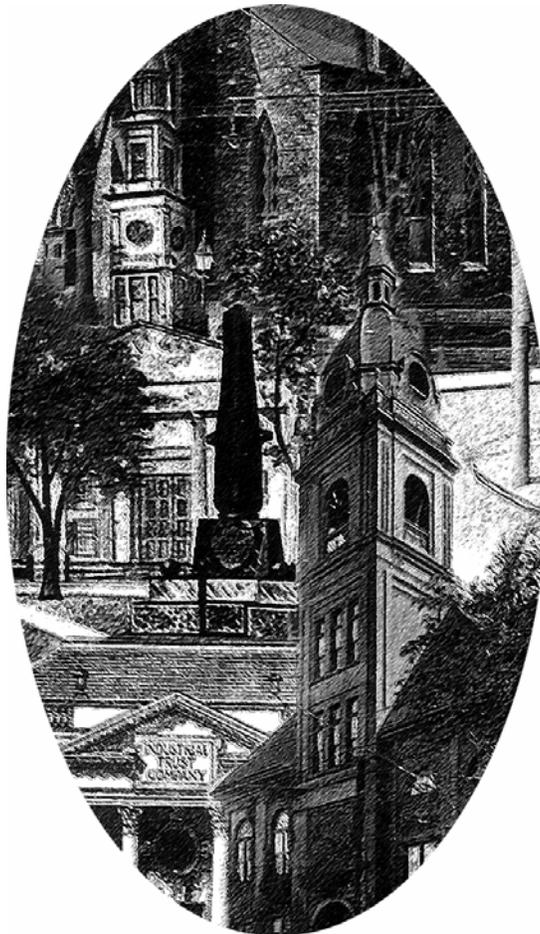




TOWN OF WARREN, RI

ZONING ORDINANCE



Adopted September 9, 2003

Town Clerk

Julie A. Calho

As Amended Through
July 10, 2007

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ARTICLE I. INTRODUCTION

32-1. Preamble

In accordance with Title 45, Chapter 24 of the General Laws of Rhode Island, 1956, as amended, the Zoning Ordinance of the Town of Warren is hereby amended to read as follows:

32-2. Consistency with Comprehensive Plan

The regulations and standards set forth in this zoning ordinance are made in accordance with the Comprehensive Community Plan of the Town of Warren, adopted or amended pursuant to Title 45, Chapter 22.2 of the General Laws of Rhode Island. Where uncertainty in the construction or application of any section of this ordinance exists, it shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the Comprehensive Plan.

32-3. Statement of Purposes

The regulations set forth in this ordinance are designed to address the following purposes:

- A. Promoting the public health, safety and general welfare.
- B. Providing for a range of uses and intensities of use appropriate to the character of the Town of Warren, and reflecting current and expected future needs of its residents.
- C. Providing for orderly growth and development which recognizes:
 - 1. The goals and patterns of land use contained in the Comprehensive Plan of the Town of Warren;
 - 2. The natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface or groundwater pollution;
 - 3. The values and dynamic nature of coastal and freshwater ponds, the shoreline and freshwater and coastal wetlands;
 - 4. The values of unique or valuable natural resources and features;
 - 5. The availability and capacity of existing and planned public and/or private services and facilities;
 - 6. The need to shape and balance urban and rural development; and

7. The use of innovative development regulations and techniques.
- D. Providing for the control, protection and/or abatement of air, water, groundwater and noise pollution, and soil erosion and sedimentation.
- E. Providing for the protection of the natural, historic, cultural and scenic character of the Town of Warren.
- F. Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources and open space.
- G. Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space and other public requirements.
- H. Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing.
- I. Providing opportunities for the establishment of low and moderate income housing.
- J. Promoting safety from fire, flood and other natural or man-made disasters.
- K. Promoting a high level of quality in design in the development of private and public facilities.
- L. Promoting implementation of the Comprehensive Plan of the Town of Warren.
- M. Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond the municipal boundaries of, or have a direct impact on, the Town of Warren.
- N. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.
- O. Providing for procedures for the administration of the zoning ordinance, including but not limited to, variances, special use permits and where adopted, procedures for modifications.
- P. Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act (chapter 37 of title 34), the United States Fair Housing Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of

Individuals with Handicaps Act (chapter 87 of title 42), and the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C. section 12101 et seq.).

Such regulations and restrictions are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Warren.

32-4. Regulation

- A. Except as may be specifically provided hereinafter, no land shall be used and no building, structure or sign shall be erected, modified, enlarged or used unless such action conforms to the applicable provisions of this ordinance. Every building, structure or sign hereafter erected and every use hereafter initiated shall be located on a lot as defined by this ordinance and there shall be no more than one main or principal building, together with its accessory buildings, on one lot; except as provided in Section 32-79 of this ordinance, and except however, an additional principal building on a lot legally used for commercial or manufacturing purposes may be allowed by the Zoning Board of Review as a special use permit under the provisions of Article V of this ordinance.

- B. The Town of Warren itself, both as to land owned by the Town, and to government activity and use, shall be exempt from the provisions of this ordinance.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

32-5. Zoning Officer

The Zoning Officer shall be appointed by the Town Council of the Town of Warren, and may serve as both the Zoning Officer and the Building Inspector for the Town. The Zoning Officer shall have, as minimum qualifications, a demonstrated familiarity with the zoning and other development regulations of the Town, and at least five (5) years experience in the building or related construction trade industry, or similar experience in planning, zoning or related fields.

It shall be the duty of the Zoning Officer of the Town of Warren to administer and enforce the provisions of this ordinance, including:

- A. The issuing of any required permits or certificates;
- B. Collection of required fees;
- C. Keeping of records showing the compliance of uses of land;
- D. Authorizing commencement of uses or development under the provisions of this zoning ordinance;
- E. Inspection of suspected violations;
- F. Issuance of violation notices with required correction action;
- G. Collection of fines for violations; and
- H. Performing such other duties and taking such actions as may be assigned in this ordinance.

32-6. Zoning Certificate

The Zoning Officer shall, upon written request, issue a zoning certificate or provide information to the requesting party as to his determination within fifteen (15) days of the written request. In the event that no written response is provided within that time, the requesting party shall have the right to appeal to the Zoning Board of Review for the determination. Any material misstatement by a requesting party shall void said certificate. The fee for a zoning certificate shall be of an amount as established in the current fee schedule adopted by the Warren Town Council.

32-7. Zoning Permit

After the effective date of this ordinance, no land shall be used and no building, structure, fence or sign shall be erected, modified, enlarged or placed into use until a building permit, or if necessary a zoning permit, has been issued by the Zoning Officer. This requirement shall not apply to uses lawfully existing at the time of adoption of this ordinance, but shall apply to any new use of a structure or land initiated subsequent to the effective date of this ordinance. No zoning permit may be issued by the Zoning Officer for any action or use not in conformity with all of the provisions of this ordinance, except where the Zoning Officer is notified by the Zoning Board of Review of the granting of a special use permit or a variance.

32-8. Application for a Zoning Permit

An application for a zoning permit shall be made in duplicate on forms supplied by the Zoning Officer who shall require the submission of such plans, specifications or other pertinent data, in duplicate, to determine conformity with this ordinance. Upon approval of an application for a zoning permit, the Zoning Officer shall so endorse the application form and all accompanying submissions and return one (1) copy to the applicant. The duplicate copy of all materials shall be retained by the Zoning Officer as Town records. If such application is disapproved, all copies shall be so endorsed and one (1) copy returned to the applicant with a description of the reasons for such disapproval. The fee for a zoning permit shall be of an amount as established in the current fee schedule adopted by the Warren Town Council.

32-9. Relation to Other Codes, Regulations and Ordinances

The issuance of a zoning permit shall, in no way, relieve the applicant of the responsibility of obtaining such permits or approvals as may be required under the provisions of other codes, regulations and ordinances relating to the use, erection or alteration of a building or structure, or to the use or subdivision of land.

32-10. Expiration of a Zoning Permit

A zoning permit shall be valid for the duration of the use which was the subject of the original issuance and shall expire upon termination of that use.

32-11. Vested Rights

Under the provisions of this section, any application considered by the Town shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was deemed to be substantially complete. An application is deemed to be substantially complete with either the issuance of a zoning permit by the Zoning Officer or the submittal of all necessary forms, filing fees, plans and documentation required under the provisions of Section 32-19 of this ordinance, and approved by the Zoning Officer.

Nothing in this ordinance shall prevent the completion of any construction for which a valid building permit has been heretofore issued, except that, such construction shall be initiated within six (6) months after the adoption of this ordinance and shall be completed within two (2)

years after such adoption. Where such a valid building permit exists, no zoning permit shall be required.

32-12. Violation

Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this ordinance or who violates any conditions imposed by the Zoning Board of Review in the granting of a special use permit or variance, or who fails to obtain a zoning permit shall be fined not exceeding five hundred dollars (\$500.00) for each offense, such fine to inure to the Town of Warren. Each day of the existence of any such violation shall be deemed a separate offense.

The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any of the provisions of this ordinance, is hereby declared to be a violation of this ordinance and is unlawful. The Zoning Officer shall institute appropriate action through the Town Solicitor to remove such violations. The remedy provided in this paragraph shall be cumulative and not exclusive and shall be in addition to any other remedies provide by law.

32-13. Maintenance of Zoning Ordinance and Map

The Town Clerk shall be the custodian of the zoning ordinance and zoning map or maps created thereunder, and shall make available copies of the ordinance and all amendments to town officials and to the general public, at a reasonable cost. The Town Clerk shall be responsible for maintaining and updating the ordinance, and shall insure that all amendments and other changes which impact the zoning ordinance and zoning map are properly recorded under the provisions of Section 32-40.

Upon the publication of the zoning ordinance and zoning map, and any amendments thereto, the Town Clerk shall send a copy to the Associate Director of the Division of Planning for the Department of Administration, and to the state law library.

32-14. Review of Zoning Ordinance

At least every three (3) years, the Zoning Board of Review and the Warren Planning Board shall review this ordinance and recommend to the Town Council any amendments deemed necessary in light of current and anticipated future trends in community requirements and development. Whenever changes are made to the Comprehensive Plan, the Warren Planning Board shall identify any necessary changes to the zoning ordinance to bring it into conformance with the Comprehensive Plan, and shall forward these changes to the Town Council.

ARTICLE III.

ZONING BOARD OF REVIEW

32-15. Constitution and Membership of Zoning Board of Review

A Zoning Board of Review, hereinafter called the Board, is hereby created. Said Board shall consist of five (5) regular members, and two (2) alternate members to be designated as the first and second alternate members, appointed by the Town Council. The membership of the Board at the time of passage of this ordinance shall be continued for the remainder of their respective terms, at which time successors shall be appointed. Each regular member of the Board shall be appointed for a term of five (5) years provided however, that the original appointments shall be made for terms of one (1), two (2), three (3), four (4) and five (5) years, respectively. The alternate members shall be appointed for a term of five (5) years. All members shall serve until their successors are duly appointed and qualified.

Members of the Board shall be legal residents of the Town of Warren and no member shall be an elected official or a salaried employee of the Town of Warren. If any vacancy occurs in the membership of the Board, the Town Council shall fill the vacancy for the remainder of the unexpired term. The Town Council may remove a member for due cause.

32-16. Organization of the Board

The Board shall organize annually by electing, from its membership, a Chairman and a Vice-Chairman. The Board may engage the services of a secretary within the limitation of funds made available to it or may appoint one of its members as secretary.

32-17. Rules and Meetings of the Board

The Board shall adopt, from time to time, such rules of procedure as it may deem necessary to perform the duties assigned to it. Meetings of the Board shall be held at the call of the Chairman, or in his absence the Vice Chairman, or at such times as the Board may determine. The Chairman, or in his absence the Vice Chairman, may administer oaths and compel the attendance of witnesses by the issuance of subpoenas, and the submission of data pertinent to the subject of the meeting. The Board shall, at all times, consist of five (5) active members when conducting a hearing and arriving at a decision. The alternate members shall sit and may actively participate in hearings. The first alternate shall vote if a member of the Board is unable to serve at a hearing and the second shall vote if two (2) members of the Board are unable to serve at a hearing. In the absence of the first alternate member, the second alternate member shall serve in the position of the first alternate. No member or alternate may vote on any matter before the Board unless they have attended all hearings concerning that matter. Only five (5) active members shall be entitled to vote on any issue.

Notices of all meetings shall be posted in accordance with the Open Meetings Law of the State of Rhode Island.

32-18. Powers and Duties of the Board

The Zoning Board of Review shall have the powers and duties described as follows:

- A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination of the Zoning Officer in the enforcement of this ordinance. In using this power, the Board may affirm or reverse, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Zoning Officer from whom the appeal was taken.
- B. To authorize upon application in specific cases of hardship, either a use or a dimensional variance in the application of the terms of this ordinance, in accordance with the provisions of Article IV.
- C. To hear and decide special use permits to the terms of this ordinance, in accordance with the provisions of Article V.
- D. To refer matters to the Planning Board, or to other boards or agencies of the Town of Warren as the Zoning Board of Review may deem appropriate, for findings and recommendations.
- E. To provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked in the instance where any necessary state or federal agency approvals are not received within a specified time period.
- F. To hear and decide other matters, according to the terms of this ordinance or other regulations, ordinances or statutes, and upon which the Board may be authorized to pass under this ordinance or other statutes.

32-19. Applications to Zoning Board of Review

- A. Appeals. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau affected by any decision of the Zoning Officer concerning the provisions of this ordinance. Such appeal shall be taken within a reasonable time as provided by rules of the Board by filing with the Zoning Officer and with the Board, a notice of appeal, specifying the grounds for appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies to the Board that a stay, in his opinion, would cause imminent peril to life and property. In such case, proceedings shall be stayed only by a restraining order granted by a court of competent jurisdiction on application therefore and upon notice to the Zoning Officer and on due cause shown.

Immediately upon notification of an appeal, the Zoning Officer shall transmit all records

of the decision which has been appealed to the Zoning Board of Review, and to the Planning Board of the Town of Warren. Any appeal must be accompanied by a regular filing fee of an amount as established in the current fee schedule adopted by the Warren Town Council. Such filing fee shall be returnable only in the event that the appeal is withdrawn prior to the official notice of public hearing.

B. Variances and Special Use Permits.

An application for a variance or special use permit shall be filed directly with the Board as provided by the rules of the Board. Such application shall be accompanied by a regular filing fee of an amount as established in the current fee schedule adopted by the Warren Town Council. Such filing fee shall be returnable only in the event that the appeal is withdrawn prior to the official notice of public hearing.

Immediately upon receipt of an application for a use variance, the Zoning Board of Review or its designee shall transmit said application to the Planning Board, and may request that the Planning Board report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan, in writing to the Zoning Board within thirty (30) days of receipt of the application from the Zoning Board.

- C. The applicant shall be responsible for providing the Board with an accurate and up to date listing of abutters and all entities entitled to notice under Section 32-20 below.
- D. The Board may not accept another application for the same variance or special use permit for a period of one (1) year after the denial of an application by the Board.

32-20. Public Hearing

Upon receipt of an appeal, or application for a variance or special use permit, the Board shall schedule a public hearing thereon, within a reasonable time. Notice of such hearing shall be published in a newspaper of general circulation in the Town of Warren at least fourteen (14) days prior to the date of the public hearing and at the same time, notice of such hearing shall be mailed to the applicant, owners of land within two hundred (200) feet of the property involved, the Warren Planning Board and to other persons deemed by the Board to be affected by the action on said application. The cost of notification shall be borne by the applicant. Any party may appear and be heard at the public hearing in person or by agent or attorney.

32-21. Decision of the Board

The Board shall render a decision on any matter before it within a reasonable time after the public hearing. The concurring vote of three (3) members of the Board shall be required to decide in favor of the applicant in a matter involving an appeal and the concurring vote of four (4) members of the Board shall be required to decide in favor of an applicant in a matter

involving a variance or special use permit, upon which it is authorized to pass under the terms of this ordinance.

The Board shall make a record of its proceedings and actions, precisely showing its reasons for its decision, the vote of each member participating therein, and the absence of a member or his failure to vote. Decisions shall be recorded and filed in the Office of the Zoning Board of Review within thirty (30) working days from the date when the decision was rendered, and shall be a public record. The decision shall be posted in a location visible to the public in the Town Hall for a period of twenty (20) days following the recording of the decision. In addition, notice of the decision of the Board shall be transmitted to the applicant, the Zoning Officer, the Warren Planning Board and to the Associate Director of the Division of Planning of the Rhode Island Department of Administration.

For any proceeding in which the right of appeal lies to the superior or supreme court, the Zoning Board of Review shall have the minutes either taken by a competent stenographer, the cost of which shall be borne by the applicant, or recorded by a sound-recording device. Any decision evidencing the granting of a special use permit or variance shall also be recorded in the land evidence records of the Town of Warren.

32-22. Findings and Conditions of the Board

In granting a variance or special use permit, or in making any determination upon which it is required to pass after a public hearing, the Zoning Board of Review 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 and this zoning ordinance. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. The 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:

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

32-23. Expiration of a Variance or Special Use Permit

A variance or special use permit shall expire one (1) year from the date of granting by the Board unless the applicant exercises the permission granted or receives a Zoning permit to do so and commences construction or use and diligently prosecutes the construction or use until completed. The Board may, upon application therefore and for cause shown, grant an extension, provided that no more than one (1) extension for a period of six (6) months be granted. Provided, however, where subsequent approval is required by the Planning Board the time shall not commence until final Planning Board approval, provided the applicant diligently pursues the application before the Planning Board and provided, further, that the process before the Planning Board shall be completed within two (2) years of Zoning Board approval.

32-24. Appeal from a Decision of Zoning Board of Review

Any person or persons, jointly or severally aggrieved by any decision of the Board, or any officer, department, board or bureau of the Town of Warren may present an appeal to the Superior Court of the State of Rhode Island as provided by the General Laws of Rhode Island 1956, Title 45, Chapter 24, Section 20. The aggrieved party must file a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the Town Hall. The Zoning Board of Review shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, including the transcript if possible, together with such other facts as may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the members of the Zoning Board shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

ARTICLE IV. VARIANCES

32-25. Applicability

A request for relief from the literal requirements of this zoning ordinance because of hardship may be made by any person, group, agency or corporation by filing with the Zoning Board of Review an application for a variance under the provisions of Article III. The application shall describe the request, and be supported by such data and evidence as may be required by the Zoning Board or by the terms of this ordinance.

32-26. General Standards for a Variance

In granting a variance, the Zoning Board of Review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

- A. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure, and not due to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant, excepting hereto those physical disabilities addressed in Section 32-3 (P) of this ordinance, and in such case the relief granted shall remain in effect for only as long as the applicant maintains residency;
- B. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
- C. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this zoning ordinance or the Comprehensive Plan; and
- D. That the relief to be granted is the least relief necessary.

32-27. Standard for Granting a Use Variance

In granting a use variance, the Zoning Board of Review shall, in addition to the above general standards, require that evidence be entered into the record of the proceedings showing that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this zoning ordinance. Nonconforming use of neighboring land or structures in the same district, and permitted use of lands or structures in an adjacent district shall not be considered in the granting of a use variance.

32-28. Standard for Granting a Dimensional Variance

In granting a dimensional variance, the Zoning Board of Review shall, in addition to the above general standards, require that evidence be entered into the record of the proceedings showing that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience. This shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief. In addition, in granting a dimensional variance relating to a side or rear yard requirement, the Zoning Board of Review shall not permit such a variance in excess of one-third (1/3) of the required distance.

ARTICLE V. SPECIAL USE PERMITS

32-29. Applicability

Where a use is allowed in Sections 32-46 through 32-58 as a special use rather than by right, or where relief from use requirements contained elsewhere in this ordinance is requested, such use or relief may be granted to any person, group, agency or corporation by the issuance of a special use permit through application to the Zoning Board of Review under the provisions of Article III. The Zoning Board may require that copies of plans and specifications be filed by the applicant in order to aid the Board in arriving at a proper decision.

An applicant may apply, and be approved for, a dimensional variance in conjunction with a special use permit in the VB, B, W, SD, M, CI, RB districts. The zoning board of review shall consider the special use permit and dimensional variance together, applying both the special use criteria and the dimensional variance standards, to determine if granting the special use permit is appropriate. If standards for dimensional variance cannot be met, the Zoning Board of Review shall deny the application for dimensional relief.

In instances where a Special Use Permit has been granted previously by the Zoning Board of Review, the Board shall apply both the special use criteria and the dimensional variance standards. If standards for dimensional variance cannot be met, the Zoning Board of Review shall deny the application for dimensional relief.

32-30. General Standards for a Special Use Permit

Uses requiring the granting of a special use permit in this ordinance shall be permitted by the Zoning Board of Review, following a public hearing, only if in the opinion of the Board, such uses meet the following standards:

- A. They will be compatible with the neighboring land uses;
- B. They will not create a nuisance or a hazard in the neighborhood;
- C. They will be compatible with the Comprehensive Community Plan; and
- D. The public convenience and welfare will be served.

In granting a special use permit, the Board may prescribe such conditions and safeguards, as setbacks, screening and other requirements as it may deem necessary to prevent nuisance to and promote harmony with the use of nearby property. The disregarding of any conditions or safeguard, when made part of the terms under which a special use permit is granted, shall be deemed a violation of this ordinance.

32-31. Standards for Specific Categories of Special Use Permits

A. Nonconforming Uses. When reviewing a special use permit application for the extension of a nonconforming use or structure, or for the change in a nonconforming use to another nonconforming use as provided in Article XII, the Board shall, in addition to the standards in Section 32-30 above, apply the following standards:

1. The proposal will not result in the creation of, or increase in, any undesirable impacts related to the use, such as excessive noise, traffic or waste generation;
2. The general appearance of the nonconforming development will not be altered in a way so as to heighten or make more aware its nonconformity, and where possible, will be improved so as to be more consistent with the surrounding area;
3. It will not have a negative impact on the natural environment or on any historic or cultural resource; and
4. The resulting nonconforming development will be a beneficial use to the community.

B. Merger of Substandard Lots. When reviewing a special use permit application for relief from the provisions of Article XIV relating to the merger of substandard lots of record, the Board shall, in addition to the standards in Section 32-30 above, apply the following standards:

1. The resulting development will have adequate provisions for water service, wastewater disposal and fire protection;
2. It will not result in an increased burden on community infrastructure and services; and
3. It will not have a negative impact on the natural environment or on any historic or cultural resource.

ARTICLE VI. AMENDMENT OF ORDINANCE

32-32. Application for Amendment

This ordinance may be amended by the Town Council and any person, group of persons or corporation may take application to the Town Council for amendment of this ordinance. All applications for amendment shall be filed at the office of the Town Clerk and shall be accompanied by a complete description of the proposed amendment and the portion of the ordinance proposed for amendment. Immediately upon receipt of the application, the Town Clerk shall refer the proposal to the Town Council and the Zoning Board of Review, and to the Warren Planning Board for study and recommendation. The Planning Board shall report to the Town Council within forty-five (45) days after receipt of the proposal, giving its findings and recommendations as prescribed in Section 32-36 of this ordinance. Where a proposal for amendment of the zoning ordinance or zoning map is made by the Planning Board, the requirements for study by the Board may be waived, provided that the proposal includes the findings and recommendations of the Board pursuant to Section 32-36.

