single story, large, bulky masses, but should be vertical in orientation and multi-storied.
 - (4) *Vehicular access.* Proposed site layout shall limit direct access to collector and arterial roadways and shall provide safe ingress and egress from local roads and private drives by providing a sufficient number and control of access points including adequate site distances, turning lanes and signalization when required by existing and projected traffic flow. The planning board may require consolidation of existing curb cuts into fewer clearly defined entrances. The planning board may also require shared access between developments where practicable. No development shall be allowed where there is unrestricted access to public streets or roadways or where a public street must be utilized to maneuver in and out of a parking space. Provisions shall be made for providing and maintaining safe and convenient emergency vehicle access to all buildings and structures at all times.
 - (5) *Parking.* New construction shall conform to section 700, off-street parking and loading, except for the parking reductions prescribed below:

| Use | Requirement Parking Spaces per Unit or Gross Floor Area (GFA) |
|----------------------------------------|---------------------------------------------------------------|
| Office, Bank, Medical and Professional | 1 spaces/300 square feet of GFA |
| Hotel | 0.75/bedroom |
| Multifamily residential | 1.5/dwelling unit |
| Retail/Entertainment | 1/300 square feet of GFA |

Parking structures may be required to satisfy parking space requirements. Due to the pedestrian nature of the Intermodal zone and the use of the Interlink between the Intermodal facility and the airport terminal, the planning board may limit the number of parking spaces provided for each use within the [WSDBCCW](#). In addition, the planning board may limit the ingress and egress points of parking facilities to side streets to ensure that traffic congestion is mitigated so that collector and arterial roadways are not adversely impacted.

- (6) *Circulation.* The design of the project circulation system shall be inclusive of all transportation choices and relate to planned improvements in the area, including future walkways, street widening, realignments, or paving programs which have been planned or scheduled for construction. The design shall be consistent with corridor improvement designs encouraged within the [Warwick Station Development District City Centre Warwick](#) Master Plan and [WSDBCCW](#) Design Manual and promote convenient and safe pedestrian and bicycle transit accessible to all. Small scaled interior streets and drives, alleyways, public spaces, and pedestrian paths shall be encouraged within the district. Such interior circulation shall link to an overall system envisioned in the [Warwick Station Development District City Centre Warwick](#) Master Plan.
- (7) *View corridors.* Views of significant features such as the new intermodal station, [the Elizabeth Mill](#) and the Airport terminal shall be preserved whenever possible.
- (8) *Utilities.* New development shall not impose unreasonable burdens on sanitary sewers, storm-drains, water lines, roadway systems and other public utilities and may be subject to impact studies in accordance with the Warwick Development Review Regulations. Developers shall be responsible for all improvements and upgrades resulting from a proposed development. All utilities shall be underground.
 - a) *Public water.* All new construction must utilize the City of Warwick water system. Sufficient public water supply must be available for a proposed development and shall not result in an unreasonable burden on the existing water supply.
 - b) *Sewage disposal.* All new construction must utilize the City of Warwick sanitary sewer system. Sufficient sewer capacity must be available throughout the sewer system for a proposed development and shall not result in an unreasonable burden on the existing sewer system.
 - c) *Stormwater run-off and erosion control.* Adequate provisions shall be made for stormwater runoff so that removal of surface water shall not adversely affect neighboring properties, downstream water quality, soil erosion or the storm-drain system. Whenever possible, on site underground infiltration systems shall be utilized to eliminate discharges from the site.
 - 1. Erosion and sedimentation shall be controlled during and after construction and shall not adversely affect adjacent or neighboring property or public facilities and services. All erosion control shall meet the standards of the City of Warwick and the Rhode Island Erosion and Sediment Control Handbook.

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2. All stormwater control shall meet the standards of the Rhode Island Stormwater Design and Installation Standards Manual and Section D.2.7 "Drainage" as contained in the City of Warwick Development Review Regulations. Such stormwater control shall be integral to the landscape design of the project.
- c) *Traffic impact.* Proposed developments shall not impose unreasonable burdens on the circulation system of the district or surrounding areas. Public roadways inadequate to handle the volume of traffic generated by the development shall be improved by the applicant to provide safe, efficient passage for vehicles, pedestrians and cyclists. Developers may be required to provide a traffic impact report prepared by a certified traffic engineer as authorized in the development review regulations.
 - (9) *Security.* In the case of significant projects having a substantial impact upon the district, the city, or the surrounding area, the planning board shall require a performance guarantee in accordance with the Warwick Development Review Regulations ensuring that the project will be completed in accordance with the approved plans and any conditions imposed.
 - (10) *Signs.* The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures shall be compatible with the design of proposed buildings, structures and surrounding properties. The planning board may limit the size and number of signs for any property, provided however, that at least one sign for each nonresidential lot which meets the standards of the City of Warwick Zoning Ordinance shall be allowed.
 - (11) *Special features.* Exposed storage areas, exposed machinery, service areas, loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audio and visual buffer designed to minimize adverse impacts on surrounding properties.
 - (12) *Exterior lighting and glare.* All exterior lighting shall be designed to minimize negative impacts on neighboring properties. Night sky pollution shall be controlled by downshaded lighting or shielded lighting. All lighting shall be based upon a pedestrian scale appropriate for the [Warwick Station Development District City Centre Warwick](#) setting. Glare from outdoor lights and signs and from the movement of vehicles on site shall be shielded from the view of adjacent residential properties.

507.4 *Demolition.* In order to create the appropriate architectural and landscape character envisioned in the [Warwick Station Development District City Centre Warwick](#) Master Plan, no building shall be demolished until the planning board has granted a demolition permit.

- (1) *Review of application.* In reviewing an application for demolition, the planning board shall consider the architectural quality of the existing building and the quality of the site and shall review the proposed landscaping and/or new building to be constructed.
- (2) *Grant of demolition.* A demolition permit shall not be issued until the applicant demonstrates adequate financial ability to demolish the existing structure and landscape the site or construct a new building on the site. The planning board may require a performance guarantee to ensure that all work approved in the grant of demolition is satisfactorily completed.

(Ord. No. O-12-6, § I(Exh. A), 1-19-12)

508. Additional regulations for the village district.

It is intended that the village district regulations should encourage a high quality of architectural and site design to create a unique identity that distinguishes it from other districts in the city. In addition to other requirements of the district, the following regulations shall apply throughout the whole of any village district.

All new developments in the district or exterior changes to existing structures which require the issuance of a building permit as per Rhode Island State Building Code shall be subject to the filing of a development plan for site design and architectural review and approval by the administrative officer to the planning board or may be referred to the planning board at the discretion of either the petitioner or the administrative officer.

The petitioner shall submit a development plan that shall provide all necessary information to demonstrate compliance with the architectural and site design requirement included in this section. In considering compliance with, the administrative officer to the planning board and/or the planning board, shall address each of the following and shall make positive findings regarding each of the following provisions as they apply to the application under review:

1. The project is consistent with section 508.1 site and building performance standards.
2. The proposed development complies with all the requirement contained within section 807.4, signage, and section 701.6B, parking.
3. The proposed development will be compatible with and enhance the use or value of the existing properties within the village district.
4. The proposed development will not be injurious to neighboring properties or the general welfare of the surrounding community.
5. The proposed development will not result in unnecessary adverse impacts on access driveways, on-street parking, sidewalks, and promotes safe automotive and pedestrian access that is in harmony with the surrounding area.

The findings and decision of the administrative officer or the planning board, shall be retained as part of the permanent record of decision and a building permit shall not be issued until an approval letter is provided to the building official by the administrative officer.

508.1 Site and building performance standards for the village district zone.

- A. New buildings shall reflect the scale, massing, rhythm, materials and siting of adjacent structures, if the area has a distinct character. A new building shall be sited to reinforce the existing building setbacks, which help to define the streetscape edge. If new construction must be placed farther back than existing structures, then vegetation shall be planted to continue and reinforce the established street edge.
- B. One-story buildings shall not be permitted to have flat roofs. Buildings with two or more stories may have flat roofs, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building plane. Non-flat roof lines are encouraged to be varied, depending on the length of the building. For purposes of this section only, the height of a building shall be measured from the average grade of the lot to the mid point of a peaked roof or the largest portion of a flat roof.
- C. The principle structure on a lot shall be oriented such that the front facade and main entrance of the structure face the street.
- D. Main entrances shall be clearly visible from the street, and be accompanied with signage as permitted in this ordinance, and windows that provide adequate and appropriate visual access to the interior commercial and activity areas.
- E. Along with the main building entrance, one additional entrance will be required for building facades that are longer than 70 feet and facing a street. An additional entrance shall be required for each additional 50 feet thereafter. Additionally, single colors or materials covering street front facade walls that are higher than four feet above the street elevation shall not exceed 50 feet in width. Where street front building facade exceeds 50 feet in width, the facades shall vary either in color or material.

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- F. New buildings shall be sided with wood shingles, clapboard, brick, stone, stucco, cementitious siding or premium vinyl siding with a nominal thickness of .125 or greater. Vinyl siding shall be applied to minimize visible seams, with trim details as appropriate. The use of concrete block as an exterior finish is prohibited.
 - G. Public areas, such as yards, play areas and other private and public opens spaces shall be defined with walks, plantings, walls, fences and other elements that are compatible with existing materials and spatial qualities.
 - H. Building equipment (HVAC equipment) and service areas shall be located away from the street. Building equipment must be screened from public view and the view of adjacent residential areas. Similarly, all outdoor storage areas shall be completely screened from public view and the view of adjacent residential areas, and shall conform to the architectural elements of these guidelines.

(Ord. No. O-12-6, § I(Exh. A), 1-19-12)

509. Administrative procedures for solar energy systems on contaminated sites.

Purpose and Applicability. The purpose of this section is to regulate the installation of solar energy systems by providing standards for the placement, design, construction, operation monitoring modification and removal of such systems. These standards are intended to ensure that solar energy systems are compatible with the surrounding area, provide for public safety, and minimize impacts on scenic, natural, and historic resources. The provision of this section shall apply, as specified herein, to construction, operation, and/or repair of solar energy system installation in the city.

Large scale solar energy systems (which refers to systems that are not either (1) an accessory solar system or (2) a contaminated site solar system as defined by this ordinance) shall be prohibited throughout the City of Warwick.

509.1 *Review procedures.* Contaminated sites (i.e. brownfield sites) subject to solar energy systems shall require Planning Board review in accordance with major land development review provisions.

Any system located in a historic overlay district in view of a public ROW as determined by the building official, must obtain a certificate of appropriateness in accordance with section 311.

509.2 *Performance standards.* These standards shall be required in addition to the major land development review procedures set forth by RIGL 45-23 and the city's subdivision and land development regulations. The standards set forth herein will ensure that solar energy systems are compatible with the surrounding area, provide for public safety, and minimize impacts on wildlife; scenic, natural and historic resources, and abutting properties.

- (A) The applicant is required to provide verification from a RI licensed landscape architect at the preliminary stage of review that the landscape buffer is adequate to thoroughly screen the solar energy facility year round. In addition, the required vegetated buffer/screening shall be maintained for the life of the solar energy facility. The property owner and/or facility owner shall be required to replant any section of the buffer/screening found not to meet the requirements of this section as determined by the zoning enforcement officer with consultation from the city planner.
- (B) All solar energy systems shall, at minimum, employ the zoning setback requirements in Table 2 A & B, entitled Dimensional Regulations. The planning board shall reserve the right to increase setbacks to minimize visibility of the system as a result of information learned through public hearings.
- (C) The maximum height of a ground-mounted solar energy system shall be ten feet.
- (D) To prevent glare on adjacent properties and mitigate public safety potential, only matte finish, and non-reflective panels shall be utilized.

