

THE CITY OF WARWICK
STATE OF RHODE ISLAND

APPENDIX A
ZONING

No..... Date.....

Approved.....Mayor

AN ORDINANCE AMENDING APPENDIX A, ZONING ORDINANCE OF THE CITY
OF WARWICK TO CONFORM WITH PROCEDURAL AND SUBSTANTIVE
CHANGES IN STATE LAND USE LAWS, MODIFY LAND USES AND DISTRICTS,
AND DELETE SUPERFLUOUS SECTIONS CODIFIED IN THE
STATE BUILDING CODE
CITY OF WARWICK, PETITIONER
CITY-WIDE

Be it ordained by the City of Warwick:

Section I. Appendix A Zoning of the Code of Ordinances of the City of Warwick is hereby amended as follows:

SECTION 100. – TITLE AND PURPOSE

[...]

103. - Purpose.

This ordinance is designed to:

[...]

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.

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 ~~Individuals with Handicaps~~ Persons with Disabilities Act, R.I.G.L. § 42-81-1 et seq., and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

1
2
3 **SECTION 200. – DEFINITIONS**
4

5 In this ordinance words used in the present tense include the future, the singular
6 includes the plural and the plural the singular. The word "used" includes "designed, intended or
7 arranged to be used." The following terms for the purposes of this ordinance are defined as
8 follows:
9

10 [...]

11
12 Accessory family dwelling unit (ADU). A residential living unit on the same parcel where
13 the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides
14 complete independent living facilities for one or more persons. It may take various forms
15 including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as
16 a garage; or a unit that is part of an expanded or remodeled primary dwelling. An accessory
17 dwelling unit for the sole use of one or more members of the family of the occupant or occupants
18 of the principal residence, ~~and shall not have a separate means of ingress and egress.~~ An ADU that
19 is attached to the principal dwelling shall maintain the appearance of a single family dwelling.
20

21 [...]

22
23 Adaptive reuse. Means the conversion of an existing structure from the use for which it
24 was constructed to a new use by maintaining elements of the structure and adapting such elements
25 to a new use.
26

27 [...]

28
29 ~~Building, semi-detached. A building having one party wall in common with an adjoining~~
30 ~~building.~~

31 [...]

32
33
34 Building height. ~~The vertical distance from grade, as determined by the municipality, to~~
35 ~~the top of the highest point of the roof or structure. The distance may exclude spires, chimneys,~~
36 ~~flagpoles, and the like.~~ For a vacant parcel of land, building height shall be measured from the
37 average, existing-grade elevation where the foundation of the structure is proposed. For an existing
38 structure, building height shall be measured from average grade taken from the outermost four (4)
39 corners of the existing foundation. In all cases, building height shall be measured to the top of the
40 highest point of the existing or proposed roof or structure. This distance shall exclude spires,
41 chimneys, flag poles, and the like. For any property or structure located in a special flood hazard
42 area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the
43 Rhode Island coastal resources management council (CRMC) suggested design elevation three
44 foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year
45 (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the
46 building height calculation:

1
2 (i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or
3 proposed freeboard, less the average existing grade elevation; or

4
5 (ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a
6 one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall
7 reevaluate the appropriate suggested design elevation map for the exclusion every ten (10)
8 years, or as otherwise necessary.

9
10 [...]

11
12 *Community residence.* A home or residential facility where children and/or adults reside in
13 a family setting and may or may not receive supervised care. This shall not include halfway houses
14 or substance abuse treatment facilities. This shall include, but not be limited to the following:

15
16 (a) Whenever six (6) or fewer ~~retarded~~-children or adults with intellectual and/or
17 developmental disability reside in any type of residence in the community, as licensed by
18 the state pursuant to chapter 24 of title 40.1 G.L. 1956, § 40.1-24-1 et seq. All requirements
19 pertaining to local zoning are waived for these community residences;

20
21 (b) A group home providing care or supervision, or both, to not more than eight mentally
22 disabled or mentally handicapped or physically handicapped persons, and licensed by the
23 state pursuant to G.L. 1956, § 40.1-24-1 et seq.;

24
25 (c) A residence for children providing care or supervision, or both, to not more than eight
26 children including those of the caregiver and licensed by the state pursuant to G.L. 1956,
27 § 42-72.1-1 et seq.;

28
29 (d) A community transitional residence providing care or assistance, or both, to no more
30 than six unrelated persons or no more than three families, not to exceed a total of eight
31 persons, requiring temporary financial assistance, and/or to persons who are victims of
32 crimes, abuse, or neglect, and who are expected to reside in that residence not less than 60
33 days nor more than two years. Residents will have access to and use of all common areas,
34 including eating areas and living rooms, and will receive appropriate social services for the
35 purpose of fostering independence, self-sufficiency, and eventual transition to a permanent
36 living situation.

37
38 [...]

39
40 ~~Director. Director of the department of city plan of the City of Warwick.~~

41
42 [...]

43
44 *Family member.* A person₂ or persons₂ related by blood, marriage, or other legal means,
45 including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents,

1 [grandchildren, domestic partner, sibling, care recipient, or member of the household](#). See also
2 Household.

3
4 [...]

5
6 [Unified Development Review. The review and approval, approval with conditions, or denial
7 of requests for variances and special-use permits submitted as part of land development and
8 subdivision applications, pursuant to R.I.G.L. § 45-24-46.4.](#)

9
10 [...]

11
12 *Variance.* Permission to depart from the literal requirements of this ordinance. An
13 authorization for the construction or maintenance of a building or structure, or for the
14 establishment or maintenance of a use of land, which is prohibited by this ordinance. There shall
15 be only two categories of variance, a use variance or a dimensional variance.

16
17 (a) *Use variance.* Permission to depart from the use requirements of this ordinance where
18 the applicant for the requested variance has shown by evidence upon the record that the
19 subject land or structure cannot yield any beneficial use if it is to conform to the provisions
20 of this ordinance.

21
22 (b) *Dimensional variance.* Permission to depart from the dimensional requirements of this
23 ordinance [under the applicable standards set forth in R.I.G.L. 45-24-41](#), ~~where the applicant
24 for the requested relief has shown, by evidence upon the record, that there is no other
25 reasonable alternative way to enjoy a legally permitted beneficial use of the subject
26 property unless granted the requested relief from the dimensional regulations. However,
27 the fact that a use may be more profitable or that a structure may be more valuable after
28 the relief is granted shall not be grounds for relief.~~

29
30 [...]

31
32 *Wetland, freshwater.* [“Freshwater wetlands” includes, but is not limited to, those areas that
33 are inundated or saturated by surface or groundwater at a frequency and duration to support, and
34 that under normal circumstances do support a prevalence of vegetation adapted for life in saturated
35 soil conditions. Freshwater wetlands includes, but is not limited to: ~~A~~ marshes, swamps, bogs,
36 pond, river or stream floodplain or bank, area subject to flooding or storm flowage; emergent or
37 submergent plant communities, and for the purpose of this chapter, rivers, streams, ponds, and
38 vernal pools in any body of freshwater; or area within 50 feet of the edge of a bog, marsh, swamp,
39 or pond; or the land area within 200 feet of the edge of a flowing water body having a width of ten
40 feet or more and that area within 100 feet of the edge of any flowing body having a width of less
41 than ten feet during normal flow.](#)

42
43 [...]

44
45
46 **SECTION 300. – ESTABLISHMENT AND CLASSIFICATION OF DISTRICTS**

1
2 **301. Districts.**
3

4 For the purpose of this ordinance, the City of Warwick is hereby divided into thirteen
5 classes of districts, listed and designated on the “zoning ~~map-plat~~” as follows:
6

- 7 Open Space District (OS)
- 8 Residence A-40 District (A-40)
- 9 Residence A-15 District (A-15)
- 10 Residence A-10 District (A-10)
- 11 Residence A-7 District (A-7)
- 12 Office District (O)
- 13 Waterfront Business District (WB)
- 14 General Business District (GB)
- 15 Light Industrial District (LI)
- 16 General Industrial District (GI)
- 17 [City Centre](#) Warwick ~~Station~~-Intermodal District (Intermodal)
- 18 [City Centre](#) Warwick ~~Station~~-Gateway District (Gateway)
- 19 Village District (V)

20
21 The general intent and purposes of the zoning districts are as follows: Table 1 contains the
22 use regulations for each district; table 2A contains the dimensional regulations for residence
23 districts and table 2B contains the dimensional regulations for nonresidential districts.
24

25 [This zoning ordinance provides a listing of all land uses and/or performance standards for](#)
26 [uses that are permitted within the zoning use districts of the municipality. Any use not specifically](#)
27 [listed may be presented by the property owner to the zoning board of review or building official](#)
28 [for an evaluation and determination of whether the proposed use is of a similar type, character,](#)
29 [and intensity as a listed permitted use. Upon such determination, the proposed use may be](#)
30 [considered to be a permitted use.](#)
31

32 [...]
33

34 301.11. [City Centre](#) Warwick ~~Station-Development-District (WSDD)(CCW)~~. The [City](#)
35 [Centre](#) Warwick ~~Station-Development-District~~ shall consist of that area presented in the [City](#)
36 [Centre](#) Warwick ~~Station-Development-District~~ Master Plan and Warwick Comprehensive
37 Community Plan. The Development District shall consist of two distinct zoning districts; the
38 Intermodal District as defined in section 301.11A of this ordinance and the Gateway District as
39 defined in subsection 301.11B of this ordinance, and as illustrated on the Warwick Zoning
40 Ordinance Map. Warwick Planning Department and Planning Board are hereby authorized to carry
41 out the purposes of the [City Centre](#) Warwick ~~Station-Development-District~~.
42

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

10
11 301.11A City Centre ~~Warwick Station~~ *Intermodal District (Intermodal)*. Properties
12 mapped in accordance with subsection 303 of this ordinance and which are intended to capitalize
13 on the opportunities resulting from their location in proximity to the Intermodal facility and the
14 Airport terminal, including appropriate complementary uses, pedestrian and vehicular circulation
15 and parking needs, access issues, traffic flow and congestion, lot coverage and height restrictions.
16 The intent of the Intermodal District is to create and sustain an area of regional economic activity
17 consisting of retail, commercial, office and residential uses located on a circulation access spine
18 linking transportation nodes. This area is the core commercial activity area within City Centre
19 ~~Warwick Station-Development District~~. It is intended that this zone have a high quality of design
20 for pedestrian use, infrastructure improvements that will enable a flow of users between different
21 transportation nodes and an appropriate density of associated retail, office, residential and hotel
22 uses.

23
24 301.11B. City Centre ~~Warwick Station~~ *Gateway District (Gateway)*. Properties mapped in
25 accordance with subsection 303 of this ordinance and which are intended to serve as transitional
26 areas leading to the Intermodal District of the City Centre ~~Warwick Station~~-Development District
27 from outlying areas, including the Post Road and Airport Road general business districts. The
28 Gateway District is intended to allow limited commercial uses customarily associated with
29 transportation facilities as well as general commercial uses commonly allowed within general
30 business districts. It is intended that this zone have a high quality of design associated with
31 vehicular circulation and appropriate landscaping and architectural design intended to create a
32 separate identity and a cohesive appearance distinguishable from the outlying areas.

33
34 [...]

35
36 **302. – Overlay districts.**

37
38 Within each of the districts as designated in subsection 301, there may be overlay districts
39 which are set forth herein due to certain unique natural characteristics and conditions and special
40 areas of the city which require additional regulations, as specified herein, to meet the purposes of
41 this ordinance. Overlay districts are designed to impose supplementary requirements and do not in
42 any manner supersede or replace any requirements of the underlying district. The intent, purposes,
43 and zoning ~~plat~~ map designations of the overlay districts are as follows:

1 [...]
2
3

4 TABLE 1. USE REGULATIONS
5

6 The abbreviated terms used in this table shall have the following meanings:
7

Table with 2 columns: Term (Yes, No, S, A) and Description of use regulation.