All applications for amendment shall be accompanied by a filing fee of an amount established in the current fee schedule adopted by the Town Council payable to the Town of Warren, and returnable only in the event that the application is withdrawn prior to the official notice of public hearing. Costs of notice requirements under this article shall be borne by the applicant.

Where the Town Council denies or grants leave to withdraw to an application for amendment to this ordinance, the Council may not consider another application for the same amendment for a period of one (1) year from the date of such denial or withdrawal. This period of time may be reduced if the later application is accompanied by an affidavit presenting facts, to the satisfaction of the Town Council, showing that a substantial change in the circumstances exists, justifying a rehearing of the proposed amendment.

32-33. Map Amendment Requirements

Where the application is for a change in the boundary of a zoning district, the application shall be accompanied by an accurately drawn map showing the following:

- A. The boundaries of the property proposed for change with appropriate plat, lot and street numbers and the dimensions and area of the proposed change;
- B. All properties within two hundred (200) feet of the perimeter of the property proposed for change, or any property located on the same dead-end street as said property, together with plat and lot numbers and the names and addresses of the owners of record of said properties; and

- C. The present zoning district boundaries in the area as determined from the official zoning map.

32-34. Public Hearing and Notice Requirements

Prior to action on an application for amendment of this ordinance, the Town Council shall hold a public hearing, at which all interested parties shall be given an opportunity to be heard. The public hearing shall be held within sixty-five (65) days of receipt of a proposal for an amendment, unless an extension is consented to by the applicant. Notice of such public hearing shall be given in a newspaper of general circulation in the Town of Warren at least once each week for three (3) successive weeks prior to the date of such hearing. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

- A. Specify the place of the hearing, and the date and time of its commencement;
- B. Indicate that amendment of the zoning ordinance is under consideration;
- C. Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or a summary of the matter under consideration;
- D. Advise those interested where and when a copy of the proposed amendment may be obtained, or examined and copied; and
- E. State that the proposed amendments shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing, and that any alteration or amendment must be presented for comment in the course of the hearing.

32-35. Written Notice Requirements

Written notice, which may be a copy of the newspaper notice, or otherwise gives the date, time and place of the public hearing, and the nature and purpose thereof, shall be mailed at least two (2) weeks in advance of the public hearing date to the following:

- A. The Associate Director of the Division of Planning of the Rhode Island Department of Administration, by first class mail.
- B. All owners of real property, including that within an adjacent community, which is located in, or within not less than two hundred (200) feet of the perimeter of, or is located on the same dead-end street as, the area proposed for change under an application for a zoning map amendment, by registered or certified mail.
- C. The city or town council of any adjacent community, by first class mail, to which either of the following pertain:

1. Which is located in or within not less than two hundred (200) feet of the boundary of the area proposed for change under an application for a zoning map amendment; or
 2. Where there is a public or quasi-public water source, or private water source that is used, or is suitable for use, as a public water source, within two thousand (2,000) feet of any real property that is the subject of a proposed zoning map amendment, regardless of municipal boundaries.
- D. The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source, and that is within two thousand (2,000) feet of any real property which is the subject of a proposed zoning change, by first class mail, provided however, that such governing body has filed with the Building Inspector of the Town of Warren a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand (2,000) feet thereof.

32-36. Opinion of the Warren Planning Board

Upon receipt of an application for amendment, said application shall be referred to the Warren Planning Board. Among its findings and recommendations to the Town Council the Planning Board shall:

- A. Include a statement on the general consistency of the proposal with the Warren Comprehensive Plan, including the goals and policies statement, the implementation program and all other applicable elements of the Comprehensive Plan; and
- B. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in Section 32-3 of this ordinance.

32-37. Action of the Town Council

The Town Council shall render a decision on any proposal for amendment within forty-five (45) days after the date of completion of the public hearing, unless an extension is consented to by the applicant. In granting a zoning ordinance amendment, the Town Council may limit the change to one (1) of the permitted uses in the zoning district to which the subject land is rezoned, and impose such limitations, conditions and restrictions, including, without limitation:

- A. Those relating to a required permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and uses which are the subject of the zoning change;

- B. Those relating to the effectiveness or continued effectiveness of the zoning change; and/or
- C. Those relating to the use of the land, as deemed necessary by the Council.

The Town Clerk shall cause any limitations and conditions so imposed to be clearly noted on the zoning map and recorded in the land evidence records of the Town of Warren, provided however, in the case of a conditional zone change, the limitations, conditions and restrictions shall not be noted on the zoning map until the zone change has become effective. If any limitation, condition or restriction in an amendment is held to be invalid by a court in any action, that holding shall not cause the remainder of the amendment to be invalid.

32.38. Reserved

32-39. Map Amendment Limitations

When a zoning application requests a specific change in the zoning map, the following limitations shall apply:

- A. No Residence District shall be amended in excess of the next lowest Residence District; i.e. R-40 to R-30, R-30 to R-20, R-20 to R-15. Once a zone change is granted to the next lowest Residence District on a certain parcel of land no further zone change is permitted for that parcel of land.
- B. Residence Districts R-15, R-10 and R-6 shall not be amended to a lower Residence District.
- C. There shall be no limitations on amendments to a higher Residence District.
- D. If the permitted use for which the land has been rezoned is abandoned, or if the land is not used for the requested purpose for a period of two (2) years or more after the zone change becomes effective, the Town Council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before the petition was filed.

Petitions to amend the zoning designation of undeveloped parcels of land from a higher to a lower (higher density) residence district shall not be acted upon by the Town Council where such proposed designation would be in conflict with the Warren Comprehensive Plan. Any such petition to change the residential zoning designation of a parcel or parcels of land that would result in greater density of development shall be preceded by the appropriate amendments to the comprehensive plan.

32-40. Publication of Amendment

Within five (5) days after the approval of an amendment to this ordinance by the Town Council, the Town Clerk shall make copies of such amendment available to the public and shall append copies of such amendment to the record copy of the Zoning Ordinance. Where the amendment changes the zoning map, the record copy of said map shall be amended to show the change and a notation shall be made thereon, giving the date of amendment and the appropriate reference into Town Council records. Such changes shall be depicted on the map within ninety (90) days of the authorized amendment.

32-41. Appeal of Amendment

An appeal of an amendment to this zoning ordinance may be taken to the Superior Court of the State of Rhode Island within thirty (30) days after the amendment has become effective. The appeal may be taken by an aggrieved party or by any legal resident or landowner of the Town of Warren, or by any association of residents or landowners of the Town. The complaint shall set forth with specificity the area or areas in which the amendment does not conform with the Comprehensive Plan and/or the manner in which it constitutes a taking of private property without just compensation. The appeal shall not stay the enforcement of the zoning ordinance as amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

ARTICLE VII. ZONING DISTRICTS AND ZONING MAP

32-42. Zoning Districts

For the purpose of this ordinance, the Town of Warren is hereby divided into the following zoning districts:

- A. R40 Residence District. This district contains areas of the town which are partially or fully developed at an approximate density of one (1) dwelling unit per 40,000 square feet, and areas for which this density is considered appropriate.
- B. R30 Residence District. This district contains areas of the town which are partially or fully developed at an approximate density of one (1) dwelling unit per 30,000 square feet, and areas for which this density is considered appropriate.
- C. R20 Residence District. This district contains areas of the town which are partially or fully developed at an approximate density of one (1) dwelling unit per 20,000 square feet, and areas for which this density is considered appropriate.
- D. R15 Residence District. This district contains areas of the town which are partially or fully developed at an approximate density of one (1) dwelling unit per 15,000 square feet, and areas for which this density is considered appropriate.
- E. R10 Residence District. This district contains areas of the town which are partially or fully developed at an approximate density of one (1) dwelling units per 10,000 square feet, and areas for which this density is considered appropriate.
- F. R6 Residence District. This district contains areas of the town which are fully developed at the highest density, an approximate density of one (1) dwelling unit per 6,000 square feet.
- G. Residential Village District. This is an overlay district applied to certain areas of compact residential development in the Touisset area of Warren, for which modified dimensional regulations are applied to substandard lots of record (see Section 32-77.1).
- H. Village Business. This district includes the central business area off Main Street as well as the business area off Child Street and Metacom Avenue, where permitted business uses are in character and scale with the mixed-use areas of town, and have less traffic impact and parking demand than more intensive business uses.
- I. Business. This district includes all other commercial areas which are not in the Village Business District, and which are suitable for more intensive business uses, including those areas along major thoroughfares where businesses rely on easy vehicular access.

- J. Waterfront District. This district includes that mixed-use area along and adjoining the Warren River for which water dependent uses are encouraged.
- K. Special District. This district includes:
1) The parcels identified as Tax Assessor Pat 1, Lots 2 and 4, and Tax Assessor Plat 2, Lots 1, 2, and 19, dated February 15, 2006;
2) The parcels identified as Tax Assessor Plat 12, Lots 111, and 118, dated February 15, 2006.
- L. Manufacturing District. This district includes land in Warren currently used for manufacturing and related uses, and areas which are considered suitable for development of manufacturing uses.
- M. Commercial Industrial District. This district contains that area of Warren rezoned by the Town Council pursuant to Article XXI of this ordinance.
- N. Farm Conservation District. This district includes certain agricultural lands in Warren which are permanently protected against development, and are now or formerly in active farming use.
- O. Conservation District. This district includes areas of protected coastal land and open space, which are in public ownership, or owned by a private organization, for the purpose of maintaining it in its natural condition and/or protecting a plant or animal habitat area. Permitted uses include passive recreation and habitat management.
- P. Kickemuit Reservoir Watershed Overlay Protection District. This is an overlay district applied to that area in Warren which comprises the watershed of the Kickemuit Reservoir, for which certain uses otherwise permitted in the underlying districts are prohibited, and for which site plan review is required (see Article XXV).
- Q. Waterfront Overlay District. This is an overlay district applied to that area in Warren which comprises the Waterfront District and that area Special District that includes Tax Assessor Plat 1, Lots 2 and 4, and Tax Assessor Plat 2, Lots 1, 2, and 19, dated February 15, 2006. This district requires development plan review by the planning board.
- R. Rural Business. This district is to establish and maintain a zoning district of mixed commercial uses characterized by architectural and site design standards consistent with providing a aesthetically unobtrusive gateway to the Town.

32-43. Zoning Map

The districts named in Section 32-42 and the boundaries of said districts are hereby established as shown on a map entitled "Warren Zoning Map" dated October 14, 1997, and shown on a complete set of reproductions of the Warren Assessor's Plats, which are on file at the offices of the Town

Clerk and the Building Official of the Town of Warren. Said maps and explanatory material thereon are hereby adopted and made a part of this ordinance.

All special restrictions placed upon individual parcels of land, as a condition of a zone change, enacted by the Town Council prior to the above date, shall remain in full force and effect. A listing of such restricted parcels is contained in Appendix A. All conditional zone changes that did not take effect due to the inaction of the property owner are repealed as of the above date.

32-44. Zoning District Boundaries

- A. Unless otherwise indicated, zoning districts boundary lines shall be the center lines of streets, highways, water courses or railroad rights of way. Where no dimensions or specific locations are given for a district boundary line, such dimension or location shall be determined by applying the scale as shown on the zoning map.
- B. Where a lot is divided by a zoning district boundary line the provisions of either zoning district shall apply to said lot except that, neither district shall, in effect, extend into the adjacent district for a distance greater than thirty (30) feet.

**ARTICLE VIII.
 ZONING DISTRICT USE REGULATIONS**

32-45. Interpretation of Zoning Use Table

The status of the uses listed in this article is indicated by a letter in the appropriate column. The interpretation of these letters shall be as follows:

- A. P - The use is permitted in the designated zoning district.
- B. S - The use is permitted only by special use permit in the designated zoning district. Such special use permit may be granted by the Zoning Board of Review under the procedures and standards outlined in Article III and Article V, and elsewhere in this ordinance.
- C. Where no letter appears, the use is not permitted in the designated zoning district. Uses not listed in this section or not included within the general description of any category of this section are not permitted in the Town of Warren.

32-46. <u>Agricultural Uses</u>	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
Commercial raising of crops	P	P							S	P		P
Commercial raising of animals excluding hogs	P*	S*										P
Commercial stables or the boarding of horses	P*	S*										P
Commercial nursery or greenhouse	S	S					P			P		P
Aquaculture								P	S			
Stand for the sale of products grown on the premises	P	S					P			S		P

* Requires a minimum of 100,000 square feet of lot area

32-47. Residential Uses	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
Cluster development under Article XVI.	P	P		P								
Single family dwelling	P	P	P	P	P	P		P				
In-law apartment under Article XXIV.	S	S	S	S	S	S	S	S		S		
Two family dwelling		S	S	S	S	S		S				
Multi-family dwelling				S*	S				S			
Detached accessory family dwelling unit	S ***											
Apartment Complex					S				S			
Mixed use, residential						S	S	S	S			
Household	P	P	P	P	P	P		P	S			
Community residence	P	P	P	P	P	P		P	S			
Family day care home	P	P	P	P	P	P		P	S			
Guest house or bed and breakfast	S	S	S	S	S	S	S	S				
Hotel						S	S		S			
Motel or tourist court						-	S	-				
Renting of up to two rooms in a dwelling by a resident family	P	P	P	P	P	P	P	P				
Customary home occupation **	P	P	P	P	P	P	P	P				

* Such multi-family dwelling within an R-10 District shall be limited to a three-family dwelling and shall not involve the construction of a new building, but rather the alteration of an existing building to provide a third dwelling unit with the following restrictions and requirements: there shall be no exterior modifications to the building; the third dwelling unit shall consist of a minimum of eight hundred (800) square feet of livable floor space; access to the third unit must be provided by both front and rear interior stairways; and the construction shall conform to all current applicable state codes.

** Such home occupation shall be carried on within a dwelling, require no exterior alterations to said dwelling and use only tools or implements normally found in a dwelling; such occupation shall use no more than fifty (50) percent of the area of one (1) floor, shall employ no non-resident personnel and shall require no outdoor or visible storage.

*** Detached accessory family dwelling unit within an R-40 District shall be limited to a single accessory structure which existed together with the principal structure as of January 1, 2000, on parcels containing not less than five (5) acres, all dimensional requirements of the zoning regulations are met, living space in the accessory structure shall only be within the existing footprint and roof line of the existing structure other than open decks and porches as allowed by the zoning regulations and board upon review, it shall consist of a minimum floor footprint of eight hundred (800) square feet, all utilities including water, electric, heating and sewer/septic on site are adequate to support the propose use independent of the principal dwelling unit, vehicle ingress and egress is adequate to the satisfaction of the heads of the police, fire, highway departments and the building official, the property owner resides on the same lot as the detached accessory family dwelling unit, neither the attached family dwelling unit nor the existing residential structure shall be sublet or subleased at any time, scaled plans of any proposed remodeling have been submitted to the building official and the zoning board, prior to occupancy, affidavits (such as Exhibit _A to these ordinances to be determined by the Building Official) reciting the names and family relationships among the parties seeking approval shall have been signed and submitted with the building official

and shall be annually thereafter submitted to the building official concurrent with the payment of the first quarter tax payment, for the duration of the occupancy; within sixty (60) days of the vacancy of the detached accessory family unit, the owner shall remove any kitchen facilities in such unit and notify the building official to inspect the premises which right of inspection shall continue for three (3) consecutive years from the time of vacancy allowing at least three inspections per year. The Special Use Authority shall terminate and all kitchen facilities shall be removed upon transfer of the property.

32-48. <u>Outdoor Recreation Uses</u>	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
Golf course not including miniature golf or a driving range	S	S										
Town owned park or playing field	P	P	P	P	P	P	P	P	P	P		
Bathing beach	S	S	S	S	S			S				S
Any other outdoor recreation use							S	S				

32-49. <u>Public and Semi-Public Uses</u>	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
Church or other place of worship	S	S	S	S	S	S	S	S	S	S		
Medical center or hospital, not for mental or addiction treatment						S	S					
Veterinary hospital or animal shelter						S	S				S	
Social, fraternal or charitable club, not including commercial activity		-	-	-	-	S	S	S				
Town owned recreation facility	P	P	P	P	P	P	P	P				
Convalescent, nursing or rest home	-	-	-	S	S	S	S					
Assisted living facility	S	S	S	S	S	S	S					
Public educational institution	P	P	P	P	P	P	P		S			
Private educational institution	-	S	S	S	S	S	S		S			
Day care center or pre-school, including one accessory to a business establishment	-	S	S	S	S	S	S	S	S	S		
Trade school					-	S	S	S	S	P	S	

32-50. Office Uses	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
Professional office in a dwelling**	-	S	S	S	S	P	P	P		S		
Professional or business office building					S	P	P	P	S	S	S	
Bank, credit union or loan agency						P	P	P	S			
Office use with drive-through service						S	S		S			
Office for a wholesale or manufacturing use						P	P	P	P	P	S	

** Such professional office shall consist of one (1) professional person (physician, attorney, etc.) who is a resident of the premises, and not more than one (1) non-resident associate or employee, conducting business within a dwelling, provided there shall be no exterior alteration to the structure and no sale of products on the premises.

32-51. Eating and Entertainment Uses	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
Restaurant						S	S	S	S			
Tavern, bar or night club						S	S	S				
Restaurant or other use with drive-through services							S					
Commercial recreation structure						S	S	S	S			
Theater or concert hall						S	S	S	S			

32-52. Service Business Uses	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
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Barber, beauty, shoe repair, tailor, laundry and similar personal service business uses						P	P	S	S			
Print shop, photo studio and similar specialty service business uses						S	S	S	S		S	
Radio, television or appliance repair						P	P	S			S	
Mortuary or funeral home, not including crematory facilities				S	S	S	P					
Catering services						P	P	S	S	S	S	
Landscaping services							P			P	S	
Gasoline filling station, incld minor automotive repairs							S					
General automotive repair or body shop							S			S	S	
Motor vehicle rentals, including limousines						-	S	-		-	-	
Boat rentals							S	P	S			
Boat repair and service							S	P	S	S	S	
Laundromat or coin operated washing or dry cleaning shop						S	S	-				
Car washing establishment							S				S	
Mini-storage*							S					
Service business use with drive-through service							S					

* Subject to Article IX 32-61, and all other requirements of a Major Land Development

32-53. Retail Business Uses	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
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Grocery, bakery, drug, variety, delicatessen or similar retail business use							P	P	S	S			
Camera, hobby, furniture, jewelry, gift and similar specialty retail business uses							P	P	S	S			
Retail business uses in excess of 1,500 SF of retail space							S	S	S	S			
Auto or truck sales							-	S					
Trailer or mobile home sales								S					
Boat and ship sales								S	P	S			
Package liquor store							S	S	S				
Storage of propane gas for retail sale							-	-	-			S	
Retail business use with drive-through service								S					
Retail sales of goods and products as an accessory to a permitted manufacturing use									S	P	P		

** The area devoted to the retail sales shall be limited to ten (10) percent of the area used for manufacturing, not to include areas used for storage or offices, however, said area shall not exceed five thousand (5000) square feet.

32-54. <u>Transportation Uses</u>	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI
Heliport							S		S	S	S
Commercial off-street parking facility						S	S		S		
Boat Dock	S	S	S	S	S			S	S		
Ship dock or marina						-		S	S		
Motor freight terminal							S			S	S

32-55. <u>Wholesale Business and Storage Uses</u>	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
Wholesale business and storage of non-flammable and non-explosive materials within a structure						S	S	S	S	P	S	
Open lot storage of new building materials or machinery							S			S		
Storage of flammable materials										S		

32-56. Utilities and Communications Uses	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
Communication studio						S	P		S	S	S	
Transmission and cellular communication towers, including antenna attached to existing structures, and any modifications thereto						-	S		S	S	S	
Electric power generating station								S	S	S		
Electric power sub-station						-	S	-		S		
Telephone exchange, including accessory service facilities						P	P	-		P	S	
Water supply reservoir or well field, including purification facilities	P	S	S	S					S			
Water storage tower	S	S	S	S	S	S	S	S	S	S	S	
Sewage or water pumping station	S	S	S	S	S	S	S	S	S	S		
Sewage treatment plant						-	S	S	S	S		
Public utility, not otherwise specified	S	S	S	S	S	S	S	S	S	S	S	

32-57. Manufacturing and Related Uses	R40	R20	R15	R10	R6	VB	B	W	SD	M	CI	FC
Light assembly						S	S	S	S	S	S	
Manufacture, compounding, processing or packaging of food products							S	S	S	S	S	
Boat manufacture, ship manufacture								S	S	S	S	
Manufacture of marine products								S	S	S	S	
Plumbing, welding, carpentry or similar repair facility							S	S	S	S	S	
Any other manufacturing or related use not specifically listed above and not specifically prohibited under Section 32-58								S	S	S	S	

32-58. Accessory Uses

- A. Any use or structure accessory to, normally incident to and necessary for the operation of a use permitted in the district, located on the same lot or site with the principal use or structure, shall also be permitted in said zoning district.
- B. Any use or structure accessory to, normally incident to and necessary for the operation of a use allowed by special use permit in the district, located on the same lot or site with the principal use or structure, shall also be allowed by special use permit in said zoning district.

32-59. Prohibited Uses

The following uses are specifically prohibited in the Town of Warren:

- ❖ Acid manufacture
- ❖ Rendering or reduction of dead animals or offal
- ❖ Brass, steel or iron foundry, steel furnace or rolling mill
- ❖ Cement, lime or gypsum or plaster of paris manufacture
- ❖ Chlorine manufacture
- ❖ Coal distillation and derivation of coal products
- ❖ Creosote manufacture or treatment
- ❖ Drive-in theater
- ❖ Explosive manufacture or bulk storage
- ❖ Foundry and metals processing
- ❖ Industrial gas manufacture
- ❖ Open lot storage or wrecking of junk or salvage materials
- ❖ Open lot storage of solid fuel, sand, gravel or stone, except as incidental & accessory to an otherwise permitted use
- ❖ Petroleum refining
- ❖ Paint, shellac, turpentine or varnish manufacture
- ❖ Slaughterhouse
- ❖ Smelting of tin, copper, zinc or iron ore
- ❖ Stockyard
- ❖ Tanning or curing of raw hides
- ❖ Tar distillation or manufacture
- ❖ Tattoo parlors
- ❖ The use of a trailer or mobile home, whether or not placed on a permanent foundation, as a dwelling
- ❖ Any other manufacturing or related use which cannot comply with the standards contained in Section 32-66 of this ordinance
- ❖ Privately owned landfills, sanitary waste disposal sites, hazardous waste disposal sites or incinerators
- ❖ Installation of new residentially used underground storage tanks (UST's) containing petroleum products or hazardous materials.
- ❖ Any UST's used for commercial purposes, not under the jurisdiction of RIDEM.