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- (E) The applicant shall submit an independent, pre-development noise study for which a baseline shall be established indicating general background noise in perimeter areas adjacent to neighbors averaged over several weeks. A post startup noise study shall be executed to ensure no increase in noise occurs from the facility. Noise mitigation must be employed for solar energy systems responsible for an increased decibel level of 3dB.
 - (F) Accessibility for emergency service vehicles is required along with clearly-marked procedures for shutting down the solar energy system.
 - (G) A public safety preparedness and response plan detailing the standards, procedures, and communication protocol to be utilized for the system and in the event of an emergency shall be provided to the city's emergency management agency director, as well as documentation indicating that the plan has been distributed to the fire department.
 - (H) Contaminated sites shall be remediated and properly capped in accordance with state or federal remediation standards as part of the development.
 - (I) Unless required by ELUR, no substantial clearing or grading of the proposed project site shall have occurred five years prior to submission of the application for an SES based on a review of aerial photography provided by the applicant.
 - (J) Clearcutting outside of the immediate array area is prohibited unless required by remediation permit. A reforestation plan prepared by a certified forester (CF) or registered landscape architect shall be required to minimize view shed nuisance from the perspective of abutters.
 - (1) A combination of natural vegetation, berms, fencing, walls, and other similar features shall be used to visually buffer the system(s) from the view of abutting properties, as well as mitigate noise, glare, or other potential nuisances.
 - (2) No chemicals, solvents, herbicides, or insecticides, excluding water, will be used in the operation and maintenance of the site landscaping requirements, (such as pollinator cover and buffer plantings).
 - (3) Buffer plantings shall be maintained for the life of the project by the owner, applicant, and or operator of the facility.
 - (4) A one to one tree replacement effort shall occur within the city for all trees requiring removal that are of 20 inches in diameter or larger. All newly-planted trees shall be a minimum of three-inch caliper at breast height.
 - (5) Soil erosion and sediment control systems shall be maintained at all times in accordance with RIDEM wetlands permit(s), and local regulations.
 - (6) Clearing, cutting, girdling, and any other form of disturbance to an old growth tree or old growth forest is prohibited.
 - (K) Neither blasting nor removal of ledge by mechanical means is allowed.
 - (L) Pollinator mix is required, shall be supported by a maintenance plan, and contain annual reports supplied by the applicant's landscape architect until the pollinator mix approved by RIDEM is established. Disturbed topsoil shall remain onsite unless removal is required by remediation permit(s).
 - (M) Utility connections shall be underground, equipment screened from view with plantings or fencing, and approved by the utility company as part of the final plan application.
 - (1) interconnection agreement shall be compliant with code of ordinance section 74-52, renewable energy system tax exemption, and submitted with the final plan application.

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- (2) A comprehensive development pro forma including, but not limited to, land cost (lease or purchase, equipment cost, construction, decommission cost etc.) shall be submitted with final plan application.
- (N) Perimeter fencing shall be raised a minimum of eight inches for wildlife passage and be comprised of black coated chain link fence.
- (O) A sign shall be posted at the entry of the SES displaying the name of the owner and operator of the system and a 24-hour emergency contact number.
- (P) SES systems shall provide for motion detect lighting in maintenance areas and dark sky compliant lighting elsewhere.
- (Q) Applicant shall provide a decommissioning plan and cost estimate with the preliminary application, and surety funds provided with the final plan application to ensure adequate removal at the end of useful life or abandonment.
- (1) Funds deposited shall be equal in amount to removal of the system, as verified by the city's peer review engineer, inclusive of two percent annual inflation over life of the system with funds deposited into an interest bearing escrow account under city control.
- (2) The calculation of the decommissioning reserve shall be predicated upon the assumption that 100 percent of the retired solar panels will be recycled by an accredited solar panel waste recycler, without any credit on the financial guarantee amount for anticipated salvage value or reuse of and project components. City peer review engineers shall afford the city the right to evaluate the inflation rate every five years.
- (3) A separate surety of an amount equal to the cost of repairing 100 percent of the pollinator mix, as established by the city's peer review engineer during preliminary application review, shall be submitted with the final plan application.
- (4) Within one week after permanent shutdown, the owner, applicant, and or operator shall notify the building official and remove the system within six months of said notification. The city shall utilize escrow funds to remove all or remaining system components beyond six months, with owner, applicant, and or operator liable for all expenses beyond escrow, should escrow be exceeded. City shall retain the right to fine the owner in accordance with local ordinances.
- (R) *Maintenance.* The contaminated site solar energy system shall be maintained by the solar energy owner and/or operator and shall be cleared of debris, weeds, trash, etc. Maintenance shall include, but not be limited to, painting, structural repairs, maintenance of the landscape buffers, care and replanting if necessary, of any vegetative screening, cleaning clearing and repairing of stormwater and drainage infrastructure, and integrity of security measures.
- (S) *Enforcement.* The building/zoning official and city engineering consultant a have the power to inspect any solar energy system at any time to ensure compliance with the provisions of this ordinance. Any entity who fails or refuses to adhere to all of the provisions of this ordinance or any other conditions imposed by the city, State of Rhode Island or federal government, shall be deemed to be in violation and liable to the City of Warwick for penalties not to exceed \$500.00 per day for each violation. Each day of existence of a violation shall be deemed a separate offense.
- (T) *Inspection.* The city's engineer or designee shall inspect any contaminated site solar energy system at the expense of the applicant on a weekly basis during construction, and during the month of April each year after completion of construction. Said inspection will include a review of any and all reports as required by the State of Rhode Island, the City of Warwick and the federal government. The applicant and any successor shall reimburse the city for any cost incurred as specified in the stormwater facility maintenance agreement.

(Ord. No. O-22-7, § III, 3-22-22)

510. Regulation of short-term rental of dwelling units.

It is the intent of this subsection to protect the public health, safety and welfare of the city by regulating short-term rental of dwelling units in the city.

Short-term rental of dwelling units in Warwick shall be regulated to minimize the potential for noise, congestion, pollution, and disorderly behavior involving tenants and other persons on and near the premises, as well as violations of city ordinances, including the zoning and noise ordinances and violations of various Rhode Island General Laws.

The City of Warwick finds that, by application of the regulatory framework contained herein, the short-term rental of dwelling units can have a positive effect on the health, safety and welfare of the community by providing a flexible housing stock that allows travelers safe accommodations while contributing to the local economy, including historic preservation.

510.1. *Applicability.* The provisions of this subsection shall apply to all residential property within the City of Warwick except hotels, motels, and community residences. Short-term rentals with a valid registration shall not be considered a hotel or motel as defined by this ordinance.

510.2. *Prohibitions.* The following dwelling units are not eligible to be offered for short-term rental:

- (A) Accessory family dwelling units.
- (B) Accessory structures.
- (C) Dwelling units that have been designated as "affordable" or are otherwise below market rate, such as those units that are subject to housing or rental assistance and/or deed restrictions.
- (D) Dwelling units subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a short-term rental.
- (E) Dwelling units that are subject to two or more violations of any municipal ordinance or state law or regulation in a 12-month period related to excessive noise, improper disposal of trash, disorderly conduct, parking, or any other nuisance behavior.
- (F) Dwelling units that are subject to any outstanding building, sanitary, fire, zoning, or property maintenance code violations.
- (G) Dwelling units on properties where weddings or other special events are occurring.

510.3. *Short-term rental of dwelling units.* Short-term rental of dwelling units shall be permitted by right in certain zoning districts as presented in Table 1, provided that any dwelling unit utilized for short-term rental must satisfy the following performance standards:

- (A) Must comply with the city's short-term rental registration.
- (B) The property owner must submit an affidavit to the zoning enforcement officer indicating that dwelling unit is to be utilized as a short-term rental.

510.4. *Registration and inspection required; permit.*

- (A) Each owner of a short-term rental property shall designate on a registration form filed under this chapter a local representative whose physical address of their primary residence is within 50 miles of the registered short-term rental property to serve as the local representative. The local representative shall be a natural person with access and authority to assume management of the short-term rental

property and take remedial measures. The owner may, if qualified as established herein, designate themselves as the local representative.

- (B) The owner or local representative shall obtain a short-term rental permit in accordance with section 510.6 and 510.7.
- (C) If a dwelling unit is offered on an online hosting platform for tourist or transient use, it shall be registered by the record property owner or local representative thereof with the Rhode Island Department of Business Regulation before any tenant occupies the premises.
- (D) After applying for the short-term rental permit, the dwelling unit shall be subject to annual inspection by the building official or his/her designee and the fire marshal. The purpose of the inspection is to determine the occupancy limit of the unit pursuant to subsection 510.8, to determine if smoke and CO detectors are installed in compliance with the State Fire Code, as amended, for dwelling units and to determine the number of off-street and on-street parking spaces available. The building official or his/her designee shall issue a short-term rental permit stating the maximum occupancy for the dwelling unit.

510.5. *Short-term rental permit registration form.* The short-term rental permit registration form shall indicate the tax assessor's plat and lot number, address of the short-term rental dwelling unit, the number of short-term rental dwelling units therein, the name, permanent mailing address and telephone number of the record owner and any local representative, and the usual period of occupancy by tenants (monthly, weekly or other). Copies of the permit registration form, with 24/7 contact information, will be held on file by the Warwick Police and Fire Departments.

510.6. *Filing date; term.* On or before December 31 of each year, the record owner of the rental dwelling unit shall file the completed short-term rental permit registration form with the building official or his/her designee, which shall be valid for a one-year period from January 1 to December 31 of the following year. If the property is registered during the calendar year, the permit shall be valid until December 31 of that same year.

510.7. *Permit registration fee.* There shall be a permit registration fee of \$250.00 per year for each dwelling unit covered under the provisions of this subsection.

510.8. *Occupancy limits and parking requirements.*

- (A) The maximum occupancy for the dwelling unit shall be two persons per bedroom. The number of bedrooms for occupancy purposes shall not exceed the number of bedrooms supported by the design load of the property's septic system (on-site wastewater treatment system, or "OWTS"). The owner shall provide records and/or information that the building official or his/her designee deems reasonably sufficient to determine the number of bedrooms for which the OWTS is rated. The maximum occupancy may be further limited by the parking requirements of subsection 510.8(B).
- (B) If determined necessary by the building official, additional parking shall be provided in accordance with the instructions of the building department.

510.9. *Owner's obligations.*

- (A) All short-term rental agreements shall have as an attachment a copy of the applicable short-term rental permit for the premises. The rental agreement shall state that the renter may be held legally responsible for any violations of law committed by the renter or by other occupants or guests while at the premises, including violations of the laws and ordinances pertaining to noise, disorderly conduct, disturbance of the peace, keeping dogs on a leash, parking, trash maintenance and disposal, and dwelling occupancy limits.
- (B) The owner or local representative shall obtain accurate and up-to-date information, including the names, home addresses and phone numbers of the renters, the date of the rental period and, when practicable, the model, year, color and vehicle registration of all motor vehicles registered to or used

by such renters. The owner shall maintain this information throughout the term of the short-term rental agreement and for 180 days thereafter; and shall make this information available to city officials who are lawfully investigating or prosecuting any offense reasonably believed to involve one or more of the renters. Failure of the record owner to maintain or provide this required information shall constitute a violation of this subsection.