8 Footnotes appear at the end of this table.
9

10 The provisions of this ordinance shall not be construed so as to limit or interfere with the
11 construction, installation, operation and maintenance for public utility purposes of water and gas
12 pipes, mains, conduits, electric light and electric power transmission and distribution lines,
13 telephone lines, cable television lines, oil pipe lines, sewer mains, and incidental appurtenances
14 and installations.
15

16 Buildings within the district may be constructed, altered, enlarged, or reconstructed for one
17 or more of the uses as listed in the Table of Use Regulations and uses customarily considered
18 accessory to such uses with certain additional location and size requirements:
19
20
21

Table with 14 columns: Zoning Districts, OS, A-40, A-15, A-10, A-7, O, WB, GB, LI, GI, Inter-modal, Gate-way, Village District. Rows include Residential uses, 101. Detached single-family dwelling unit, and 101.1.

<u>Two-Family</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 five and ten dwelling units	No	No <u>(3)</u>	No <u>(3)</u>	No <u>(3)</u>	No <u>(3)</u>	No (3)	No	No (3)	No	No	Yes (23)	Yes	S
[...]													
800.	Light industry:												
[...]													
807. Ministorage and mini- warehouse facility	No	No	No	No	No	No	No	S <u>No</u>	S	Yes <u>No</u>	No	No	No
[...]													

1
2 Footnotes:

3
4 ⁽¹⁾ Subject to all the dimensional requirements in the A-7 district.

5
6 [...]

1
2 (3) Eligible for PDR or PDR-L overlay designation, subject to all the requirements for
3 planned district residential (PDR) and (PDR-L) planned district residential – limited in
4 subsection 308.

5
6 [...]

7
8 (23) Subject to planning board approval as a component of a larger mixed-use development
9 within a multistory building. This use is prohibited as a principal use.

10
11 (24) Allowed as a component of mixed-use development within a multi-story building with
12 this actual use code composing no more that 25 percent of the total gross floor area of the
13 entire building. This use is prohibited as a principal use within a new single story structure.
14 This use may be approved as an interim use within a single story building or structure
15 which was lawfully existing or established prior to January 2012 if approved by the
16 Planning Board in conformance with the ~~WSDD~~ [CCW](#) design standards and the Zoning
17 Board as a special use permit, if applicable.

18
19 (25) Allowed within a building that is at least two stories in height. This use may be approved
20 as an interim use within a single story structure which was lawfully existing or established
21 prior to January 2012 subject to approval by the planning board in conformance with the
22 ~~WSDD~~ [CCW](#) design standards.

23
24 [...]

25
26 **303. – District boundaries.**

27
28 The boundaries of said districts including all overlay districts are hereby established as
29 shown on the assessor's plats of the City of Warwick, each entitled "zoning ~~plat~~ [map](#)," which are
30 adopted as part of this ordinance and which are on file in the office of the city clerk.

31
32 303.1. *Split lots.* Wherever a district boundary splits a lot into two or more separate zoning
33 districts, the proposed use shall be permitted only if it is allowed in the district in question. The
34 dimensional requirements for such permitted use shall be determined by the district in which it is
35 located. Where a proposed use is permitted in two or more districts on the same lot, the dimensional
36 requirements, other than density, shall be determined by the district's dimensional regulations
37 which represent 50 percent or more of the lot or contains the most lot area, except as provided in
38 subsection 405.4(D). For density requirements, all portions of the lot shall be calculated
39 proportionately.

40
41 303.2. *Interpretation.* Where, due to the scale, lack of detail or illegibility of the zoning
42 ~~plats~~ [maps](#) of the City of Warwick, it shall be determined that the boundary lines of districts are
43 lot lines, centerlines of streets or such lines extended, railroad right-of-way lines, or the centerlines
44 of watercourses. Questions concerning the text of this ordinance and the exact location of district
45 boundary lines as shown on the zoning ~~plats~~ [maps](#) shall be decided by the building official. Any

1 person aggrieved by such interpretation of the building official may appeal such interpretation to
2 the zoning board of review.

3
4 **304. – General provisions.**

5
6 [...]

7
8 304.5. *More than one nonresidential use or building on a lot.* More than one
9 nonresidential structure may be allowed on a single lot within appropriately zoned nonresidential
10 districts ~~if devoted to the same actual use. Upon application to the zoning board of review, a special~~
11 ~~use permit may be granted in accordance with subsection 906 of this ordinance, where more than~~
12 ~~one actual use on a lot may be requested;~~ provided however that such uses shall be only those that
13 are permitted within the district in question. ~~In both instances, principal front and rear walls of a~~
14 ~~building shall be at least 40 feet from any wall of another building. Any side wall of a building~~
15 ~~may not be less than 25 feet from any side wall of another building. More than one nonresidential~~
16 ~~use and/or structure is allowed on a single lot within the Warwick Station Intermodal and Gateway~~
17 ~~Districts without zoning board of review approval being necessary, provided however, that such~~
18 ~~uses may be only those that are permitted in the district in question.~~

19
20 More than one nonresidential use or more than one residential use and non residential use
21 is allowed on a single lot or building within a village district without zoning board of review
22 approval being necessary provided that such uses may be only those that are permitted in the
23 district and provided that each establishment shall not exceed 3,000 square feet. The floor area of
24 buildings within the district may be used for more than one permitted use, whether such uses are
25 allowed by right, or by special permit authorized by the zoning board of review; provided,
26 however, that the building and lot meet the most restrictive dimensional requirements applicable
27 to the individual uses.

28
29 The ground floor of a multiuse building shall be used for allowed commercial uses and as
30 a lobby or access for upper storey uses. Upper stories shall house residential uses, if applicable.

31
32 [...]

33
34 304.11. “Adaptive reuse”. Notwithstanding any other provisions of this chapter, adaptive
35 reuse for the conversion of any commercial building, including offices, schools, religious facilities,
36 medical buildings, and malls into residential units or mixed use developments which include the
37 development of at least fifty percent (50%) of the existing gross floor area into residential units,
38 shall be a permitted use and allowed by specific and objective provisions of a zoning ordinance,
39 except where such is prohibited by environmental land use restrictions recorded on the property
40 by the state of Rhode Island department of environmental management or the United States
41 Environmental Protection Agency preventing the conversion to residential use.

42
43 (A) The specific zoning ordinance provisions for adaptive reuse shall exempt adaptive
44 reuse developments from off-street parking requirements of over one space per dwelling
45 unit.

1 (B) Density.

2
3 (1) For projects that meet the following criteria, zoning ordinances shall allow for
4 high density development and shall not limit the density to less than fifteen (15)
5 dwelling units per acre:

6
7 (a) Where the project is limited to the existing footprint, except that the
8 footprint is allowed to be expanded to accommodate upgrades related to the
9 building and fire codes and utilities; and

10
11 (b) The development includes at least twenty percent (20%) low- and
12 moderate-income housing; and

13
14 (c) The development has access to public sewer and water service or has
15 access to adequate private water, such as a well and and/or wastewater
16 treatment system(s) approved by the relevant state agency for the entire
17 development as applicable.

18
19 (2) For all other adaptive reuse projects, the residential density permitted in the
20 converted structure shall be the maximum allowed that otherwise meets all
21 standards of minimum housing and has access to public sewer and water service or
22 has access to adequate private water, such as a well, and wastewater treatment
23 system(s) approved by the relevant state agency for the entire development, as
24 applicable, The density proposed shall be determined to meet all public health and
25 safety standards.

26
27 (C) Notwithstanding any other provisions of this chapter, for adaptive reuse projects,
28 existing building setbacks shall remain and shall be considered legal nonconforming, but
29 no additional encroachments shall be permitted into any nonconforming setback, unless
30 otherwise allowed by zoning ordinance or relief is granted by the applicable authority.

31
32 (D) For adaptive reuse projects, notwithstanding any other provisions of this chapter, the
33 height of the existing structure, if it exceeds the maximum height of the zoning district,
34 may remain and shall be considered legal nonconforming, and any rooftop construction
35 shall be included within the height exemption

36
37
38 **305. – Administrative procedures for overlay districts.**

39
40 [...]

41
42 305.1. *Administrative procedure.* Overlay districts may be enacted by the city council
43 following full compliance with this subsection.

44
45 (A) *Preapplication conference.* The applicant for an overlay district is required to submit
46 written and graphic descriptions of his/her proposed development to the department of city

1 plan. The plan shall include the location and areas of all open spaces, building area,
2 recreational areas, and parking spaces. The preapplication conference is intended to allow
3 [the] department to:
4

5 (1) Acquaint the applicant with the comprehensive plan and any specific plans that
6 apply to the site, as well as this and other ordinances that affect the proposed
7 development;
8

9 (2) Suggest improvements to the proposed design on the basis of a review of the
10 sketch plan;
11

12 (3) Advise the applicant to consult appropriate authorities on the character and
13 placement of public utility services; and
14

15 (4) Help the applicant to understand the steps to be taken to receive approval.
16

17 (B) *Development plan review prerequisite for approval.* Any amendment to this zoning
18 ordinance by which an overlay district would be established shall be considered and/or
19 enacted only after a development plan for said overlay district shall have been received and
20 given a recommendation by the planning board of the City of Warwick.
21

22 (C) *Application to city council for a change of zone.* In order for an overlay district to be
23 established, the city council must amend the "zoning ~~plat~~ map" as defined in subsections
24 303 and 1007 of this ordinance.
25

26 (D) *Final site plan submission.* After a change of zone by the city council, the applicant
27 shall submit copies of the complete and final site plan for the overlay district as approved
28 by the city council, with any modifications thereto, to the building official, who shall
29 forward such plan to the director of city plan for review.
30

31 (E) *Action on the site plan.* Not more than 30 days after receipt of the development plan,
32 the director of city plan shall determine whether the proposed development complies with
33 all requirements of ~~the~~ this zoning ordinance, the comprehensive plan and all modifications
34 imposed by the city council. The site plan submitted for final review must be in substantial
35 conformity with the plan approved by the city council, provided the number of dwelling
36 units and/or the number and gross floor area of buildings does not change. The director of
37 city plan shall notify the building official in writing that the plan meets the requirements
38 of the zoning ordinance.
39

40 (F) *Change of approved site plan.* If the applicant wants to make any amendment to an
41 approved development plan, a written request shall be submitted to the building official.
42 The building official shall forward such plan to the director of city plan for review. If in
43 the opinion of the director of city plan a requested change is sufficiently substantial, the
44 building official shall require that the applicant petition the city council according to the
45 procedures outlined in this subsection.
46

1 (G) *Duration of approval.* Any amendment to this zoning ordinance by which an overlay
2 district is established may be repealed by the city council one year from the date of its
3 enactment unless a building permit for construction in the overlay district shall have been
4 issued. The action to repeal shall be in accordance with subsection 1007 of this ordinance.
5 The zoning classification of any overlay district which has been repealed shall revert to the
6 classification in effect before the enactment of the appropriate overlay district amendment.

7
8 [...]
9

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

11
12 [...]
13

14 306.4. *Administrative procedure.* The institutional-health care (IH) overlay district may be
15 enacted by amendment to the "zoning ~~plat~~ map" upon application to the city council. The
16 procedures described in subsections 305.1 and 305.2 shall govern the approval process for the
17 institutional-health care (IH) overlay district.

18
19 **307. – Overlay district regulations – Institutional-educational (IE).**

20
21 [...]
22

23 307.4. *Administrative procedure.* The institutional-educational (IE) overlay district may
24 be enacted by amendment to the "zoning ~~plat~~ map" upon application to the city council. The
25 procedures described in subsections 305.1 and 305.2 shall govern the approval process for the
26 institutional-educational (IE) overlay district.

27
28 **308. – Overlay district regulations – Planned district residential (PDR) and planned district
29 residential-limited (PDR-L)**

30
31 [...]
32

33 308.2. *Design standards.* Two-family and multiple-family dwellings shall be permitted
34 only in planned district residential (PDR) and planned district residential-limited (PDR-L) overlay
35 districts and shall be subject to the following minimum requirements:

36
37 (A) *Building design.* Applicants are encouraged to design buildings with varied
38 setbacks and/or varied siting to prevent parallel rows of identical buildings.
39 Principal front or rear walls of a building shall be at least 40 feet from any wall of
40 another building. Any side wall of a building may not be less than 30 feet from any
41 side wall of another building.

42
43 (B) *Compatibility.* The basic design, including proposed style and materials, of the
44 proposed buildings, the relationship between the proposed buildings and the site,
45 and the overall physical appearance of the developments shall be in general

1 harmony with the character of the surrounding residential neighborhood and shall
2 not serve to blight or detract from abutting residences or other property.