ARTICLE IX. MULTI-FAMILY, APARTMENT COMPLEX DEVELOPMENTS

32-60. Multi-Family and Apartment Complex Requirements

As required in Section 32-47, all multi-family developments, including apartment complexes, shall require the granting of a special use permit by the Zoning Board of Review under the provisions of Article V of this ordinance. Where a multi-family or apartment complex is to be constructed as a complex of separated structures, the requirements of Section 32-4 relating to one (1) principal residential building shall not apply. The following requirements shall apply to all multi-family developments:

- A. Parking facilities shall be provided in accordance with the standards contained in Article XVIII, except that the Zoning Board may permit a reduction to one (1) space per family unit where the type of housing is deemed not to require provision of the normally required number of spaces per unit.
- B. Where public sewers are not available, the applicant shall submit to the Zoning Board a statement from the Rhode Island Department of Environmental Management certifying that the proposed development can be safely served by an on-site sewage disposal system and where applicable, an on-site water supply. Any recommendations or restrictions of the Department shall be made a condition of the granting of the special use permit for the development.
- C. Where a multi-family or apartment complex requires the subdivision of land as defined in the Warren Planning Board Regulations, the applicant shall submit a statement from the Warren Planning Board indicating that the proposed plat or subdivision has received preliminary approval under the Board's regulations. The granting of a special use permit by the Zoning Board shall not be construed as releasing the applicant from any requirement under the Warren Planning Board Regulations, or under any other code or ordinance of the Town of Warren or the State of Rhode Island.
- D. In granting a special use permit for a multi-family or apartment complex, the Zoning Board may permit accessory structures such as garages, swimming pools, tennis courts and other recreational facilities as prescribed in Section 32-58.

32-61. Site Plan Requirements for Apartment Complexes

Prior to the granting of a special use permit by the Zoning Board of Review for an apartment complex, the Warren Planning Board shall review the proposed development according to the procedures contained in Article II of the Planning Board Regulations for the review of a major land development or major subdivision. The Zoning Board shall not consider the application until the Planning Board has granted approval of the master plan. The Building Official shall grant no permit except for construction and occupancy in strict compliance with conditions required by the Planning Board and Zoning Board.

- A. Site Plan Submission. The site plan for a proposed apartment complex shall be presented to the Planning Board for review. The site plan shall show the following, as well as all current requirements for the submission of plans for a major land development:
1. Proposed name and location of the development, together with the names and addresses of the applicant and designer or engineer;
 2. Scale of plan, one (1) inch to forty (40) feet, or as required by the Planning Board;
 3. Date and north arrow;
 4. Contours at two (2) foot intervals;
 5. Boundary line of proposed development, indicated by a solid line and the total acreage encompassed thereby;
 6. Locations, widths and names of all existing or prior platted streets, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, permanent easements, and section and municipal boundary lines, within five hundred (500) feet of the tract;
 7. Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe sizes, grades, manholes and location;
 8. Location, arrangement and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
 9. Location, arrangement and dimensions of truck loading and unloading spaces and docks;
 10. Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes, and locations and dimensions of pedestrian entrances, exits, walks and walkways;
 11. Drainage system and sanitary sewers;
 12. Locations, heights and material of walls, fences and screen plantings;
 13. Ground cover, finished grades, slopes, banks and ditches;
 14. Location and general exterior dimensions of principal and accessory buildings;

15. Location, size, height and orientation of all signs other than signs on building facades;
 16. Preliminary architectural drawings for all buildings;
 17. The stages if any, to be followed in the construction of the development; and
 18. A traffic flow chart showing circulation patterns within the confines of the development.
- B. Action on Site Plan. The Planning Board shall follow the requirements and time periods contained in the Planning Board Regulations for the review of a major land development project, including those relating to certification of the plans, public notice and action on the plans.
- C. Change of Approved Site Plan. If the applicant wishes to make any amendments to an approved site plan, a written request shall be submitted to the Planning Board. If, in the opinion of the Planning Board, a requested change is sufficiently substantial, the Planning Board shall require the submission of an amended site plan. The procedure for the consideration of such written request or of such amended site plan shall be the same as that for consideration of an original site plan.

**ARTICLE X.
REGULATION OF MANUFACTURING USES**

32-62. Purpose

The purpose of this article is to insure that manufacturing operations shall be so developed as to minimize disturbance to the general health, safety and welfare of the Town of Warren, and to minimize their effect upon neighboring property and uses. No structure shall be erected or occupied and no land shall be used for any manufacturing use designated in this ordinance unless such manufacturing use has conformed to the requirements of this article.

32-63. Procedure

The Zoning Board of Review shall act upon all requests for zoning permits for manufacturing uses in accordance with Article V of this ordinance, and make findings as to the compliance of the proposed uses to the performance standards of this article. The Board shall invite the applicant or his representative to appear before it.

It is intended that the burden of proof for the establishment of compliance with conformance standards shall rest with the applicant. All information and evidence submitted in applications to indicate conformity to performance standards shall constitute certification and an agreement on the part of the applicant that the proposed use can and will conform to such standards. No applicant shall be required to reveal any secret processes.

32-64. Evidence

The Zoning Board of Review may require such evidence as may be pertinent to establish that the proposed use will comply with this article, including expected levels or quantities of noise, vibration, liquid or solid wastes, smoke and other forms of air pollution, heat and glare or other nuisances as set forth in this article in terms easily comparable with the values given in this article.

In cases where corrections devices are to be used they shall be stated, and examples of such correction devices in use will be given with such illustrations as are necessary to clearly convey the methods used to the Zoning Board. Examples of similar industrial operation in actual use with photographs, testimony and explanation, may be submitted to the Board to clearly convey the type of use and its performance.

32-65. Enforcement of Standards

In the event of a determination by the Zoning Officer of a violation of the performance standards subsequent to the granting of a zoning permit, a written notice of the violation shall be sent by registered mail to the owner of the manufacturing use. The notice shall further state that upon the continuation of the violation, technical determinations as described in this ordinance shall be made by the Zoning Officer and that if violations as alleged are found, costs of such determinations, including the costs of hiring qualified experts, shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate; but that if

it is determined that no violation exists, the cost of the determination will be paid by the Town of Warren.

32-66. Standards of Performance

The following standards for the operation of manufacturing uses shall apply:

- A. Noise. Noise shall be measured from any property line of the tract on which the manufacturing operation is located. At the specified points of measurement, the sound pressure level of noise radiated continuously from a manufacturing facility or activity (other than background noises not under direct control of the manufacturing use, such as vehicular traffic) shall not exceed the values given in Table 1 and 2 in octave bands of frequency, between the night-time hours of 11 P.M. and 7 A.M.

The instruments used for these measurements shall conform to the specifications published by the American Standards Association, Inc. New York, N. Y. The sound pressure level shall be measured with a Sound Level Meter (American Standard Specification for Sound Level Meters for measurement of Noise and Other Sounds, (Sl.4-1961) and an Octave Band Filter Set, as indicated in Table 1).

Table 1

MAXIMUM PERMISSIBLE SOUND-PRESSURE LEVELS

<u>Pre-1960 Octave Bands (a)</u>		<u>Preferred Frequency Octave Bands (b)</u>	
<u>Octave Band Frequency (Cycles per Second)</u>	<u>Decibels</u>	<u>Octave Band Center Frequency (Cycles per Second)</u>	<u>Decibels</u>
0-75	72	31.5	76
75-150	67	63	71
150-300	59	125	65
300-600	52	250	57
600-1200	46	500	50
1200-2400	40	1000	45
2400-4800	34	2000	39
Above 4800	32	4000	34
		8000	32

(a) Pre-1960 Octave Bands. A standardized series of octave bands prescribed by the American Standards Association in Z24.10-1953, Octave Band Filter Set for the Analysis of Noise and Other Sounds.

(b) Preferred Frequency Octave Bands. A standardized series of octave bands prescribed by the American Standards Association in Sl.6-1960, Preferred Frequencies for the Acoustical Measurements.

If the noise is not smooth and continuous and/or is not radiated between the hours of 11 P.M. and 7 A.M., one or more of the corrections in Table 2 following shall be added to or subtracted from each of the decibel levels given above in Table 1.

Table 2

<u>Type of Operation or Character of Noise</u>	<u>Correction in Decibels</u>
Daytime operation 7 A.M. to 11 P.M.	Plus 5
Noise source operated less than 20% of any one hour period	Plus 5*
Noise source operated less than 5% of any one hour period	Plus 10*
Noise source operated less than 1% of any one hour period	Plus 15*
Noise of impulsive character (Hammering, and so forth)	Minus 5
Noise of periodic character (Hum, screech and so forth)	Minus 5

* Apply one of these corrections only

- B. Vibration. Vibration shall be measured at the nearest property line. No vibration is permitted which is discernable to human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7 A.M. and 7 P.M., or thirty (30) seconds or more duration in any one hour between 7 P.M. and 7 A.M. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines Bulletin No. 442 "Seismic Effect of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442 shall be used to compute all values for the enforcement of this regulation.
- C. Smoke and other Forms of Air Pollution. Manufacturing operations shall conform to the air pollution control regulations of the Rhode Island Department of Environmental Management, issued under the provisions of Chapter 23-25 of the General Laws of Rhode Island, 1956, as amended, which regulations are hereby incorporated as part of this ordinance.
- D. Sewage and Waste. Sewage and waste shall be deposited in the public sewage system when available. No sewage waste shall be discharged into the public

sewage system, which adversely affects the efficient operation of the sewage treatment plant, or any part of the system, which is dangerous to the public health and safety. Effluent from any manufacturing use which is discharged into the ground shall at all times comply with the regulations of the Rhode Island Department of Environmental Management relating to the disposal of sanitary sewage in unsewered areas, issued under the provisions of Chapter 23-1 of the General Laws of Rhode Island, 1956, as amended, which regulations are hereby incorporated as part of this ordinance.

- E. Heat and Glare. Any manufacturing operation producing heat and/or glare (as differentiated from interior illumination) shall be shielded so that no heat or glare can be recorded at the property line. No lighting shall be used in such a manner that produces glare on public highways or neighboring property.
- F. Radiation. Manufacturing operation shall cause no dangerous radiation at the property line as specified by the regulations of the United States Atomic Energy Commission.

32-67. Other Requirements

- A. If the proposed manufacturing operation use involves the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale, lease or other conveyance, or for development, simultaneous or at separate times, and said division of lot, tract or parcel does not meet all of the conditions set out in Rhode Island General Laws 45-23-1 subsections (a) through (d) then, upon the granting of a special use permit by the Zoning Board of Review, the site plan shall be approved by the Planning Board prior to any issuance of a building permit by the Building Inspector.
- B. In addition to the normal information required by the Subdivision Regulations, the submission to the Planning Board shall include the following information:
 - 1. Proposed name and location of the manufacturing operation, together with the names and addresses of the applicant and designer or engineer;
 - 2. Scale of plan, one (1) inch to forty (40) feet, or as required by the Planning Board;
 - 3. Date and north arrow;
 - 4. Contours at two (2) foot intervals;
 - 5. Boundary lines of proposed development, indicated by a solid line and the total acreage encompassed thereby;

6. Location, widths and names of all existing or prior platted streets, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, and sections and municipal boundary lines, within five hundred (500) feet of the tract;
7. Existing sewers, water mains, culverts and other underground facilities within the tract, indicating pipe sizes, grades, manholes and locations;
8. Location arrangement and dimensions of automobile parking spaces, width of aisles, width of bays, angle of parking;
9. Location, arrangement and dimensions of truck loading and unloading spaces and docks;
10. Drainage systems and sanitary uses;
11. Locations, heights and materials of walls, fences and screen plantings;
12. Ground cover, finished grades, slopes, banks and ditches;
13. Location and general exterior dimensions of principal and accessory buildings;
14. Location, size, height and orientation of all signs, other than signs on building facades;
15. Preliminary architectural drawings for all buildings;
16. The stages, if any, to be followed in the construction of the development; and
17. A traffic flow chart showing circulation patterns within the confines of the development.

ARTICLE XI. LIGHT ASSEMBLY USE

As provided in Section 32-57, a light assembly use may be allowed by special use permit as granted by the Zoning Board of Review under provisions of Article V of this ordinance.

32-68. Purpose

- A. It is the purpose of this article to allow, by special use permit, certain light assembly business uses to locate in the Village Business, Business, Waterfront, Special and Manufacturing Districts, where in the opinion of the Zoning Board of Review such operations will not interfere with neighboring uses. Such provision is designed to overcome the burdensome necessity for small assemblers that have some attributes of both industry and business to locate in areas reserved for heavier industrial uses. This shall permit reasonable alternatives that, where feasible, should encourage small assembly uses to utilize existing vacant commercial structures or erect new structures in certain instances.
- B. Activities such as light bench operations of the jewelry industry, display assembly, sign making, boat cushion making, upholstering, creation of computer software and electronic assembly are examples that may be considered light assembly.

32-69. Regulation

For the purpose of this ordinance, a light assembly use shall meet all of the following standards:

- A. No more than twenty (20) persons shall be employed on the site.
- B. Excluding heating and air-condition needs, total horsepower requirements shall not exceed more than twenty (20) horsepower.
- C. Noise levels shall not exceed sixty (60) decibels at any frequency at either the property line or on the opposite side of an adjoining wall. Further, impact noises as that from a punch press or a forging hammer, are prohibited. Vibration levels shall not be discernable as specified in Section 32-66 (B) for more than ten (10) seconds during any one- (1) hour period. Finally, any odor that produces a discernable objectionable olfactory response from typical human beings shall be prohibited. In the event of a dispute, the Zoning Board of Review shall be the local body charged with the duty of administering this paragraph.
- D. Other than use of typical hand-held or bench type flame sources specifically permitted by the Zoning Board of Review, the burning of combustibles not directly related to the heating of the structure shall be prohibited.

- E. Detonable materials including explosives, unstable compounds, or explosive vapors with a closed cup flash point of less than 105 degrees F. shall be prohibited
- F. In addition to the above, the Zoning Board shall make findings and place limitations on each of the following:
 - 1. Traffic impacts shall not be incompatible with or deleterious to the neighborhood.
 - 2. The building site and parking should be properly screened to reduce any negative visual impacts on the neighborhood.
 - 3. There shall be no operations, work or activity between the hours of 11:00 p.m. and 6:00 a.m. in residential areas.
 - 4. There shall be no outdoor storage of materials in residential areas, or within fifty (50) feet of a residential district.

ARTICLE XII. NONCONFORMING DEVELOPMENT

32-70. Definition of Nonconforming Development

Any use of land or structure, or any combination thereof, which was in lawful operation at the time of adoption of this ordinance, or any subsequent amendment, but is not in conformity with all applicable provisions of this ordinance, shall be deemed to be a lawful nonconforming development. A development may be nonconforming by either use or by dimension.

32-71. Continuance

All lawful nonconforming development shall be permitted to continue in the manner existing at the time of the adoption of this ordinance, until such use or structure is discontinued, destroyed, demolished or changed. A nonconforming building or structure may continue to be used, maintained and repaired, except as otherwise provided in this article.

32-72. Discontinuance or Abandonment

A lawful nonconforming use of land or structure, or any combination thereof, which has been discontinued or abandoned shall not be allowed to resume, and any future use of such land or structure shall be in conformity with the applicable provisions of this ordinance. Abandonment of a nonconforming use shall consist of some overt act, or failure to act, which would lead one to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use. An involuntary interruption of nonconforming use, such as by fire or natural catastrophe, does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of one (1) year, the owner of the nonconforming use will be presumed to have abandoned the nonconforming use, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.

32-73. Destruction

A lawful nonconforming use or structure which is damaged or destroyed by fire, storm or other act of God, may be reconstructed or re-established in the same location and to the same size, extent or intensity as that existing prior to such damage or destruction, provided that such reconstruction or re-establishment shall be commenced within one (1) year after said damage or destruction, and a diligent effort is made to complete the necessary work. If such action is not taken within a one (1) year period, then the owner will be presumed to have abandoned the nonconforming use or structure, unless that presumption is rebutted by the presentation of sufficient evidence of intent not to abandon the use.

32-74. Extension

No nonconforming use shall hereafter be made of any land, building or structure which otherwise conforms to the provisions of this ordinance, nor shall any nonconforming use be

expanded or extended into other conforming land, building or structure or portion thereof, except as hereafter provided. The Zoning Board of Review may grant, as a special use permit under the provisions of Article V, permission for the extension or enlargement of a nonconforming use up to twenty-five (25) percent of the size of the building or structure thus used. Such an extension or enlargement shall be granted only once, and shall be subject to any safeguards or restrictions deemed appropriate by the Board. Any other legal nonconforming use of any parcel of land shall not be extended beyond that portion of the lot thus used unless a use variance is granted by the Board under the provisions of Article IV.

32-75. Change in Use

No nonconforming use shall be made of any land, building or structure which shall be substantially different in character from the nonconforming use made of such land, building or structure at the time of passage of this amendment or any subsequent amendment. A nonconforming use shall be considered substantially different in character if it is not specifically mentioned as a line item under the "Use Classifications" of Article VIII of this ordinance with the existing nonconforming use. The Zoning Board of Review may grant, as a special use permit under the provisions of Article V, permission for a change of a nonconforming use to another nonconforming use of a more restrictive character. Such a change shall be subject to any safeguards or restrictions deemed appropriate by the Board.

32-76. Other Provisions

- A. A building or structure nonconforming as to side yard regulations shall not be added to or enlarged in any manner, except for roof dormers which shall not project beyond the existing building alignment, unless such addition or enlargement conforms to all regulations of the district in which it is located, or a special use permit is granted by the Zoning Board of Review.
- B. A nonconforming commercial or industrial use lacking sufficient off-street parking or loading space as required in this ordinance, may, consistent with other provisions of this ordinance, be altered to provide additional parking or loading space to meet the requirements of this ordinance.
- C. No nonconforming building or structure shall be moved in whole or in part to any other location on the same lot or any other lot, unless every portion of such building or structure is made to conform to all regulations of the district in which it is located, or proposed to be relocated.

32-76.1. Land Unsuitable for Development

- A. When calculating the number of residential, commercial or industrial building lots or units permitted on any parcel, land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the minimum building acreage of the parcel:
 - 1. Fresh water wetlands, except that area of perimeter wetland within fifty (50) feet of

the edge of any bog, marsh, swamp or pond and any applicable one hundred (100) foot or two hundred (200) foot river bank wetlands, as defined by Rhode Island General Laws Section 2-1-20 (1987), as amended, whichever is greater.

2. Coastal wetlands, as defined by Rhode Island General Laws Section 46-23-6(B) (3) (1990), as amended.
 3. Areas with slopes in excess of twenty-five (25) percent.
- B. Land described in Subsection A (1), (2) and (3), above, may be included as part of any lot in any subdivision or land development project; provided, however, that land unsuitable for development shall not be counted toward the minimum lot size required in Article XIII of this ordinance. This requirement does not apply to existing lots of record.

32-76.2. Density Calculation

The maximum number of units in a Residential Cluster Development, as provided in Article XVI of this ordinance, and in a conventional subdivision or land development project shall be determined by the following method:

- A. Land unsuitable for development as the term is defined in Section 32-76.1 of this ordinance and in Article I, Section 14(A) of the Planning Board Regulations, shall be subtracted from the total acreage of the parcel. In addition, the area of any street rights-of-way actually designed for the proposed subdivision shall be subtracted from the total acreage.
- B. The remaining acreage of the parcel shall be divided by the minimum lot size for standard subdivision lots for the zoning district in which the parcel is located.
- C. A conventional subdivision concept plan establishing a base number of units is required with the submission of any cluster alternative. For density purposes, lots in an unsewered area that are not likely to support an individual sewage disposal system (ISDS) must be removed from the density calculation.
- D. In no case shall the number of dwelling units for a residential cluster development exceed that which would be allowed under a conventional subdivision. The resulting figure is the maximum number of dwelling units permitted.

**ARTICLE XIII.
 ZONING DISTRICT DIMENSIONAL REQUIREMENTS**

32-77. Residence Districts

District and Use	Minimum Lot Area (sq. ft.)	Minimum Lot Front-age and (3) Width (feet)	Minimum Front Yard Depth (feet)	Minimum Rear Yard Depth (feet)	Minimum Side Yard Width (feet)	Maximum Bldg. Coverage of Lot (%)
Residence 40						
Single family dwelling	40,000	150	40	60	30	15%
Nursery, greenhouse, crop or animal raising	100,000	250	40	60	30	10%
Other use permitted by right or special use permit	40,000	150	40	60	30	15%
Residence 30						
Single family dwelling	30,000	125	40	55	25	15%
Nursery, greenhouse, crop or animal raising	100,000	250	40	60	30	10%
Other use permitted by right or special use permit	30,000	135	40	55	25	15%
Residence 20						
Single family dwelling	20,000	120	35	40	20	20%
Two family dwelling	30,000	140	35	40	25	20%
Nursery, greenhouse, crop or animal raising	100,000	250	40	60	30	10%
Other use permitted by right or special use permit	20,000	120	35	40	20	20%

District and Use	Minimum Lot Area (sq. ft.)	Minimum Lot Front-age and (3)Width (feet)	Minimum Front Yard Depth (feet)	Minimum Rear Yard Depth (feet)	Minimum Side Yard Width (feet)	Maximum Bldg. Coverage of Lot (%)
Residence 15						
Single family dwelling	15,000	110	35	35	15	20%
Other use permitted by right or special use permit	15,000	100	35	35	15	20%
Residence 10						
Single family dwelling	10,000	90	25	35	15	20%
Two family dwelling	15,000	110	25	35	15	20%
Other use permitted by right or special use permit	10,000	90	25	35	15	20%
Residence 6						
Single family dwelling	6,000	60	20	30	10	25%
Two family dwelling	8,000	70	20	30	10	25%
Multi-family dwelling	See Section 32-79	See Section 32-79	20	30	15	25%
Hotel, motel or tourist court	20,000	120	30	30	20	25%
Other use permitted by right or special use permit	6,000	60	20	30	10	25%

Maximum height for structures within all Residence Districts shall be thirty five (35) feet except that towers, silos, chimneys and similar elements may exceed this maximum provided that such elements shall be set back from all lot lines one (1) additional foot by which it exceeds the maximum height of thirty five (35) feet.

Maximum height for accessory structures within all Residence Districts shall be twenty (20) feet except within the Residence 6 District, where the maximum height shall be fifteen (15) feet.

32-77.1. Residential Village Overlay District

- A. The dimensional regulations of the Residential Village (RV) Overlay District apply only to legally created substandard lots within these districts; they allow for the modification of setbacks and building coverage within these lots which emulate the configuration and dimensional profile of the prevalent building pattern rather than the requirements of the underlying district.
- B. The modified dimensional regulations to be applied to such lots shall be determined by the size of the lot; the dimensional regulations to be applied shall be those contained in Section 32-77 for the zoning district which has a minimum lot size equal to or consecutively larger than the area of the lot in question. For example, development of a lot with twelve thousand (12,000) square feet of area in the RVO District shall conform to the front, rear and side

yard setbacks and building lot coverage requirements for a lot in the R-15 District.

- C. All land deemed merged under the provisions of Section 32-82 of this ordinance must be considered when applying these modified dimensional regulations.