510.10. *Posting of notice.* The record owner or local representative shall post in plain view, in a conspicuous place within the rental dwelling unit, a notice to be drafted by the planning department and available at the office of the building official, containing general information regarding certain city ordinances with which tenants must comply. The record owner or any person in control or possession of said rental dwelling unit subject to the provisions of this subsection shall cause the registration form and permit required by this subsection to be posted or affixed to the inside of the primary access door to said dwelling unit so as to allow the lease and registration form to be readily available for inspection by police, zoning, building, or property maintenance officials of the City of Warwick. Additionally, the record owner, local representative or any person in control or possession of said rental dwelling unit must post a copy of the short-term rental permit on the interior of the dwelling unit, which shall contain the 24-hour emergency contact information for the owner and the maximum occupancy for the dwelling unit, as determined by the building official.

510.11. *Enforcement; penalty for violation; revocation of permit.*

- (A) Violations of this subsection shall be enforceable through issuance of a summons by any zoning enforcement official of the city. Violations and citations shall be heard and adjudicated by the Warwick Municipal Court.
- (B) Any violation of the provisions of this subsection shall be subject to a fine of not more than \$500.00 per day for each and any subsequent violation. Fines may be imposed for each day the violation continues.
- (C) The zoning enforcement official may revoke a short-term rental permit issued under this subsection if it is determined, by a violator's admission or a municipal court finding of a violation, that two or more violations of this subsection have occurred for the same property, and no new permit shall be issued to the property owner for the same property for a period of 12 months following the revocation. Any revocation of a short-term rental permit may be appealed to the zoning board of review as an administrative appeal pursuant to the provisions of section 906.4 of the Warwick Zoning Ordinance.

(Ord. No. O-23-4, § III, 2-28-23)

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, carport, or solar canopy, 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 and/or garage including, but not limited to, custom dressmaking, screen print, 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 and/or garage.

(B) It must be carried on by a resident of the structure as either a sole proprietorship or a corporation that is wholly owned by the residents of the structure, or a partnership where all partners are residents of the structure.

(C) Shall utilize not more than twenty-five percent of the gross floor area in the dwelling unit (excluding garage area) or not more than five hundred 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 for at least three vehicles for the dwelling and home occupation; and appropriate screening as determined by the building official, provided that no such parking shall be located on the city street and/or within a required front yard, unless in an already existing driveway.

(F) Only one vehicle used in connection with the home occupation shall be parked or stored on the premises; provided, however, the vehicle will not be a truck, such as, but not limited to, a dump truck, box truck, a fuel oil delivery truck or wrecker, and no advertising or reference to the home occupation may be displayed on the vehicle in any manner. All vehicles must be parked in the driveway. In no instance may the vehicle(s) used by the dwelling unit and/or the vehicle used in the connection with the home occupation be parked on the street or in a required front, side or rear yard except in an already existing or expanded driveway. There shall be no pick up or delivery of goods to the home occupation by box truck or larger with the exception of standard residential delivery service trucks, i.e. FedEx or UPS.

(G) No display of goods, products, or services shall be visible from outside the dwelling.

(H) Only handmade items, foodstuffs defined as substances suitable for consumption as food, and crafts made in the home and/or garage may be offered for sale on the premises; no other goods, products or commodities bought for the express purpose of resale shall be sold at retail or wholesale on the premises nor shall such goods or products be stored or displayed on the premises.

(I) No equipment or process shall be used in connection with the home occupation which is hazardous and/or creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal

senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

- (J) The use of any garage for a home occupation is prohibited unless the structure meets the building code requirements as determined by the building official and is within the maximum area requirements set forth in 601.3(C)
- (K) No specialty service, such as, but not limited to, dance instruction, crafts, or music lessons shall be provided for a group larger than one person.

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 four 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.

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- (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.

601.10. *Accessory solar energy systems (SES).* Accessory SESs shall require a building permit only, shall not require planning board review as land development projects, and shall be subject to the following requirements:

- (1) Roof or building mounted SES must not increase the footprint of the structure.
- (2) Residential use ground mounted systems shall be no larger than that required to power the needs of the residential use only, and not sell power into the power grid on a commercial scale.
- (3) Residential use ground mounted systems shall incorporate landscaping and design elements to visually screen the installation from view of public roads and adjoining properties, at ground-level, year round. If planting is required within the designated setbacks due to a lack of natural screening, such planting shall be a minimum of six feet in height at the time of installation.
- (4) Accessory solar canopies in non-residential zones shall comply with all operating standards outlined under section 604.
- (5) Solar canopies shall be visually and architecturally compatible with the building, in terms of color, lighting, materials, and basic form. Where appropriate, integrated artwork, trim additions, or other such design features shall be used to improve architectural compatibility. Ground level casings, conduits, and other electronics shall be given similar treatment as the main structures of the solar canopies.
- (6) Solar canopies shall include, by AASHTO or equivalent standards, lighting beneath canopies to ensure pedestrian and vehicular safety.

Accessory solar canopies shall be shut down in the event of an abandonment or vacancy of the primary use of the property to ensure public safety and ensure employment is not displaced by solar canopies.

(Ord. No. O-95-16, 5-15-95; Ord. No. O-06-6, § I, 2-15-06; Ord. No. O-18-17, § I, 11-27-18; Ord. No. O-22-7, § IV, 3-22-22; Ord. No. O-23-1, § I, 1-9-23)

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 [unless specifically required by Building or Fire Code](#). 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.

605. Special use permits and variances.

All special use permits authorized by sections 300, Table I Use Regulations, 904 and 906.3(C) of this ordinance may be issued by the zoning board of review, or Planning Board in the case of Unified Development Review Applications, in conjunction with a dimensional variance authorized pursuant to Section 906.3 of this ordinance.

If the special use could not exist without the granting of a dimensional variance, the zoning board of review, or Planning Board, shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards.

(Ord. No. O-10-6, § I, 5-18-10)

606. Environmental performance standards within the village district.

- A. No activities shall be carried on in the district that are injurious, noxious or offensive to the neighborhood by reason of noise, vibration, smoke, cinders, odor, gas, fumes, dust, chemical, radio frequencies, explosive, and hazardous materials or other objectionable features.
- B. All uses shall be subject to the provisions of section 604 of the zoning ordinance.

(Ord. No. O-11-18, § I(Exh. A), 10-20-11)

SECTION 700. OFF-STREET PARKING AND LOADING

701. Parking requirements.

No land shall be used or occupied and no structure shall be erected or used unless the off-street parking spaces required herein are provided. Such parking spaces are not required for any structure or use existing prior to the effective date of this ordinance or any amendment thereto, with parking space that does not meet the requirements of this ordinance; provided however, that parking spaces as specified in this ordinance shall be provided subject to the requirements of this section 700 for any enlargement, alteration or change to any such existing structure or use. While it is the intent of this section to require minimum off-street parking and loading facilities, excessive paving of land that supplies significantly more than the minimum numbers of spaces is

discouraged. Moreover, the number of curb cuts to provide ingress and egress to parking surface lots from any street shall be the minimum required to insure the safety of motorists and pedestrians. Wherever applicable, access to parking shall be from major nonresidential streets with no or minimal access from residential streets. Drive-through windows shall be accessed by a minimum of 11-foot travel lanes with a minimum overhead clearance of 14 feet. There shall be no stacking of vehicles on any public street. Entrances and exits shall be properly signed.

701.1. *Location of required parking spaces.* The off-street parking spaces required by this ordinance shall be on the same lot as the structure or use they are intended to serve or on an abutting lot provided that such off-street parking spaces for business or industrial uses shall not be located in any residence or open space district where such business or industrial use is prohibited in such residence or open space district in table 1, Use Regulations. Upon application to the zoning board of review, a special use permit pursuant to subsection 906 of this ordinance may be granted by the board to allow off-street parking on other off-site lots in nonresidential districts provided that the following conditions are met in addition to the requirements of subsection 906:

Other off-site parking location is:

- (A) Within 100 feet of the boundary of the lot of the principal use or structure; and/or
- (B) Reasonably and safely accessible, in the opinion of the zoning board of review, either by pedestrians or other means such as tram and/or shuttle service, provided however that such off-site locations shall not substantially injure the use and enjoyment of nor significantly devalue neighboring property; and that the approval of the off-site location will not be detrimental to the general health and welfare of the community.

701.2. *Minimum size of parking spaces.* Each parking space shall be marked by pavement lines and contain the following minimum dimensions affecting the width and length of individual parking stalls and the width of aisles in all districts, exclusive of necessary drives and other accessways. A driveway may be considered a required parking space only for a detached single-family dwelling and need not contain pavement lines.

| | |
|------------------------------|---------|
| Minimum width | 9 feet |
| Minimum length | 18 feet |
| Minimum aisle width: | |
| 90-degree angle | 24 feet |
| 60-degree angle | 18 feet |
| 45-degree angle | 13 feet |
| 30-degree angle | 11 feet |
| 0 degrees (parallel parking) | 12 feet |

701.3. *Setbacks of parking spaces.* No parking space or aisle (backup space) shall be less than ten feet from any front or corner side yard property line (see also subsection 505). No parking space or aisle shall be less than five feet from any building, except where greater setbacks are required by subsection 308.2(D) or subsection 502.3(C). Parking spaces less than ten feet from any building shall be separated from such building by raised curb, bumper or wheel guards. The requirements of this subsection shall not apply to detached single-family dwellings.

701.4. *Entrance and exit.* Each parking space shall be designed with adequate off-street area for approach, turning, and exit without the need or ability to use any part of a street. All driveways shall be a minimum of 12 feet in width for each lane of traffic using such driveway. However the width of any driveway shall not exceed 30 feet. No driveway shall be within 20 feet of another driveway. The requirements of this subsection shall not apply to detached single-family dwellings except that, for such uses, the width of any driveway shall not exceed 30 feet.

701.5. *Shared parking.* No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this section shall be included as a part of an off-street parking area similarly

required for another building or use unless allowed by the zoning board of review as a special exception pursuant to subsection 906 of this ordinance and provided that the board determines that the type of structures or uses indicate that the period of usage of such structures or uses will not be simultaneous.

701.6. *Construction requirements.* Every parcel of land which, after the effective date of this ordinance or any amendment thereto, is changed to a parking area for more than ten vehicles, or to a drive-in business or motor vehicle sales or service establishment shall be developed as follows, subject to the approval of plans thereof by the director of public works.

- (A) Such parking area shall be treated with bituminous or other surfacing and shall have appropriate bumper or wheel guards where needed. However, pervious materials or surfacing is encouraged within 200 feet of any coastal or freshwater wetlands as defined by subsections 200.36 and 200.146 of this ordinance.
- (B) The interior and perimeter of all parking areas shall be suitably landscaped in accordance with subsection 505.5, Parking Lot Buffers.
- (C) Any light used to illuminate said parking area shall be so arranged as to reflect the light away from adjoining premises and streets by means of shielding or similar manner.

701.6A. *Construction requirements for [Warwick Station City Centre Warwick Intermodal and Gateway districts](#).* Adequate off-street parking and loading shall be provided to prevent on-street traffic congestion. The interior circulation system shall be designed to provide safe and convenient access to all structures, uses and/or parking spaces; parking areas shall be protected with suitable guards, rails, islands, crosswalks, speed bumps, and similar devices deemed necessary by the [Warwick Station Redevelopment Agency Planning Board](#). The layout and design of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangement and use of parking areas.

- (A) Parking lots shall be located behind, beneath or within commercial buildings.
- (B) Whenever possible, surface level parking lots on adjoining commercial lots shall be connected internally to each other to allow for through traffic between and reducing the need for multiple curb cuts.
- (C) Parking lots containing ten or more spaces shall be planted with at least one tree per three spaces, no smaller than two inches caliper and at least five feet in height at the time of planting and shall be of a species characterized by hardiness within the area. Each tree shall surrounded by no less than 40 square feet of permeable unpaved area.