3
4 (C) *Relation to utilities and public facilities.* Public sewers, shall be required for all
5 developments of ten dwelling units or more and shall be installed by the applicant.
6 Water lines, storm and surface drainage systems and other utility systems must exist
7 or shall be installed by the applicant.

8
9 (D) *Relation to transportation.* Developments of five units or more shall be located
10 along or provide direct access to major streets and highways.

11
12 (E) *Off-street parking and landscaping.* A minimum of two parking spaces per
13 dwelling unit shall be provided for developments of four (4) units or less and a
14 minimum of two and one-half parking spaces per dwelling unit shall be required
15 for developments of five or more. Off-street parking shall be appropriately
16 landscaped within each parking area as required in section 700. No outdoor parking
17 space is permitted within any required front or corner side yard ~~and no outdoor~~
18 ~~parking space or driveway is permitted within 15 feet of any residential building.~~
19 No outdoor parking space or driveway is permitted within ten feet of any property
20 line. A ten-foot-wide border of grass, vegetation, or other live ground cover is
21 required around the entire perimeter of the site, except for any curb cuts. For
22 standards, see section 505.

23
24 (F) *Vehicular and pedestrian access points.* All developments shall provide the
25 required minimum frontage along an improved and accepted city street. Principal
26 vehicular access for developments of five or more dwelling units shall be from
27 major streets, and access points shall be designed to encourage smooth traffic flow
28 with controlled turning movements and minimum hazards to vehicular or
29 pedestrian traffic. Merging and turnout lanes as well as traffic dividers shall be
30 provided where existing or anticipated heavy flows indicate need as determined by
31 the planning [sic] director of city plan. In no event shall streets within a planned
32 development connect to streets outside the development in such a way as to
33 encourage use of minor streets for through traffic.

34
35 Access for pedestrians and bicyclists entering or leaving the PDR overlay district
36 shall be so arranged as to provide safe and convenient routes. Such ways need not
37 be adjacent to or limited to the vicinity of vehicular access points. Pedestrian
38 crossings at edges of the development shall be safely located, marked and
39 controlled. Where there is substantial exposure of pedestrian to vehicular traffic at
40 the edges of the district, fences or other barriers shall be erected and maintained to
41 prevent pedestrian crossings except at designated points. Bicycle and/or bridle
42 paths, if provided, shall be coordinated with the pedestrian way system so that
43 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.

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

2
3 [...]

4
5 310.3. *Floodways adopted.* Floodways are those portions of the flood hazard overlay
6 district which must be reserved in order to discharge the 100-year flood without cumulatively
7 increasing the water surface elevation more than one foot at any point. The floodway areas
8 designated by the Federal Emergency Management Agency on the "Floodway Boundary Map—
9 City of Warwick, Rhode Island, March 15, 1982" or any amendment thereto are incorporated in
10 the "zoning ~~plat~~ map" in accordance with section 303 of this ordinance and are the areas to which
11 the floodway encroachment regulations of subsection 310.4 of this ordinance shall apply.

12
13 [...]

14
15 310.6. *Velocity (VE) zone areas designated.* Velocity (VE) zone areas are defined as those
16 areas within the flood hazard overlay district that are located along the city's coastline which are
17 subject to high-velocity waters from hurricane wave wash and wave run-up as designated on the
18 "zoning ~~plat~~ map" as provided in section 303 of this ordinance.

19
20 [...]

21
22 **311. – Overlay district regulations – Historic (H).**

23
24 [...]

25
26 311.1. *District boundaries.* The historic overlay districts are established as shown on the
27 "zoning ~~plat~~ map" as provided in section 303 of this ordinance, and include those areas
28 established by request of the owner and those areas established by the city council through
29 enactment of amendments to the "zoning ~~plat~~ map."

30
31 [...]

32
33 311.4. *Certificate of appropriateness or rejection of plans.* The historic district
34 commission shall file with the building official its certificate of appropriateness or rejection of all
35 plans submitted to it for review. No work shall begin until such certificate shall have been filed,
36 but in the case of rejection, such certificate shall be binding upon the building official and no
37 permit shall be issued in such case. ~~The failure of the historic district commission to act within 45~~
38 ~~days from the day of application filed with it unless an extension is agreed upon mutually by the~~
39 ~~applicant and the historic district commission shall be deemed to constitute approval. In the event,~~
40 ~~however, that the historic district commission shall make a finding of fact, that the circumstances~~
41 ~~of a particular application require further time for additional study and information than can be~~
42 ~~obtained within the aforesaid period of 45 days, then and in said event the historic district~~
43 ~~commission shall have a period of up to 90 days within which to act upon such application.~~

44
45 [...]

1 311.10. *Stone walls.* The city's stone walls are a tangible link to the city's colonial and
2 agrarian past and, as such, hold a unique historic significance for the city. This historic resource is
3 continuously threatened by both private and public development pressures which have and will
4 result in their destruction unless they are protected from such development pressures.

5
6 (A) *Definition.* A stone wall for the purposes of this section is defined as a vertical structure
7 of aligned natural stone, normally constructed to designate a property boundary between
8 farmsteads or segregate agricultural activities within a single farmstead during the 17th,
9 18th and 19th centuries.

10
11 (B) *Restrictions pertaining to altering stone walls.*

12
13 1. The historic district commission must approve any alterations to:

14
15 (a) Stone walls flanking city or state roads within the municipal boundaries
16 of the city. Any alteration of said walls shall require a certificate of
17 appropriateness from the historic district commission.

18
19 (b) Stone walls that will be altered or demolished as part of construction of
20 a subdivision. In such instances, a certificate of appropriateness issued by
21 the historic district commission for alterations to said wall(s) shall be a
22 condition of any subdivision approval(s).

23
24 2. Walls exempted from review:

25
26 (a) Contemporary stone walls. Those constructed after 1900 with the
27 exception of those walls identified as a significant component of a property
28 listed on, or found to be eligible for listing on, the National Register of
29 Historic Places.

30
31 3. Stone walls in disrepair or in neglected condition may not be removed for the
32 sake of convenience from their present location but must be repaired or left as is.
33 Exceptions to this prohibition are:

34
35 (a) Walls posing a threat to the public health and safety. In the case of a wall
36 whose condition represents a real and immediate threat to the public health
37 and safety, the historic district commission shall issue an order to the
38 property owner to stabilize and repair said wall. If said property owner does
39 not make a good faith effort to correct the problem ~~within 20 business days~~
40 ~~of notification of said problem by the historic district commission, said~~
41 ~~commission shall have the option to undertake said repairs and place a lien~~
42 ~~on the subject property to recover the cost of said repairs, the Historic~~
43 District Commission shall refer the property to the Building Official.

44
45 4. When relocation of a stone wall is the only viable alternative, said wall's
46 reconstruction shall match that of the original wall. If the existing wall is of drywall

1 construction, a reconstructed wall shall be of either drywall or hidden cement
2 construction.

3
4 5. Procedure for obtaining permission to alter a stone wall.

5
6 (a) Requests for a certificate of appropriateness to alter or relocate a stone
7 wall shall be submitted in writing to the historic district commission. Each
8 request shall include:

9
10 (1) A plan showing the proposed work and the extent of the
11 alteration and/or demolition along with photographs of the existing
12 wall.

13
14 (2) A description of the alteration and the reasons for the change.

15
16 (3) A list of property owners located within a 200 foot radius of the
17 alteration.

18
19 (b) The historic district commission shall review each request to insure
20 compliance with the provisions of this section. The historic district
21 commission shall approve, disapprove or approve with conditions requests
22 for altering stone walls.

23
24 [...]

25
26
27 **SECTION 400. – NONCONFORMANCE**

28
29 **401. – General application.**

30
31 A nonconformance is a building, structure, sign, or parcel of land, or use thereof, which
32 was lawfully existing at the time of the adoption or amendment of this zoning ordinance, and not
33 in conformity with the provisions of such ordinance or amendment.

34
35 401.1. *Lawfully existing or established.* A building, structure, sign, or parcel of land, or
36 **use development** thereof, was lawfully existing or lawfully established if it was in existence prior
37 to March 22, 1957, or was established in conformance with the zoning ordinance in effect at the
38 time the use was first established. For the purposes of this ordinance, the placement or use of a
39 sign, with or without any other structure or use, is considered a use of land. A lot was lawfully
40 existing or lawfully established if it was of record or shown on a recorded plat prior to March 27,
41 1957 and was separately owned.

42
43 [...]

44
45 **404. Land nonconforming by **use development**.**

1 404.1. *Continuance.* The lawfully established nonconforming use development of land,
2 where no building is involved, may be continued, provided that no such nonconforming use
3 development of land shall in any way be expanded or intensified either on the same or adjoining
4 property.

5
6 404.2. *Change of ~~use~~ development.* The nonconforming use development of land shall not
7 be changed to a different use development, unless such use development conforms to the use
8 development regulations of the zone in which it is located.

9
10 404.3. *Private residential areas.* An existing dwelling located on tax assessor's plat 305,
11 lot 58 (Spring Green/Gaspee Point), plat 315, lot 136 (Cole Farm), plat 369, lot 111 (Buttonwoods
12 Beach) and plat 380, lot 3 (Rocky Beach) may be enlarged or altered upon receipt of a building
13 permit without approval from the zoning board of review being necessary; provided that such
14 construction complies with current applicable building codes, private covenants/declarations, and
15 the front and corner side yard and rear yard requirements of table 2A, Dimensional Regulations,
16 for the district in which it is located.

17
18 **405. Land nonconforming by area.**

19
20 ~~405.1. *Enlargement of undersized lots.* Lawfully established lots which have less than the~~
21 ~~minimum area requirements may be maintained and may be changed by adding additional land to~~
22 ~~such lots without prejudice to the rights of the owner of such lots pursuant to the provisions of this~~
23 ~~section.~~

24
25 405.2. *Merger of abutting nonconforming lots.* If two or more abutting nonconforming
26 lots are held in the same ownership as of June 20, 1988 or subsequent thereto, such lots shall be
27 combined for the purposes of this ordinance in order to conform or more nearly conform to any of
28 the dimensional requirements of this ordinance for the district in which the lots are located and
29 such lots shall not be sold separately.

30
31 Notwithstanding the failure of that lot or those lots to meet the dimensional and/or
32 quantitative requirements, and/or road frontage or other access requirements, applicable in the
33 district as stated in the ordinance, a substandard lot of record shall not be required to seek any
34 zoning relief based solely on the failure to meet minimum lot size requirements of the district in
35 which such lot is located. The setback, frontage, and/or lot width requirements for a structure under
36 this section shall be reduced and the maximum building coverage requirements shall be increased
37 by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement
38 of the zoning district in which the lot is located. All proposals exceeding such reduced requirement
39 shall proceed with a modification request under § 45-24-46 or a dimensional variance request
40 under § 45-24-41, whichever is applicable.