Section 32-78. Business, Waterfront, Manufacturing, Commercial/Industrial, Rural Business

The minimum lot area within the Village Business and Waterfront Districts shall be 10,000 square feet, the minimum lot area within the Business and Rural Business Districts shall be 15,000 square feet, and the minimum lot area within the Special, Manufacturing and Commercial/Industrial Districts shall be 20,000 square feet. All other dimensional requirements are as follows:

District Any use permitted by right or special use permit	Minimum Distances				Maximum		
	Lot Frontage And Width	Structure from Residence District Boundary	Yard		Side Yard Width *See Note 2	Building Coverage of Lot	Building Height *See Note 1
			Front	Rear See Note 2			
(ft)	(ft)	(ft)	(ft)	(ft)	(%)	(ft)	
Village Business	50	15	15	20	10	30%	35
Business	100	40	25	20	10	25%	35
Waterfront	50	15	15	20	10	30%	35
Special District	100	50	25	50	50	40%	35
Commercial / Industrial	100	50	40	40	30	40%	35
Manufacturing	100	50	30	40	30	40%	35
Rural Business	50	40	15	20	10	60%	30
						**See Note 3	

*Note 1. Towers, chimneys and similar vertical elements may exceed the maximum height specified for the district, provided that such vertical element shall be set back from any lot line one (1) additional foot for each foot by which it exceeds the prescribed height limit for the district.

*Note 2. Minimum rear yard depth and minimum side yard width may be decreased to zero (0) where adjacent lots or land parcels are to be combined for the purpose of simultaneous development of one large structure or of interconnected structures as part of a planned, integrated commercial or industrial development.

**Note 3. Refer to Article XXVIII, Section 32-67 (E) for specifics as to obtaining this calculation.

To minimize run-off and to provide adequate green space, the total amount of impervious surfaces, including building coverage and pavement, shall not exceed sixty-five (65) percent of the total lot area.

32-79. Multi-Family and Apartment Development Complex

In addition to the requirements of Section 32-77, the following requirements shall apply to all multi-family and apartment complexes:

A. Multi-family residence - three (3) to six (6) dwelling units

<u>Multi-Family Residence of:</u>	<u>Min. Lot Area</u>	<u>Min. Lot Width</u>
3 dwelling units	9,500 sq. ft.	72 ft.
4 dwelling units	11,000 sq. ft.	74 ft.
5 dwelling units	12,500 sq. ft.	76 ft.
6 dwelling units	14,000 sq. ft.	78 ft.

B. Apartment complex - seven (7) or more dwelling units

Minimum Lot Area: Fourteen thousand (14,000) sq. ft. for the first six (6) dwelling units plus one thousand (1000) sq. ft. of land for each four hundred (400) sq. ft. of occupied floor area* in excess of the first six (6) units.

Minimum Lot Width: Eighty- (80) ft.

(*). Occupied floor area shall be defined as the total floor area of all dwelling units together with the floor area of all corridors, lobbies, lounges, common rooms and offices, excluding garage space, utility rooms, storage rooms and basement or cellar spaces not used as living space.

C. Where a multi-family or apartment complex is proposed as a complex of separated structures, no structure shall be placed any closer to another structure than a distance equal to the height of the tallest of the structures so separated.

32-80. Locations not Served by Public Water

In areas of the Town of Warren not served by a public water system, any applicant for a zoning permit shall submit a statement from the Rhode Island Department of Health certifying that the proposed use or structure can be properly and safely served by a private, on-site water supply. Where recommended by said state agency, the Zoning Officer shall require that the proposed lot

or site be enlarged or altered in accordance with said recommendations prior to the issuance of a zoning permit. Where, in the opinion of said state agency, a proper and safe water supply cannot be developed, the Zoning Officer shall withhold the issuance of a zoning permit.

ARTICLE XIV. SUBSTANDARD LOTS AND LOT REDUCTION

32-81. Use of Substandard Lots

A substandard lot of record having frontage on a street may be used for any purpose permitted in the zoning district in which it is located, provided such lot was shown on a recorded deed or plat entered into the land evidence records in the Office of the Town Clerk on the effective date of this ordinance, or any other ordinance or amendment rendering it substandard.

32-82. Merger of Lots Under the Same Ownership

Notwithstanding the provisions of Section 32-81 above, where adjacent land is in the same ownership, such lot shall be combined with adjacent land to form a lot of the required dimensions and area, or to decrease the degree of non-conformity where the required area and dimensions cannot be achieved. Substandard lots of record, in the R-10 and R-6 Districts, which after being subject to the above requirements, deviate by more than twenty five percent (25%) in the minimum lot area, shall have two side yards each having a setback of not less than ten (10) percent of the frontage of the lot, or six (6) feet, whichever is greater, provided that any side yard abutting on a street shall have a setback of not less than fifteen (15) feet.

The merger requirement shall apply to all adjacent land under the same ownership, whether improved or unimproved, except that where both the substandard original lot and the adjacent lot have structures located thereon, it shall apply only if said structures are related to a principal use located on one (1) or more of the lots. For purposes of this article, "under the same ownership" shall apply to a specific owner and to any of the following:

- A. Such owner's spouse or parents, children, grandparents, grandchildren or siblings, blood or adoptive;
- B. A trustee of a trust for the benefit of such owner, or for any person identified in the immediate preceding clause;
- C. A corporation, partnership, firm, business or entity of which the majority of the voting interest is owned by such owner, or any person identified in either clause above; or
- D. A person who is an officer, director, stockholder (fifteen percent (15%) or more), trustee employee or partner of any entity or person referred to in any of the clauses above.

32-83. Standards for Merger on a District by District Basis

In keeping with the land use policies contained in the Comprehensive Plan, including that to preserve the essential character and scale of the Town; to insure that future development is compatible with adjoining land uses and environmentally and historically sensitive areas; to avoid additional congestion within the Town's circulation system; and to avoid additional burden

on the Town's services including the public safety and school systems and its water supply and wastewater disposal systems, the merger provisions of Section 32-82 shall apply to all zoning districts within the Town of Warren.

32-84. Reduction of Lot Size

Neither the area nor the frontage of a lot may be reduced or diminished so that the yards or total lot area shall be less than the minimum requirements prescribed in this ordinance. No required yard or other area of one lot shall be considered, as providing the minimum area or frontage required for any other lot. No zoning permit shall be issued to the owner of a lot, the area or frontage of which lot has been made to conform to the minimum requirements prescribed by this ordinance by virtue of having obtained sufficient area or frontage by rendering an adjacent lot substandard either with regard to the minimum area, yard or frontage requirements.

32-85. Special Use Permits Required

Relief from the merger requirements of this article may be granted by the Zoning Board of Review as special use permit under the provisions of Article V. Any substandard lot of record in a Residence District which cannot be merged under the provisions of Section 32-82, shall be used only for a single family dwelling following the issuance of a special use permit by the Board.

**ARTICLE XV.
SPECIAL YARD AND DIMENSIONAL REQUIREMENTS**

32-86. Vision Clearance at Corners

In the triangle formed by the lines of street rights-of-way intersecting at an angle of less than one hundred thirty five (135) degrees and a line joining points on such lines thirty (30) feet distant from their point of intersection, no building or structure and no vegetation may be maintained between a height of two and one half (2 1/2) feet and ten (10) feet above the plane through their street grades. All fences, hedges and walls within ten (10) feet of the property line shall not exceed two and one half (2 1/2) feet in height.

32-87. Front Yards on a Through or Corner Lot

The front lot line for through or corner lots shall be that along the street from which the dwelling located on the lot takes its legal address. At the designated front lot line, there shall be a yard depth required by this ordinance for a front yard in the zoning district in which the street frontage is located.

32-88. Authorized Departures from Yard Regulations

The following departures from the yard regulations otherwise applicable are hereby authorized:

- A. Adjoining Projecting Buildings. Where a lot adjoins a lot on one or both sides having a main building which projects beyond the established front yard line, and has been so maintained since this ordinance became effective, the front yard requirement on such lot may be the average of the front yard of said existing buildings or building. In no case shall this front yard requirement be less than fifteen (15) feet.
- B. Projections of Ornamental Features. Projections of cornices, window sills, and other ornamental features may extend up to one (1) foot into a required yard area.
- C. Accessory Structures. A permitted accessory structure which is one hundred and twenty (120) square feet or less in floor area may be placed no closer than three (3) feet to a property boundary within a side or rear yard area, while an accessory structure over one hundred and twenty (120) square feet in floor area may be placed no closer than ten (10) feet to a lot line within a side or rear yard area. These provisions apply in all districts unless otherwise indicated in specific sections of this ordinance.
- D. Fences. Fences up to six (6) feet may be placed in a rear yard area and fences up to four (4) feet may be placed in a side yard area, subject to the limitations of Section 32-86 of this ordinance. Fences up to three (3) feet may be placed in a front yard area. These provisions apply in all districts unless otherwise indicated in specific sections of this ordinance

- E. Decks. Decks sixteen (16) inches or less in height may be placed no closer than six (6) feet to any property line, while decks higher than sixteen (16) inches may be placed up to a distance from the property line equivalent to two thirds (2/3) of the required front, rear or side yard setbacks, as applicable.
- F. Carports. A carport, where attached to the main building, may be erected over a driveway in a side yard no closer to the property line than a distance equivalent to ten percent (10%) of the frontage or six (6) feet, whichever is greater. Such structure shall not be over twenty-four (24) feet in length and is entirely open on three sides, except for necessary supporting columns and customary architectural features.
- G. Three Sided Lot. In the event that a lot contains only three sides, the width of the lot shall be considered to be the distance between side lot lines, measured along an arc at the required front yard depth.
- H. Irregular Lot. In the event the front yard of a lot abuts a curve, a cul-de-sac or a junction of two streets that form an interior angle approximating ninety (90) degrees, the width of the lot shall be considered to be the distance between the side lot lines, measured at the required front yard depth.

32-89. Setback from Wetlands and Water Bodies

Sewage disposal facilities which are designed to leach fluid wastes into the soil shall be located not less than one hundred fifty (150) feet from the edge of any wetland, water body or stream. On tidal water bodies, this measurement shall be made from the normal high tide mark.

Except as otherwise provided in this or other applicable regulations, no development shall be located within fifty (50) feet of any wetland, water body or stream unless a variance is granted by the Zoning Board of Review under the provisions of Article IV. In areas of Warren served by individual sewage disposal systems (ISDS), no development shall be located within one hundred (100) feet of any wetland, water body, coastal features or stream unless a variance is granted by the Zoning Board of Review under the provisions of Article IV.

32-90. Parking and Storage of Vehicles in Residence Districts

In any Residence District, the following may be parked or stored in a rear yard area:

- A. One commercial vehicle of no greater than one and one half (1 1/2) ton capacity;
or
- B. One travel trailer, camper trailer or camper bus type recreation vehicle with a maximum length of twenty-four (24) feet, not including mobile homes; or
- C. One (1) boat and/or one (1) boat trailer with a maximum length of thirty five (35) feet.

All such parked or stored vehicles shall be registered for current use on the highways or, in the case of boats, shall be in useable condition, and no such vehicle or boat shall be used for human habitation while so stored. In addition, no unregistered automobile shall be stored out of doors on a lot in a Residence District. Subsection A above shall not apply to commercial vehicles in connection with lawfully existing nonconforming uses in a residential district.

ARTICLE XVI. CLUSTER DEVELOPMENT

32-91. Definition and Intent

A cluster development uses a site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally or other sensitive features and/or structures. Residential Cluster Development (RCD) is a technique which will serve to implement several of the policies of the Land Use, Natural and Cultural Resources, and Recreation, Conservation and Open Space Elements of the Warren Comprehensive Plan.

32-92. Districts in which Cluster is Permitted

The RCD is a permitted and desirable use in the R40, R20 and R10 Districts. Submission requirements, procedures and design criteria relating to Residential Cluster Developments (RCD's) are governed by all applicable sections of the Planning Board Regulations.

32-93. Dimensional Regulations for Lots in Residential Cluster Developments

- A. Single family detached or attached dwellings may be built on lots smaller than normally required. Lot sizes may be as small as 20,000 square feet per dwelling unit in an R40 District, 10,000 square feet per dwelling unit in an R20 District and 6000 square feet per dwelling in an R10 District. All other minimal dimensional requirements shall be the same as the district governing the smallest permitted lot size. For example, a cluster development in an or R40 District shall follow the minimum lot width, setback and lot coverage requirements of a conventional development in the R20 District, and a cluster development in an R20 District shall follow the minimal dimensional requirements of an R10 District as specified in Section 32-77 of this ordinance.
- B. No dwelling in a cluster development shall be built vertically for more than one (1) family.
- C. Where lots on the outer perimeter of the proposed RCD are contiguous to developed residential building lots outside the RCD, or there are existing residential structures within one hundred (100) feet of the perimeter of the RCD, the lots on the perimeter of the RCD must comply with the rear yard setback required for the underlying zoning district in which the cluster is located. This dimensional requirement may also be met in the form of an easement or open space lot.

32-94. Permitted Uses

Residential uses are restricted to single family attached or detached structures and uses accessory thereto.

32-95. Density Calculation

The maximum number of units in an RCD shall be calculated in accordance with Section 32-76.2 of this ordinance and Article 1, Section 14(B) of the Planning Board Regulations.

32-96. Open Space Requirements

- A. The open space in an RCD shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses.
- B. Parking areas and rubbish disposal areas that are accessory to any residential dwelling structure located in a cluster development shall not be located in any open space lot.
- C. The open space in an RCD may be devoted only to those uses as specified below in Section 32-97 and as provided by Article VIII *Zoning District Use Regulations* of this ordinance, provided, however that the following conditions and those of Article IV of the Warren Planning Board Regulations are satisfied.
 - 1. In each RCD the use or uses of the open space shall be specifically approved by the Warren Planning Board at the time of the final subdivision approval, in addition to whatever approval may be necessary by the Zoning Board of Review.
 - 2. The open space shall be protected from further development or unauthorized alteration by the grant of a conservation or preservation easement to the Town of Warren pursuant to Title 43, Chapter 39 of the RI General Laws.
 - 3. Any buildings structures, parking areas or impervious improvements associated with the open space use may be located on the open space lot provided that they occupy no more than eight (8) percent of the upland open space of the RCD.
 - 4. Open space that is preserved for public or common use shall either be conveyed to the Town of Warren for its designated and permitted use; be conveyed to a non-profit organization, the principal purpose of which is the preservation of open space; or be conveyed to a corporation or trust owned, or to be owned by the owners of the lots or units within the development, or owners of shares within a cooperative development. If such a cooperation or trust is used ownership shall pass with conveyances of the lots or units.

32-97. Allowable Open Space Uses in an RCD

An open space plan must be submitted with all cluster subdivisions in accordance with the requirements of Article IV of the Planning Board Regulations.

- A. A minimum of forty (40) percent of the land area of the tract, exclusive of land set aside for road area, and exclusive of all land deemed unsuitable for development as per Section 32-76.1 of these regulations, shall be common open space to be used for recreation and/or conservation purposes. This minimum required area shall be in addition to any open space used for stormwater drainage facilities as provided in Article IV Section 6 of the Planning Board Regulations entitled Drainage Facilities.
- B. Provision shall be made to provide that a maximum of twenty (20) percent of the forty (40) percent of the land area of the tract required to be common open space as described in the previous paragraph, can be devoted to paved areas such as tennis courts and swimming pools and structures used accessory to active outdoor recreation.
- C. The following uses are permitted in the open space, provided that they are designed, constructed and managed in accordance with an approved open space management plan and in accordance with Article IV of the Planning Board Regulations:
- ❖ Commercial raising of crops and animals, excluding hogs
 - ❖ Horticulture or nursery
 - ❖ Stables or the boarding of horses
 - ❖ Stand for the sale of products grown on the premises
 - ❖ Public park or playing field, playground or court
 - ❖ Conservation area, wildlife area
 - ❖ Private park, playing field, playground or court
 - ❖ Bike path, bridle paths and/or footpaths
 - ❖ Indoor or outdoor recreational facilities operated by a non-profit neighborhood association or the Town.

**ARTICLE XVII.
SPECIAL FLOOD HAZARD AREAS AND FLOOD FRINGE LANDS**

32-98. Purpose

The provisions herein governing the development and use of inland and tidal land subject to flood hazards shall be minimum provisions, shall take precedence over any other conflicting laws, ordinances or codes, but shall consider any flood plain management programs in neighboring areas, and are established for the following purposes:

- A. To avoid or lessen the various hazards to persons resulting from inland and tidal flooding and the damage to property resulting from accumulation or runoff of storm and flood waters;
- B. To protect floodways from encroachment;
- C. To maintain the capability of the flood plain to retain flood waters;
- D. To provide for the development of the flood plain with uses not subject to severe damage by flooding and which are compatible with other uses permitted in the various zones;
- E. To permit only uses, improvements and practices in the flood plain that are not hazardous during flood periods;
- F. To establish areas in which the elevation and flood proofing of structures and facilities must be regulated;
- G. To avoid the creation of new flood problems; and
- H. To complement and enhance an overall conservation program.

32-99. Definitions

For the purpose of this article, and this ordinance generally, the following terms shall have these meanings:

- A. Special Flood Hazard Areas: Those areas of special flood hazard identified as "A" Zones (A1-30) and "V" and V1-30 Zones by the Federal Emergency Management Agency (FEMA) through a report entitled "The Flood Insurance Study for the Town of Warren, R.I." dated December 1982 with accompanying Flood Insurance Rates Maps (FIRM), effective date June 1, 1983, and any subsequent revisions thereto, and in addition, any regulatory floodway lines or maps designated through the process described in Section 32-100 (B2) herein, are adopted by

reference and declared to be part of this ordinance without the need to revise this ordinance.

- B. Base Flood Elevation: The one hundred- (100) year flood elevation or level as designated on a FIRM or a FHBM.
- C. Flood Fringe Land: The continuous land adjacent to and higher than special flood hazard areas, the elevation of which is no greater than one (1) foot above the adjacent base flood elevation, and for the purposes of the flood provisions within this zoning ordinance, shall be subject only to provisions dealing with storage of bulk materials and anchoring of customary yard features in flood fringe lands.
- D. Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
- E. Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation of that flood more than one (1) foot at any point.
- F. Substantial Improvements: As defined in Rhode Island State Building Code Rules and Regulations for Construction in Flood Hazard Areas, dated July 1, 1977, and any amendments thereto.
- G. Nonconforming Structure: For the purpose of this article, a nonconforming structure shall mean:
 - 1. A residential structure with the lowest habitable floor (including basement) below the one hundred (100) year base flood elevation;
or
 - 2. A non-residential structure which has not been flood proofed to that level.
- H. Recreational Vehicle: A vehicle, which is:
 - 1. Built on a single chassis;
 - 2. Four hundred (400) square feet when measured at the largest horizontal projections;
 - 3. Designed to be self-propelled or permanently towable by a light duty truck;
and
 - 4. Designed primarily not for use as a permanent dwelling but as temporary

living quarters for recreational, camping, travel or seasonal use.

32-100. Development Standards

All lands determined to be within special flood hazard areas and flood fringe lands shall be subject to the procedures and requirements established in this section. Additionally, development within two hundred (200) feet of any water course shown on a FIRM or FHBM shall also be governed. However, nothing contained herein shall prohibit the application of these requirements to lands which can be demonstrated by competent engineering survey to lie within any flood fringe lands; conversely, any lands which can be demonstrated by competent engineering survey to lie beyond the flood fringe lands shall not be subject to these requirements:

- A. Nonconforming structures located with all special flood hazard areas shall not be enlarged or expanded.
- B. No proposed construction or other development shall proceed prior to the issuance of a development permit from the Building Inspector. Such proposals shall be reviewed to assure that:
 - 1. All such proposals are consistent with the need to minimize flood damage within the flood-prone area;
 - 2. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - 3. Adequate drainage is provided to reduce exposure to flood hazards.
- C. All proposed new developments shall include base flood elevation data within such proposals.
- D. No water course may be altered or relocated without prior notification to the Building Inspector; the R. I. Statewide Planning Program; affected adjacent communities; and the Federal Emergency Management Agency (FEMA).
- E. To insure that the flood carrying capacity within an altered or relocated water course is maintained, the following provisions shall be taken:
 - 1. Until a regulatory floodway is designated, no new construction, substantial improvement or other development (including fill) shall be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within this community.

2. When a regulatory floodway is designated, based on flood data from any sources, including the developer:
 - a. The regulatory floodway shall be selected and adopted on the principal that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point;
 - b. Encroachments shall be prohibited including fill, new construction, substantial improvements and other development within the adopted regulatory floodway that would result in any increase in flood levels within the community during the occurrences of the base flood discharge; and
 - c. The placement of any mobile homes shall be prohibited within the adopted regulatory floodway except in an existing mobile home park or mobile home subdivision.
 - d. Recreational vehicles placed on sites within Zones A1-30, AH and AE shall either be on the site for fewer than one hundred eighty (180) consecutive days, be fully licensed and ready for highway use, or meet all standards of Section 60.3 (b)(1) of the NFIP Regulations and the elevations and anchoring requirements for "manufactured homes" in paragraph (c)(6) of Section 60.3.
3. All buildings shall be set back from a floodway at least the average of the setbacks existing on similar improvements on plots within two hundred (200) feet, or at least thirty (30) feet if there are no such improvements on plots within two hundred (200) feet. Accessory structures may, by special use permit, extend to the floodways; authorized public and semi-public bodies may be permitted to erect structures within a floodway only when the most extenuating circumstances warrant the issuance of a special use permit.
4. No principal building shall be located within the floodway set back lines established in accordance with Subsection E (3) above. Principal buildings shall be located landward of mean high tide.

32-101. Standards for Coastal Velocity Zones

- A. Within all special flood hazard areas designated as velocity zones and identified as Zone V1-30 on the effective FIRM, the following requirements shall apply:
1. New construction shall be located landward of the reach of mean high tide;
 2. The alteration of sand dunes shall not be permitted; and
 3. The placement of any mobile homes shall be prohibited within Zones V1-30 except within an existing mobile park.

32-102. Other Requirements

- A. Filling. The filling of special flood hazard areas if otherwise authorized, may be permitted provided that the fill material:
1. Obtained elsewhere is offset by the removal of an equivalent volume in the immediate vicinity of the area filled;
 2. Is obtained from the immediate vicinity of the area filled; and
 3. Shall not encroach upon, impede the flow of, or diminish the cross-sectional area of the floodway.
- B. Preliminary Site Work. No preliminary site work may begin on any land below the base flood elevation until the Building Inspector has certified that the proposed use shall:
1. Not cause the base flood elevation to rise more than one (1) foot when combined with all other similar existing and proposed uses;
 2. Not make more than twenty five (25) percent of the parcel below the base flood elevation along inland fresh water streams impervious to water, including but not limited to, roofs and paved areas;
 3. Not create hazards to water supplies or sewer systems; and
 4. Meet all other code provisions relating to flood hazards.
- C. Storage of Bulk Materials. No material shall be stored in special flood hazard areas as well as in flood fringe lands which are likely to cause an obstruction, create a fire hazard, or pollute the water during flood periods. Such material includes but is not limited to substantial quantities of lumber and other floatable

materials, volatile materials, acids, poisons, liquids other than water, and soluble materials.