701.6B *Construction requirements for the village district, access and parking.*

- A. Properties in the district shall have their driveway and/or parking access situated as to minimize impact on abutting residential uses.
- B. Off-street parking may be located in either the side or rear yards of a lot; but in no case shall any new development contain a parking area located within the front yard setback. If a building has a parking lot on its side, the main building entrance shall be located on the street.
- C. Where off street parking areas of five or more spaces abut a residential zoning district, the parking lot shall be screened from the residential area by use of one of the following methods:
 - 1) A fence that blocks views but allows light and air through it, such as a "shadow-box" fence, and is six feet in height. No chain link fencing is allowed.
 - 2) A solid wall of evergreen plantings at least four feet high at the time of planting; or,

3) Any combination of subsection (1) or (2) above.

- D. Parking areas and surface pavement wider than 50 feet shall require perimeter landscaped areas at least five feet in depth and five feet high at the time of planting and extend across at least 50 percent of the street frontage of the paved area, if applicable.
- E. Nonresidential uses shall provide one parking space per 800 square feet of gross floor area. Up to 25 percent of the off-street parking space requirement may be satisfied by on-street parking within the frontage width of the building lot. New parking areas shall have a minimum driveway/travel width of 22 feet for two way travel and 11 feet for one way travel. Parking spaces shall be a minimum of 9'x18', compact spaces may be approved, if determined to be appropriate.
- F. Off-street parking for residential uses in the district shall be provided onsite at the rate of one parking space per bedroom in each residential unit, up to a maximum of two off-street spaces per unit.
- G. Wherever possible, parking lots on adjacent commercial lots shall be connected internally to allow through-traffic and to reduce the need for multiple curb cuts.
- H. No dumpsters or outdoor trash receptacles shall be located in any front yard setback. Any outdoor trash receptacles, dumpsters and utility boxes shall be screened on all sides by a fence and/or a tight evergreen hedge whose height shall be greater than or equal to the height of said structure and as specified in subsection 506.4, plant requirement and sizes.
- I. All lighting shall be directed away from abutting residential uses or districts.

701.7. *Off-street parking space requirements.* The number of off-street parking spaces for each use shall be required as follows:

| Use | Requirement Parking Spaces per Unit or Gross Floor Area (GFA) |
|------------------------------------------------------------------------|--------------------------------------------------------------------|
| <i>Residential:</i> | |
| Single-family | 2/dwelling unit (DU) |
| Two-family | 2/DU |
| Multiple-family | 2/DU |
| Elderly housing | 1/DU |
| Roominghouse | 1/Room |
| <i>Office:</i> | |
| Banks and other financial institutions | 1/200 square feet GFA |
| Office, professional service, laboratory | 1/300 square feet GFA |
| Medical office and clinic | 1/200 square feet GFA |
| <i>Service:</i> | |
| Business and commercial service | 1/250 square feet GFA |
| Hotel/motel | 1/bedroom |
| Funeral home | Greater of 8/parlor or 2.5 spaces/100 square feet of assembly area |
| Theater and auditorium | 1/4 seats |
| Indoor commercial recreation and coin-operated amusement establishment | 1/200 square feet GFA |
| Golf course | 1/5 members |
| Driving range | 1/tee |
| Outdoor commercial recreation | 1/1,000 square feet of lot area |
| Marina, yacht club | 0.75/slip ^{(1), (2)} |
| Yacht club with indoor facilities | 0.75/slip ^{(1), (2)} plus 1/200 square feet GFA |
| Gas and service station | 1/employee plus 4/bay |
| <i>Retail:</i> | |
| Restaurant | 1/100 square feet GFA |
| Nightclub | 1/50 square feet GFA |
| Fast food restaurant | 1/50 square feet GFA |
| New and used vehicle and boat sales | 1/200 square feet GFA |
| Furniture, appliance or carpet sales | 1/400 square feet GFA |
| Other retail uses | 1/200 square feet GFA |
| <i>Transportation and utility:</i> | |
| Passenger terminal | 1/200 square feet GFA |
| Public and private utilities | 1/300 square feet GFA |
| Commercial vehicle terminal | 1/400 square feet GFA |
| <i>Institutional:</i> | |
| Place of worship | 1/5 seats |
| Preschool | 1/500 square feet GFA |
| Primary or junior high school | 5/classroom |
| High school | 1/5 students |
| Junior college, college, university, vocational or business school | 1/3 students |
| Resident dormitory, fraternity or sorority | 1/bed |
| Hospital | 1/bed |
| Nursing, convalescent home | 1/2 beds |

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| | Library, museum | 1/400 square feet GFA |
| <i>Industrial:</i> | | |
| | Wholesale business and storage space and warehouses | 1/500 square feet GFA |
| | Manufacturing, processing, assembly or packaging | 1/400 square feet GFA |

⁽¹⁾ Ten percent of spaces provided shall be 9.5 feet by 35 feet to accommodate cars with trailers.

⁽²⁾ This standard applies to any slips added after the date of the adoption of this amendment to the ordinance. For all slips in existence prior to this amendment, the parking requirement for slips shall be 0.5/slip.

701.8. *Handicapped parking.* Handicapped parking requirements shall conform to the Rhode Island State Building Code sections 14—16, as amended.

701.9. *Other uses.* Parking requirements for uses not listed in subsection 701.7 shall be determined by the building official.

(Ord. No. O-98-44, § I(Exh. A), 12-14-98; Ord. No. O-99-26, § I(Exh. A), 6-21-99; Ord. No. O-02-16, § I, 7-23-02; Ord. No. O-11-18, § I(Exh. A), 10-20-11)

702. Loading requirements.

No land shall be used or occupied and no structures shall be erected or used for commercial or industrial purposes unless the off-street loading spaces required herein are provided. Such loading spaces are not required for any commercial or industrial structure or use existing prior to the effective date of this ordinance or any amendment thereto, with loading spaces that do not meet the requirements of this ordinance, provided, however, that off-street loading spaces as specified in this ordinance shall be provided subject to the requirements of this section 700 for any enlargement or alteration to any such existing structure or use.

702.1. *Location of required loading spaces.* The off-street loading spaces required by this ordinance shall be in all cases on the same lot or parcel of land as the use or structure they are intended to serve. In no case shall any required off-street loading space be part of an area used to satisfy the off-street parking requirements of this ordinance. Each loading area shall be designed with adequate off-street area as required for parking spaces by subsection 701.4. To the extent possible, loading areas shall be to the rear of any building.

702.2. *Number of required loading spaces.*

- (A) For each commercial and industrial enterprise of over 2,000 square feet of gross floor or ground area in which commodities are sold, displayed, serviced, repaired, altered, or fabricated as the principal use of the enterprise, the first off-street loading space shall be required for the first 2,000 square feet of gross floor area. Thereafter, one off-street loading space shall be required for every 10,000 square feet of gross floor area.

Each off-street loading space shall consist of the following dimensions:

Length: 60 feet.

Width: 14 feet.

Clearance: 15 feet.

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- (B) Additional off-street loading spaces shall be required by the building inspector when necessary to provide adequate area for off-street loading. Detailed plans for off-street loading space provision and use may be required before the issuance of any building permit.

SECTION 800. SIGNS

The purpose of this section is to recognize the function of signs in the city, to provide for their inclusion under the zoning ordinance, and to regulate and control all matters relating to such signs, including location, size, materials and purpose. Signs are accessory uses and are permitted only in conjunction with permitted uses. Such signs are intended to advertise goods, identify services, facilities, events or attractions available on the premises where located, to identify the owner or occupant or to direct traffic on the premises. It is the further purpose of this section to preserve locally recognized values of community appearance; to safeguard and enhance property values in residential, commercial and industrial areas; to protect public investment in and the character of public thoroughfares; to aid in the attraction of tourists and other visitors who are important to the economy of the city; to reduce hazards to motorists and pedestrians traveling on the public way, and thereby to promote the public health, safety and welfare and ease of travel.

801. Conformance.

No sign may be constructed, erected, moved, enlarged, or illuminated except in accordance with the provisions of this section. All signs erected or replaced after (the effective date of this amendment [June 21, 1999]) shall display the number of the sign location's address on each face of the sign or on the supporting structure. The numbers shall be of sufficient size to be readable from the street adjacent to the sign without the need for enhancing or correcting the vision of the average person.

(Ord. No. O-99-27, § I, 6-21-99)

802. Sign permit required.

A permit shall be obtained from the building official for all signs under this section.

803. Signs permitted in all zones.

The following signs are permitted in all zones:

803.1. *Governmental.* Signs of every kind and nature erected by or on behalf of any federal, state or local governmental agency, including official traffic control or informational signs, hazard warning signs, legal notices, railroad crossing signs or other similar signs required by law.

803.2. *Nameplates.* One nameplate for each dwelling unit, excluding internally illuminated signs, not exceeding 1½ square feet in area, indicating the name of the occupant or any permitted occupation.

803.3. *Identification.* Wall signs, which may be externally illuminated, and which are permanently affixed to buildings for the purpose of identifying the name of building, date of erection or other historical information, provided that such signs are composed of similar materials as the building, or bronze or brass, and are affixed flat against the building.

803.4. *Credit card signs.* Credit card signs, nonilluminated, and affixed to the structure shall be limited to an area of one square foot per structure.

803.5. *Temporary signs.* The following temporary signs are permitted in all districts:

-
- (A) Signs for nonprofit or charitable organizations, including exterior messages for national and state holidays; provided, however, that no such temporary sign may be erected for a period of more than 30 days. In all residence districts, such signs shall be limited to 32 square feet in area and set back a minimum of ten feet from any property line.
 - (B) Rental or sale signs, freestanding or attached to the premises, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall not be illuminated, nor extend over the sidewalk, and further provided that:
 - 1. Within all residence districts, such signs shall not exceed a total area of six square feet and shall be removed within 14 days of the real estate closing or lease transaction.
 - 2. Within all waterfront (WB), office (O) and general business (GB) districts, such signs shall not exceed a total area of 12 square feet, and shall be removed within 30 days of the real estate closing or lease transaction.
 - 3. Within all light industrial (LI) and general industrial (GI) districts, such signs shall not exceed a total area of 32 square feet, and shall be removed within 30 days of the real estate closing or lease transaction.
 - (C) Construction signs, nonilluminated, customary and necessary in connection with the erection of buildings or other construction work and temporary signs required to advise pedestrians and motorists of temporary inconveniences, safety issues and/or alternate locations to obtain services, limited to one sign per street frontage for each construction project. Such sign may be freestanding or attached to the premises, but shall not exceed 32 square feet in area, with a maximum clearance of five feet and shall be removed within 60 days of the completion of construction. In all residence districts, such signs shall not exceed 12 square feet in area, and shall be set back a minimum of ten feet from any property line.
 - (D) Political signs, nonilluminated, incidental to a city, state, or federal election or referendum, or signs which are political in nature. Such signs shall be constructed of durable material, and shall be prohibited from trees, traffic signs or utility poles. Such signs shall be erected not more than 60 days prior to such election or referendum, or in any event, no premises shall have a sign erected for more than 120 days in any calendar year. Political signs relating to any election or referendum shall be removed within 14 days after said election or referendum. In all districts, such signs shall [are] not to exceed 16 square feet in area per side.
 - (E) Other temporary signs in GB, LI and GI zones for a maximum of 30 days.
 - (F) Sponsor signs sold to advertisers, sponsors or boosters of youth sports teams or leagues which are placed within a field, stadium or arena which is used primarily for elementary or secondary school sports or youth sports leagues. Such signs shall be nonilluminated, constructed of durable material, limited to 32 square feet in size and shall be in place for a maximum of 180 days per year. Sponsor signs shall be placed so as to face the inside of the field, arena or stadium, but any incidental viewing from the outside of the field, stadium or arena shall not be deemed a violation of this section.