41
42 Provisions may be made for the merger of contiguous unimproved, or improved and
43 unimproved, substandard lots of record in the same ownership to create dimensionally conforming
44 lots or to reduce the extent of dimensional nonconformance. The ordinance shall specify the
45 standards, on a district by district basis, which determine the mergers. The standards include, but
46 are not to be limited to, the availability of infrastructure, the character of the neighborhood, and

1 the consistency with the comprehensive plan. The merger of lots shall not be required when the
2 substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the
3 lots within two hundred feet (200') of the subject lot, as confirmed by the zoning enforcement
4 officer.
5

6 405.3. *Subdivision of merged lots.* A lot which has been created by the merger of two or
7 more nonconforming lots, as provided for in subsection 405.2, may be subdivided or combined
8 with other lots and subdivided, provided that approval is given by the planning board, ~~and~~
9 ~~provided that the following requirements are met:~~

10
11 ~~(A) In all zones, where any portion of the lot is within the "coastal zone" as defined by the~~
12 ~~Rhode Island coastal resources management council, all dimensional requirements for the~~
13 ~~zone, including without limitation, area, frontage and lot width, shall be met.~~

14
15 ~~(B) In the A-7 zone, all dimensional requirements for the zone, including, without~~
16 ~~limitation, area, frontage and lot width, shall be met.~~

17
18 ~~(C) In the A-10, A-15 and A-40 zones, if public water and sewer is provided, then the~~
19 ~~minimum lot area, frontage and lot width of the resulting lot or lots may be reduced to not~~
20 ~~less than 80 percent of the requirements for the zone. If public water is not provided, then~~
21 ~~all dimensional requirements for the zone, including, without limitation, area, frontage and~~
22 ~~lot width, shall be met.~~

23
24 405.4. *Residential use of nonconforming lots.* In any district in which dwellings are
25 permitted, a dwelling may be erected, enlarged, or altered on a nonconforming lot or on two or
26 more abutting nonconforming lots subject to the following:

27
28 ~~(A) Where such lot or lots contain less than 7,000 square feet, or have less than 50 feet of~~
29 ~~frontage, it shall be necessary for the owner thereof to receive from the zoning board of~~
30 ~~review a dimensional variance in order to construct a new dwelling thereon; and the zoning~~
31 ~~board of review shall designate the maximum size of the dwelling to be placed thereon and~~
32 ~~its location on said lot or lots and any other conditions it deems reasonably necessary to~~
33 ~~promote the purposes of this ordinance.~~

34
35 ~~(B) Where such lot or lots contain 7,000 square feet or more, and have a minimum frontage~~
36 ~~of at least 50 feet, a new dwelling may be constructed thereon without approval from the~~
37 ~~zoning board of review being necessary provided that such construction complies with the~~
38 ~~front and corner side yard, side yard and rear yard requirements of table 2A, Dimensional~~
39 ~~Regulations, for the district in which such lot is located.~~

40
41 ~~(C) Where there is an existing dwelling on a nonconforming lot prior to the effective date~~
42 ~~of this ordinance or any amendment thereto, such dwelling may be enlarged or altered~~
43 ~~without approval from the zoning board of review being necessary provided that such~~
44 ~~alteration or enlargement complies with the front and corner side yard, side yard and rear~~
45 ~~yard requirements of table 2A, Dimensional Regulations, for the district in which such lot~~
46 ~~is located.~~

1
2 ~~(D) Any vacant lot in a residence district or any existing dwelling on a lot in a residence~~
3 ~~district made nonconforming by the adoption of this ordinance or by the adoption of the~~
4 ~~predecessor to this ordinance on June 20, 1988, may be built upon, enlarged or altered after~~
5 ~~the effective date of such ordinance provided that the construction, alteration or~~
6 ~~enlargement complies with the front and corner side yard, side yard and rear yard~~
7 ~~requirements of table 2A, Dimensional Regulations, for the district in which such lot was~~
8 ~~formerly located, provided that the requirements of subsection 405.2 are met, if applicable.~~
9

10 405.5. *Nonresidential use of nonconforming lots.* In any district where nonresidential uses
11 and structures are permitted, such structure may be erected, enlarged, or altered on a
12 nonconforming lot with at least 50 feet of frontage provided that such alteration, enlargement or
13 construction complies with the front and corner side yard, side yard and rear yard setback
14 requirements of table 2B, Dimensional Regulations, for the district in which such lot is located and
15 further provided that the requirements of subsection 405.2, and of sections 505 and 700 are met, if
16 applicable.
17

18 **~~406. -- Buildings and structures nonconforming by parking.~~**
19

20 ~~A building or structure is considered nonconforming by parking if the lawfully established~~
21 ~~use of the building or structure does not meet the parking requirements of section 700.~~
22

23 ~~406.1. *Addition, enlargement, expansion and intensification.* Any building or structure~~
24 ~~nonconforming by parking may not be added to, enlarged, expanded or intensified, unless brought~~
25 ~~into full compliance with the parking requirements of section 700, such that sufficient parking is~~
26 ~~provided for the entire structure including the original portion and the addition, enlargement,~~
27 ~~expansion or intensification.~~
28

29 ~~406.2. *Change of use.* A building or structure nonconforming by parking may be changed to~~
30 ~~a different use other than residential use, pursuant to all other provisions of this ordinance,~~
31 ~~provided that such new use meets the following parking requirements. The number of additional~~
32 ~~parking spaces required shall be the difference between the number of spaces required for the~~
33 ~~proposed use and the number of spaces required for the previous use. In the event that the new use~~
34 ~~requires less parking spaces than the previous use, no additional parking spaces need be supplied.~~
35 ~~However, none of the existing parking spaces shall be eliminated unless the total number of spaces~~
36 ~~required by this ordinance for the new use are provided.~~
37

38 **~~407. -- Nonconformance as to landscaping requirements.~~**
39

40 ~~Any existing nonresidential use that is nonconforming as to the minimum landscaped open~~
41 ~~space requirements of this ordinance or the landscaping and screening requirements of~~
42 ~~subsection 505 may be enlarged in terms of gross floor area, volume, or use without satisfying~~
43 ~~such landscaping requirements provided that such enlargement is less than or equal to a 25 percent~~
44 ~~increase of the structure or use of the lot. Any such enlargement exceeding such 25 percent increase~~
45 ~~shall comply with such landscaping requirements for the entire lot and use.~~
46

1
2 **SECTION 500. - SPECIAL REGULATIONS**
3

4 [...]

5
6 **502. – ~~Reserved~~ Land development project & Development Plan Review.**
7

8 502.1. Purpose. The purpose of the land development project, as established by state
9 statute, is to review proposed developments to determine compliance with the standards and intent
10 of this Ordinance and the development review regulations adopted by the Planning Board pursuant
11 to R.I.G.L. 45-23.
12

13 502.2. Authority. The Planning Board may approve a land development project. The
14 Planning Board may also approve modifications to dimensional standards. The Planning Board
15 may also approve variances and special use permits through unified development review. No
16 demolition, foundation, or building permits will be issued, and no site work will be allowed for
17 any development requiring approval of a land development project until the Planning Board has
18 approved the final plan.
19

20 502.3. Applicability. Any development that meets one or more of the following criteria is
21 considered a land development project:
22

23 (A) New construction of 10,000 square feet or more in gross floor area.

24
25 (B) Additions or enlargements to structures where the new gross floor area of the addition
26 or enlargement is 10,000 square feet or more.

27
28 (C) Construction of new gross floor area that creates 10 or more dwelling or rooming units.
29

30 (D) Development of 50 or more new parking spaces.

31
32 (E) Developments that warrant changes in traffic signalization or degradation in level of
33 service.
34

35 502.4. Procedure. All land development projects, including requests for unified
36 development review, shall be reviewed by the Planning Board according to the “Development
37 Review Regulations” adopted by the Planning Board pursuant to R.I.G.L. 45-23.
38

39 502.5. Adjustments of Dimensional Regulations. The Planning Board has the authority to
40 make adjustments to certain dimensional and design standards through land development project
41 review when one or more of the following occur:
42

43 (A) Where open space is permanently set aside for public or common use.

44
45 (B) Where the physical characteristics, location, or size of the site require an adjustment.
46

1 (C) Where the location, size, and type of use require an adjustment.

2
3 (D) Where the required build-to percentage requires an adjustment.

4
5 (E) Where design standards require an adjustment.

6
7 (F) Where housing for low- and moderate-income families is provided.

8
9 (G) Where other amenities not required are provided, as stipulated in this Ordinance.

10
11 (H) Where structured parking is provided.

12
13 (I) Where vertical mixed-use development is provided, of which at least 50% is devoted to
14 residential use.

15
16 402.6. Staff Level Development Plan Review.

17
18 (A). Purposes. The purpose of staff level development plan review is to authorize the
19 Building Official and Planning Director to review proposed developments with minor land
20 use impacts, to determine compliance with this Ordinance.

21
22 (B) Authority. Staff Level Development Plan Review may approve a project subject to
23 development plan review.

24
25 (C) Applicability. The Staff Level Development Plan Review Committee reviews the
26 following types of development:

27
28 (1) Any development or redevelopment on a lot or lots within a commercial or
29 industrial zone that does not abut residential uses.

30
31 (2) Any new pavement with an area of 10,000 square feet or less.

32
33 (3) Any development that includes a drive-through facility.

34
35 (4) Projects within commercial or industrial areas that do not cause degradation in
36 level of service in terms of traffic circulation with respect to surrounding streets.

37
38 (D) The following types of development are not subject to development plan review by the
39 Staff level Development Plan Review:

40
41 (1) Any development that requires land development project review or
42 development plan review by the Planning Board.

43
44 (E) Procedure. The Staff Level Development Review Committee shall begin development
45 plan review within 30 days of submittal of a complete application. The Staff Level
46 Development Plan Review Committee shall, within 60 days of submittal of a complete

1 application, review and evaluate the plan, pursuant to the standards of this Ordinance, all
2 plans, and drawings submitted as part of the application for a building permit shall reflect
3 those conditions.

4
5 (F) Modifications to Staff Level Development Plan Review. Modifications to a plan
6 approved through Staff Level Development Plan Review shall be submitted as a new
7 Development Plan Review application.

8
9 502.7. Planning Board Development Plan Review.

10
11 (A) Purpose. The purpose of Planning Board Development Plan Review is to review
12 proposed developments to determine compliance with this Ordinance.

13
14 (B) Authority. The Planning Board may approve a project subject to development plan
15 review.

16
17 (C) Applicability. The Planning Board reviews all types of development not subject to staff
18 level reviews.

19
20 (D) Procedure. The Planning Board shall begin development plan review within 30 days
21 of submittal of a complete application. The Planning Board shall, within 60 days of
22 submittal of a complete application, review and evaluate the plan, pursuant to the standards
23 of this Ordinance, and approve, approve with conditions, or deny the plan. If approved
24 subject to certain conditions, all plans, and drawings submitted as part of the application
25 for a building permit shall reflect those conditions.

26
27 (E) Modifications to Planning Board Development Plan Review. Modifications to a plan
28 approved through Planning Board Development Plan Review shall be
29 submitted as a new development plan review application.

30
31 [...]
32

33 ~~**504. -- Freshwater wetlands regulations.**~~

34
35 ~~There shall be a minimum setback of 50 feet from any freshwater wetland as defined by the Rhode~~
36 ~~Island department of environmental management in a wetlands edge verification. This setback~~
37 ~~shall apply to all structures, paved roadways and parking areas, other impervious surfaces,~~
38 ~~individual sewage disposal systems, and underground utilities. However, it shall not apply to~~
39 ~~docks, piers, boat launching ramps or similar structures.~~

40
41 [...]
42

43 ~~**507. -- City Centre Warwick Station Development District (WSDD (CCW)).**~~

44
45 The intent of the City Centre Warwick Station Development District ("WSDD ("CCW")) is
46 to encourage, guide and direct development and to ensure that the character presented in the City

1 Centre Warwick ~~Station Development District~~ Master Plan, as amended, is maintained and that
2 mixed uses provide for the health and growth of the Development District. The construction and
3 design of buildings and open spaces shall be regulated and approved in accordance with the
4 provisions of the City Centre Warwick ~~Station Development District~~ Master Plan.

5
6 Specific components of this purpose include:

7
8 A. To comply with all the elements of section 103 purpose as contained in this zoning
9 ordinance.

10
11 B. To ensure that the District capitalizes on the substantial public investment in T.F. Green
12 Airport, the Intermodal facility and the Interlink.

13
14 C. To expand economic development opportunity within the District by encouraging
15 private-sector investment.

16
17 D. To provide for an orderly development process that places a premium on quality of
18 design, walkability, function and mitigating traffic impacts and supports multimodal travel
19 options.

20
21 *507.1. Procedures for approval.*

22
23 (a) *Application.* Before a property owner applies for a building permit or commences
24 improvements including the construction, reconstruction, alteration, repair, demolition,
25 removal and/or rehabilitation of new or existing buildings, or appurtenances (paving, curb
26 cuts, parking areas, drainage, etc.) within the ~~WSDD~~CCW, a written application for such
27 work and appropriate development plans shall be submitted to the Planning Department.

28
29 The administrative officer to the planning board shall have the authority to review an
30 application and approve, approve with conditions or deny any application administratively
31 or, at his/her discretion, may forward the application to the planning board for review and
32 action pursuant to the provisions of this section of the zoning ordinance and no building
33 permit shall be issued before a project receives design approval from either the
34 administrative officer or the planning board.