- D. Customary Yard Features, Anchoring. Reasonable provisions shall be made for anchoring down those items customarily found out of doors, which are capable of floating in water for a prolonged period of time and ordinarily not anchored. Such items shall include but not be limited to: movable structures and sheds; animal shelters, cages and feeders; fuel containers, tanks, cylinders and cans; picnic benches; railroad ties; flower boxes and planters; barrels and refuse containers; storage boxes; pallets; tires and tubes; freezers and refrigerators; lobster and eel traps; boat hulls; docking and float materials; signs; and stored vehicles.
- E. Other Regulations To Apply. Except for the provisions of this article as they apply to the flood plain and the flood fringe land, the regulations for the zoning district in which such land is located shall continue in full force and effect.

32-103. Variances in Special Flood Hazard Areas

The Zoning Board of Review may vary the provisions of this article in the case of a proven hardship. Variances granted under this section shall be noted on the property deed and shall contain the following information:

- A. Flood hazard zone designation and date of flood map; and
- B. Number in feet which the lowest habitable floor will be located in relation to the one hundred (100) year flood level.

**ARTICLE XVIII.
OFF STREET PARKING REQUIREMENTS**

32-104. Off-Street Parking Space Required

Any building or use erected or initiated, or any building or use enlarged or extended shall, at the time of such construction or initiation, enlargement or extension, as the case may be, provide off-street parking space in accordance with the requirements set forth below in Section 32-105.

32-105. Number of Off-Street Parking Spaces

- | | | |
|----|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| A. | Single and two family dwelling uses: | Two (2) spaces per dwelling. |
| B. | Multi-family and apartment dwelling uses: | One and one half (1 1/2) spaces per family unit. |
| C. | Lodging or boarding house: | Two (2) spaces, plus one (1) space for each rented room. |
| D. | Hotel or motel: | Five (5) spaces, plus one (1) space for each unit, room or suite. |
| E. | Places of public assembly, including schools, churches, theaters, museums
Restaurants, etc: | One (1) space for each four (4) seats or for each four (4) persons of capacity. |
| F. | Business, commercial or office uses in buildings: | Five (5) spaces plus one (1) space for each two hundred and fifty (250) feet of floor space. |
| G. | Business or commercial on open land: | One (1) space for every two (2) uses employees plus one (1) space for each four thousand (4,000) square feet of land area in use. |
| H. | Manufacturing and allied uses: | One (1) space for every two (2) employees on the largest shift. |
| I. | Marina and allied uses: | One and one half (1 1/2) spaces for every slip. |

32-106. Size of Parking Spaces

An automobile standard size parking space shall have a minimum width of nine (9) feet, and a minimum length of eighteen (18) feet, and a minimum vertical clearance of seven (7) feet. An automobile compact size space shall have a minimum of nine (9) feet and a minimum length of fourteen (14) feet. No more than twenty-five (25) percent of a parking area shall be allocated to compact car spaces. Such parking space shall have adequate and safe ingress and egress; in no case shall the gross area of the required parking area be less than two hundred and seventy (270) square feet per car space.

32-106A. Parking Lot Requirements

All parking spaces required by this ordinance shall be permanently surfaced, and if illuminated, shall be so illuminated as to reflect away from adjoining streets and premises.

At least ten (10) percent of the land to be developed for a parking area shall be devoted to landscaped open space. the interior of all parking areas shall be enhanced with planted islands, with a minimum of one (1) island for each eight (8) parking places. Each island shall include a minimum of one (1) shade tree in addition to shrubs, plants and other live vegetation. The planted islands shall be places so as to prevent lows rows of uninterrupted parking spaces.

Plans and specifications for a required off-street parking area shall be approved by the Zoning Officer before a building permit is issued.

32-107. Location of Parking Spaces

Required parking space shall be located on the premises with the use with respect to which it is required or, if located on another site, no part of the required parking area shall be more than four hundred (400) feet distant from the nearest boundary of the lot on which the main use is situated.

Where a parking space is within or adjoins a lot in a Residence District, a solid wall or opaque screen or fence not less than four (4) feet in height shall be erected and maintained between such parking area and the residential property, except that this screening requirement shall not apply to parking spaces provided in connection with dwelling uses.

ARTICLE XIX. OFF-STREET LOADING REQUIREMENTS

32-108. Off-street Loading Space Required

Any business, commercial, industrial, institutional or manufacturing structure or use hereafter erected, initiated or enlarged, shall provide off-street space for the loading and unloading of goods, where necessary to the conduct of the particular use. Such loading space shall be located on the same site as the main use which it is designed to serve and each loading space shall be so designed that there will be no encroachment onto public right-of-way by vehicles being loaded or unloaded.

32-109. Number of Loading Spaces

Unless otherwise specified by the Building Inspector, there shall be one (1) loading space provided for every business, commercial, industrial, institutional or manufacturing use. One (1) additional loading space shall be provided for each twenty thousand (20,000) square feet of floor space or used land area. All loading space shall be permanently surfaced and shall be lighted and screened in accordance with the regulations governing required off-street parking space.

32-110. Size of Loading Space

Each loading space provided under this section shall have a minimum width of ten (10) feet and minimum length of forty five (45) feet with a minimum vertical clearance of fourteen (14) feet and shall include sufficient space for standing, loading and unloading of standard commercial vehicles.

ARTICLE XX. SIGN REGULATIONS

32-111. Definitions

The following words and phrases are used in this article, and therefore are defined here for ease of understanding:

- A. Sign. Any letter, symbol, drawing, banner, flag, device or object that advertises, calls attention to or indicates the existence of any person, object or service, whether on or off the premises that it may be offered.

- B. Sign Area. Sign area is the area of the smallest triangle, rectangle or circle, which can wholly enclose the surface area of the sign. In the case of dual-faced signs where the two (2) faces are parallel, only one (1) side shall be counted. Three-dimensional and multi-faceted signs shall be treated as dual faced signs, such that the total area shall be twice the area of the smallest triangle, rectangle, or circle which can totally circumscribe the sign in the plane of its largest dimension. If a sign consists of individual letters, the sign area shall be considered the rectangle, circle or square enclosing all the letters.

Frames and structural members that do not meet the definition of a sign shall not be included in the computation of the sign area.

- C. Internal Illumination. A light source within the sign itself so that the sign emits light.

- D. External Illumination. A light source focused at the sign so that the light reflects off the sign surface.

- E. Flush-mounted Sign. A sign mounted flush or parallel to the building facade, standing out no more than twelve (12) inches from the surface.

- F. Projecting Sign. A sign mounted perpendicular to the building surface.

- G. Symbol Sign. An object that by common usage expresses the presence of a given service and understanding (a barber pole is an example).

- H. Off-premise Sign. A sign that advertises activities, goals, products, etc. that are available elsewhere than within the building or on the lot where the sign is located (a billboard is an example).

- I. Awning. A flexible canopy used to shelter from the sun or rain. Permanently installed marquees are not considered awnings.

- J. Free Standing Sign. A sign not attached to a building and therefore supported by its own structure.
- K. Building. A structure erected to stand more or less permanently and designed for human use and occupancy or as a shelter for animals and goods.
- L. Main Road. A main road includes Main Street, Child Street, Metacom Avenue, Market Street, Water Street, Franklin Street, Vernon Street and Kickemuit Road.

32-112. Signs in Residence Districts

- A. The following signs shall be permitted in all Residence Districts:
 - 1. A name plate, not exceeding one and one half (1 1/2) square feet in area, indicating the name of the occupant or identifying a permitted home occupation or home professional office. Such nameplate may be lighted only by continuous, white indirect illumination and no animation shall be permitted.
 - 2. An unlighted sign, not exceeding twelve (12) square feet in area, pertaining to the prospective sale or lease of the premises upon which such sign is located.
 - 3. A sign or announcement board, not exceeding twelve (12) square feet in area, pertaining to a permitted apartment, religious, institutional or governmental use or to a lawful nonconforming use. Such a sign or announcement board shall be located on the site of the use to which it pertains and may be lighted only by continuous, white indirect light with no animation or flashing lights.
 - 4. Regulatory signs, not exceeding one and one half (1 1/2) square feet in area, indicating restrictions on or prohibiting of use of public or private property.
- B. Signs in connection with uses allowed by special use permit shall also be allowed only by special use permit, subject to review and approval by the Zoning Board of Review.
- C. Off-premises signs in connection with uses allowed by special use permit and lawful nonconforming uses shall be allowed only by special use permit. An application for an off-premises sign shall be in accordance to all of the procedures and requirements established in Section 32-113 (A) of this ordinance.
- D. All signs in Residence Districts shall be located at least fifteen (15) feet from any side or rear lot line and at least five (5) feet from any front lot line, except where

such sign is located on the wall of a building. No sign shall extend onto or over a public right-of-way and illumination shall be oriented so as to reflect away from neighboring properties.

32-113. Signs in Business, Waterfront and Manufacturing Districts

A. Off-Premises Signs. Signs are permitted in connection with any permitted or lawful nonconforming use provided that any such sign shall pertain to and be located on the site with a use conducted on the premises. However, any lawfully operated business which is located on any street, road or avenue other than a main road may, with permission of the Warren Zoning Board, place a sign on the sidewalk, or if there is no sidewalk, on private property with the expressed permission of the owner of said property, or at the corner of a main road which intersects with the street, road or avenue on which the business is located. The business establishment requesting the placement of a sign shall file an application with the Zoning Board of Review, and after said application is duly advertised a public hearing shall be held on the application in accordance with all zoning procedures. At the public hearing the Zoning Board of Review shall grant the application as a special use permit if the Board determines:

1. That the sign is necessary to inform the general public of the location of the business;
2. That the sign does not interfere with pedestrians walking on the sidewalk;
3. That the sign does not create any type of danger to motor vehicles traveling on either road; and
4. That said sign does not detract from the overall appearance of the area.

If the Warren Zoning Board grants the application, it may limit the size of the sign erected, but in no case shall the sign exceed two by four (2 x 4) feet or three by three (3 x 3) feet, or be a neon or internally illuminated sign. Liability insurance must be provided by the applicant for any sign on public property. Other limitations and conditions may be imposed as the Board sees fit.

- B. No sign shall be erected or maintained on a vacant lot or tract of land, except a "FOR SALE" or "FOR RENT" sign no greater than twelve (12) square feet in area.
- C. Signs in connection with uses allowed by special use permit shall also be allowed only by special use permit, subject to action by the Zoning Board of Review. When the special use permit is terminated, the sign shall be removed.

32-114. Requirements for Signs in the Limited Business and Manufacturing Districts

The following standards shall apply to all signs within the Limited Business and Manufacturing Districts:

- A. The total sign area for any business shall not be greater than sixty (60) square feet and shall be no closer than fifteen (15) feet to any Residence District;
- B. Such signs shall project no more than ten (10) feet above the main cornice line of the structure to which they pertain; and
- C. Such signs shall be located no closer than five (5) feet to a front lot line, unless the sign is located flush to a building.

32-115. Requirements for Signs in the General Business and Waterfront Districts

- A. Intent. It is the intent of this section of this ordinance to establish and maintain a high degree of excellence for the overall quality of outdoor advertising in the General Business and Waterfront Districts. The objectives of this section of the ordinance are to:
 - 1. Encourage creativity in signs that will promote the individual identity and uniqueness of stores;
 - 2. Provide for equal visibility and exposure of all merchants, discourage competition of signs, and encourage cooperation in creating a cleaner visual environment;
 - 3. Provide for a greater flow of information of the total services offered in the General Business and Waterfront Districts, and prevent a visual overload of sign information;
 - 4. Assure that signs of appropriate size are used on each establishment to relate to the distinctive architecture, scale, and historic character of the town center and waterfront; and
 - 5. Strengthen business activity by encouraging a pedestrian oriented environment in these two districts.
- B. General Limitations of Signs. There is no limit to the number of signs that may be applied to a building; however, the total area of projecting, flush-mounted and freestanding signs is limited by the frontage of the building face. The maximum sign area is one and one half (1 1/2) square feet per frontage foot of the building face, not to exceed sixty (60) square feet per building. In cases where more than one occupant share a building, sign area may be pro-rated among the occupants.

1. No signs can project above the cornice line of the building.
2. The square footage of projecting and freestanding signs shall be calculated according to the square footage of one side of the sign.

C. Types of Signs Allowed

1. Flush Mounted Signs. Flush mounted signs are encouraged on buildings. The total area must not exceed the limitations set forth above. Flush mounted signs may be internally or externally illuminated.
2. Projecting Signs. One projecting sign per business is allowed. The area shall be limited to twelve (12) square feet per side. Projecting signs may not project above the cornice of the building, and may not come closer than one (1) foot from street curbing. Maximum projection over the sidewalk from the building facade is four (4) feet. Projecting sign must be stationary, at least ten (10) feet above ground level, and may not be internally illuminated.
3. Symbol Signs. Symbol signs are encouraged in both districts. One symbol sign is allowed for each business, in addition to flush mounted and projecting signs. The area of symbol signs shall be limited to six (6) square feet per side, and shall not be counted in the calculation of total sign area permitted.
4. Awning Signs. Signs on awnings are allowed. The sign must be flush with the surface of the awning, and may not be illuminated. Awning signs shall not be counted in the calculation of total sign area permitted.
5. Freestanding Signs. One freestanding sign is allowed on a parcel. If more than one business is located on the site, they may share the sign. The height of the sign shall not exceed twelve (12) feet. The total area of each free-standing sign shall not exceed twelve (12) square feet per business or six (6) square feet per business for buildings housing multiple businesses. Freestanding signs must be stationary, set back from the sidewalks, and clear of obstructions. Freestanding signs may not be internally illuminated.

D. Exempted Signs. The following signs are exempted from these regulations:

1. Incidental business signs that indicate hours of operation, credit cards and the like, provided the total area of all such signs is no more than two (2) square feet per business.

2. Temporary window signs which are posted no longer than two (2) weeks and do not exceed more than one half (1/2) the area of the window in which they appear.
3. Blockage of windows for new store openings, store closings, repairs, renovations, etc.

32-116. Prohibited and Nonconforming Signs

- A. The following signs are prohibited within the Town of Warren:
 1. Off-premises signs, except as provided by Sections 32-112 (C) and 32-113 (A) of this ordinance;
 2. Signs with flashing lights, including time/temperature indicators, and audible signs;
 3. Projecting signs with internal illumination;
 4. Obsolete signs or obsolete supporting structures which no longer advertise a bona fide business conducted on the premises; and
 5. Marquees, except on theaters.
- B. All signs that are nonconforming must be removed within five (5) years after the date this ordinance is enacted.

32-117. Administration and Enforcement

- A. The Town Building Inspector shall have the authority and responsibility for:
 1. Determining conformance with this code for all proposed and presently existing signs;
 2. Issuing a permit for all signs which comply with this ordinance;
 3. Issuing notice to any owner of a nonconforming sign that they are in violation of this ordinance; and
 4. Removing nonconforming signs which have been allowed to remain beyond the period stipulated in Section 32-116 (B).
- B. License. The sign owner or lessee is responsible for obtaining a permit for all commercial signs unless exempted by another clause of this code. Application for the permit must include a scale drawing indicating location and size of the signs on the building, and the method of illumination, if any.

- C. Fee. The fee for issuance of a sign permit shall be of an amount as established in the current fee schedule adopted by the Warren Town Council.

- D. Appeals. The decision of the Building Inspector may be appealed to the Zoning Board. The decision of the Zoning Board will replace that of the Building Inspector.

ARTICLE XXI

COMMERCIAL INDUSTRIAL ZONING DISTRICT

32-118. Definition and Purpose

- A. The Commercial Industrial District is a zoning district of mixed industrial and commercial uses characterized by buildings having street side facades constructed with aesthetically appropriate masonry materials including but not limited to brick, stone and other finish masonry material; appropriate landscaping of shrubs and trees; and unobtrusive signage.
- B. The boundaries of the Commercial Industrial Zoning District (CI) are shown on the Town of Warren Official Zoning Map.
- C. Uses deemed appropriate within the district shall include those listed within Article VIII under the heading of CI. Those uses allowed within the CI district that are classified as manufacturing uses shall also adhere to Article X of this zoning ordinance.
- D. This article is intended for the purposes set forth in Section 32-3 of this ordinance, and to:
 - 1. Prevent urban sprawl through controlled development patterns that prevent health and safety hazards, public nuisances and harmful effects upon the natural environment;
 - 2. Facilitate adequate and economic provision of public services;
 - 3. Protect and preserve the historic “Haile House” and barn in a fashion compatible with its historic past, at its present location, as a historic buffer zone to the commercial industrial district;
 - 4. Preserve access to the parcels identified as the Town of Warren Conservation District.

32-119. District Requirements and Standards - Generally

- A. All development within the Commercial Industrial Zoning District is subject to the provisions of this article, Article V, and Article X as well as all other provisions of the Zoning Ordinance.
- B. The requirements and standards of this article shall apply throughout the Commercial Industrial Zoning District, with additional requirements and standards set forth for the “Historic Buffer Zone” as specified in Section 32-168 of this article.
- C. All applications for development within the Commercial Industrial Zoning District must submit a site plan, prepared by a registered professional engineer. Change of Use within an existing structure does not require site plan review. The site plan shall be reviewed by the Planning Board. Site plans shall identify all existing and proposed structures, landscaping, sidewalks, buffer areas, fencing, screening, drainage, utilities, parking spaces, maneuvering areas, entrances and exits. In the case of major land development

projects site plans must be accompanied by an impact report that includes effects of the proposed development on utilities, traffic, municipal services and neighboring land uses.

- D. The planning board shall review the site plan to assure the safety of traffic movement both within the area covered by the development and in relation to adjacent streets and pedestrian activity; the effect of the proposed development on neighboring land uses; impact on public services. The planning board shall also review the proposed plan as to its compatibility with the Warren Comprehensive Plan as it relates to commercial and industrial development. The planning board shall report its findings to the Zoning Board of Review.

32-120. Permitted Uses

All uses permitted within the Commercial Industrial Zoning District require a special use permit. Those uses permitted within the Commercial Industrial Zoning District by special use are designated in Article VIII of this zoning ordinance.

32-121. Dimensional Requirements

Dimensional requirements for this district are designated in Article XIII of this zoning ordinance.

32-122. Design Requirements

- A. All buildings within the district shall have street side facades constructed with aesthetically appropriate masonry materials, including but not limited to, brick, stone and other finish masonry materials as deemed appropriate by the Planning Board during site plan review.
- B. No accessory structure shall be constructed within 50 feet for any residential boundary.
- C. A buffer of plantings shall be placed along the property boundaries. There shall be a landscaped buffer of twenty (20) feet between any industrial/commercial use and the lot line of any residential property.
- D. A complete landscaping plan, including plantings shall be submitted for approval. Landscaping shall define, soften and/or screen the appearance of parking areas from public rights-of-way and abutting properties, and minimize the encroachment of proposed uses on neighboring land uses. Existing trees and vegetation shall be preserved to the maximum extent possible.
- E. Parcels within the district that abut Market Street shall have a minimum vegetated, buffered setback of fifty (50) feet from Market Street.
- F. All utilities shall be placed underground.

32-123. Historic Buffer Zone

The requirements of the Historic Buffer Zone shall be set forth per the requirements of this section.

- A. The Historic Buffer Zone shall consist of Tax Assessor Plat 23, Lot 13, measuring

- 80,000 +/- square feet.
- B. The preservation of the historic “Haile House” and barn located on Plat 23, Lot 13, within the Historic Buffer Zone, shall be in fashion compatible with its historic past, subject to the Secretary of Interior’s Standards for historic properties.
 - C. Rehabilitation and renovation work proposed for all structures within the Historic Buffer Zone shall be reviewed, approved and monitored by the Rhode Island Heritage & Historic Preservation Commission.
 - D. Permitted uses for the “Haile Barn” shall include; nursery/greenhouse; personal service business uses; specialty service business uses; retail business uses. Proposed uses must meet all criteria set forth by this zoning ordinance, Article V, and all other criteria set forth in the zoning ordinance for the proposed use.
 - E. The “Haile House” shall remain a single-family dwelling unit.
 - F. Preservation of the Historic Buffer Zone mandates the property may not be subdivided in a manner separating the barn structure from the residential structure.
 - G. Two cottages which shall be restored or rebuilt, on the site/foundation of the buildings previously existing on the parcel. Any restoration or reconstruction of these two cottages shall be in conformance to and compatible with the historic character of the cottages that previously existing on the parcel. If restored or rebuilt, these two cottages will; 1) retain their historic look; 2) shall be no more than one story buildings; 3) shall not be rented. Further, a kitchen may be located on in that cottage that previously contained a kitchen. The other cottage shall not contain a kitchen. These one story buildings shall remain in conformance with Rhode Island Historic Preservation and Heritage Commission requests.

32-124. Conservation District Access

The existing walking easements, which provide public access to the parcels designated as part of the Warren Conservation District through conservation easements, located at Plat 23, Lot 14 shall be preserved.

Sections 32-125 and 32-126 RESERVED

**ARTICLE XXII.
VALIDITY AND EFFECTIVE DATE**

32-127. Conflict with Other Ordinances

- A. All section or portions of sections of the Zoning Ordinance heretofore in effect which are inconsistent with the provisions of this ordinance are hereby repealed.

Wherever the terms of this ordinance require a higher standard of development or use than are required in any other statute or local ordinance or regulation, with respect to a lot area, yard dimensions, percent of lot coverage or other requirements, the provisions of this ordinance shall govern. Wherever the provisions of any other statute, ordinance or regulation require a higher standard of development or use with respect to lot area, yard dimensions, percent of lot coverage or other requirements; the provisions of such statute, ordinance or regulation shall govern.

- B. All variances and special exceptions heretofore granted by the Zoning Board of Review shall remain in effect, and all terms and conditions imposed by the Board shall remain in effect and be binding.

- C. All violations of the Zoning Ordinance heretofore in effect shall be punishable as if said ordinance had not been repealed and said ordinance shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

32-128. Partial Invalidity

If any section or part of a section of this ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this ordinance, nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of section to which such holdings shall directly apply.

32-129. Effective Date

This ordinance shall take effect upon adoption, and the provision of this Comprehensive Amendment to the Town of Warren Zoning Ordinance are substituted for the prior zoning ordinance and are to be considered as a continuance and modification to the prior ordinance rather than as an abrogation of the prior zoning ordinance and a re-enactment of a new ordinance.

ARTICLE XXIII. DEFINITIONS

32-130. Definitions

The following terms, as used in this ordinance, shall have the following meanings (underline denotes state definitions):

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

Accessory Dwelling Unit. A dwelling unit: (i) rented to and occupied either by one or more members of the family of the occupant or occupants of the principal residence; or (ii) reserved for rental occupancy by a person or a family where the principal residence is owner occupied, and which meets the following provisions:

- (a) In zoning districts that allow residential uses, no more than one accessory dwelling unit may be an accessory to a single-family dwelling.
- (b) An accessory dwelling unit shall include separate cooking and sanitary facilities, with its own legal means of ingress and egress and is a complete, separate dwelling unit. The accessory dwelling unit shall be within or attached to the principal dwelling unit structure or within an existing structure, such as a garage or barn, and designed so that the appearance of the principal structure remain that of a one-family residence.

Accessory Family Dwelling Unit. An accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress and egress.

Accessory Structure. A structure located on the same lot as a principal structure but separate from the principal structure, the use of which is clearly incidental and secondary to and customarily in connection with the principal structure. Such accessory structure shall not include a swimming pool and a peripheral deck.