(Ord. No. O-05-14, § 1, 6-21-05)

804. Signs prohibited in all zones.

The following signs shall be prohibited in all districts in the city:

804.1. *Traffic or safety hazards.* Signs determined by the building official to constitute a traffic or other safety hazard by reason of size, location, or type of illumination including A-frame signs and mobile signs.

804.2. *Signs that move.* Signs which move by mechanical means or by ambient wind currents, flashing or animated signs (not including flags and banners).

804.3. *Billboards.*

804.4. *Bulletin boards.* Signs used as a bulletin or notice board to announce activities and events.

805. Sign measurements.

All permitted signs shall be measured as follows:

805.1. *Area.* Measured in square feet, the entire area within a square, rectangle, circle, triangle or any other polygon enclosing the extreme limits of graphic, writing or similar representation, emblem or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of the one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

805.2. *Height.* Measured in feet, the overall height of a sign is measured from the grade directly below the sign to the highest point of the sign or any of its supports.

805.3. *Setback.* Measured in feet from the outermost edge of the sign to the public right-of-way.

805.4. *Projection over public right-of-way.* Measurement in feet, perpendicular to the property line, from the property line to the outermost edge of the sign, over any public right-of-way.

805.5. *Maximum permitted sign area.* In all districts but the residence districts, the maximum permitted area for signs on a building shall be based on the building frontage. In buildings with more than one tenant, each tenant's sign shall be based on the building frontage of each individual tenant space, as long as the total area of all signs on the building does not exceed the total allowable. Where a building fronts on two or more streets, the total area for signs for each street frontage shall be based on the building frontage for that street. For gas stations, street frontage shall be used to calculate the permitted total area of signs as permitted in the tables. For any drive-in business that has a booth for employees only with no public access, including a gas station, the maximum area of signs shall be based on the street frontage, and on a corner lot, only one street frontage shall be used to calculate maximum sign area.

806. Permitted signs by district.

806.1. *Residence districts.* One of the following types of signs to identify each permitted home occupation and one sign to display the name of a permitted nonresidential use. Such signs may be externally illuminated. The total area of all such signs shall not exceed six square feet on any lot.

| Sign Type | Area (square feet) | Height (feet) | Setback (feet) | Projection Over Public Right-of-Way (feet) |
|--------------|--------------------|---------------|----------------|--------------------------------------------|
| Canopy | Not permitted | — | — | — |
| Freestanding | 1.5 | — | 10 | 0 |
| Projecting | Not permitted | — | — | — |
| Roof | Not permitted | — | — | — |
| Wall | 1.5 | — | — | 0 |
| Window | 1.5 | — | — | 0 |

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806.2. *Office (O) and waterfront business (WB) districts.* The maximum total area of all signs on any structure shall not exceed 1.5 square feet per one foot of building frontage. Window signs shall not be included in this calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

| Sign Type | Area (square feet) | Height (feet) | Setback (feet) | Projection Over Public Right-of-Way (feet) |
|-----------------------------|-------------------------------------------|---------------|----------------|--------------------------------------------|
| Canopy | 1.5 per 1 foot of building frontage | — | — | — |
| Freestanding ⁽¹⁾ | 40 per side, not to exceed 80 square feet | 15 | 10 | 6 |
| Projecting | 20 | 10 | — | 1 |
| Roof | Not permitted | — | — | — |
| Wall | 60 | — | — | — |
| Window | 2 per window | — | — | 0 |

⁽¹⁾ Only one freestanding sign is permitted per street frontage.

806.3. *General business (GB), light industrial (LI), general industrial (GI), ~~Warwick Station-City Centre Warwick Intermodal (Intermodal), and Warwick Station-City Centre Warwick Gateway (Gateway) districts.~~* The maximum total area of all signs on any structure shall not exceed two square feet per one foot of building frontage. Window signs shall not be included in this calculation. ~~Such signs may be externally or internally illuminated.~~ The maximum area of any individual sign shall be limited as follows:

| Sign Type | Area (square feet) | Height (feet) | Setback (feet) | Projection Over Public Right-of-Way (feet) |
|-----------------------------|--------------------------------------------|---------------|----------------|--------------------------------------------|
| Canopy | 2 per 1 foot of building frontage | — | — | — |
| Freestanding ⁽¹⁾ | 80 per side, not to exceed 160 square feet | 15 | 10 | 6 |
| Projecting | 20 | 10 | — | 1 |
| Roof | Not permitted | — | — | — |
| Wall | 2 per 1 foot of building frontage | — | — | — |
| Window | 2 per window | — | — | 0 |

⁽¹⁾ Only one freestanding sign is permitted per street frontage.

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

807. Supplemental sign regulations.

807.1. *Signs in historic districts.* All signs, including window signs, in an historic district shall be subject to approval by the historic district commission.

807.2. *Maintenance of signs.* All signs shall be maintained, which shall include painting of the sign and sign supports and repair or replacement of broken fixtures including lights. Failure to maintain a sign in a safe condition shall be deemed a violation of this ordinance.

807.3. *Signs in the ~~Warwick Station-City Centre Warwick~~ Intermodal and Gateway Districts.* All signs, including window signs, in the ~~Warwick Station-City Centre Warwick~~ Intermodal and Gateway Districts shall conform to the zoning requirements of section 806.3 and shall be subject to approval by the ~~Warwick Station Redevelopment Agency~~ [Planning Board/AO](#).

807.4 *Signs in the village district.*

- A. The number of outdoor signs shall be limited to one sign for each business. This sign shall face a public way, if possible, and shall be limited in size to 16 square feet.
- B. Projecting signs may project up to four feet over the public sidewalk but not over the street or public parking areas.
- C. Window signs may be used to identify promotional items or services but shall not cover more than 25 percent of a window area which faces a public way.
- D. Signs shall be illuminated externally with either incandescent or fluorescent lamps that direct light toward the sign, provided that the illumination does not distract pedestrians, vehicles or residential units. All lighted signs shall be lighted by continuous or non-flashing light. All types of electronic LED signs, message boards, continuous scrolling messages and digital display signs are prohibited.
- E. Roof-top displays are not permitted.
- F. Retractable storefront awnings are allowed within the elements framing storefront windows or doorways. Rigid, "bull nose" shaped or internally illuminated awnings are not allowed. Any signage imprinted on the awnings will be calculated as part of the total signage allowance **and limited to 25% of said total signage allowance.**

(Ord. No. O-98-44, § I(Ex. A), 12-14-98; Ord. No. O-11-18, § I(Ex. A), 10-20-11)

SECTION 900. ZONING BOARD OF REVIEW

901. Establishment.

A zoning board of review, herein called the board, is hereby created. Board members may be remunerated in the performance of official duties, at an amount to be established by the city council. The board, with the approval of the city council, may engage technical assistance to aid in the discharge of its duties. The building official shall serve as staff to the board. The city solicitor or assistant city solicitor shall serve as legal counsel to the board. The board shall establish written rules of procedure within six months of the adoption of this ordinance. Appeals and correspondence to the board shall be sent to the board in care of the building official. The building official shall file all records and decisions of the board.

902. Membership.

902.1. *New members.* The zoning board of review shall consist of five members who are qualified electors of the city, appointed by the mayor and confirmed by the city council, each to hold office for the term of five years; provided, however, that the original appointments shall be made for terms of one, two, three, four, and five years respectively. The board shall also include two alternates, to be appointed by the mayor and confirmed by the city council, to be designated as the first and second alternate members, for terms of five years. These alternate members shall sit and may actively participate in hearings. The first alternate shall vote if a member of the board is unable to serve at a hearing and the second shall vote if two members of the board are unable to serve at a hearing. In the absence of the first alternate member, the second alternate member shall serve in the position of the first alternate. No member or alternate may vote on any matter before the board unless they have attended all hearings concerning such matter. No member or alternate may participate in any way whatsoever on any matter for which they would have a conflict of interest as defined by the Rhode Island law and the Rhode Island ethics commission. Vacancies in unexpired terms of board members shall be filled by the mayor, subject to confirmation by the city council, no more than 90 days following the vacancy. Members may be removed by the mayor with the consent of the city council for due cause and for not attending three consecutive meetings. At least one member of the zoning board of review shall be a member of the minority party.

902.2. *Prior members.* Members of the board serving on the effective date of adoption of this ordinance shall be exempt from provisions of this article respecting terms of originally appointed members until the expiration of their current terms.

903. Procedure and adoption of rules.

903.1. *Chair.* Immediately after any appointment of a member to the zoning board of review, the board shall elect a chairperson, vice-chairperson and secretary from its membership. The chairperson, or in his/her absence, the vice-chairperson, may administer oaths and compel the attendance of witnesses by the issuance of subpoenas.

903.2. *Submission requirements.* The board's administrative rules shall, at a minimum, include application forms for each of the three types of appeals: applications for relief from a decision by the building official, application for variances and applications for special use permits. The following submission requirements shall accompany said applications: seven 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) The parcel or parcels in question, showing existing zoning and use, including existing and proposed location and dimensions of principal and accessory buildings and structures on the site and any other pertinent information to enable the board to understand the nature of the request.
- (B) Neighboring properties within a 200-foot radius, showing existing zoning, uses and ownership.
- (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, if applicable.
- (D) Location, dimensions, and design of existing and proposed signs and exterior illumination of the site, if applicable.
- (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, if applicable.
- (F) Soil types and, where regrading is proposed, existing and proposed grade contours at five-foot intervals (to be shown separately if necessary), if applicable.

- (G) Location and type of existing and proposed major tree and shrub areas, flood hazard areas as defined by subsection 302.5 of this ordinance, and location and area of coastal or freshwater wetlands, as defined in section 200, if any.
- (H) Location, dimensions and type of existing and proposed screening, fences, or walls, if appropriate.
- (I) Proposed density, number of bedrooms per dwelling unit, and percentage of lot coverage as defined in section 200 of this ordinance, if applicable.
- (J) General exterior architectural plans and elevations of all proposed structures indicating proposed style and materials, if applicable.
- (K) 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 chairperson of the zoning board of review.
- (L) The zoning board of review may waive any of the above, by majority vote, submittal requirements ((subsections) (A) through (K)) if it determines such are unnecessary.

903.3. *Voting.* The board shall be required to vote as follows:

(A) ~~(i) Four (4) active members, which may include alternates, are necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall recuse himself or herself, shall not sit as an active member, and shall take no part in the conduct of the hearing. A maximum of five (5) active members, which may include alternates, are entitled to vote on any issue.~~ Five active members shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall excuse himself/herself, and shall not sit as an active member and shall take no part in the conduct of the hearing. Only five active members shall be entitled to vote on any issue.