35
36 (b) *Administrative approval.* The following shall not require formal planning board
37 approval and may be approved administratively by the administrative officer. Any
38 application denied by the administrative officer may be appealed by the applicant to the
39 planning board for action at the next available meeting of the planning board.

40
41 (1) Work meant to remedy damage or deterioration of a structure or its
42 appurtenances which involves no change in type of materials, dimensions, design,
43 configuration, texture or visual appearance;

44
45 (2) Exterior alterations to existing buildings, parking areas and appurtenances that
46 require a building permit.

1
2 (3) Business enhancement plantings.
3

4 (4) Signs that conform to all of the requirements contained section 800 "signs."
5

6 (c) *Planning board review.* The planning board shall review all applications including, but
7 not limited to, new construction, additions, moving of structures and demolition of
8 buildings. Such review shall be held during a regular Planning Board meeting in
9 accordance with the procedures contained in the City of Warwick Land Development
10 Subdivision Review Regulations.

11
12 (d) *Determination.* The planning board shall be authorized to approve, approve with
13 conditions or deny an application. Approval shall be based upon conformance with the
14 regulations of this section, the [City Centre](#) Warwick ~~Station Development District~~ Master
15 Plan, as amended, City of Warwick Development Review Regulations and the
16 ~~WSDDCCW~~ Design Manual.

17
18 (e) *Advice from other agencies.* In order to assist in its review, the planning board may
19 request other agencies to review and comment on proposals. Compliance with the Design
20 Guidelines of the ~~WSDDCCW~~ Master Plan and Ordinance shall be determined by the
21 planning board or a designated design review subcommittee. This process may be assisted
22 by a third party peer review consultant to provide design review on an on-call basis at the
23 request of the applicant or the board, provided that the proper findings of fact have been
24 made. This consultant may be selected by the applicant subject to prior approval from the
25 board. The consultant shall have demonstrated a satisfactory knowledge of the design
26 principles, fundamentals and objectives as contained within the ~~WSDDCCW~~ Master Plan.
27 The total fee for the third party peer review shall be paid by the applicant before the
28 application receives final approval.
29

30 507.2. *Design regulations for alterations and enlargements of existing buildings, parking*
31 *areas and/or landscaping.* All exterior improvements on existing buildings in the ~~WSDDCCW~~ are
32 subject to approval by the administrative officer or planning board and shall be regulated by these
33 standards and guidelines except for those activities listed in section 507.1(b) administrative
34 approval. The purpose of these regulations and the ~~WSDDCCW~~ Design Manual is to establish
35 design criteria to create and maintain the architectural and landscape features of the district
36 envisioned in the [City Centre](#) Warwick ~~Station Development District~~ Master Plan.
37

38 (a) *Minimum standards.* The following are minimum standards for the design of alterations
39 or additions to existing buildings:
40

41 (1) *Design.* Alterations and additions to existing buildings shall follow the design
42 standards defined within the [City Centre](#) Warwick ~~Station Development District~~
43 Master Plan and further detailed within the ~~WSDDCCW~~ Design Manual. All
44 designs shall be compatible with the size, scale, massing, proportion, material, and
45 other features and environmental setting of a pedestrian-scaled urban development.
46

1 (2) *Additions and alterations.* Wherever possible, additions or alterations to
2 buildings, structures, and appurtenances shall be designed in a manner that
3 transforms existing buildings to conform to the character of the district in
4 compliance with the standards for new construction listed in section 507.3.
5

6 (3) *Exterior lighting and glare.* All exterior lighting shall be designed to minimize
7 negative impacts on neighboring properties. Night sky pollution shall be controlled
8 by downshaded lighting or shielded lighting. All lighting shall be based upon a
9 pedestrian scale appropriate for the [City Centre](#) Warwick ~~Station-Development~~
10 ~~District~~ setting. Glare from outdoor lights and signs and from the movement of
11 vehicles on site shall be shielded from the view of adjacent residential properties.
12

13 (4) *Landscaping and screening.* Landscaping and screening requirements for the
14 [City Centre](#) Warwick ~~Station-Intermodal and Gateway~~ Districts. It is the intent of
15 this subsection to require that properties within the [City Centre](#) Warwick ~~Station~~
16 Intermodal and Gateway Districts be suitably landscaped and screened in order to
17 provide for attractive and well maintained development in accordance with section
18 103, purpose of this ordinance. All uses in the [City Centre](#) Warwick ~~Station~~
19 Intermodal and Gateway Districts shall comply with the minimum standards
20 contained in section 505, landscaping and screening requirements for
21 nonresidential uses; the landscaping and screening requirements specified
22 in section 700, parking and loading; as well as the guidelines found in the
23 [WSDDCCW](#) Design Manual.
24

25 507.3. *Design regulations for new construction, parking, landscaping, stormwater control,*
26 *and signage.* All new construction in the [WSDDCCW](#) is subject to approval by the planning board
27 and shall be regulated by these standards and guidelines as well as those defined within the [City](#)
28 [Centre](#) Warwick ~~Station-Development District~~ Master Plan, the [WSDDCCW](#) Design Manual, and
29 sections 505.2 through 505.5 and 505.7 of section 505, landscaping and screening requirements
30 for nonresidential uses, except for those activities listed in subsection 507.1(b) administrative
31 approval. The purpose of these regulations is to establish design criteria to create a development
32 district which is pedestrian in scale and to ensure that new construction is consistent with the
33 [WSDDCCW](#) Master Plan.
34

35 (a) *Minimum standards.* The following are minimum standards for all new construction
36 projects.
37

38 (1) *Design.* Buildings, structures and site layout, shall be visually compatible with
39 the character contained in the [City Centre](#) Warwick ~~Station-Development District~~
40 Master Plan and the surrounding area, including building materials, massing, scale,
41 building roof lines, and site furnishings.
42

43 (2) *Architectural elements.* Architectural elements should be in proportion to the
44 overall building and should also be congruent with the surrounding building
45 context. Exaggerated or excessively large (or small) architectural elements should

1 be avoided. Development projects should reuse existing buildings of historical
2 significance whenever possible.

3
4 (3) *Scale*. Large scale development may be encouraged in appropriate areas, but
5 pedestrian level streetscapes shall be included as an integral design element.
6 Conventional suburban-oriented, individual structures with a single entrance set
7 back on a large expanse of asphalt parking are prohibited. New buildings should
8 not be single story, large, bulky masses, but should be vertical~~a~~ in orientation and
9 multi-storied.

10
11 (4) *Vehicular access*. Proposed site layout shall limit direct access to collector and
12 arterial roadways and shall provide safe ingress and egress from local roads and
13 private drives by providing a sufficient number and control of access points
14 including adequate site distances, turning lanes and signalization when required by
15 existing and projected traffic flow. The planning board may require consolidation
16 of existing curb cuts into fewer clearly defined entrances. The planning board may
17 also require shared access between developments where practicable. No
18 development shall be allowed where there is unrestricted access to public streets or
19 roadways or where a public street must be utilized to maneuver in and out of a
20 parking space. Provisions shall be made for providing and maintaining safe and
21 convenient emergency vehicle access to all buildings and structures at all times.

22
23 (5) *Parking*. New construction shall conform to section 700, off-street parking and
24 loading, except for the parking reductions prescribed below:

25

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

26
27 Parking structures may be required to satisfy parking space requirements. Due to
28 the pedestrian nature of the Intermodal zone and the use of the Interlink between
29 the Intermodal facility and the airport terminal, the planning board may limit the
30 number of parking spaces provided for each use within the ~~WSDD~~CCW. In
31 addition, the planning board may limit the ingress and egress points of parking
32 facilities to side streets to ensure that traffic congestion is mitigated so that collector
33 and arterial roadways are not adversely impacted.

34
35 (6) *Circulation*. The design of the project circulation system shall be inclusive of
36 all transportation choices and relate to planned improvements in the area, including
37 future walkways, street widening, realignments, or paving programs which have
38 been planned or scheduled for construction. The design shall be consistent with
39 corridor improvement designs encouraged within the City Centre Warwick ~~Station~~

1 ~~Development District~~ Master Plan and ~~WSDD~~CCW Design Manual and promote
2 convenient and safe pedestrian and bicycle transit accessible to all. Small scaled
3 interior streets and drives, alleyways, public spaces, and pedestrian paths shall be
4 encouraged within the district. Such interior circulation shall link to an overall
5 system envisioned in the City Centre Warwick ~~Station-Development-District~~
6 Master Plan.

7
8 (7) *View corridors.* Views of significant features such as the new intermodal
9 station, ~~the Elizabeth Mill~~ and the Airport terminal shall be preserved whenever
10 possible.

11
12 (8) *Utilities.* New development shall not impose unreasonable burdens on sanitary
13 sewers, storm-drains, water lines, roadway systems and other public utilities and
14 may be subject to impact studies in accordance with the Warwick Development
15 Review Regulations. Developers shall be responsible for all improvements and
16 upgrades resulting ~~from~~ from a proposed development. All utilities shall be
17 underground.

18
19 (a) *Public water.* All new construction must utilize the City of Warwick
20 water system. Sufficient public water supply must be available for a
21 proposed development and shall not result in an unreasonable burden on the
22 existing water supply.

23
24 (b) *Sewage disposal.* All new construction must utilize the City of Warwick
25 sanitary sewer system. Sufficient sewer capacity must be available
26 throughout the sewer system for a proposed development and shall not
27 result in an unreasonable burden on the existing sewer system.

28
29 (c) *Stormwater run-off and erosion control.* Adequate provisions shall be
30 made for stormwater runoff so that removal of surface water shall not
31 adversely affect neighboring properties, downstream water quality, soil
32 erosion or the storm-drain system. Whenever possible, on site underground
33 infiltration systems shall be utilized to eliminate discharges from the site.

34
35 1. Erosion and sedimentation shall be controlled during and after
36 construction and shall not adversely affect adjacent or neighboring
37 property or public facilities and services. All erosion control shall
38 meet the standards of the City of Warwick and the Rhode Island
39 Erosion and Sediment Control Handbook.

40
41 2. All stormwater control shall meet the standards of the Rhode
42 Island Storm-water Design and Installation Standards Manual and
43 Section D.2.7 "Drainage" as contained in the City of Warwick
44 Development Review Regulations. Such stormwater control shall be
45 integral to the landscape design of the project.

1 ~~(de)~~ *Traffic impact.* Proposed developments shall not impose unreasonable
2 burdens on the circulation system of the district or surrounding areas. Public
3 roadways inadequate to handle the volume of traffic generated by the
4 development shall be improved by the applicant to provide safe, efficient
5 passage for vehicles, pedestrians and cyclists. Developers may be required
6 to provide a traffic impact report prepared by a certified traffic engineer as
7 authorized in the development review regulations.
8

9 (9) *Security.* In the case of significant projects having a substantial impact upon the
10 district, the city, or the surrounding area, the planning board shall require a
11 performance guarantee in accordance with the Warwick Development Review
12 Regulations ensuring that the project will be completed in accordance with the
13 approved plans and any conditions imposed.
14

15 (10) *Signs.* The size, location, design, lighting and materials of all exterior signs
16 and outdoor advertising structures shall be compatible with the design of proposed
17 buildings, structures and surrounding properties. The planning board may limit the
18 size and number of signs for any property, provided however, that at least one sign
19 for each nonresidential lot which meets the standards of the City of Warwick
20 Zoning Ordinance shall be allowed.
21

22 (11) *Special features.* Exposed storage areas, exposed machinery, service areas,
23 loading areas, utility buildings and similar structures shall have sufficient setbacks
24 and screening to provide an audio and visual buffer designed to minimize adverse
25 impacts on surrounding properties.
26

27 (12) *Exterior lighting and glare.* All exterior lighting shall be designed to minimize
28 negative impacts on neighboring properties. Night sky pollution shall be controlled
29 by downshaded lighting or shielded lighting. All lighting shall be based upon a
30 pedestrian scale appropriate for the [City Centre](#) Warwick ~~Station-Development~~
31 ~~District~~ setting. Glare from outdoor lights and signs and from the movement of
32 vehicles on site shall be shielded from the view of adjacent residential properties.
33

34 507.4 *Demolition.* In order to create the appropriate architectural and landscape character
35 envisioned in the [City Centre](#) Warwick ~~Station-Development-District~~ Master Plan, no building
36 shall be demolished until the planning board has granted a demolition permit.
37

38 (1) *Review of application.* In reviewing an application for demolition, the planning board
39 shall consider the architectural quality of the existing building and the quality of the site
40 and shall review the proposed landscaping and/or new building to be constructed.
41

42 (2) *Grant of demolition.* A demolition permit shall not be issued until the applicant
43 demonstrates adequate financial ability to demolish the existing structure and landscape
44 the site or construct a new building on the site. The planning board may require a
45 performance guarantee to ensure that all work approved in the grant of demolition is
46 satisfactorily completed.