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

Aggrieved Party. An aggrieved party, for purposes of this ordinance, shall be:

1. Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering this zoning ordinance; or
2. Anyone requiring notice pursuant to this ordinance.

Agricultural Land. Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as

prime farm land or additional farm land of statewide importance for Rhode Island by the Soil Conservation Service of the U.S. Department of Agriculture.

Apartment Complex. A multi-family structure or structures containing seven (7) or more dwelling units.

Applicant. An owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency under the provisions of this ordinance.

Application. The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval, or permitting purposes as required under the provisions of this ordinance.

Assisted living facility. A residential facility providing supervised care, and which may include common dining facilities, for elderly and/or physically handicapped individuals.

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

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

Building Envelope. The three-dimensional space within which a structure is permitted to be built on a lot, and which is defined by regulations governing building setbacks, maximum height and bulk.

Building Height. The vertical distance measured from the average natural grade at the front of a building, to the top of the highest point of the roof or structure, excluding spires, chimneys, flag poles, and the like.

Building Permit. The permit required by law to be issued by the Building Inspector to authorize any new construction of buildings, or the alteration of existing buildings, and construction of certain other improvements.

Cluster. A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures.

Common Ownership. Either:

1. Ownership by one (1) or more individuals or entities in any form of ownership of two (2) or more contiguous lots; or
2. Ownership by any association, or municipality, of one (1) or more lots under specific development techniques.

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

1. Whenever six (6) or fewer retarded children or adults reside in any type of residence in the community, as licensed by the state pursuant to chapter 24 of title 40.1.;
2. A group home providing care or supervision, or both, to not more than eight (8) mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to chapter 24 of title 40.1.;
3. A residence for children providing care or supervision, or both, to not more than eight (8) children including those of the care giver, and licensed by the state pursuant to chapter 72.1 of title 42; or
4. A community transitional residence providing care or assistance, or both, to no more than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8) persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor more than two (2) years.

Comprehensive Plan. The comprehensive plan of the Town, adopted and approved pursuant to Title 45 Chapter 22.2 of the General Laws of Rhode Island, and to which the provisions of this ordinance shall be in compliance.

Day Care - Day Care Center. Any other day care center which is not a family day care home. Such a day care center can include the care and supervision of adults.

Day Care - Family Day Care Home. Any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six (6) or less individuals who are not relatives of the care giver, but may not contain more than a total of eight (8) individuals receiving day care.

Density, Residential. The number of dwelling units per unit of land.

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

Development Plan Review. The process whereby authorized local officials review the site plans, maps and other documentation of a development to determine the compliance with the stated purposes and standards of the ordinance providing for such review.

Discontinuance. Voluntary relinquishment by an owner, operator or user of a use of land or structure by a cessation of normal activity.

District. See "Zoning Use District".

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

Dwelling, Single Family. A structure designed for occupancy by one (1) family.

Dwelling, Two Family. A structure designed for occupancy by two (2) families.

Dwelling, Multi-Family. A structure or structures designed for occupancy by two (2) to six (6) families.

Dwelling Unit. A structure or portion thereof providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and containing a separate means of ingress and egress.

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

Family. A person or persons related by blood, marriage or other legal means; see also "Household".

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

Floodplains or Flood Hazard Area. An area that has a one (1) percent or greater chance of inundation in any given year, as delineated by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448).

Guest house or bed and breakfast

A residence with no more than seven (7) guestrooms where lodging, with or without meals, is provided for compensation, and is operated by a member or members of the resident family.

Groundwater. "Groundwater" and associated terms, as defined in section 46-13.1-3 (R.I.G.L.).

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

Hardship. See Article IV of this ordinance.

Historic District. One (1) or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites, and has been registered, or is deemed eligible to be included on the state register of historic places pursuant to section 42-45-5 (R.I.G.L.).

Historic Site. Any real property, man-made structure, natural object, or configuration, or any portion or group of the foregoing which has been registered, or is deemed eligible to be included on the state register of historic places pursuant to section 42-45-5 (R.I.G.L.).

Hotel

A building of more than one (1) story in height, with a common public entrance and containing units without individual kitchen facilities, for transient or overnight lodging, not to exceed twenty-eight (28) days in duration.

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

Household. One (1) or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "Household Unit" shall be synonymous with the term "Dwelling Unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one (1) of the following:

1. A family, which may also include servants and employees living with the family; or
2. A person or group of unrelated persons living together, not to exceed three (3) such persons.

Incentive Zoning. The process whereby additional development capacity is granted in exchange for a developer's provision of a public benefit or amenity, as specified in this ordinances.

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

Land Development Project. A project in which one (1) or more lots, tracts or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space and/or mixed uses, as may be provided for in this zoning ordinance.

Light Assembly

See Article XI. Light Assembly Use.

Lot. Either:

1. The basic development unit for determination of lot area, depth and other dimensional regulations; or ;

2. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map, and which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area. The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.

Lot Building Coverage. That portion of the lot that is or may be covered by buildings and accessory buildings.

Lot, Corner. A lot at the junction of and fronting on two (2) or more intersecting streets.

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

Lot Frontage. That portion of a lot abutting a street. A zoning ordinance shall specify how noncontiguous frontage will be considered with regard to minimum frontage requirements.

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

1. Front. The lot line separating a lot from a street right-of-way;
2. Rear. The lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and
3. Side. Any lot line other than a front or rear lot line. On a corner lot, a side lot line will also be a street lot line.

Lot, Through. A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

Lot Width. The horizontal distance between the side lines of a lot, measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

Manufacturing, heavy. The manufacturing or assembling of material causing disturbing noises, odors or sounds, or involving the use of heavy equipment. Most heavy manufacturing uses are prohibited uses in the Town of Warren.

Manufacturing, light. Manufacturing or assembly operations not considered to be "heavy manufacturing". This may include the processing of the following items: electronic items including wiring devices, instruments, appliances, radio, stereo and television equipment and electrical motors and generators; printed products; optical goods and instruments; pharmaceutical, biological products and toilet or cosmetic preparations; food products; precious metal and custom jewelry and silverware; apparel; paper products; plastic products; office and store machines and devices; laboratory and scientific instruments; watches and clocks; sporting and athletic goods; musical

instruments; games and toys; advertising displays and models; pens and pencils; and buttons, fasteners, badges and insignia.

Mere Inconvenience. See Article IV of this ordinance.

Mini-Storage

Structure(s) designed and constructed, without utilities, to provide secure compartments available to consumers and businesses for interior storage only, and not for the purpose on conducting sales, service, or other direct customer contact. Storage of hazardous / flammable materials is prohibited.

Mixed use, Residential

A structure used for both residential and commercial purposes, each of which is totally separate from the other. Mixed use residential may be considered for the purpose of allowing residential unit(s) in a non-residential zone, only in a building with commercial use as the sole use on the ground floor. Residential units must be located above the ground floor and contain a minimum of 600 square feet of living space per unit.

Modification. If later allowed by amendment to this ordinance, permission granted and administered by the zoning officer to grant a dimensional variance, other than lot area, from the requirements of this ordinance, but not to exceed twenty-five (25) percent of each of the applicable dimensional requirements.

Motel or tourist court

A one (1) or two (2) story building intended and designed solely for transient or overnight lodging, not to exceed twenty-eight (28) days in 01 without kitchen facilities.

Nonconformance. A building, structure or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of this zoning ordinance and not in conformity with the provisions of the ordinance or amendment. Nonconformance shall be of only two (2) types:

1. Nonconforming by Use. A lawfully established use of land, building or structure which is not a permitted use in that zoning district, including a building or structure containing more dwelling units than are permitted by the use regulations of this zoning ordinance; or
2. Nonconforming by Dimension. A building, structure or parcel of land not in compliance with the dimensional regulations of this zoning ordinance, including a building or structure containing a permitted number of dwelling units by the use regulations of this ordinance, but not meeting the lot area per dwelling unit regulations.

Overlay District. A district established in this zoning ordinance that is superimposed on one (1) or more districts, or parts of districts, and that imposes specified requirements in addition to, but not less than, those otherwise applicable for the underlying zoning district.

Parking Area, Gross. The total parking area required to be furnished for the occupancy of a single vehicle, including means of ingress and egress.

Parking Area, Net. The parking area required to be furnished for the occupancy of a single vehicle, exclusive of means of ingress and egress.

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

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

Planned Development. A "Land Development Project", as defined herein, and developed according to plan as a single entity and containing one (1) or more structures and/or uses with appurtenant common areas.

Pre-application Conference. A review meeting of a proposed development held between applicants and reviewing officials and/or agencies prior to formal submission of an application for a permit or for development approval.

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

Site Plan. The development plan for one (1) or more lots on which is shown the existing and/or the proposed conditions of the lot.

Special Use. A regulated use which is permitted pursuant to a special-use permit issued by the Zoning Board of Review pursuant to Article V of this ordinance (formerly referred to as a special exception).

Street. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. The width of such street shall be considered to be the total distance between lot lines, and shall include paving, curbs, sidewalk areas and grass strips.

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

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

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

Variance. Permission to depart from the literal requirements of this zoning ordinance; an authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by this zoning ordinance. There shall be only two (2) categories of variance:

1. Use Variance. Permission to depart from the use requirements of this zoning ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the ordinance; or
2. Dimensional Variance. Permission to depart from the dimensional requirements of this zoning ordinance, where the applicant for the requested relief has shown, by evidence upon the record that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations.

Waters. As defined in section 46-12-1(b) (R.I.G.L.).

Wetland, Coastal. As defined in section 2-1-14 (R.I.G.L.).

Wetland, Freshwater. As defined in section 2-1-20 (R.I.G.L.).

Yard. The area on the same lot with the main structure or activity which is unoccupied and unobstructed except for shrubbery and planting.

Yard, Front. That portion of a yard extending the full width of the lot, the depth of which is the least distance between the front lot line and the front of any building or structure.

Yard, Rear. That portion of a yard extending the full width of the lot, the depth of which is the least distance between the rear lot line and the rear of any building or structure, measured perpendicular from the rear lot line.

Yard, Side. That area extending from the front yard to the rear yard, the depth of which is the least distance between the nearest side lot line and each side of any building or structure, measured perpendicular from said lot line to the nearest point of said building or structure.

Zoning Certificate. A document signed by the zoning enforcement officer, as required in this zoning ordinance, which acknowledges that a use, structure, building or lot either complies with, or is legally nonconforming to, the provisions of the ordinance, or is an authorized variance or modification therefrom.

Zoning Map. The map or maps which are a part of this zoning ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the Town of Warren.

Zoning Officer. The Zoning Officer of the Town of Warren who is responsible for administering and enforcing the provisions of this ordinance. The Zoning Officer may also be the Building Inspector for the Town.

Zoning Permit. A permit required by this ordinance to be issued by the Zoning Officer to authorize any new construction, alteration, moving or enlargement of a structure and to authorize any new or changed use of land or structure.

Zoning Use Districts. The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use.

ARTICLE XXIV.

IN-LAW APARTMENTS

32-131. Establishment of In-Law Apartments

An in-law apartment, as a type of accessory family dwelling unit, may be allowed by the Zoning Board of Review;

- A. In a single family dwelling within any Residence District, the Village Business District or the Waterfront District.
- B. In a legal non-conforming single family dwelling located in the Business District or the Manufacturing District, as a special use pursuant to the provisions of Article V and subject to the standards and requirements contained in Section 32-132 below.

32-132. Standards and Requirements

In reviewing an application for an in-law apartment, the Zoning Board of Review shall apply the general standards for the issuance of a special use permit as contained in Section 32-30. In addition the Board shall apply the following requirements:

- A. The in-law apartment shall contain no more than six hundred (600) square feet of living space and no more than one (1) bedroom.
- B. The in-law apartment shall have at least one (1) wall in common with the principal residence, or consist of a converted basement or attic. There shall be at least one (1) means of ingress and egress which is common to both the principal residence and the in-law apartment.
- C. Utilities, including electric, plumbing and heating, shall be common to both the principal residence and the in-law apartment.
- D. The in-law apartment may be occupied only by a member or members of the family occupying the principal residence.
- E. All other requirements of this ordinance, including the off-street parking contained in Article XVIII, and the dimensional regulations contained in Article XIII as they pertain to the principal residence, shall be complied with.

32-133. Occupancy Restriction Agreement

Any applicant requesting a special use permit to construct an in-law apartment must sign an agreement restricting the occupancy of the apartment to family members only, indemnifying the Town of Warren from costs incurred in enforcing the terms of said agreement. The restriction shall be recorded in the land evidence records of the Town of Warren at the expense of the applicant. The restriction will be applicable to and binding upon subsequent owners and will be enforceable against the applicant, his heirs, devisees, successors and assigns. The agreement restricting the occupancy of the apartment to family members only shall be filed annually with the building official concurrent with the payment of the first quarter taxes each year.

**ARTICLE XXV.
KICKEMUIT RESERVOIR WATERSHED OVERLAY DISTRICT**

32-134. Purpose

The Kickemuit Reservoir is an integral part of the drinking water supply system serving the Towns of Warren, Bristol and Barrington, and operated by the Bristol County Water Authority, or its successor. The purposes for establishment of the Watershed Protection Overlay District for the Kickemuit Reservoir are:

- A. To promote the health, safety and general welfare of the Town and the residents of the East Bay.
- B. To protect the potable surface water supply within the Town of Warren through the control, limitation or prevention of inappropriate development, land use practices and activities which may degrade the water quality of the Reservoir.

32-135. Applicability

The Watershed Protection Overlay District shall overlie portions of other zoning use districts established by this ordinance. The Watershed Protection Overlay District shall apply to all new construction, reconstruction or expansion of existing buildings; to all new, expanded or modified uses of property; and to any proposed subdivision of land within the defined boundaries of the district. That area of the Town within the Watershed Protection Overlay District shall be subject to both this article and to the provisions pertaining to the underlying use districts in which such area is located.

32-136. Definition

The Watershed Protection Overlay District shall consist of that area so delineated on a map titled "Kickemuit Reservoir Watershed Protection Overlay District Map, Town of Warren, R.I." attached to this ordinance and filed at the office of the Building Official. The boundary of the overlay district is that area within the Town of Warren, which is within the watershed of the Kickemuit Reservoir as determined by the general topography of the land and defined as that land area which drains directly to the Reservoir. In the event there is a discrepancy between the map and the criteria used to generate the map, the criteria shall control.

Where a lot is partially within the overlay district, the entire lot is considered to be within the district, and is subject to the requirements of this article.

32-137. Prohibited Uses

The following uses and activities are prohibited within the Watershed Protection Overlay District:

- A. Any uses which discharge wastewater on-site to the subsurface through dry wells,

floor drains, lagoons, cesspools or any other subsurface infiltration system, with the exception of:

1. A Department of Environmental Management (DEM) approved individual sewage disposal system (ISDS).
 2. Condensate water and roof drainage originating from natural precipitation.
- B. The installation of new underground storage tanks containing petroleum products or hazardous materials, excluding the installation of new underground storage tanks which replace existing tanks used for commercial purposes or which are under the jurisdiction of DEM.
 - C. Incinerators, solid waste landfills, transfer stations and recycling facilities.
 - D. Land disposal of sewage sludge, and septage and sludge composting facilities.
 - E. The mining of land, or the alteration of any natural site features or topography, except as incidental to a permitted use.
 - F. Road de-icing using sodium chloride, and the storage of road salt or de-icing materials.
 - G. Commercial petroleum product storage or distribution.
 - H. Motor vehicle salvage operations and vehicular service and repair shops.
 - I. Bus and truck terminals, railroad yards or related maintenance facilities.
 - J. Commercial car washes.
 - K. Pesticide and fertilizer businesses or storage of pesticides or fertilizers other than in amounts normally associated with household or agricultural uses.
 - L. Commercial plating, finishing or polishing of metals.
 - M. Furniture stripping and refinishing businesses or the process of wood preserving and lumber treatment.
 - N. Machine shops, metal working shops and welding shops.
 - O. Commercial printing and fabric dyeing operations.
 - P. On-site dry cleaning.
 - Q. Commercial photographic processors.

32-138. Application Procedure

Any use that is not specifically prohibited in this article or under any other applicable law or regulation, and is allowed in the underlying zoning district pursuant to Article VIII of this ordinance, shall be subject to the provisions of this article. Prior to the issuance of a zoning permit by the Building Official, all such uses shall be subject to site plan review by the Planning Board with the exception of the following:

- A. Single family residential and accessory uses.
- B. Public park or preservation.
- C. Public or semi-public religious, recreation or education uses proposed within existing structures.

32-139. Submittal Requirements for Site Plan Review

In reviewing a development proposal within the Watershed Protection Overlay District, the Planning Board shall require that the following information be provided:

- A. A description of the proposed development, including a listing of any proposed hazardous materials to be used, stored and/or generated on-site, accompanied by a description of the measures proposed for containment, storage and disposal of such hazardous material.
- B. A plan showing site conditions, including existing development, topography, vegetation and the location of wetlands and water bodies.
- C. A plan showing the proposed development including locations of buildings and roads and parking areas, and proposed contours.
- D. Information on site drainage and/or proposed drainage systems submitted by a registered professional engineer, where applicable.
- E. An erosion and sediment control plan under Article V of the Town of Warren Erosion and Sediment Control Ordinance, if required.

32-140. Review by Conservation Commission

All applications for development within the Watershed Protection Overlay District which require site plan review, including all applications for residential subdivision, shall be referred to the Warren Conservation Commission. The Conservation Commission shall have twenty-one (21) working days to review the application and submit a report and recommendations thereon to the Planning Board. For those developments involving an application for a residential subdivision, the report shall be submitted to the Planning Board prior to the public hearing on the plan.

The Conservation Commission may visit the site of the proposed activity, and in their report recommend that the site plan be approved as submitted; that it be approved with changes as listed; or that it be disapproved and the reasons therefore.

32-141. Site Standards

The following standards shall apply to any development proposed within the Watershed Protection Overlay District:

- A. There shall be no net increase in surface water runoff from any development, based upon the peak rate calculated for a ten (10) year storm. Runoff shall be directed to areas covered with vegetation for surface infiltration. Catch basins and piped storm sewers shall only be used where other methods are infeasible, and when such devices are used, they shall include a mechanism for separation of oil and grease.

- B. Impervious material shall cover no more than fifteen percent (15%) of any lot area, except for those uses which are allowed a maximum building lot coverage within a given district in excess of fifteen percent (15%), in which case the total area of impervious surface shall not exceed the maximum building lot coverage, as defined in Article IX of this ordinance. In no case shall the maximum building lot coverage for a given use in any given district be exceeded.
- C. No development, including any individual sewage disposal system (ISDS), shall take place, nor any natural vegetation be disturbed, within two hundred (200) feet of the Kickemuit Reservoir, any other water body or stream.
- D. The construction of any ISDS shall be in compliance with state Department of Environmental Management (DEM) standards, and the use of septic system cleaners and/or acids is prohibited.

32-142. Design Standards

In addition, in reviewing proposed developments not exempt under Section 32-138, the Planning Board shall determine, taking into full consideration the report of the Conservation Commission, that the proposed use or development will not cause, or does not have the potential to cause, short or long term degradation to the water quality of the Kickemuit Reservoir with respect to established pollutant standards.

The Planning Board shall also review the site plan to insure that the proposed development adheres to the following performance and design standards where applicable:

- A. All new structures and expansions, paved areas and land disturbances shall be designed so as to minimize or prevent the discharge of any material which may have an adverse impact on the water quality of the Reservoir.
- B. The storage of hazardous materials and petroleum products shall be located within a building unless it is determined that indoor storage will not meet fire safety standards. No new underground storage tanks shall be permitted.
- C. The exterior storage of hazardous materials and petroleum products contained within any tank larger than two hundred and seventy-five (275) gallons shall be located within a containment structure that meets the following standards:
 - 1. The base and surrounding dike shall be impermeable and compatible with the material being contained.
 - 2. The containment structure shall be protected by a roof and adequate sides to prevent exposure to stormwater. It shall also be protected from vehicular accidents, vandalism, corrosion, leakage or spillage through the use of steel guardrails, secure fencing, concrete barriers or similar devices acceptable to the Planning Board.

- D. Dumpsters shall be covered or located within a roofed area and shall not have open drain holes.

In its review, the Planning Board may impose restrictions and conditions which, in its judgment, will safeguard the source of drinking water supply for the Town and others.

32-143. Storage Tank Requirements

All existing underground storage tanks, and all above ground storage tanks two hundred and seventy-five (275) gallons or larger in size, which contain hazardous materials or petroleum products and are located within the Watershed Protection Overlay District, shall be subject to the following requirements:

- A. All such tanks shall be registered with the Town of Warren in the Office of the Building Official. The registration must include information on the size and type of construction of the tank, the type of fuel or hazardous material being stored, the location on the premises and evidence of age.
- B. All such storage tanks and their piping shall be precision tested within six (6) months of the adoption of this article. The test shall be any final or precision test not involving air pressure which can accurately detect a leak of 0.10 gallons per hour after adjustment for relevant variables such as temperature change and tank end deflection.
- C. All tanks twenty (20) years of age or greater, or of unknown age, shall be precision tested every two (2) years thereafter. All other tanks shall be tested every five (5) years thereafter until reaching twenty (20) years of age, at which time they shall be precision tested every two (2) years thereafter. A certificate of testing shall be submitted to the Office of the Building Official.
- D. Any tank failing the test shall be emptied and disposed of at the expense of the owner and under the direction of the Fire Chief of the Town of Warren.
- E. All underground storage tanks shall have overfill protection and corrosion protection installed within one (1) year of the adoption of this article.
- F. In no case shall an existing storage tank be replaced by an underground storage tank.

32-144. Disputed Boundaries

Where the boundaries of the Watershed Protection Overlay District are in dispute, the burden of proof shall be upon the owner of the land to show where the boundaries should be located. At the expense of the owner, the Town may retain a professional hydrogeologist, professional engineer or other qualified professional as deemed necessary to review the request of said owner and assist in ruling on the relocation request.

32-145. Exemptions and Special Use Permit

A nonconforming use existing at the time of passage of this article may continue unless it poses a direct hazard to the water quality of the Kickemuit Reservoir, or is actually causing some foreign substance, such as oil, salt, chemicals or solid waste to be directly introduced into the Reservoir. Such a situation shall be considered to be a violation of this ordinance and subject to the provisions of Section 32-12.

Relief from the provisions of this article may be obtained through the issuance of a special use permit by the Zoning Board of Review, under the provisions of Article V. In such cases, it shall be the burden and responsibility of the applicant to prove to the satisfaction of the Zoning Board of Review that the issuance of the special use permit will not adversely affect the source of water supply for the Town.

32-146. Enforcement

The provisions of this article, including all development standards contained in Section 32-141, shall be enforced by the Building Official. For those uses not specifically exempt under Section 32-138, the Building Official shall issue permits for construction within the Watershed Protection Overlay District only after specific approval for said construction has been obtained from the Planning Board.

ARTICLE XXVI WATERFRONT OVERLAY DISTRICT DEVELOPMENT PLAN REVIEW

32-147. Statutory Authority and Purpose

The purpose of the Waterfront Overlay District is to establish and maintain a zoning district of mixed uses characterized by architectural and design standards consistent with traditional New England maritime centers, with sidewalks; pedestrian-friendly access; storefront windows allowing window shopping; walkways, bicycle paths; off-street parking dispersed into small, landscaped lots; trees; and access and visual right of ways to waterfront.