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(B) ~~(ii) The concurring vote of a majority of members of the zoning board of review sitting at a hearing is necessary to reverse any order, requirement, decision, or determination of any zoning administrative officer from whom an appeal was taken; and~~

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~~(iii) The concurring vote of a majority of members of the zoning board of review sitting at a hearing is required to decide in favor of an applicant on any matter within the discretion of the board upon which it is required to pass under the ordinance, including variances and special-use permits.~~

~~The concurring vote of three of the five members of the board sitting at a hearing shall be necessary to reverse any order, requirement, decision or determination of the HDC or any zoning administrative officer from whom an appeal was taken.~~

~~(C) The concurring vote of four of the five members of the board sitting at a hearing shall be required to decide in favor of an applicant on any matter within the discretion of the board upon which it is required to pass under this ordinance, including variances and special-use permits.~~

903.4. *Fees.* Reasonable fees may be required, in an amount to be established by the city council, to be paid by the appellant or applicant for the adequate review and hearing of applications, issuance of zoning certificates and the recording of the decisions thereon.

903.5. *Decisions and records of the zoning board of review.*

(A) Following a public hearing, the board shall render a decision within 20 days. The board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon, and the absence of a member or his or her failure to vote.

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- (B) Decisions shall be recorded and filed in the office of the building official within 30 working days from the date when the decision was rendered, and shall be a public record. A copy of the decision shall be delivered to the city clerk for posting for 20 days, pursuant to section 908.
 - (C) The board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings of fact, and other official actions, all of which shall be recorded and filed in the office of the building official in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the superior or supreme court, the board shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device.
 - (D) Any decision by the board, including any special conditions attached thereto, shall be mailed to the applicant, to the planning board, and to the associate director of the division of planning of the Rhode Island department of administration. Any decision evidencing the granting of a variance or special use permit shall also be recorded in the land evidence records of the city.

904. Powers of the board.

The board shall have the following powers and duties:

- (A) ~~To hear and decide appeals within sixty-five (65) days of the date of the filing of the appeal where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative officer or agency in the enforcement or interpretation of this chapter, or of any ordinance adopted pursuant hereto;~~ To hear and decide appeals in a timely fashion where it is alleged there is error in any order, requirement, decision, or determination made by an administrative officer or agency in the enforcement of [or] interpretation of this ordinance.
- (B) To hear and decide appeals from a party aggrieved by a decision of the historic district commission (HDC), pursuant to section 906.4.
- (C) To authorize upon application, in specific cases of hardship, variances in the application of the terms of this ordinance.
- (D) To authorize upon application, where specified in this ordinance, special use permits.
- (E) To refer matters to the planning board, planning department, or to other boards or agencies of the city as the board may deem appropriate, for findings and recommendations.
- (F) To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked, upon motion of the board, after a public hearing with due notice, in the instance where any necessary state or federal agency approvals are not received within a specified time period.
- (G) To hear and decide appeals where the board is appointed as the board of appeals for airport zoning regulations pursuant to G.L. 1956, § 1-3-19.
- (H) To hear and decide such other matters, according to the terms of this ordinance or other statutes, and upon which the board may be authorized to pass under this ordinance or other statutes.

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905. Modifications granted by the building official.

The building official is hereby empowered to hear and grant modifications. Submission requirements for applications for such modifications shall be in accordance with subsection 903.2 as determined by the building official provided that references to the zoning board shall refer to the building official.

- (A) ~~A modification shall be granted for fifteen percent (15%) or less of the dimensional requirements specified in this ordinance and may be requested for adjustments or deviations not exceeding 25 percent of any of the requirements of table 2, Dimensional Regulations, or dimensional or quantitative requirements of parking, signs, landscaping and other similar requirements of this ordinance (but excluding the moving of lot lines and lot area and density which are subject to the requirements [of] this ordinance).~~
- (B) ~~Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the zoning enforcement officer shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than five percent (5%), the zoning enforcement officer shall notify, by first class mail, all property owners abutting the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city or town that the modification will be granted unless written objection is received within fourteen (14) days of the public notice.~~
- (C) ~~If written objection is received within fourteen (14) days, the request for a modification shall be scheduled for the next available hearing before the zoning board of review on application for a dimensional variance following the standard procedures for such variances, including notice requirements provided for under this chapter. Prior to ruling on a modification, the building official shall give notice in the same manner as would be given for a variance application, pursuant to sections 906.2(B)(1) and 906.2(B)(2), by certified mail, to all property owners within a 200-foot radius and publish in a newspaper having general circulation in the City of Warwick that he/she is considering such modification, the location of property in question, the nature of the proposed modification, a statement that such modification may be granted by the building official if no objection is received within 30 days, and an invitation to allow any member of the public to inspect plot plans and application forms during normal working hours at the city hall.~~
- (C) ~~If one or more written objections are received by the building official within 20 days of the date of such public notice, the modification shall forthwith be filed with the zoning board of review if the applicant so desires, as a request for a dimensional variance in accordance with the provisions of section 906 and the building official shall have no further role in deciding the case.~~
- (D) If there are no objections within the specified time period as provided in subpart [subsection] (B) above, the building official shall render a decision no later than ~~14~~ 30 days after the date of the public notice. The following determinations shall be made by the building official:
- (1) The modification requested is reasonably necessary for the full enjoyment of the permitted use;
 - (2) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
 - (3) The modification requested ~~does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and is in harmony with the purposes and intent of the comprehensive plan and zoning ordinance of the city or town; and~~
 - (4) The modification requested ~~does not violate any rules or regulations with respect to freshwater or coastal wetlands, require a variance of a flood hazard requirement.~~
- (E) If the petitioner is aggrieved by a decision of the building official, said petitioner may file an application for a dimensional variance to the zoning board of review in accordance with section 906.

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906. Variances, special use permits, and appeals.

906.1. *Application.* An application for relief from the literal requirements of a zoning ordinance because of hardship or an application for a special use permit may be made by any person, group, agency or corporation, provided that the owner or owners of the subject property must join in any application, by filing with the building official an application as described in section 903.2, above. An application from a corporation must be signed by its attorney or duly authorized officer of the corporation. The building official shall immediately transmit such application received to the board and shall transmit a copy of each application to the director of the department of city plan (hereafter known as the director).

906.2. *Hearing and notice.*

- (A) The zoning board shall, immediately upon receipt of an application, request that the director shall report his findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the comprehensive plan of the city, in writing to the board within 30 days. Prior to rendering a decision, the zoning board of review shall consider, but not necessarily be bound by an advisory opinion of the director, provided that such advisory opinion is delivered in writing no later than the date of the required public hearing for the petition in question.
- (B) The board shall hold a public hearing on any application for variance or special use permit in an expeditious manner, after receipt, in proper form, of an application, and shall give public notice thereof at least 14 days prior to the date of the hearing, which notice shall include the precise location of the subject property, including the street address, and a description of the relief sought, as follows:
- (1) In a newspaper of general-local circulation in the city; and
 - (2) By first class mail to:
 - (i) All owners of the subject property in question; and
 - (ii) All property owners of record of land within 200 feet of the property, which is the subject of the application, whether within the city or within an adjacent city or town, provided however, if the subject property is zoned Residential A-40 or if more than 50 percent of the number of parcels which are residentially zoned land within the 200 foot radius of the subject property are zoned Residential A-40, then notice shall be sent to all property owners of record within 400 feet of the property; provided further however, if the only relief sought in the application is a dimensional variance for a single-family house lot, then notice shall only be sent to property owners of record within 200 feet of the property, without regard to the percent of A-40 parcels within the 200 foot radius; and
 - (iii) The member of the Warwick City Council in such ward as the subject property is located; and
 - (iv) The city or town council of any city or town to which one or more of the following pertain:
 - (a) Which is located in or within not less than 200 feet of the boundary of the subject property; and
 - (b) Where there is a public or quasipublic water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of the subject property, regardless of municipal boundaries; and
 - (v) The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within 2,000 feet of the subject property, provided, however, that the governing

body of any state or municipal water department or agency, special water district, or private water company has filed with the building official a map survey, which shall be kept as public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.

- (3) The same notice shall be posted in the town or city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. The cost of newspaper and mailing notification shall be borne by the applicant.

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906.3. *Standards for relief.*

- (A) *All variances.* In granting a variance, the board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area, and is not due to the physical or economic disability of the applicant (For handicapped access. See section 304.10)
 - (2) That said hardship is not the result of any prior action of the applicant, ~~and does not result primarily from the desire of the applicant to realize greater financial gain;~~
 - (3) That the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this zoning ordinance or the comprehensive plan of the city;
 - ~~(4) That the relief to be granted is the least relief necessary.~~
- (B) *Different standards for use and dimensional variances.* The board shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:
- (1) In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a use variance; and
 - (2) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. In accordance with unified development review, Planning Board has the power to grant dimensional variances where the use is permitted by special-use permit, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.
- (C) *Special use permit.* In granting a special use permit, the board shall require that evidence to [of] the satisfaction of the following standards be entered into the record of the proceedings. The specific and objective criteria below shall apply to all uses listed as "S" in the use table. The Planning Board shall determine which standards apply on a case by case basis:-
- (1) That the special use is specifically authorized by this ordinance, and setting forth the exact subsection of this ordinance containing the jurisdictional authorization;

(2) That the special use meets all the criteria set forth in the subsection of this ordinance authorizing such special use, ~~and except that~~ the board ~~shall may~~ issue a special use in conjunction with a dimensional variance provided ~~the property~~; that the dimensional variance may be issued only for the following dimensional requirements, no other dimensional relief can be sought except for that specifically listed herein, and the requested relief shall not exceed a 50 percent deviation from each required dimensional standard, provided however, that the 50 percent limitation shall not apply to nonresidentially zoned properties which:

- i. ~~Does~~ not abut or share a common boundary with open ~~space; and~~ space and residentially zoned property; or
- ii. Directly abuts the Amtrak Northeast Rail Corridor (NEC), irrespective of the zoning classification of the rail corridor;

- ~~(a) Section 300, Table 2A and Table 2B Dimensional Regulations, minimum front yard, minimum side yard, minimum rear yard, minimum landscape open space.~~
- ~~(b) Sections 505 and 505.1, landscaping and screening.~~
- ~~(c) Section 505.6, parking lot buffers.~~
- ~~(d) Section 701.7, off-street parking.~~
- ~~(e) Section 702.2, number of required loading spaces.~~
- ~~(f) Section 806, permitted signs by district.~~

~~(3)~~ iii. That the granting of the special use permit will not alter the general character of the surrounding area;

iv. ~~The intended use does not create a degradation in level of service with respect to traffic circulation;~~

v. ~~The intended use respects and enhances the architectural character of the surrounding area;~~

vi. ~~The intended use minimizes light pollution using dark sky techniques;~~

vii. ~~The intended use minimizes stormwater impacts through utilization of vegetative swales and/or similar bio-retention methods.~~

viii. ~~The intended use will not exceed local noise regulations, or impair the intent or purpose of this ordinance or the comprehensive plan of the city.~~

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SPECIAL USE DEVELOPMENT STANDARDS FOR
TWO-FAMILY

| <u>PDR-L Two-family (total of two dwelling units on the lot)</u> | <u>A-7, O, GB</u> | <u>A-10</u> | <u>A-15</u> | <u>A-40</u> |
|------------------------------------------------------------------|-------------------|---------------|---------------|---------------|
| <u>Minimum lot area (square feet)</u> | <u>10,500</u> | <u>15,000</u> | <u>22,500</u> | <u>60,000</u> |
| <u>Minimum frontage (feet) ⁽¹⁾</u> | <u>70</u> | <u>100</u> | <u>125</u> | <u>150</u> |
| <u>Minimum lot width (feet) ⁽¹⁾</u> | <u>70</u> | <u>100</u> | <u>125</u> | <u>150</u> |
| <u>Minimum front and corner side yard (feet)</u> | <u>25</u> | <u>30</u> | <u>35</u> | <u>45</u> |
| <u>Minimum side yard (feet)</u> | <u>15</u> | <u>20</u> | <u>25</u> | <u>35</u> |
| <u>Minimum rear yard (feet)</u> | <u>20</u> | <u>30</u> | <u>35</u> | <u>45</u> |
| <u>Maximum structure height (feet)</u> | <u>35</u> | <u>35</u> | <u>35</u> | <u>35</u> |
| <u>Minimum landscaped open space</u> | <u>10%</u> | <u>10%</u> | <u>15%</u> | <u>20%</u> |

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.