1
2 [...]
3

4
5 SECTION 600. – SUPPLEMENTARY REGULATIONS
6

7 601. – Accessory buildings and uses.
8

9 [...]
10

11 ~~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:~~
12
13
14
15

16
17 ~~(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:~~
18
19

20
21 ~~(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.~~
22
23

24
25 ~~(2) Pool dimensions, depth and volume in gallons must be submitted with the application.~~
26
27

28
29 ~~(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.~~
30

31
32 ~~(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~~
33
34
35
36
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41
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45

1 ~~thereby, and provided that it is in compliance with all other city and state~~
2 ~~regulations.~~

3
4 ~~(5) Whenever a light is installed for evening swimming, it shall be faced~~
5 ~~and directed away from abutting property and properly shielded.~~

6
7 ~~(B) Swimming pool requirements [for pools] 400 cubic feet or more. In addition to~~
8 ~~the requirements of subsection 601.6(A), all swimming pools having a capacity~~
9 ~~of 400 cubic feet or more shall comply with the following additional requirements:~~

10
11 ~~(1) A plot plan indicating the location, topographic elevations and~~
12 ~~dimensions, drawn to scale, must be submitted.~~

13
14 ~~(2) A drainage plan shall be submitted for approval of the building official.~~

15
16 ~~(3) A filtering system is required, and the type, size and capacity thereof~~
17 ~~shall be submitted for approval of the building official.~~

18
19 ~~(4) Prior to the issuance of a building permit for the construction of a~~
20 ~~swimming pool having a capacity of 400 cubic feet or more, a contract~~
21 ~~performance bond for the benefit of the property owner shall be filed with~~
22 ~~the building official, such bond to be in an amount equal to the amount~~
23 ~~stated on the building permit.~~

24
25 [...]

26
27 **603. – Fences.**

28
29 603.1. *In residence districts.* No fence constructed wholly or in part of barbed wire shall
30 be permitted in residence districts, except upon approval of the zoning board of review. No fence
31 in a residence district may exceed six feet in height [unless specifically required by Building or Fire](#)
32 [Code](#). The installation or construction of any fence shall require a building permit.

33
34 [...]

35
36 **605. – Special use permits and variances.**

37
38 All special use permits authorized by sections 300, Table I Use Regulations, 904 and
39 906.3(C) of this ordinance may be issued by the zoning board of review, [or Planning Board in the](#)
40 [case of Unified Development Review Applications](#), in conjunction with a dimensional variance
41 authorized pursuant to Section 906.3 of this ordinance.

42
43 If the special use could not exist without the granting of a dimensional variance, the zoning
44 board of review, [or Planning Board](#), shall consider the special use permit and the dimensional
45 variance together to determine if granting the special use is appropriate based on both the special
46 use criteria and the dimensional variance evidentiary standards.

1
2 [...]
3

4
5 SECTION 700. – OFF-STREET PARKING AND LOADING
6

7 701. – Parking requirements.
8

9 [...]
10

11 701.3. Setbacks of parking spaces. No parking space or aisle (backup space) shall be less
12 than ten feet from any front or corner side yard property line (see also subsection 505). No parking
13 space or aisle shall be less than five feet from any building, except where greater setbacks are
14 required by subsection 308.2(D) or subsection 502.3(C). Parking spaces less than ten feet from
15 any building shall be separated from such building by raised curb, bumper or wheel guards. The
16 requirements of this subsection shall not apply to detached single-family dwellings.
17

18 [...]
19

20 701.6A. Construction requirements for City Centre Warwick Station Intermodal and
21 Gateway districts. Adequate off-street parking and loading shall be provided to prevent on-street
22 traffic congestion. The interior circulation system shall be designed to provide safe and convenient
23 access to all structures, uses and/or parking spaces; parking areas shall be protected with suitable
24 guards, rails, islands, crosswalks, speed bumps, and similar devices deemed necessary by the
25 Planning Board Warwick Station Redevelopment Agency. The layout and design of vehicular and
26 pedestrian circulation, including walkways, interior drives and parking areas, shall provide for safe
27 general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading
28 areas, and arrangement and use of parking areas.
29

30 (A) Parking lots shall be located behind, beneath or within commercial buildings.
31

32 (B) Whenever possible, surface level parking lots on adjoining commercial lots shall be
33 connected internally to each other to allow for through traffic between and reducing the
34 need for multiple curb cuts.
35

36 (C) Parking lots containing ten or more spaces shall be planted with at least one tree per
37 three spaces, no smaller than two inches caliper and at least five feet in height at the time
38 of planting and shall be of a species characterized by hardiness within the area. Each tree
39 shall be surrounded by no less than 40 square feet of permeable unpaved area.
40

41 [...]
42

43
44 SECTION 800. - SIGNS
45

46 [...]

1
2 **806. – Permitted signs by district**

3
4 [...]

5
6 806.3. *General business (GB), light industrial (LI), general industrial (GI), [City Centre](#)*
7 *Warwick ~~Station~~-Intermodal (Intermodal), and [City Centre](#) Warwick ~~Station~~-Gateway (Gateway)*
8 *districts.* The maximum total area of all signs on any structure shall not exceed two square feet per
9 one foot of building frontage. Window signs shall not be included in this calculation. ~~Such signs~~
10 ~~may be externally or internally illuminated.~~ The maximum area of any individual sign shall be
11 limited as follows:
12

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

13
14 ⁽¹⁾ Only one freestanding sign is permitted per street frontage.

15
16 **807. - Supplemental sign regulations.**

17
18 807.1. *Signs in historic districts.* All signs, including window signs, in an historic district
19 shall be subject to approval by the historic district commission.
20

21 807.2. *Maintenance of signs.* All signs shall be maintained, which shall include painting
22 of the sign and sign supports and repair or replacement of broken fixtures including lights. Failure
23 to maintain a sign in a safe condition shall be deemed a violation of this ordinance.
24

25 807.3. *Signs in the [City Centre](#) Warwick ~~Station~~ Intermodal and Gateway Districts.* All
26 signs, including window signs, in the [City Centre](#) Warwick ~~Station~~ Intermodal and Gateway
27 Districts shall conform to the zoning requirements of section 806.3 and shall be subject to approval
28 by the ~~Warwick Station Redevelopment Agency~~ [Planning Board/AO](#).
29

30 807.4 *Signs in the village district.*

31
32 A. The number of outdoor signs shall be limited to one sign for each business. This
33 sign shall face a public way, if possible, and shall be limited in size to 16 square
34 feet.
35

1 B. Projecting signs may project up to four feet over the public sidewalk but not over
2 the street or public parking areas.

3
4 C. Window signs may be used to identify promotional items or services but shall
5 not cover more than 25 percent of a window area which faces a public way.
6

7 D. Signs shall be illuminated externally with either incandescent or fluorescent
8 lamps that direct light toward the sign, provided that the illumination does not
9 distract pedestrians, vehicles or residential units. All lighted signs shall be lighted
10 by continuous or non-flashing light. All types of electronic LED signs, message
11 boards, continuous scrolling messages and digital display signs are prohibited.
12

13 E. Roof-top displays are not permitted.
14

15 F. Retractable storefront awnings are allowed within the elements framing
16 storefront windows or doorways. Rigid, "bull nose" shaped or internally
17 illuminated awnings are not allowed. Any signage imprinted on the awnings will
18 be calculated as part of the total signage allowance and limited to 25% of said total
19 signage allowance.
20

21
22 **SECTION 900. – ZONING BOARD OF REVIEW**
23

24 [...]

25
26 **903. – Procedure and adoption of rules.**
27

28 [...]

29
30 903.3. *Voting.* The board shall be required to vote as follows:
31

32 (A) ~~Five~~ Four active members, which may include alternates, are ~~shall be~~ necessary
33 to conduct a hearing. As soon as a conflict occurs for a member, that member shall
34 recuse ~~excuse~~ himself/ or herself, ~~and~~ shall not sit as an active member, and shall
35 take no part in the conduct of the hearing. ~~Only~~ A maximum of five (5) active
36 members, which may include alternates, are ~~shall be~~ entitled to vote on any issue.
37

38 (B) The concurring vote of ~~three of the five~~ a majority of members of the zoning
39 board of review sitting at a hearing ~~shall be~~ is necessary to reverse any order,
40 requirement, decision, or determination of ~~the HDC or~~ any zoning administrative
41 officer from whom an appeal was taken.
42

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

1
2 [...]
3

4 **904. – Powers of the board.**

5
6 The board shall have the powers and duties:

7
8 (A) To hear and decide appeals ~~in a timely fashion~~ within sixty-five (65) days of the date
9 of the filing of the appeal where it is alleged there is an error in any order, requirement,
10 decision, or determination made by an administrative officer or agency in the enforcement
11 ~~of~~ ~~for~~ interpretation of this chapter, or of any ordinance adopted pursuant hereto.

12
13 (B) To hear and decide appeals from a party aggrieved by a decision of the historic district
14 commission (HDC), pursuant to section 906.4.

15
16 (C) To authorize upon application, in specific cases of hardship, variances in the
17 application of the terms of this ordinance.

18
19 (D) To authorize upon application, where specified in this ordinance, special use permits.

20
21 (E) To refer matters to the planning board, planning department, or to other boards or
22 agencies of the city as the board may deem appropriate, for findings and recommendations.

23
24 (F) To provide for issuance of conditional zoning approvals where a proposed application
25 would otherwise be approved except that one or more state or federal agency approvals
26 which are necessary are pending. A conditional zoning approval shall be revoked, upon
27 motion of the board, after a public hearing with due notice, in the instance where any
28 necessary state or federal agency approvals are not received within a specified time period.

29
30 (G) To hear and decide appeals where the board is appointed as the board of appeals for
31 airport zoning regulations pursuant to G.L. 1956, § 1-3-19.

32
33 (H) To hear and decide such other matters, according to the terms of this ordinance or other
34 statutes, and upon which the board may be authorized to pass under this ordinance or other
35 statutes.

36
37 **905. – Modifications granted by the building official.**

38
39 The building official is hereby empowered to hear and grant modifications. Submission
40 requirements for applications for such modifications shall be in accordance with subsection 903.2
41 as determined by the building official provided that references to the zoning board shall refer to
42 the building official.