The overlay district is designed to ensure development of the waterfront in a manner that ensures the following:

- (a) Development in a manner consistent with the goals and policies of the Warren Comprehensive Plan.
- (b) Orderly and harmonious development along the waterfront, including site and architectural design which is compatible with traditional New England maritime centers, and the surrounding area, safe and convenient provisions of automobile and pedestrian access and circulation, landscaping and appropriate signage and light.
- (c) The preservation of important cultural and historical resources and the consideration of development impacts on valuable natural resources, including the Warren River.

The Waterfront Overlay District is an overlay zoning district as defined in the Rhode Island General Laws, § 45-24-31(50).

The Waterfront Overlay District shall be defined as the Waterfront District (W) and those parcels located in the Special District (SD) specifically referred to in Section 32-42K(1) of this zoning ordinance.

The boundaries of the Waterfront Overlay District and Development Parcel, are shown on the Town of Warren Official Zoning Map.

32-148. Definitions

Alteration: An exterior change to an existing structure. The use of different materials does not constitute an alteration if the structure is not otherwise changed. For purposes of this article, alteration does not include routine landscaping or building maintenance.

Demolition: An intentional act or process that destroys a structure entirely or in substantial part. For purposes of this definition, “substantial part” means destruction of greater than fifty percent of the physical structure.

Development: The construction, reconstruction, conversion, structural alteration, relocation, or

enlargement of any commercial or mixed-use residential structure, any mining, excavation, landfill or land disturbance; or any change in use, or alteration or extension of the use, of land. However, for purposes of this article, development does not include (1) routine landscaping or building maintenance; or (2) repairs or other work necessary to protect life or property in the event of fire, natural disaster, or other emergency. Development shall include:

- (a) any material change in existing property boundary walls, fences, driveways or parking areas, or construction of new walls, fences, driveways or parking areas, if such change or construction is subject to view from a public right-of-way within the district.
- (b) any addition, removal, or material change of any type of lighting if subject to view from a public right-of-way within the district.
- (c) any replacement structures, including residential buildings.

Development Parcel 1: That portion of the Waterfront Overlay District designated as Plat 1, Lot 2, of approximately 60,168 square feet, on the Town of Warren Tax Assessor Maps, dated March 31, 1988.

Large scale development: A development of new and/or existing buildings on one or more contiguous lots with a combined size of at least 20,000 square feet.

32-149. Development Plan Review Body

32-149(a). Establishment

The Warren Planning Board is hereby established as the development plan review body for the Waterfront Overlay District, pursuant to the Rhode Island General Laws, §45-24-49. An ex officio non-voting member shall also serve as a member of the board. The ex officio non-voting member shall be a member of the Town of Warren Voluntary Historic District Committee.

32-149(b). Duties and Powers

- (1) The Planning Board shall review all development and demolition in the Waterfront Overlay District pursuant to the procedures, requirements, and standards of this article.
- (2) With respect to applications involving only uses that are permitted by right under the zoning ordinance, the Planning Board shall approve or approve with condition the application based solely upon specific and objective requirements and standards of this article.
- (3) With respect to applications involving uses that require a special-use permit, a variance, a zoning ordinance amendment, and/or a zoning map change, the Planning Board shall first review the application and accompanying plans for compliance with this article and shall vote to either disapprove or conditionally approve the application. The Planning Board shall forward the application to the

Zoning Board of Review or the Town Council, as appropriate, accompanied by a written opinion recommending approval, approval with conditions, or disapproval.

- (4) The Planning Board shall hold a public hearing on each application for large-scale development or demolition within the Waterfront Overlay District. Notice of such hearing shall be made to the applicant, landowners, and to the general public in accordance with the requirements of Section 32-20 of the Warren Zoning Ordinance. The cost of notification shall be borne by the applicant.
- (5) To assist in its review of applications for development or demolition within the Waterfront Overlay District, the Planning Board may request comments from other agencies and officials of the Town.
- (6) The Planning Board may provide advice and assistance to property owners, and to the Town, on design and planning issues within the Waterfront Overlay District.
- (7) The Planning Board shall have the right to retain the services of professional help reasonably required to carry out the purposes of this article. Any expense incurred in the retention of such professional assistance shall be borne by the applicant, provided that such services are rendered solely with respect to the applicant's proposed development.

32-149(c). Voting

- (a) Separate votes shall be taken for each application. Disapproval of an application within the Waterfront Overlay District is appealable to the Zoning Board of Review under Rhode Island General Laws, § 45-24-64.
- (b) The concurring vote of the majority of the review board shall be necessary to approve an application.

32-150. Procedures

32-150(a) Application

- (1) A written application for any development or demolition within the Waterfront Overlay District shall be submitted, together with a site plan(s), maps and other required documentation, to the Planning Board Administrative Officer, who shall forward the application and supporting documents to the Planning Board. All applications shall be on official forms published by the Board. If further documentation is required by the Planning Board the applicant must provide the requested documents prior to hearing of the application.
- (2) Site plans shall identify all existing and proposed structures, landscaping, sidewalks, buffer areas, fencing, screening, drainage, utilities, parking spaces, maneuvering areas, entrances and exits. Building elevations, with exterior materials specified, shall also be provided. In the case of large-scale development,

site plans must be accompanied by an impact report that includes effects of the proposed development on utilities, traffic, municipal services and neighboring land uses.

- (3) All applications shall be accompanied by a filing fee in an amount determined by the Town Council and posted as part of the Warren Planning Board Fee Schedule.
- (4) An applicant shall submit six (6) copies each of the application and all required plans and drawing to the Planning Board. The application material must be submitted twenty-one (21) days in advance of the regular monthly Planning Board meeting and be accompanied by any necessary supporting documentation. In the case of large-scale development or demolition the names and addressed of all abutters within two hundred (200) feet of the proposed development must be included.
- (5) In the case of a development which requires twenty (20) or more parking spaces, a traffic impact assessment report shall be included as supporting documentation.
- (6) A copy of the complete application shall be forwarded to the Town of Warren Voluntary Historic District Committee for recommendation and review. The application shall be forwarded by the Planning Board Administrative Officer.

32-150(b) Decision

- (1) All decisions by the Planning Board on applications for development or demolition within the Waterfront Overlay District shall be in writing and shall state the reasons for the action taken, including any conditions imposed or recommended. A copy of the written decision shall be filed in the zoning records of the Town, and a copy of the recorded decision mailed to the applicant.
- (2) Decisions containing recommendations to the Zoning Board of Review or the Town Council shall be promptly forwarded, with the record, to the appropriate body for its decision.

32-151. District Requirements and Standards

32-151(a) Generally

- (1) No development, as defined in this article, shall be commenced within the Waterfront Overlay District without the prior approval or recommendation of the Planning Board pursuant to the provisions of this article.
- (2) All development in the Waterfront Overlay District is subject to the provisions of this article in addition to all other provisions of the Zoning Ordinance. In the event of conflict between a provision of this article and any other provision of the Zoning Ordinance, the provision of this article shall prevail.
- (3) The requirements and standards of this section shall apply throughout the

Waterfront Overlay District. Additional requirements and standards are set forth for particular Development Parcels.

32-151(b) Objectives and Intent

- (1) To accomplish the purpose of the Waterfront Overlay District, as stated in Section 32-147 of this article, this section describes the general objectives and intent of the Town in establishing requirements and standards for development and demolition within the overlay district. The provisions in this section are provided for guidance to the Planning Board and to all who have an interest in property within the district. These guidelines should be followed as closely as possible by the Board in interpreting and applying the requirements and standards of this article.
- (2) Buildings in the Waterfront Overlay District should be planned to promote opportunities for walking and bicycling as well as private motor vehicles and public transportation.
- (3) All development in the district should be visually compatible with the immediately surrounding area, in terms of the following factors:
 - (a) Scale of buildings. The scale of a building should be visually compatible with its site and surrounding buildings or the desired character of the district.
 - (b) Facade materials. Acceptable materials should include, wooden clapboards, shingles, patterned shingles, brick, and stone, depending on the architectural style of the building.
 - (c) Site features. The size, placement and materials of walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

32-151(c) Dimensional Requirements

- (1) Setbacks. The maximum front setback allowed by the underlying zoning or the average of the actual setbacks of the principal buildings on lots fronting on the same street, whichever is less. Required front setback areas for mixed use residential buildings shall not be paved or used for parking other than driveway access to rear parking. For other buildings, required front setback areas shall not be used for parking.
- (2) Building size. No building in a large scale development shall exceed 8,000 square feet in footprint area unless, (1) the facade on any side exceeding 40 feet is interrupted with salient architectural features to scale down building mass.

32-151(d) Design Requirements

- (1) Building facades must contain street level windows and main entrances from the sidewalk. The streetside facade of a building shall not consist of an unarticulated blank wall or an unbroken series of garage doors.

- (2) The exterior of new buildings and additions to existing buildings must be of building materials traditionally used in New England as listed in Section 32-151(b).
- (3) New buildings and additions to existing buildings must have a traditional roof form. All mechanical devices located on the roof shall be shielded from view from the street.
- (4) Exterior lighting shall be designed to minimize impact on neighboring properties. Fixtures illuminating building facades shall be shielded and directed toward the building.
- (5) Air conditioning and ventilation units, storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall be designed and screened or located to provide an audio-visual buffer sufficient to minimize adverse impact on other land uses within the development area and surrounding properties.
- (6) The location and design of all development on a lot shall permit easy and safe access of fire, police, and other emergency vehicles.
- (7) The layout and design of vehicular, bicycle, and pedestrian circulation, including walkways, interior drives, and parking areas, shall provide for (1) safe general circulation, (2) separation of pedestrian and vehicular traffic, (3) service traffic and loading areas, and (4) safe arrangement and use of parking areas.
- (8) The design of the landscaping, including plantings, shall define, soften, and/or screen the appearance of parking areas from public rights-of-way and abutting properties, and minimize the encroachment of proposed uses on neighboring land uses. Existing trees and vegetation shall be preserved to the maximum extent reasonably possible.
- (9) Scenic views and historically significant landscape features, such as stone walls, picket fences and large trees shall be preserved to the maximum extent reasonably possible.

32-151(e). Parking and Traffic Circulation

- (1) Parking lots on adjoining commercial lots developed at the same time shall be connected internally to each other to allow for channeled-through traffic between the lots and reduce the need for multiple curb cuts.
- (2) Parking lots shall be protected with suitable guards, rails, islands, crosswalks, speed bumps, and similar devices deemed necessary for safety by the Planning Board.
- (3) Shared parking. Development projects containing mixed uses with staggered peak periods of demand, shall share parking areas. The availability of shared parking on the same lot and/or on-street parking may support a recommendation for a variance from parking requirements. Parking requirements may be satisfied by agreement for shared

parking with uses on adjacent lots by obtaining a variance from the Zoning Board of Review conditioned upon continuance of the shared-parking agreement.

(4) Parking lots containing 10 or more spaces shall be planted with at least one tree or shrub for every five spaces. Trees and shrubs shall be evenly distributed on the periphery of lots or within the lot. To the extent practicable, existing vegetation shall be retained and used.

32-152. Requirements & Standards for Development Parcel 1

32-152(a) Generally

The requirements and standards in this section are in addition to the requirements and standards forth in Section 32-152.

32-152(b) Permitted Uses

(1) Uses permitted by right within Development Parcel 1 shall be limited to Town owned or privately owned parks or playing fields.

(2) Uses allowed upon issuance of a Special Use Permit by the Zoning Board of Review within Development Parcel 1 shall be limited to; Aquaculture; Trade School; Professional or Business Office Building; Commercial Recreation Structure; Restaurant; Theater or Concert Hall; Personal and Specialty Service Business Uses; Boat Repair and/or Rental Services; other retail business uses.

XXVII Low and Moderate Income Housing

32-153. Authority to Grant Comprehensive Permit

In accordance with Title 45, Chapter 53 of the Rhode Island General Laws, the “Low and Moderate Income Housing Act,” the Planning Board shall have the power to issue a comprehensive permit to eligible low and moderate income housing projects, which relief shall include all permits or approvals from any local board or official who would otherwise act with respect to such application including, but not limited to, the power to attached to the permit or approval conditions and requirements with respect to setbacks, height, site plan, size shape, building materials, landscaping and parking consistent with the terms of the Act.

This section of the Warren Zoning Ordinance shall apply to all conversions, reconstructions and rehabilitation proposals in which the creation of low and moderate income housing units is proposed. In the case of subdivision of land or major land development project, the Act shall apply under the guidelines of the Warren Subdivision Regulations.

32-154. Definitions

Completed Application: All necessary forms and all accompanying documents, exhibits and fees required of an applicant by the Permitting Board and Preliminary Review Committee with respect to a comprehensive permit application.

Consistent with local needs: Local zoning or land use ordinances, requirements, and regulations are considered “consistent with local needs” if; they are reasonable in view of the State need for low and moderate income housing, considered with the number of low income persons in the town affected; they protect the health and safety of the occupants of the proposed housing or of the residence of town; they promote better site and building design in relation to the surroundings, or to preserve open spaces; the local zoning or land use ordinances, requirements, and regulations are applied as equally as possible to both subsidized and unsubsidized housing.

Local zoning and land use ordinances, requirements, or regulations are consistent with local needs when imposed by the town council after comprehensive hearing in a town where:

(i) Low or moderate income housing exists which is in excess of ten percent (10%) of the housing units reported in the census.

(ii) The town has promulgated zoning or land use ordinances, requirements, and regulations to implement a comprehensive plan which has been adopted and approved and the housing element of the comprehensive plan provides for low and moderate income housing in excess of either ten percent (10%) of the housing units or fifteen percent (15%) of the occupied rental housing units.

Infeasible: Any condition brought about by any single factor or combination of factors, as a result of limitations imposed on the development by conditions attached to the zoning approval, to the extent that it makes it impossible for a public agency, nonprofit organization, or limited

equity housing cooperative to proceed in building or operating low or moderate income housing without financial loss, within the limitations set by the subsidizing agency of government, on the size or character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially changing the rent levels and unit sizes proposed by the public agency, nonprofit organization, or limited equity housing cooperative.

Local Board: Any town zoning board of review, planning board or commission, platting board of review, building inspector; or the officer or board having supervision of the construction of buildings or the power of enforcing municipal building, subdivision, or zoning laws; or the town council.

Low or moderate income housing: Any housing subsidized by the federal, state or local government under any program to assist the construction or rehabilitation of low or moderate income housing, as defined in the applicable federal or state statute, whether built or operated by any public agency or any nonprofit organizations, or by any limited equity housing cooperative, or any private developer.

Permitting Board: The Warren Planning Board.

Preliminary Review Committee: (Committee) consisting of the Zoning/Building Official, the Planning Board Chairman or his/her designee, the Zoning Board of Review Chairman or his/her designee, a member of the Voluntary Historic District Commission when the proposed project is within the National Register Historic District. The meeting shall be conducted in the same manner as a Technical Review Committee with the Planning Administrative Officer/Building Official serving as Chair.

32-155. Entities Eligible to apply for Comprehensive Permit

Entities eligible to submit to the Permitting Board a single application for a comprehensive permit to construct or rehabilitate low or moderate income housing, in lieu of separate applications to the applicable local boards, are;

- (A) Any public agency, nonprofit organization or limited equity housing cooperative proposing to build or rehabilitate low or moderate income housing; or
- (B) Any private developer proposing a low or moderate rental housing which will remain as low and moderate income housing for a period of not less than thirty (30) years from initial occupancy.

32-156. Projects eligible to apply for Comprehensive Permit

Projects are eligible if sponsored by an eligible entity and:

- (A) Are eligible for a subsidy from state or federal government agencies under any program to assist in the construction or rehabilitation of low and moderate income housing; and
- (B) Have at least the minimum number of units reserved for low or moderate income housing as defined by the program providing the subsidy, or twenty-five percent

- (25%) of the total number of units reserved for low or moderate income housing, whichever is greater; and
- (C) Income eligibility and fair market rent requirements for tenants/homeowners of the units designated for low or moderate income households must not exceed guidelines established by HUD.

32-157. Preliminary Review Committee Duties and Powers

- (A) The Preliminary Review Committee shall review all project proposals seeking approval under the Comprehensive Permit process, as deemed necessary by the Preliminary Review Committee Chair and Planning Board administrative officer.
- (B) It is the responsibility of the Preliminary Review Committee to evaluate all evidence of the low and moderate housing stock to be generated by the proposed development, be it through rental units or homeownership. The Committee shall review the applicant's comprehensive permit utilizing documentation, provided by the applicant, which presents the feasibility of the proposed development based on (i) evidence of fair market rents, and housing affordability for families classified as of low and moderate income by the United States Department of Housing and Urban Development (HUD), (ii) the number of affordable units as set forth in Section 32-156(B), and (iii) the impact on the Town's overall sustainable/subsidized housing stock.
- (C) The Preliminary Review Committee shall forward a recommendation to the Permitting Board. The committee shall issue findings of fact, based on materials presented during the pre-application meeting, to the Planning Board administrative officer in a timely manner for presentation at public hearing.
- (D) To assist in its review of comprehensive permit applications the Preliminary Review Committee may request comments from other agencies and officials of the Town.

32-158. Application Requirements

An application form shall be provided by the Planning Board Administrative Officer and the application fee shall be equal to the cumulative fees which would be associated with approval of the project if it did not qualify for review under this Article.

At the time of initial application submission, a meeting will be scheduled by the Administrative Officer with the Preliminary Review Committee, as deemed necessary. The preliminary review meeting shall not infringe on the scheduling of the public hearing as stated in Section 32-160.

The Preliminary Review Committee shall require the submission of specific information. Applications shall contain the following:

- (A) Documentation of evidence concerning site control and ownership;

- (B) Documentation of evidence concerning eligibility for state and/or federal subsidy, including a letter from the funding agency indicating the eligibility of the applicant and the project, and determination that the project has been or will be funded;
- (C) Evidence of incorporation and/or nonprofit status of the intended builder/operator of the development;
- (D) Evidence of the costs, income and other economic factors which results in the rental rate(s) and/or homeownership prices for the low and moderate income housing units to be constructed. The permitting board may require the inclusion of this documentation as part of the land evidence record upon approval of the application.
- (E) Site plans including;
 - (1) Locations and dimensions of existing property lines within or adjacent to the parcel(s) easements and rights-of-way.
 - (2) Location, width and names of proposed and existing streets within and immediately adjacent to the parcel(s).
 - (3) Location of units within development to be designated for low and moderate income residents.
 - (4) Names of abutting property owners and property owners immediately across any adjacent streets or right-of-way.
 - (5) Location of wetlands, watercourses or coastal features present on or within 200 feet of the property.
- (F) Scaled architectural drawing for each building, which shall include floor plans, plans of typical units, building elevations and sections and shall identify construction type and exterior finish materials.

32-159. Review by Permitting Board

- (A) An application shall be forwarded to the Permitting Board as defined herein. Ten (10) copies of the completed application and all supporting material shall be submitted to the Planning Board Administrative Officer, who shall notify each local board and official, entitled to notice of hearings on applications under the zoning ordinance, of the filing of the application. A public hearing on the application shall be held within thirty (30) days of receipt.
- (B) Upon receipt of a comprehensive permit application, the Administrative Officer shall forward a copy to the Preliminary Review Board as deemed necessary.
- (C) The Permitting Board shall review the application and issue findings of fact on each of the following, for which documentation must be provided by the applicant. These findings of fact are necessary to determine if the proposed development will create any adverse conditions in terms of the environment and the health, safety and welfare of the current Town residents or occupants of the proposed housing development:

- (1) The applicant has received a recommendation from the Preliminary Review Board. The recommendation, including findings of fact, shall be submitted to the Permitting Board in writing. This recommendation shall be submitted to the permitting board with all documents required by Section 32-158.
- (2) A written request to apply for a comprehensive permit. The written request shall include a proposed timetable for the commencement of construction and completion of the project, and the name address and telephone number of the applicant, its agent or representative who can be contacted with regard to details of the submission.
- (3) Identification of all exceptions, variances, waivers from local codes, ordinances, by-laws or regulations being requested as part of the comprehensive application.
- (4) Development plans detailing the proposed development, including but not limited to lot lines; location of proposed building(s), and where applicable relation of proposed building(s) to existing structures; dimensions/footprint of proposed structure(s); proposed location, dimensions and materials for streets, drives, parking areas, walks and paved areas; proposed landscaping improvements, open areas within the site.
- (5) A site plan including the following information: *(Note – If the subject property is contiguous to adjacent lots by either ownership or use a Master Plan for such contiguous lots, showing current land uses, proposed development and any future development, must be presented as set forth in Section 32-159[C-8]).*
 - a) Name, address, plat(s) and lot(s) of the proposed development.
 - b) Name and address of the property owner(s) and applicant.
 - c) Name, address and telephone number of person/firm preparing the plan.
 - d) Date of plan preparation with revision date(s), if any.
 - e) Graphic scale and true north arrow.
 - f) Zoning district(s) of parcel(s). If more than one district, zoning boundaries must be shown.
 - g) Perimeter boundary lines of proposed development project.
 - h) Locations and dimensions of existing property lines within or adjacent to the parcel(s), easements and rights-of-way.
 - i) Location, width and names of proposed and existing streets within and immediately adjacent to the parcel(s).
 - j) Names of abutting property owners and property owners immediately across any adjacent streets or right-of-way.
 - k) Location of wetlands, watercourses or coastal features present on or within 200 feet of the property.
- (6) Scaled architectural drawing for each building, which shall include floor plans, plans of typical units, building elevations and sections and shall identify construction type and exterior finish materials.

- (7) A report on the existing site conditions and a summary report to include traffic patterns, character of open areas, and wetlands and flood plains within a radius of 200 feet from the border of the project lot or lots.
 - (8) If the application involves a major or minor subdivision of land or is defined as a land development project, a master plan shall be required in accordance with the Town of Warren Subdivision Regulations.
 - (9) A utilities plan showing proposed types and location of sewage, drainage and water facilities (gas, lighting hydrants, etc).
 - (10) Where public sewer is not available approval of the proposed ISDS system by Rhode Island Department of Environmental Management is required.
- (D) Notwithstanding the submission requirements set forth in this article, the Permitting Board may request additional information and documentation, including opinions or statements from other town boards, commissions and officials.
- (E) The Permitting Board shall have the same power to issue permits or approvals as any local board or official that would normally act in respect to the application under the zoning ordinance. The Permitting Board's power shall include but not be limited to, the power to attach conditions and requirements to the permit approval with respect to building height and footprint; size of development; overall site plan layout, including landscaping, traffic ingresses and egresses; signage; building materials: location of units to be designated for low and moderate income residents.

32-160. Notice and Hearing

- (A) The Permitting Board shall convene a public hearing within thirty (30) days of the receipt of an application deemed complete by the Planning Board Administrative Officer. The public hearing may be continued upon decision of the Permitting Board thereafter, provided that all due speed is exercised to bring the hearing to a closed and a decision rendered by the Permitting Board.
- (B) Notice of the public hearing shall be made to the applicant, landowners, and to the general public in accordance with the requirements of the Warren Zoning Ordinance. The cost of notification shall be borne by the applicant.
- (C) The Permitting Board shall render a decision within forty (40) days after the official closing of the public hearing. The Permitting Board shall not close the public hearing until all public testimony and all information requested by the Board has been received.