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(D) *Special conditions.* In granting a variance or special use permit, or in making any determination upon which it is required to pass after public hearing under this ordinance, the board may apply such special conditions that may, in the opinion of the board, be required to promote the intent and purposes of the comprehensive plan of the city and this ordinance. Failure to abide by any special conditions attached to ~~an approval a grant~~ shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, be incorporated into the decision, and may include, but are not limited to, provisions for:

- (1) Minimizing adverse impact of the development upon other land, including the type, intensity, design, and performance of activities;
- (2) Controlling the sequence of development, including when it must be commenced and completed;
- (3) Controlling the duration of use or development and the time within which any temporary structure must be removed;
- (4) Assuring satisfactory installation and maintenance of required public improvements;
- (5) Designating the exact location and nature of development; and
- (6) Establishing detailed records by submission of drawings, maps, plats, or specifications.

(E) *Waiver of architectural and site design requirements in the village district.* In order to avoid undue hardship, waivers of architectural and site design requirements included in section 508.1 may be granted by the zoning board of review after the proposal is reviewed by the administrative officer to the planning board and/or the planning board as development plan review (DPR) and a recommendation is forwarded to the zoning board.

In considering the proposed deviation to the architectural design and development standards as contained in section 508.1 the zoning board shall comply with the standards of relief contained in section 906, and shall also address the following findings.

1. Strict compliance will result in undue hardship and practical difficulties in developing or redeveloping the property.
2. The proposed structure, improvement or development is consistent with the intent of the village district zoning and the deviation will not result in unnecessary adverse impacts and is in harmony with the general area.
3. The proposed use will be consistent with the character of the neighboring land uses within the village district zone.
4. The petitioner explored all reasonable alternatives and the deviation requested represents the least deviation required to remove the hardship.
5. The requested deviation will not be injurious to neighboring properties or to the general welfare of the surrounding community.
6. There is a peculiar characteristics of the property which makes conforming to certain development standards impracticable.
7. The deviation will not result in access driveways or sidewalks that do not provide for safe vehicle or pedestrian circulation.
8. The deviation will not adversely impact off street parking or loading areas.

906.4. *Appeals to the zoning board.*

- (A) *Procedure.* An appeal to the board from a decision of any other zoning enforcement agency or officer, ~~the planning board~~ or of the HDC, may be taken by an aggrieved party. Such appeal shall be taken within 30 days of the date of the recording of the decision of the officer or agency, or within 30 days of the time when the aggrieved party knew or should have known of the action or decision of such officer or agency. The appeal shall be commenced by filing an application with the board, with a copy to the officer or agency from whom the appeal is taken, specifying the ground thereof. The officer or agency from whom the appeal is taken shall forthwith transmit to the board all papers, including any transcript or audiotapes, constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the planning board.
- (B) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board, after the appeal shall have been duly filed, that by reason of facts stated in the certificate, a stay would in the officer's opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of competent jurisdiction on application thereof and upon notice to the officer from whom the appeal is taken on due cause shown.
- (C) *Public hearing.* The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties of interest, as required in R.I.G.L. 45-23-69 and decide the same within 20 days of the hearing. The hearing of any appeals shall be at a separate meeting from the hearing of any variance or special use permit applications, although such hearings may be held on the same day or night. At the hearing, any party may appear in person or by agent or by attorney. The officer or a designated individual of the agency, commission, or board from whom the appeal is taken shall appear before the zoning board at the hearing to represent such agency, commission or board. Other members of the agency, commission or board may appear and be heard, but shall not represent the agency, commission or board. The cost of any notice required for the hearing shall be borne by the appellant.
- (D) *Decisions and records of the board.* In exercising its powers in ruling, the board may, in conformity with the provisions of this ordinance, reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the officer or agency from whom the appeal was taken. All decisions and records of the board respecting appeals shall conform to the provisions of section 903.5 of this ordinance.
- (E) *[Findings of fact.]* The zoning board of review in its decisions on any matter coming before it under this ordinance shall record in its minutes the pertinent and material facts and the reason upon which its decisions are based.
- (F) *Appeals of decisions of historic district commission.* Notwithstanding subsection (D) above, when hearing appeals from the commission decisions, the zoning board of review shall not substitute its own judgment for that of the commission, but must consider the issue upon the finding and the record of the commission. The zoning board of review shall not reverse a commission decision except on a finding of prejudicial procedural error, clear error or lack of support by the weight of the evidence in the record. The zoning board of review shall put all decisions on appeal in writing. The zoning board of review shall articulate and explain the reasons and basis of each decision on the record, and the zoning board of review shall send a copy of the decision to the applicant and to the historic district commission.

(Ord. No. 0-95-42, § I, 12-11-95; Ord. No. 0-98-13, § I, 5-18-98; Ord. No. 0-00-3, § I, 1-24-00; Ord. No. 0-02-15, § I, 7-23-02; Ord. No. 0-10-6, § I, 5-18-10; Ord. No. 0-11-11, § I, 7-12-11; Ord. No. 0-11-18, § I(Exh. A), 10-20-11)

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(Supp. No. 30)

907. Expiration of variances and special use permits.

- (A) Any variance or special use permit shall expire one year after the date of the filing of the resolution with the city clerk unless the applicant shall, within one year, obtain a legal building permit and proceed with the construction; or obtain a certificate of occupancy when no legal building permit is required. The board may, upon written request and for cause shown prior to the expiration of the initial one-year period, renew the variance or special use permit for a second one-year period. Said request for an extension need not be advertised.
- (B) Should an applicant fail to begin construction with a legal building permit, or obtain a certificate of occupancy within the second one-year period, the board may upon written request prior to the expiration of the second one-year period, renew the variance or special use permit for a third one-year period provided that the applicant can demonstrate due diligence in proceeding and substantial financial commitment in promoting the subject of the variance or special use permit since the date of the filing of the resolution, and notice shall be given in accordance with section 906.2(B) and a hearing shall be held on the request.
- (C) None of the year periods set forth in subsections (A) and (B) above shall run during the pendency of any [Planning Board review](#), or superior court actions seeking to overturn the grant.

908. Appeals to superior court.

An aggrieved party may appeal a decision of the board to the superior court for Kent County by filing a complaint setting forth the reasons of appeal within 20 days after such decision has been filed and posted with the city clerk. The decision shall be posted in a location visible to the public in the city hall for a period of 20 days following the recording of the decision. The board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within 30 days after being served with a copy of the complaint. Further, the board shall cause to be placed a notice of such appealed decision in a newspaper of general circulation in the City of Warwick. Such notice shall include the original date the board heard the petition, the name(s) of the petitioner(s), the court to which the board's decision was appealed, including the court's address and telephone number, and any other information the board deems necessary to inform the general public of such appeal. Said notice shall be submitted to the member of the Warwick city council in a timely manner. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or appellant and the members of the board shall be made parties to such proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, at its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

(Ord. No. O-95-36, § I, 10-16-95)

SECTION 1000. ADMINISTRATION, ENFORCEMENT AND AMENDMENT

1001. Building official & Planning Board .

This ordinance shall be enforced by the building official acting in the name and on behalf of the City of Warwick. It shall be the duty of the building official to interpret and enforce the provisions of this ordinance in the manner and form and with the powers provided in the laws of the state and in the Charter and ordinances of the city. With the exception of Unified Development Plan Review Applications, which shall be administered by the Planning Board, the building official shall refer all applications for variances, special use permits and other appeals to the zoning board of review. The building official shall make a determination in writing, within 15 days, to any written complaint received, regarding a violation of this ordinance. In order to provide guidance or clarification,

the building official shall, upon written request, issue a zoning certificate or provide information to the requesting party within 15 days of the written request. Any determination of the building official may be appealed to the board in accordance with section 906.4 of this ordinance.

1001A. Identification of inspectors.

Inspectors of the building department shall wear such badges or insignia as may be prescribed by the ordinances of the city and shall, upon request, exhibit clear identification whenever it shall be their duty to visit private residences, buildings, or premises for the purposes of making any survey, examination or inspection.

(Ord. No. O-95-1, § 1, 2-13-95)

Editor's note(s)—For purposes of classification, provisions designated as § 114.0 in Ord. No. O-95-1 have been redesignated by the editor as § 1001A.

1002. Building permits.

No building shall hereafter be erected, moved or structurally altered until a permit authorizing the same shall be issued by the building official.

- (A) The application for a permit for any building to be erected in an AE or VE zone of the flood hazard overlay district shall state the elevation of the first floor of the proposed building above the finished grade of the lot. In accordance with the Rhode Island State Building Code, the application shall also be accompanied by a Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) elevation certificate prior to the issuance of a certificate of occupancy by the building official.
- (B) The building official may require the submission both of plans of any proposed machinery, operations, and products and of specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements referred to in subsection 604. No applicant will be required to reveal any confidential processes and any information submitted will be treated as confidential if requested.

1003. Site plan/certificate of occupancy.

Before a building permit or certificate of occupancy is issued for the construction, reconstruction, alteration, repair, demolition, removal, enlargement or occupancy of any building or structure or use of premises, a site plan shall be submitted to the building official indicating the intended use and its conformity in all respects to the provisions of this ordinance.

- (A) *Site plan.* An application (three copies) for a building permit for an addition, erection or enlargement, under the provisions of the Rhode Island State Building Code and all applicable state regulations, shall be accompanied by a site plan, drawn to scale, showing the accurate dimensions of the lot; the building site; the location and size of existing buildings on the lot; all proposed construction; all front, side and rear yard dimensions; proposed parking areas; and such other information as may be necessary to enforce the provisions of this ordinance. A site plan shall not be required with an application for a permit involving the alteration of an existing building(s), where the use and exterior dimensions of the buildings are not changed or enlarged in any manner.
- (B) *Certificate of occupancy.* A certificate of occupancy as required by the Rhode Island State Building Code shall be required for any of the following:
 - (1) Occupancy and use of a building hereafter erected or enlarged;
 - (2) Change in use of an existing building to a different use;

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- (3) Intensification of an existing use of either a building or land;
 - (4) Occupancy and use of vacant land except for the raising of crops;
 - (5) Change in the use of land to different use except for the raising of crops; or
 - (6) Any change in use of a nonconforming use.
- (C) [*Certificate of occupancy required prior to use or change of use.*] The occupancy, use or change of use shall not take place until a certificate of occupancy has been issued by the building official in accordance with the requirements for the issuance of a certificate of occupancy as stated in the Rhode Island Building Code.

1004. Interpretation.

In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements adopted for the promotion of health, safety, comfort, convenience, or the general welfare.

1005. Conflicts of law.

All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this ordinance. Any permit or license, issued in conflict with the provisions of this ordinance, shall be null and void.