43
44 (A) A modification shall be granted for fifteen percent (15%) or less of the dimensional
45 requirements specified in this ordinance and may be requested for adjustments or
46 deviations not exceeding 25 percent of any of the requirements of table 2, Dimensional

1 Regulations, or dimensional or quantitative requirements of parking, signs, landscaping
2 and other similar requirements of this ordinance (but excluding the moving of lot lines and
3 lot area and density which are subject to the requirements ~~of~~ this ordinance).
4

5 (B) Upon an affirmative determination, in the case of a modification of five percent (5%)
6 or less, the zoning enforcement officer shall have the authority to issue a permit approving
7 the modification, without any public notice requirements. In the case of a modification of
8 greater than five percent (5%), the zoning enforcement officer shall notify, by first class
9 mail, all property owners abutting the property which is subject of the modification request,
10 and shall indicate the street address of the subject property in the notice, and shall publish
11 in a newspaper of local circulation within the city that the modification will be granted
12 unless written objection is received within fourteen (14) days of the public notice. ~~Prior to~~
13 ruling on a modification, the building official shall give notice in the same manner as would
14 be given for a variance application, pursuant to sections 906.2(B)(1) and 906.2(B)(2), by
15 certified mail, to all property owners within a 200-foot radius and publish in a newspaper
16 having general circulation in the City of Warwick that he/she is considering such
17 modification, the location of property in question, the nature of the proposed modification,
18 a statement that such modification may be granted by the building official if no objection
19 is received within 30 days, and an invitation to allow any member of the public to inspect
20 plot plans and application forms during normal working hours at the city hall.
21

22 (C) If ~~one or more~~ written objections ~~are~~ is received within fourteen (14) days, by the
23 building official within 20 days of the date of such public notice, the request for a
24 modification shall ~~forthwith~~ be scheduled for the next available hearing before filed with
25 the zoning board of review on application if the applicant so desires, as a request for a
26 dimensional variance following the standard procedures for such variances, including
27 notice requirements provided for under this chapter in accordance with the provisions
28 of section 906 and the building official shall have no further role in deciding the case.
29

30 (D) If there are no objections within the specified time period as provided in subpart
31 [subsection] (B) above, the building official shall render a decision no later than 14 ~~30~~ days
32 after the date of the public notice. The following determinations shall be made by the
33 building official:
34

35 (1) The modification requested is reasonably necessary for the full enjoyment of
36 the permitted use;
37

38 (2) If the modification is granted, neighboring property will neither be substantially
39 injured nor its appropriate use substantially impaired;
40

41 (3) The modification requested does not require a variance of a flood hazard
42 requirement, unless the building is built in accordance with applicable regulations
43 is in harmony with the purposes and intent of the comprehensive plan and zoning
44 ordinance of the city or town; and
45

1 (4) The modification requested does not violate any rules or regulations with
2 respect to freshwater or coastal wetlands. ~~require a variance of a flood hazard~~
3 ~~requirement.~~
4

5 (E) If the petitioner is aggrieved by a decision of the building official, said petitioner may
6 file an application for a dimensional variance to the zoning board of review in accordance
7 with section 906.
8

9 **906. – Variances, special use permits, and appeals.**

10 [...]

11
12
13 906.2. *Hearing and notice.*
14

15 (A) The zoning board shall, immediately upon receipt of an application, request that the
16 director shall report his findings and recommendations, including a statement on the
17 general consistency of the application with the goals and purposes of the comprehensive
18 plan of the city, in writing to the board within 30 days. Prior to rendering a decision, the
19 zoning board of review shall consider, but not necessarily be bound by an advisory opinion
20 of the director, provided that such advisory opinion is delivered in writing no later than the
21 date of the required public hearing for the petition in question.
22

23 (B) The board shall hold a public hearing on any application for variance or special use
24 permit in an expeditious manner, after receipt, in proper form, of an application, and shall
25 give public notice thereof at least 14 days prior to the date of the hearing, which notice
26 shall include the precise location of the subject property, including the street address, and
27 a description of the relief sought, as follows:
28

29 (1) In a newspaper of ~~general~~ local circulation in the city; and

30 (2) By first class mail to:

31 (i) All owners of the subject property in question; and

32
33 (ii) All property owners of record of land within 200 feet of the property,
34 which is the subject of the application, whether within the city or within an
35 adjacent city or town, provided however, if the subject property is zoned
36 Residential A-40 or if more than 50 percent of the number of parcels which
37 are residentially zoned land within the 200 foot radius of the subject
38 property are zoned Residential A-40, then notice shall be sent to all property
39 owners of record within 400 feet of the property; provided further however,
40 if the only relief sought in the application is a dimensional variance for a
41 single-family house lot, then notice shall only be sent to property owners of
42 record within 200 feet of the property, without regard to the percent of A-
43 40 parcels within the 200 foot radius; and
44
45
46

1 (iii) The member of the Warwick City Council in such ward as the subject
2 property is located; and
3

4 (iv) The city or town council of any city or town to which one or more of
5 the following pertain:
6

7 (a) Which is located in or within not less than 200 feet of the
8 boundary of the subject property; and
9

10 (b) Where there is a public or quasipublic water source, or private
11 water source that is used or is suitable for use as a public water
12 source, within 2,000 feet of the subject property, regardless of
13 municipal boundaries; and
14

15 (v) The governing body of any state or municipal water department or
16 agency, special water district, or private water company that has riparian
17 rights to a surface water resource and/or surface watershed that is used or is
18 suitable for use as a public water source and that is within 2,000 feet of the
19 subject property, provided, however, that the governing body of any state
20 or municipal water department or agency, special water district, or private
21 water company has filed with the building official a map survey, which shall
22 be kept as public record, showing areas of surface water resources and/or
23 watersheds and parcels of land within 2,000 feet thereof.
24

25 (3) The same notice shall be posted in the city's clerk's office and one other
26 municipal building in the municipality and the municipality must make the notice
27 accessible on their municipal home page of its website at least fourteen (14) days
28 prior to the hearing. For any notice sent by first-class mail, the sender of the notice
29 shall submit a notarized affidavit to attest to such mailing. The cost of newspaper
30 and mailing notification shall be borne by the applicant.
31

32 906.3. *Standards for relief.*
33

34 (A) *All variances.* In granting a variance, the board shall require that evidence to the
35 satisfaction of the following standards be entered into the record of the proceedings:
36

37 (1) That the hardship from which the applicant seeks relief is due to the unique
38 characteristics of the subject land or structure and not the general characteristics of
39 the surrounding area, and is not due to the physical or economic disability of the
40 applicant (For handicapped access. See section 304.10)
41

42 (2) That said hardship is not the result of any prior action of the applicant ~~and does~~
43 ~~not result primarily from the desire of the applicant to realize greater financial gain;~~
44

1 (3) That the granting of the requested variance will not alter the general
2 characteristic of the surrounding area or impair the intent or purpose of this zoning
3 ordinance or the comprehensive plan of the city;

4
5 ~~(4) That the relief to be granted is the least relief necessary.~~

6
7 (B) *Different standards for use and dimensional variances.* The board shall, in addition to
8 the above standards, require that evidence be entered into the record of the proceedings
9 showing that:

10
11 (1) In granting a use variance, the subject land or structure cannot yield any
12 beneficial use if it is required to conform to the provisions of the zoning ordinance.
13 Nonconforming use of neighboring land or structures in the same district and
14 permitted use of land or structures in an adjacent district shall not be considered
15 grounds for granting a use variance; and

16
17 (2) In granting a dimensional variance, that the hardship that will be suffered by the
18 owner of the subject property if the dimensional variance is not granted shall
19 amount to more than a mere inconvenience, ~~which shall~~ meaning that relief sought
20 is minimal to a reasonable enjoyment of the permitted use to which the ~~there is no~~
21 ~~other reasonable alternative to enjoy a legally permitted beneficial use of one's~~
22 property is proposed to be devoted. In accordance with unified development review,
23 the Planning Board has the power to grant dimensional variances where the use is
24 permitted by special-use permit. ~~The fact that a use may be more profitable or that~~
25 ~~a structure may be more valuable after the relief is granted shall not be grounds for~~
26 ~~relief.~~

27
28 (C) *Special use permit.* In granting a special use permit, the board shall require that
29 evidence to [of] the satisfaction of the following standards be entered into the record of the
30 proceedings. The specific and objective criteria below shall apply to all uses listed as "S"
31 in the use table. The Planning Board shall determine which standards apply on a case by
32 case basis:

33
34 (1) That the special use is specifically authorized by this ordinance, and setting forth
35 the exact subsection of this ordinance containing the jurisdictional authorization;

36
37 (2) That the special use meets all the criteria set forth in the subsection of this
38 ordinance authorizing such special use, and except that the board may shall issue a
39 special use in conjunction with a dimensional variance provided the property: that
40 ~~the dimensional variance may be issued only for the following dimensional~~
41 ~~requirements, no other dimensional relief can be sought except for that specifically~~
42 ~~listed herein, and the requested relief shall not exceed a 50 percent deviation from~~
43 ~~each required dimensional standard, provided however, that the 50 percent~~
44 ~~limitation shall not apply to nonresidentially zoned properties which:~~

1 i. Does not abut or share a common boundary with open space and
2 residentially zoned property; or

3
4 ii. Directly abuts the Amtrak Northeast Rail Corridor (NEC), irrespective of
5 the zoning classification of the rail corridor;

6
7 ~~(a) Section 300, Table 2A and Table 2B Dimensional Regulations,
8 minimum front yard, minimum side yard, minimum rear yard,
9 minimum landscape open space.~~

10
11 ~~(b) Sections 505 and 505.1, landscaping and screening.~~

12
13 ~~(c) Section 505.6, parking lot buffers.~~

14
15 ~~(d) Section 701.7, off-street parking.~~

16
17 ~~(e) Section 702.2, number of required loading spaces.~~

18
19 ~~(f) Section 806, permitted signs by district.~~

20
21 ~~(3) iii. That the granting of the special use permit will not alter the general
22 character of the surrounding area; ~~or impair the intent or purpose of this
23 ordinance or the comprehensive plan of the city.~~~~

24
25 iv. The intended use does not create a degradation in level of service with
26 respect to traffic circulation;

27
28 v. The intended use respects and enhances the architectural character of the
29 surrounding area;

30
31 vi. The intended use minimizes light pollution using dark sky techniques;

32
33 vii. The intended use minimizes stormwater impacts through utilization of
34 vegetative swales and/or similar bio-retention methods.

35
36 viii. The intended use will not exceed local noise regulations.

37
38 SPECIAL USE DEVELOPMENT STANDARDS FOR
39 TWO-FAMILY
40

<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.

(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 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.

1 In considering the proposed deviation to the architectural design and development
2 standards as contained in section 508.1 the zoning board shall comply with the standards
3 of relief contained in section 906, and shall also address the following findings.
4

- 5 1. Strict compliance will result in undue hardship and practical difficulties in
6 developing or redeveloping the property.
7
- 8 2. The proposed structure, improvement or development is consistent with the
9 intent of the village district zoning and the deviation will not result in unnecessary
10 adverse impacts and is in harmony with the general area.
11
- 12 3. The proposed use will be consistent with the character of the neighboring land
13 uses within the village district zone.
14
- 15 4. The petitioner explored all reasonable alternatives and the deviation requested
16 represents the least deviation required to remove the hardship.
17
- 18 5. The requested deviation will not be injurious to neighboring properties or to the
19 general welfare of the surrounding community.
20
- 21 6. There is a peculiar characteristics of the property which makes conforming to
22 certain development standards impracticable.
23
- 24 7. The deviation will not result in access driveways or sidewalks that do not provide
25 for safe vehicle or pedestrian circulation.
26
- 27 8. The deviation will not adversely impact off street parking or loading areas.
28

29 *906.4. Appeals to the zoning board.*
30

31 (A) *Procedure.* An appeal to the board from a decision of any other zoning enforcement
32 agency or officer, ~~the planning board~~ or of the HDC, may be taken by an aggrieved party.
33 Such appeal shall be taken within 30 days of the date of the recording of the decision of
34 the officer or agency, or within 30 days of the time when the aggrieved party knew or
35 should have known of the action or decision of such officer or agency. The appeal shall be
36 commenced by filing an application with the board, with a copy to the officer or agency
37 from whom the appeal is taken, specifying the ground thereof. The officer or agency from
38 whom the appeal is taken shall forthwith transmit to the board all papers, including any
39 transcript or audiotapes, constituting the record upon which the action appealed from was
40 taken. Notice of the appeal shall also be transmitted to the planning board.
41

42 (B) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action
43 appealed from, unless the officer from whom the appeal is taken certifies to the board, after
44 the appeal shall have been duly filed, that by reason of facts stated in the certificate, a stay
45 would in the officer's opinion cause imminent peril to life or property. In such case,
46 proceedings shall not be stayed other than by a restraining order which may be granted by

1 a court of competent jurisdiction on application thereof and upon notice to the officer from
2 whom the appeal is taken on due cause shown.

3
4 (C) *Public hearing.* The board shall fix a reasonable time for the hearing of the appeal, give
5 public notice thereof, as well as due notice to the parties of interest, as required in R.I.G.L.
6 45-23-69 and decide the same within 20 days of the hearing. The hearing of any appeals
7 shall be at a separate meeting from the hearing of any variance or special use permit
8 applications, although such hearings may be held on the same day or night. At the hearing,
9 any party may appear in person or by agent or by attorney. The officer or a designated
10 individual of the agency, commission, or board from whom the appeal is taken shall appear
11 before the zoning board at the hearing to represent such agency, commission or board.
12 Other members of the agency, commission or board may appear and be heard, but shall not
13 represent the agency, commission or board. The cost of any notice required for the hearing
14 shall be borne by the appellant.