32-161. Decisions

- (A) The concurring vote of the majority of the review board shall be necessary to approve an application.
- (B) In rendering a decision the Permitting Board may take the following actions;

- (1) Approve the Comprehensive Permit on the terms and conditions set forth in the application ;
- (2) Approve the Comprehensive Permit with conditions;
- (3) Deny the comprehensive permit for any one or more of the following reasons:
 - (a) If the proposal is not “consistent with local needs,” as defined by this article, including but not limited to, the needs identified in the Town of Warren Comprehensive Plan, the Town of Warren Subdivision Regulations, Warren Zoning Ordinance and all procedures promulgated in conformance with the Warren Comprehensive Plan;
 - (b) If the proposal is not consistent with the Warren Comprehensive Plan;
 - (c) If the Town of Warren has met or plans to meet the State required ten (10) percent standard of low/moderate income housing stock.
 - (d) If concerns for the environment or the health, safety and/or welfare of current residents have not been adequately addressed by the proposal.
- (C) Upon making a decision, the Planning Board, serving as the Permitting Board, shall issue either a comprehensive permit which includes all conditions imposed, or; if the comprehensive permit is denied, a written decision including the reasons for the denial.
- (D) In accordance with RIGL 45-24-61, any decision evidencing the granting of a variance, modification or special use permit shall also be recorded in the land evidence records of the town. If the comprehensive permit application is for a subdivision or a major or minor land development, any decision must also be signed and recorded in accordance with RIGL 45-53-4.
- (E) It shall be a condition of all comprehensive permit application approvals that proof of subsidy must be secured and recorded in the Town of Warren Land Evidence Records prior to the signing of final plans and/or plats, and prior to the issuance of any building permits for the project.
- (F) In the case of private developers, a monitoring entity shall be identified that has the capacity and the procedures in place to monitor the affordability of the project for a period not less than thirty (30) years from initial occupancy.

32-162. Appeals

- (A) Any person aggrieved by the issuance of a Comprehensive Permit may make an appeal to the Rhode Island Supreme Court.
- (B) If the application has been filed with the Permitting Board in accordance with Section 45-53-4 of the Rhode Island General Laws and has been denied or granted with conditions and requirements as to make the building and operation of such housing infeasible, an appeal may be filed with the Rhode Island State Housing Appeals Board. The Permitting Board, within ten (10) days of receipt of notice from the appeals board transmit a copy of the written decision together with a copy of all documents an exhibits in the record.

ARTICLE XXVIII

RURAL BUSINESS ZONING DISTRICT

32-163. Statutory Authority and Purpose

The purpose of the Rural Business District is to establish and maintain a zoning district of mixed commercial uses characterized by architectural and site design standards consistent with providing a aesthetically unobtrusive gateway to the Town, with sidewalks where applicable; safe vehicular access; shared off-street parking dispersed into small, landscaped lots; trees; and access and visual rights of way to the Palmer River and other environmentally rich lands.

The Rural Business District is designed to ensure development of Warren's commercial gateway in a manner that ensures the following:

- (d) Development in a manner consistent with the goals and policies of the Warren Comprehensive Plan.
- (e) Orderly and harmonious development, including site and architectural design which is compatible with purposes of this article, convenient provisions of automobile access and circulation, landscaping, appropriate signage and lighting, with unobstructed views and access to environmentally rich areas in the district.
- (f) The preservation of important cultural and historical resources, both natural and man-made, and the consideration of development impacts on valuable natural resources, including the Palmer River.
- (g) Establishing this northern portion of Market Street as a gateway to the Town of Warren with a boulevard feel of tree-lined streets, pedestrian friendly sidewalks and curbing.

The boundaries of the Rural Business District are shown on the Town of Warren Zoning Map.

32-164. Definitions

Alteration: An exterior change to an existing structure. The use of different materials does not constitute an alteration if the structure is not otherwise changed. For purposes of this article, alteration does not include routine landscaping or building maintenance.

Demolition: An intentional act or process that destroys a structure entirely or in substantial part. For purposes of this definition, "substantial part" means destruction of greater than fifty percent of the physical structure.

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any commercial or mixed-use residential structure, any mining, excavation, landfill or land disturbance; or any change in use, or alteration or extension of the use, of land. However, for purposes of this article, development does not include (1) routine landscaping or building maintenance; or (2) repairs or other work necessary to protect life or property in the event of fire, natural disaster, or other emergency. Development shall include:

- a) any addition, removal, or material change of any type of lighting if visible from a public right-of-way within the district, or an abutting district.
- b) any replacement structures, including residential buildings.
- c) any signage visible from a public right-of-way within the district.

Large scale development: A development of new and/or existing buildings on one or more contiguous lots with a combined size of at least 40,000 square feet, and/or when the creation of a road is required.

32-165. District Requirements and Standards - Generally

- A. All development within the Rural Business District is subject to the provisions of this article, Article V, and Article X as well as all other provisions of the Zoning Ordinance.
- B. The requirements and standards of this article shall apply throughout the Rural Business District for change of use, within an existing structure, as permitted under Section 32-166 with additional requirements and standards set forth as specified in Section 32-170 of this article for parcels abutting the Palmer River, except as noted in this section.
- C. All developments shall be required to construct “farm style” natural stonewalls along property lines abutting streets, driveways and thruways.
- D. All developments shall be required to plant street trees and landscape areas along streets, driveways and thruways.
- E. All developments must provide for, construct, or improve sidewalks along all streets, driveways and thruways abutting development
- F. All applications for development within the Rural Business District must submit a site plan, prepared by a registered professional engineer. The site plan shall be reviewed by the Planning Board. Site plans shall identify all existing and proposed structures, landscaping, sidewalks, buffer areas, fencing, screening, proposed signage, drainage, utilities, parking areas, maneuvering areas, entrances and exits. In the case of major land development projects site plans must be accompanied by an impact report that includes effects of the proposed development on utilities, traffic, municipal services, neighboring land uses, and sensitive environmental areas.
- G. The planning board shall review the site plan to assure the safety of traffic movement both within the area covered by the development and in relation to adjacent streets and pedestrian activity; the effect of the proposed development on neighboring land uses; impact on public services. The planning board shall also review the proposed plan as to its compatibility with the Warren Comprehensive Plan as it relates to commercial development. The planning board shall report its findings to the Zoning Board of Review.

H. Section 32-167 (C – G) shall not apply to those existing structures located in the Rural Business Zone applying for a change of use as permitted under Section 32-166 of this ordinance.

32-166. Permitted Uses

All uses permitted within the Rural Business District shall require a special use permit. Those uses permitted within the Rural Business District by special use permit are:

Veterinary Hospital	Trade School	Office Building
Specialty Service Businesses	Appliance Repair	Commercial Recreation Structure
Landscaping Services	Automotive Repair	Boat Repair & Service
Wholesale Business	Wholesale Storage	Communication Studio
Light Assembly	Manufacturing Uses	Plumbing, Welding, Carpentry
Commercial Agriculture	Greenhouse/Nursery	Retail sales of goods produced onsite
Tele exchange/call center	Catering Service	Funeral Home/Mortuary
Restaurant (full-service only, drive-thru prohibited)		Bank
Personal Service Businesses		
Telecommunication antenna attached to existing structures and modifications thereto		

32-167. Dimensional and Design Requirements

Dimensional requirements for this district are designated in Article XIII of this zoning ordinance. Additional dimensional and design requirements specific to development in the Rural Business District shall include the following:

- a) Setbacks. Rural business uses which abut lots with existing non-conforming residential uses shall incorporate a 40 foot setback from the property line of the residential use that shall include a 20 foot vegetated strip. Front yard setback for structures with frontage on Market Street shall be limited to 30 feet, whereas the front yard setback along all other streets shall be limited to 15 feet. Side yard setback shall be limited to 30 feet, and rear yard setback shall be limited to 20 feet, in all other instances.
- b) Height. Maximum height of a principal structure within any development shall be limited to 30 feet. The height of accessory structures shall not exceed 15 feet.
- c) Building size. No building shall exceed 8,000 square feet in footprint area, unless the facade on any side exceeding 40 feet is interrupted with salient architectural features to scale down building mass.
- d) Lot Frontage. A minimum of 100 feet of lot frontage is required in the Rural Business District.
- e) Lot Coverage. Maximum lot coverage shall not exceed 60 percent of the overall lot size. Lot coverage shall include buildings, accessory structures and all impervious surfaces. Unbuildable area(s) of parcels shall not be included in the overall calculation for lot

coverage. Abutting parcels under common ownership, as defined in Article XIV, shall be considered as one parcel for lot coverage calculations.

- f) Facades. All buildings within the district shall have street side facades constructed with aesthetically appropriate materials, including but not limited to, brick, stone and other finish masonry materials, traditional New England materials, including clapboard, shingles and other similar products as deemed appropriate by the Planning Board during site plan review.
- g) Accessory Structures. No accessory structure shall be constructed within 40 feet of any residential boundary.
- h) Buffer Areas. A buffer of plantings shall be placed along the property boundaries. There shall be a landscaped buffer of twenty (20) feet between any rural business use and the lot line of any residential property. The landscaped buffer, in all instances shall consist of trees and shrubs of varieties proven hardy and prosperous in New England coastal areas and of sufficient size to add immediate buffer. Where applicable solid fencing may be required.
- i) Utilities. All utilities shall be placed underground.
- j) Parking. Shared parking of abutting developments shall be required to reduce additional curb-cuts along Market Street. Parking lots containing 10 or more spaces shall be planted with at least two trees and shrubs for every five spaces. Trees and shrubs shall be evenly distributed on the periphery of parking lots and within parking lots. Minimum size of trees shall meet those required in the Warren Planning Board Rules and Regulations for Subdivisions. Planted islands are required for every 15 spaces.
- k) Fences. Fencing proposed along rear and side property lines, that are screened from public view may be constructed of any material as approved during site plan review by the Planning Board. All fencing proposed along the front and side property lines that are viewable by the public shall be constructed of wood and shall not exceed four (4) feet in height.
- l) Walls. Stone walls shall be a minimum of three(3) feet tall, and two (2) feet wide, and shall not exceed five (5) feet in height.

32-168. Site Plan Review - Design Requirements

- (a) Building facades must contain street level windows. The street-side facade of a building shall not consist of an unarticulated blank wall or an unbroken series of garage doors.
- (b) New buildings and additions to existing buildings must have a traditional roof form. No flat roofs shall be allowed.
- (c) A complete landscaping plan, stamped by a licensed landscape architect,

including all plantings shall be submitted for approval. Landscaping shall define, soften and/or screen the appearance of parking areas from public rights-of-way and abutting properties, and minimize the encroachment of proposed uses on neighboring land uses. Existing trees and vegetation shall be preserved to the maximum extent possible. Street trees, with minimum size as set forth by the Warren Planning Board Rules and Regulations for Subdivisions, shall be required for development with frontage on Market Street.

- (d) Exterior lighting shall be designed to minimize impact on neighboring properties. Fixtures illuminating building facades shall be shielded and directed toward the building.
- (e) Air conditioning and ventilation units, storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall be designed and screened or located to provide an audio-visual buffer sufficient to minimize adverse impact on other land uses within the development area and surrounding properties.
- (f) The location and design of all development on a lot shall permit easy and safe access of fire, police, and other emergency vehicles.
- (g) The layout and design of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas, shall provide for (1) safe general circulation, (2) separation of pedestrian and vehicular traffic, (3) service traffic and loading areas, and (4) safe arrangement and use of parking areas, (5) linkage to abutting parking areas, either within one development parcel or several regardless of ownership, where applicable.
- (h) Large scale development shall site parking area at the side or rear of any structures whenever applicable.
- (i) Scenic views and historically significant landscape features shall be preserved to the maximum extent reasonably possible. The siting of proposed buildings should not obstruct in full view(s) of the Palmer River.
- (j) The scale of a building should be visually compatible with its site and surrounding buildings or the desired character of the district.
- (k) The size, placement and materials of walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.
- (l) The Planning Board may request review and recommendations from other town boards, commissions or departments prior to granting approval to site plan review.

32-169. Signs

32-169(a). Design Requirements

- 1) Signs for developments with more than one use or primary building shall have a uniform signage design. A combination of no more than two (2) types of signage may be displayed per use, regardless of the number of occupants.
- 2) Developments housing a single use shall be permitted no more than two (2) signs of any type.
- 3) One (1) freestanding sign per development shall be permitted.
- 4) Internally illuminated signs are prohibited.
- 5) The area surrounding freestanding signs shall be landscaped.

32-169(b). Size

Maximum Signage Area

Total amount of signage per development shall not exceed 30 square feet. In calculating total square feet of signage, area of freestanding signs, wall-mounted signs and awning signs shall be taken into consideration for each development. Symbols shall count toward the calculation of total area.

Freestanding Signs – Individual Business Development

- 1) Maximum Height – 8 feet. Height will be measured from the natural level of the ground at the base of the sign to the highest point of the sign or sign support, whichever is taller.
- 2) Area (maximum square footage) – 12 feet. In the case of two-sided signs, each side shall be measured in calculating the maximum square footage.

Freestanding Signs – Multi-use Business Development

- 1) Maximum Height – 10 feet. Height will be measured from the natural level of the ground at the base of the sign to the highest point of the sign or sign support, whichever is taller.
- 2) Area (maximum square footage) – 18 feet. In the case of two-sided signs, each side shall be measured in calculating the maximum square footage.

Wall-mounted Signs

- 1) Sign shall not project more than six (6) inches from the surface upon which it is mounted.
- 2) Sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached.
- 3) Sign area shall be determined by multiplying the measured length of the sign board or total length of affixed letters and symbols, by the height of sign board or affixed letters and symbols.

Awning Signs

- 1) Lettering shall be contained within the valance of the awning, or in the case of an awning with no valance, within the lowest extended portion of the awning, closest to the ground.
- 2) Lettering and symbols on awning sign shall not exceed ten (10) inches in height.
- 3) Awning sign area shall be determined by measuring the length of the printed area of the awning and multiply by the letter and symbol height.

32-169(c). Sign Placement

- 1) No sign shall be placed within 10 feet of street curb.
- 2) No sign shall be affixed to a fence, utility pole, or traffic control structure, tree, shrub, rock or other natural object.
- 3) Signs affixed to a structure shall not obscure arches, sills, molding, cornices and other similar architectural features.
- 4) Off-premise signs shall be permitted through the provisions of Article XX, Section 32-113 (A) of this ordinance. An off-premise sign shall count as one of the two permitted signs per use.

32-169(d). Prohibited Signs

- 1) Billboards
- 2) Temporary window signs
- 3) Streamers, pennants, ribbons, banners, balloons, strings of lights, spinners; except in the case of a grand opening announcement, and shall be removed within two (2) weeks of opening.
- 4) Internally illuminated signs
- 5) Neon and day-glow signs
- 6) Signs with moving parts
- 7) Flashing signs
- 8) Projecting signs
- 9) Roof-mounted signs
- 10) Portable signs

32-169(e). Exemptions

- 1) Signs posted for public safety
- 2) Non-business informational and directional signs
- 3) Signs relating to trespassing and hunting – such signs shall not exceed two (2) sq. ft.
- 4) Real estate signs – one (1) allowed per property for sale/rent, only while the property is offered
- 5) Memorial sign or tablet
- 6) Flags of national, state, local origin
- 7) Address signs

32-169(f). Nonconforming Signs

- 1) *Continuance.* A nonconforming sign lawfully existing at the time of adoption or subsequent amendment of this article, may continue until such time that said sign is in need of structural improvements or replacement, in part or whole.

- 2) *Replacement.* Any sign replacing a nonconforming sign shall conform with the provision of this article, and the nonconforming sign shall not longer be displayed. Any sign deemed unsafe the Building Official shall be replaced.

32-169(g). Permitting of Signs

It shall be unlawful for any person to erect, display alter or enlarge any sign as defined in this ordinance without first obtaining a permit from the building official. Any signs erected within the district shall be reviewed and approved by the building official for compliance with the article and other provisions of the zoning ordinance, town code, and all state building codes. No permit need be applied for exempt signs (Section 32-169(e)). Permits shall be issued only if the building official determines the sign complies, or will comply, with all applicable ordinances and building codes.

32-170. Development Abutting the Palmer River

The importance of the Palmer River and its abutting ecologically sensitive land is recognized by the Town of Warren, and therefore all development on parcels abutting the Palmer River shall conform to the following regulations:

- 1) All wetland area and areas supporting rare/endangered species of wildlife and fauna will be protected from the impact of development with a required 100 foot buffer.
- 2) Wetland and areas supporting rare/endangered species of wildlife and fauna shall not be used in the calculation of buildable land area.
- 3) All structures will be sited as to not negatively impact the scenic quality of the land from Market Street. Sightlines to the Palmer River shall not be blocked in whole by any structure or combination of structures, this shall include signage and lighting viewable from the street and from the river.
- 4) Where determined applicable during site plan review, access will be provided to the Palmer River, permitting pass and repass, and shall be noted on approved site plan.

**APPENDIX A.
PARCELS WITH USE RESTRICTIONS**

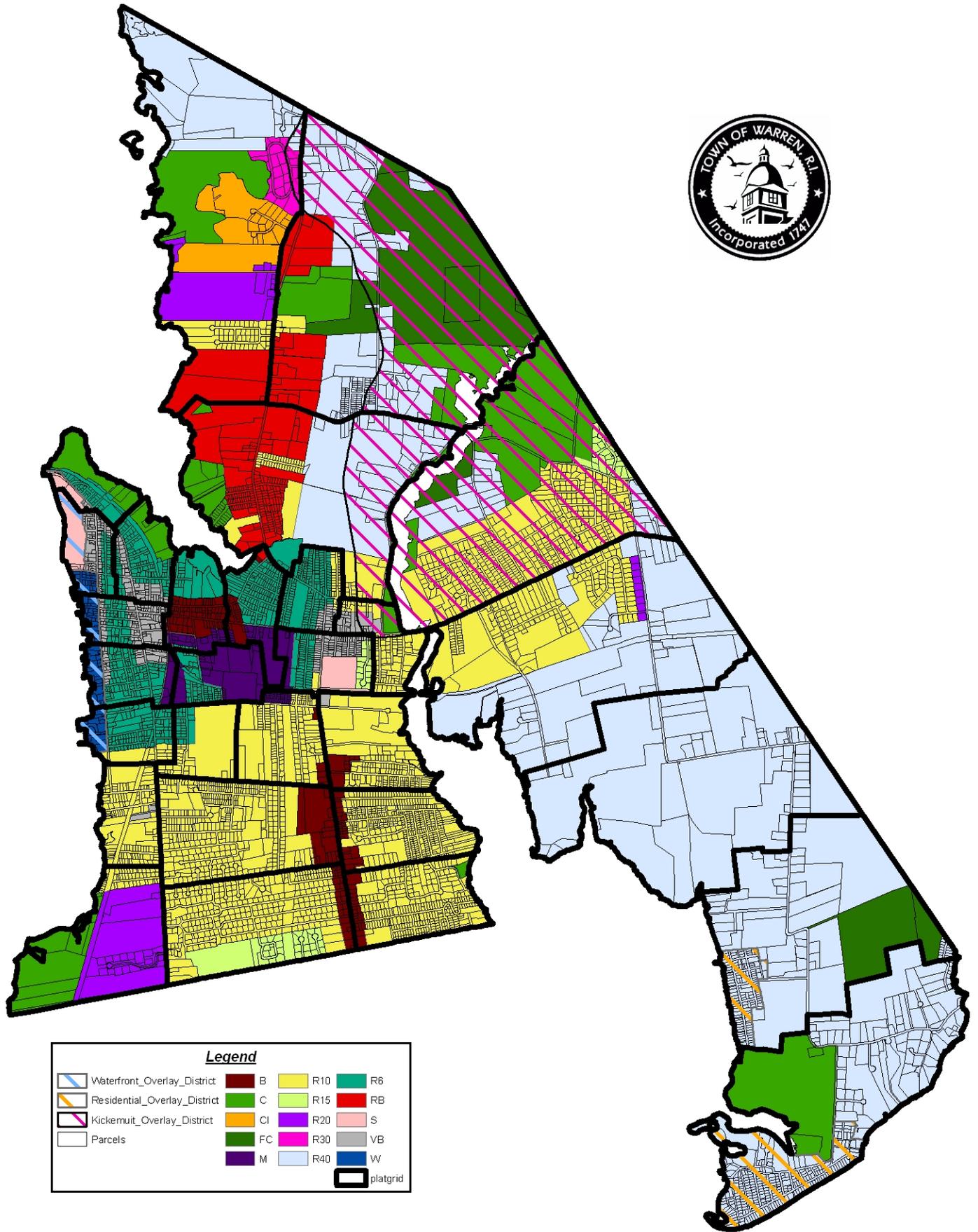
<u>Plat/Lot Page</u>	<u>Zoning District</u>	<u>Restrictions</u>	<u>Date of Restriction Council Book and Page</u>
7 / 38,40	Village Business	Medical center only	1/13/87
8/14, 116, 117 136, part of 122 end of Cutler St.	R-6	31 unit apartment complex only	11/22/88 Book 23 Page 452
10/71	Business	Liquor store and offices only	11/15/88 Book 23 Page 444
11/17-19	R-6	Cable television only	10/14/80 Book 21 Page 36
13A/64	Business	No petroleum product facilities	4/16/91
13B/93 part of 68	R-10	Assisted living and daycare only	
13C/142	Village Business	Professional/business office building only	6/10/80
13E/1	Business	No business within 50 feet of east lot line	
19/41	R-10	No apartment houses	6/12/79
21/85-89 110-112	Business	Car dealership and auto parts only	8/8/88 Book 23
21/90-92	Business	Welding shop only 8:00 PM closing	8/13/91 Book 25 Page 33
21/138	Business	Service station only	6/17/86

<u>Plat/Lot</u>	<u>Zoning District</u>	<u>Restrictions</u>	<u>Date of Restriction Council Book and Page</u>
21/192-194	Business	Bait shop only	5/20/86
22/134,135	Business	8,000 SF office building only	6/14/88 Book 23 Page 315
23/11, 13-15	PUD	Specific uses by area per Town Council resolutions	2/9/88; Book 23 Pages 234-238 9/17/92; Book 25 Pages 324A-D
21/51	Business	Uses allowed in Section 32-50 only	10/14/97
21/52	Business	Uses allowed in Section 32/52 only	10/14/97
23/24	Business	Jaworek	See Council Restrictions 1999
21/143	Business	Landscaping usage with conditions	8/13/02
23/13	Haile Barn/PUD	Retail and antique sales only	Council Resolution 2/11/03

APPENDIX B

Zoning Fee Schedule

Zoning Certificate:	\$25.00.
Zoning Applications:	\$125.00 for residential development \$225.00 for commercial development \$3.00 per abutter
Zoning Permit:	\$25.00
Waterfront Overlay Development Plan Review:	\$25.00 Application filing fee \$30.00 Advertising fee (large-scale developments) \$ 3.00 per Abutter



Town of Warren, RI Zoning Map