1006. Penalties and enforcement.

Any person or corporation, whether as principal, agent, employee or otherwise, who violates or is the owner of property in violation of any of the provisions of this ordinance shall be fined up to \$500.00 for each offense, such fine to inure to the city. Each day of the existence of any violation shall be deemed a separate offense. The erection, construction, enlargement, intensification, conversion, moving or maintenance of any building or structure and the use of any land or building or structure which is continued, operated or maintained contrary to any of the provisions of this ordinance is hereby declared to be a violation of this ordinance and unlawful. The building official shall be empowered to levy such fines, with appeal thereupon to the district court or the municipal housing court if so authorized. The city solicitor shall also be empowered to institute injunction, abatement or any other appropriate action in any appropriate court to prevent, enjoin, abate or remove such violation, or compel compliance with the provisions of this ordinance. The city solicitor may consolidate an action for injunctive relief and/or fines under this ordinance in the superior court for Kent County. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

1007. Adoption, amendment and administration of zoning ordinance.

1007.1. *Procedure.* Other than for proposals originated by the city council, the building official shall be the officer to receive a proposal for adoption, amendment, or repeal of a zoning ordinance or zoning map(s). Immediately upon receipt of such proposal, the building official shall refer such proposal to the city council, the director and the planning board for study and recommendation. If the proposal originates with the city council, the city council shall refer such proposal to the building official, the director and the planning board. The planning board shall report to the city council within 45 days after receipt of the proposal, giving its findings and recommendations. The city council shall hold a public hearing within 65 days of receipt of proposal, giving proper notice as prescribed herein. The city council shall render a decision on any such proposal within 45 days after the date of completion of the public hearing. The provisions of this subsection pertaining to deadlines shall not be construed to apply to any extension consented to by the applicant.

1007.2. *Review by planning board.* Among its findings and recommendations to the amendment or repeal of this ordinance or zoning map, the planning board shall:

- (A) Include a statement on the general consistency of the proposal with the comprehensive plan of the city, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and
- (B) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning as presented in section 100 of this ordinance.

1007.3. *Notice and hearing requirements.*

~~(A) No zoning ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the city council. The city council shall first give notice of such public hearing by publication of notice in a newspaper of general circulation within the city at least once each week for three consecutive weeks prior to the date of such hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter to the proposed ordinance. Written notice, which may be a copy of said newspaper notice, shall be mailed to the associate director of the division of planning of the Rhode Island department of administration, and, where applicable, to the parties specified in subsections (B), (C), (D) and (E) of this section, at least two weeks prior to the hearing. Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:~~

- ~~(1) Specify the place of said hearing and the date and time of its commencement;~~
- ~~(2) Indicate that adoption, amendment or repeal of a zoning ordinance is under consideration;~~
- ~~(3) Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize or describe the matter under consideration;~~
- ~~(4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and~~
- ~~(5) State that the proposal shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.~~

~~(B) Where a proposed general amendment to an existing zoning ordinance includes changes in an existing zoning map, public notice shall be given as required by subsection (1) [(A)] of this section.~~

~~(C) Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map but does not affect districts generally, public notice shall be given as required in subsection (1) [(A)] of this section, with the additional requirements that:~~

- ~~(1) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city boundaries where appropriate; and~~
- ~~(2) Written notice of the date, time and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located within 200 feet of the perimeter of the area proposed for change, whether within the city or within an adjacent city or [or] town in which the property is located; provided however, if the subject property is zoned Residential A 40 or if more than 50 percent of the number of parcels which are residentially zoned land within the 200 foot radius of the subject property are zoned Residential A 40, then notice shall be sent to all property owners of record within 400 feet of the subject property.~~

~~(D) Notice of a public hearing shall be sent by first class mail to the city or town council of any city or town to which one or more of the following pertain:~~

- ~~(1) Which is located within 200 feet of the boundary of the area proposed for change; or~~
- ~~(2) Where there is a public or quasipublic water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.~~

~~(E) Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used, or is suitable for use, as a public water source and that is within 2,000 feet of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water company has filed with the building inspector in the city a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.~~

~~(F) No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless such defect is found to be intentional or misleading.~~

~~(G) Costs of any notice required under this section shall be borne by the applicant.~~

~~(H) In granting a zoning ordinance amendment, the city council may limit the change to one or more of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions and restrictions, including without limitation:~~

- ~~(1) Requiring the petitioner to obtain a permit or approval from any and all federal, state or local governmental agencies having jurisdiction over the land and use which are subject to the zoning change;~~
- ~~(2) Relating to the effectiveness or continued effectiveness of the zoning change; and/or~~
- ~~(3) Relating to the use of the land as it deems necessary.~~

(A) No zoning ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the city or town council. The city or town council shall first give notice of the public hearing by publication of notice in a newspaper of local circulation within the city or town at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. Written notice shall be mailed to the parties specified in subsections (b), (c), (d), (e), and (f) of this section, at least two (2) weeks prior to the hearing.

The same notice shall be posted in the town or city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing. The notice shall:

- (1) Specify the place of the hearing and the date and time of its commencement;
- (2) Indicate that adoption, amendment, or repeal of a zoning ordinance is under consideration;
- (3) Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize and describe the matter under consideration as long as the intent and effect of the proposed ordinance is expressly written in that notice;

(4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and

(5) State that the proposals shown on the ordinance may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

(B) Where a proposed general amendment to an existing zoning ordinance includes changes in an existing zoning map, public notice shall be given as required by subsection (a) of this section.

(C) Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city or town. The notice shall be given by first-class mail at least two (2) weeks prior to the hearing at which the text amendment is to be considered, with the content required by subsection

1. If the city or town zoning ordinance contains an existing merger clause to which the nonconforming lots would be subject, the notice shall include reference to the merger clause and the impacts of common ownership of nonconforming lots.

For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

(D) Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map, but does not affect districts generally, public notice shall be given as required by subsection (a) of this section, with the additional requirements that:

1. Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, existing streets and roads and their names, and city and town boundaries where appropriate; and
2. Written notice of the date, time, and place of the public hearing and the nature and purpose of the hearing shall be sent to all owners of real property whose property is located in or within not less than two hundred feet (200') of the perimeter of the area proposed for change, whether within the city or town or within an adjacent city or town; provided however, if the subject property is zoned Residential A-40 or if more than 50 percent of the number of parcels which are residentially zoned land within the 200 foot radius of the subject property are zoned Residential A-40, then notice shall be sent to all property owners of record within 400 feet of the subject property. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located; provided, for any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

(E) Notice of a public hearing shall be sent by first-class mail to the city or town council of any city or town to which one or more of the following pertain:

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1. That is located in or within not less than two hundred feet (200') of the boundary of the area proposed for change; or
 2. Where there is a public or quasi-public water source, or private water source that is used, or is suitable for use, as a public water source, within two thousand feet (2,000') of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.

(F) Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource or surface watershed that is used, or is suitable for use, as a public water source and that is within two thousand feet (2,000') of any real property that is the subject of a proposed zoning change; provided, that the governing body of any state or municipal water department or agency, special water district, or private water company has filed with the building inspector in the city or town a map survey, that shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand feet (2,000') thereof.

(G) Notwithstanding any of the requirements set forth in subsections (a) through (e), each municipality shall establish and maintain a public notice registry allowing any person or entity to register for electronic notice of any changes to the zoning ordinance. The city or town shall provide public notice annually of the existence of the electronic registry by publication of notice in a newspaper of general circulation within the city or town. In addition, each municipality is hereby encouraged to provide public notice of the existence of the public notice registry in all of its current and future communications with the public, including, but not limited to, governmental websites, electronic newsletters, public bulletins, press releases, and all other means the municipality may use to impart information to the local community.

1. Provided, however, notice pursuant to a public notice registry as per this section does not alone qualify a person or entity on the public notice registry as an "aggrieved party" under § 45-24-31(4).

(H) No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless the defect is found to be intentional or misleading.

(I) Costs of-newspaper and mailing notices required under this section shall be borne by the applicant.

(J) In granting a zoning ordinance amendment, notwithstanding the provisions of § 45-24- 37, the town or city council may limit the change to one of the permitted uses in the zone to which the subject land is rezoned and impose limitations, conditions, and restrictions, including, without limitation:

1. Requiring the petitioner to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use that are the subject of the zoning change;
2. Those relating to the effectiveness or continued effectiveness of the zoning change; and/or
3. Those relating to the use of the land as it deems necessary. The responsible town or city official shall cause the limitations and conditions so imposed to be clearly noted on the zoning map and recorded in the land evidence records; provided, that in the case of a conditional zone change, the limitations, restrictions, and conditions shall not be noted on the zoning map until the zone change has become effective. If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two (2) years or more after the zone change becomes effective, the town or city council may, after a public hearing, change the land to its original zoning use before the petition was

[filed. If any limitation, condition, or restriction in an ordinance is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.](#)

[\(K\) The above requirements are to be construed as minimum requirements.](#)

1007.4. *Conditions and limitations.* The building official and the city clerk shall cause the limitations and conditions so imposed to be clearly noted on the zoning map and recorded in the land evidence records, provided, however, in the case of a conditional zone change, the limitations, restrictions, and conditions shall not be noted on the zoning map until the zone change has become effective. If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two years or more after the zone change becomes effective, the city council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before such petition was filed. If any limitation, condition, or restriction in an ordinance amendment is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

1007.5. *Maintenance of zoning ordinance.* The city clerk shall be the custodian of this zoning ordinance and zoning map or maps created thereunder. The building official shall be responsible for maintenance and update of the text and zoning map comprising this ordinance. Changes which impact the zoning map shall be depicted on the map within 90 days of such authorized change(s). The planning department shall be responsible for review of this ordinance annually, and whenever changes are made to the comprehensive plan of the city, to identify any changes necessary and forward these changes to the city council.

1007.6. *Publication and availability of zoning ordinance.* Printed copies of this ordinance and map(s) shall be available to the general public through the city clerk and the building official, and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing and distribution costs.

1007.7. *Sending of copies of zoning ordinance.* Upon publication of this ordinance and map(s), and any amendments thereto, the city clerk shall send a copy, without charge, to the associate director of the division of planning of the department of administration of the State of Rhode Island, and to the state law library.

(Ord. No. O-00-36, § 1, 9-26-00)

1008. Appeal of enactment of or amendment to zoning ordinance.

An appeal of the enactment of or an amendment to this ordinance may be taken to the superior court for Kent County by filing a complaint within 30 days after such enactment or amendment has become effective. The complaint shall set forth with specificity the area or areas in which the enactment or amendment does not conform with the comprehensive plan and/or the manner in which it constitutes a taking of private property without just compensation. Such appeal may be taken by an aggrieved party or by any legal resident or landowner of the city, or by any association of residents or landowners of the city. This appeal shall not stay the enforcement of the zoning ordinance, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

1009. Vested rights.

(A) Any application for development under this ordinance, including an application for a building permit, special use permit, variance, planned development, or cluster development, shall be deemed substantially complete when all required documents, including plans, together with required fees, are received by the official designated herein to receive such applications. Required documents shall include only those documents specified either by this ordinance or by rules adopted and published by the permitting authority prior to the time the application is filed.

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- (B) Any application for development under this ordinance that is substantially complete prior to the enactment or amendment of this ordinance shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was submitted. If such application is approved, the applicant must begin construction, or exercise the right granted in the application if no construction is involved, not more than one year after the date of such approval. All construction must be completed not more than two years after the date of such approval, unless specifically set forth to the contrary in the original approval.
 - (C) Any building permit issued prior to the effective date of this ordinance or any amendment thereto may be activated within one year from the date of issuance. Any such permit for a use which by virtue of the adoption of this ordinance or any amendment thereto would become nonconforming may not be renewed if not activated within one year from the date of issuance.

1010. Effective date.

This ordinance is effective as of December 31, 1994.

1011. Severability.

If any provision of this ordinance or of any rule, regulation or determination made thereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of this ordinance or the rule, regulation, or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of this ordinance shall not affect the validity of the remainder of the ordinance.