15
16 (D) *Decisions and records of the board.* In exercising its powers in ruling, the board may,
17 in conformity with the provisions of this ordinance, reverse or affirm wholly or partly and
18 may modify the order, requirement, decision, or determination appealed from and may
19 make such order, requirement, decision or determination as ought to be made, and to that
20 end shall have the powers of the officer or agency from whom the appeal was taken. All
21 decisions and records of the board respecting appeals shall conform to the provisions of
22 section 903.5 of this ordinance.

23
24 (E) [*Findings of fact.*] The zoning board of review in its decisions on any matter coming
25 before it under this ordinance shall record in its minutes the pertinent and material facts
26 and the reason upon which its decisions are based.

27
28 (F) *Appeals of decisions of historic district commission.* Notwithstanding subsection (D)
29 above, when hearing appeals from the commission decisions, the zoning board of review
30 shall not substitute its own judgment for that of the commission, but must consider the
31 issue upon the finding and the record of the commission. The zoning board of review shall
32 not reverse a commission decision except on a finding of prejudicial procedural error, clear
33 error or lack of support by the weight of the evidence in the record. The zoning board of
34 review shall put all decisions on appeal in writing. The zoning board of review shall
35 articulate and explain the reasons and basis of each decision on the record, and the zoning
36 board of review shall send a copy of the decision to the applicant and to the historic district
37 commission.

38
39 **907. – Expiration of variances and special use permits.**

40
41 (A) Any variance or special use permit shall expire one year after the date of the filing of
42 the resolution with the city clerk unless the applicant shall, within one year, obtain a legal
43 building permit and proceed with the construction; or obtain a certificate of occupancy
44 when no legal building permit is required. The board may, upon written request and for
45 cause shown prior to the expiration of the initial one-year period, renew the variance or

1 special use permit for a second one-year period. Said request for an extension need not be
2 advertised.

3
4 (B) Should an applicant fail to begin construction with a legal building permit, or obtain a
5 certificate of occupancy within the second one-year period, the board may upon written
6 request prior to the expiration of the second one-year period, renew the variance or special
7 use permit for a third one-year period provided that the applicant can demonstrate due
8 diligence in proceeding and substantial financial commitment in promoting the subject of
9 the variance or special use permit since the date of the filing of the resolution, and notice
10 shall be given in accordance with section 906.2(B) and a hearing shall be held on the
11 request.

12
13 (C) None of the year periods set forth in subsections (A) and (B) above shall run during
14 the pendency of any [Planning Board review, or](#) superior court actions seeking to overturn
15 the grant.

16
17 [...]

18
19
20 **SECTION 1000. – ADMINISTRATION, ENFORCEMENT AND AMENDMENT**

21
22 **Section 1001. – Building official [& Planning Board.](#)**

23
24 This ordinance shall be enforced by the building official acting in the name and on behalf
25 of the City of Warwick. It shall be the duty of the building official to interpret and enforce the
26 provisions of this ordinance in the manner and form and with the powers provided in the laws of
27 the state and in the Charter and ordinances of the city. [With the exception of Unified Development
28 Plan Review Applications, which shall be administered by the Planning Board, the](#) ~~The~~-building
29 official shall refer all applications for variances, special use permits and other appeals to the zoning
30 board of review. The building official shall make a determination in writing, within 15 days, to
31 any written complaint received, regarding a violation of this ordinance. In order to provide
32 guidance or clarification, the building official shall, upon written request, issue a zoning certificate
33 or provide information to the requesting party within 15 days of the written request. Any
34 determination of the building official may be appealed to the board in accordance with section
35 906.4 of this ordinance.

36
37 [...]

38
39 **1007. – Adoption, amendment and administration of zoning ordinance.**

40
41 [...]

42
43 1007.3. *Notice and hearing requirements.*

44
45 (A) No zoning ordinance shall be adopted, repealed, or amended until after a public hearing
46 has been held upon the question before the city council. The city council shall first give

1 notice of ~~such the~~ public hearing by publication of notice in a newspaper of ~~general local~~
2 circulation within the city at least once each week for three ~~consecutive successive~~ weeks
3 prior to the date of ~~such the~~ hearing, which may include the week in which the hearing is
4 to be held, at which hearing opportunity shall be given to all persons interested to be heard
5 upon the matter ~~to of~~ the proposed ordinance. Written notice, ~~which may be a copy of said~~
6 ~~newspaper notice,~~ shall be mailed to the ~~associate director of the division of planning of~~
7 ~~the Rhode Island department of administration, and, where applicable, to the~~ parties
8 specified in subsections (B), (C), (D) and (E) of this section, at least two weeks prior to the
9 hearing. ~~Such newspaper notice shall be published as a display advertisement, using a type~~
10 ~~size at least as large as the normal type size used by the newspaper in its news articles, and~~
11 ~~shall:~~

12
13 The same notice shall be posted in the city clerk’s office and one other municipal building
14 in the municipality and the municipality must make the notice accessible on their municipal
15 home page of its website at least fourteen (14) days prior to the hearing. The notice shall:

- 16
17 (1) Specify the place of ~~said the~~ hearing and the date and time of its commencement;
18
19 (2) Indicate that adoption, amendment or repeal of a zoning ordinance is under
20 consideration;
21
22 (3) Contain a statement of the proposed amendments to the ordinance that may be
23 printed once in its entirety, or summarize ~~or and~~ describe the matter under
24 consideration as long as the intent and effect of the proposed ordinance is expressly
25 written in that notice;
26
27 (4) Advise those interested where and when a copy of the matter under
28 consideration may be obtained or examined and copied; and
29
30 (5) State that the proposal shown ~~thereon on the ordinance~~ may be altered or
31 amended prior to the close of the public hearing without further advertising, as a
32 result of further study or because of the views expressed at the public hearing. Any
33 ~~such~~ alteration or amendment must be presented for comment in the course of said
34 hearing.

35
36 (B) Where a proposed general amendment to an existing zoning ordinance includes
37 changes in an existing zoning map, public notice shall be given as required by subsection
38 ~~(1)(A)~~ of this section.

39
40 (C) Where a proposed text amendment to an existing zoning ordinance would cause a
41 conforming lot of record to become nonconforming by lot area or frontage, written notice
42 shall be given to all owners of the real property as shown on the current real estate tax
43 assessment records of the city. The notice shall be given by first-class mail at least two (2)
44 weeks prior to the hearing at which the text amendment is to be considered, with the content
45 required by subsection (A). If the city zoning ordinance contains an existing merger clause
46 to which the nonconforming lots would be subject, the notice shall include reference to the

1 merger clause and the impacts of common ownership of nonconforming lots. For any
2 notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to
3 attest to such mailing.
4

5 (ED) Where a proposed amendment to an existing ordinance includes a specific change in
6 a zoning district map, but does not affect districts generally, public notice shall be given as
7 required ~~in~~ by subsection ~~(A)~~ (A) of this section, with the additional requirements that:
8

9 (1) Notice shall include a map showing the existing and proposed boundaries,
10 zoning district boundaries, and existing streets and roads and their names, and city
11 boundaries where appropriate; and
12

13 (2) Written notice of the date, time and place of the public hearing and the nature
14 and purpose ~~thereof~~ the hearing shall be sent to all owners of real property whose
15 property is located in or within not less than two hundred feet (200') feet of the
16 perimeter of the area proposed for change, whether within the city of within an
17 adjacent city ~~of for~~ town ~~in which the property is located~~; provided however, if the
18 subject property is zoned Residential A-40 or if more than 50 percent of the number
19 of parcels which are residentially zoned land within the 200 foot radius of the
20 subject property are zoned Residential A-40, then notice shall be sent to all property
21 owners of record within 400 feet of the subject property. Notice shall also be sent
22 to any individual or entity holding a recorded conservation or preservation
23 restriction on the property that is the subject of the amendment. The notice shall be
24 sent by first-class mail to the last known address of the owners, as shown on the
25 current real estate tax assessment records of the city in which the property is
26 located; provided, for any notice sent by first-class mail, the sender of the notice
27 shall submit a notarized affidavit to attest to such mailing.
28

29 (DE) Notice of a public hearing shall be sent by first class mail to the city or town council
30 of any city or town to which one or more of the following pertain:
31

32 (1) ~~Which~~ That is located in or within not less than two hundred feet (200') feet of
33 the boundary of the area proposed for change; or
34

35 (2) Where there is a public or quasi-public water source, or private water source
36 that is used or is suitable for use, as a public water source, within two thousand feet
37 (2,000') feet of any real property that is the subject of a proposed zoning change,
38 regardless of municipal boundaries.
39

40 (EF) Notice of a public hearing shall be sent to the governing body of any state or municipal
41 water department or agency, special water district, or private water company that has
42 riparian rights to a surface water resource ~~and/or~~ surface watershed that is used, or is
43 suitable for use, as a public water source and that is within two thousand feet (2,000') feet
44 of any real property ~~which that~~ is the subject of a proposed zoning change; ~~;~~ provided,
45 ~~however,~~ that the governing body of any state or municipal water department or agency,
46 special water district, or private water company has filed with the building inspector in the

1 city a map survey, ~~which that~~ shall be kept as a public record, showing areas of surface
2 water resources and/or watersheds and parcels of land within two thousand feet (2,000')
3 ~~feet~~-thereof.

4
5 (G) Notwithstanding any of the requirements set forth in subsections (A) through (E), each
6 municipality shall establish and maintain a public notice registry allowing any person or
7 entity to register for electronic notice of any changes to the zoning ordinance. The city shall
8 provide public notice annually of the existence of the electronic registry by publication of
9 notice in a newspaper of general circulation within the city. In addition, each municipality
10 is hereby encouraged to provide public notice of the existence of the public notice registry
11 in all of its current and future communications with the public, including, but not limited
12 to, governmental websites, electronic newsletters, public bulletins, press releases, and all
13 other means the municipality may use to impart information to the local community.

14
15 (1) Provided, however, notice pursuant to a public notice registry as per this section
16 does not alone qualify a person or entity on the public notice registry as an
17 “aggrieved party” under § 45-24-31(4).

18
19
20 ~~(FH)~~ No defect in the form of any notice under this section shall render any ordinance or
21 amendment invalid, unless ~~such the~~ defect is found to be intentional or misleading.

22
23 ~~(GI)~~ Costs of ~~any notice~~ newspaper and mailing notices required under this section shall
24 be borne by the applicant.

25
26 ~~(HJ)~~ In granting a zoning ordinance amendment, notwithstanding the provisions of § 45-
27 24-37, the city council may limit the change to one or more of the permitted uses in the
28 zone to which the subject land is rezoned; and impose ~~such~~-limitations, conditions and
29 restrictions, including without limitation:

30
31 (1) Requiring the petitioner to obtain a permit or approval from any and all ~~federal,~~
32 state or local governmental agencies or instrumentalities having jurisdiction over
33 the land and use ~~which that~~ are subject to the zoning change;

34
35 (2) Those relating ~~Relating~~ to the effectiveness or continued effectiveness of the
36 zoning change; and/or

37
38 (3) Those relating ~~Relating~~ to the use of the land as it deems necessary. The
39 responsible city official shall cause the limitations and conditions so imposed to be
40 clearly noted on the zoning map and recorded in the land evidence records;
41 provided, that in the case of a conditional zone change, the limitations, restrictions,
42 and conditions shall not be noted on the zoning map until the zone change has
43 become effective. If the permitted use for which the land has been rezoned is
44 abandoned or if the land is not used for the requested purpose for a period of two
45 (2) years or more after the zone change becomes effective, the city council may,
46 after a public hearing, change the land to its original zoning use before the petition

1 was filed. If any limitation, condition, or restriction in an ordinance is held to be
2 invalid by a court in any action, that holding shall not cause the remainder of the
3 ordinance to be invalid.

4
5 (K) The above requirements are to be construed as minimum requirements.

6
7 [...]

8
9
10 Section II. This Ordinance shall take effect immediately upon passage and publication as
11 prescribed by law.

12
13
14 SPONSORED BY: COUNCIL PRESIDENT MCALLISTER
15 ON BEHALF OF MAYOR PICOZZI

16
17 COMMITTEE: LAND USE