



City of Woonsocket,
Rhode Island

Appendix C – Zoning
Ordinance

(Editor's note--Appendix C is derived from Ch. No. 6012, Sec. 1, adopted Dec. 19, 1994. The ordinance provisions are set out as enacted with minor editorial changes. Words appearing in brackets [] were added by the editor for clarity. Amendments will be indicated by history notes parenthetically enclosed following the amended subsection. The Official Zoning Map, Exhibit B, is not set out herein but is on file and available for inspection in the city offices. It should be noted that Ordinance Ch. No. 6170, Sec. 1, adopted Dec. 4, 1995, provided as follows: The Woonsocket Planning Board is hereby empowered to adopt, modify and amend regulations and rules governing land development and subdivision projects within the City of Woonsocket; and to control land development and subdivision projects pursuant to those regulations and rules." Formerly, App. C pertaining to similar subject matter, was derived from Ch. No. 2714, adopted Sept. 20, 1971, and subsequently amended, see the Code Comparative Table. Cross references-- Buildings and building regulations, Ch. 7; erosion and sediment control, Ch. 7 1/2; housing, Ch. 12; streets and sidewalks, Ch. 16; water and sewers and sewage disposal, Ch. 18; subdivision regulations, App. B; master plan, App. D.)

- Sec. 1. Purpose and Consistency with Comprehensive Plan.
- Sec. 2. Zoning Districts.
- Sec. 3. General Provisions.
- Sec. 4. Use Regulations.
- Sec. 5. Parking and Loading Regulations.
- Sec. 6. Supplemental Regulations.
- Sec. 7. Provisions Governing Residential Districts.
- Sec. 8. Provisions Governing Commercial Districts.
- Sec. 9. Provisions Governing Mixed-Use Districts.
- Sec. 10. Provisions Governing Industrial Districts.
- Sec. 11. Provisions Governing Public Recreation Districts.
- Sec. 12. Provisions Governing Overlay Districts.
- Sec. 13. Procedures for Administration and Enforcement.
- Sec. 14. Procedures for Modifications.
- Sec. 15. Procedures for Variances and Special Use Permits.
- Sec. 16. Procedures for Appeal.
- Sec. 17. Procedures for Adoption, Amendment and Appeal.
- Sec. 18. Definitions.

WOONSOCKET CODE

ORDINANCE CHAPTER 6012

ADOPTING A ZONING ORDINANCE
FOR THE CITY OF WOONSOCKET

It is ordained by the City Council of the City of Woonsocket as follows:

Section 1. Zoning Ordinance, Exhibit "A", attached hereto and incorporated herein by reference, entitled "City of Woonsocket, Rhode Island Zoning Ordinance Revised 1994" is hereby ordained and adopted as the Woonsocket.

Section 2. Zoning Map, Exhibit "B", filed in the office of the City Clerk and incorporated herein by reference, entitled:

"Official Zoning Map 1994 City of Woonsocket, Rhode Island" is hereby ordained and adopted as the Zoning Map of the City of Woonsocket.

Section 3. Inconsistent Ordinance Repealed. Chapter 351, Chapter 1500, Chapter 2695, and Chapter 2714 of the Ordinances of the City of Woonsocket, and all amendments thereto, are hereby repealed as of the effective date of this ordinance.

Section 4. Inclusion in Code of Ordinances. This Ordinance shall be Appendix C, in the Code of Ordinances, City of Woonsocket, Rhode Island.

Section 5. Validity. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 6. Conformity. This ordinance shall be in conformity with the City of Woonsocket Comprehensive Plan.

Section 7. Nothing in this ordinance shall affect any offense or act committed or one or any penalty or forfeiture incurred before the effective date of this ordinance; nor shall anything herein affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date; nor shall anything herein affect the work of completing any building, alteration or repair restrictions is judged to be legal on the basis

of its relation to a logical and comprehensive plan for the development of the entire city.

Section 8. This ordinance shall be enacted in accordance with the provisions of Sections 45-24-27 and 45-24-72, General Laws of Rhode Island 1956, as amended and shall become effective upon the eleventh consecutive day following its passage by the City Council as provided in Chapter III, Section 9, of the Woonsocket Home Rule Charter, and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 1. Purpose and Consistency with Comprehensive Plan.

1.1. Zoning Authority.

As a control over the use of land, zoning is based upon the idea that property rights are created by the action of a system of laws and government, and that, therefore, the rights of individual property owners may be modified in the interest of the larger group of people living under those laws. Specifically, zoning is based upon the police powers reserved to the States under the United States Constitution and delegated to municipalities by state enabling legislation. As applied to zoning, the police powers allow that certain restrictions may be placed upon the use of property. In order to promote and protect the health, safety and welfare of the community as a whole. Each of these for which permit has been duly granted, and which has begun prior to the passage of this ordinance, or completing any work or action duly authorized and begun prior to said time in conformity with the provisions of existing law.

1.2. Purposes of Zoning.

This zoning ordinance is the latest edition of the Woonsocket Zoning Law first passed in 1923. It has been designed to address the following purposes, each with equal priority and numbered for reference purposes only:

- (1) Promoting the public health, safety, and general welfare.
- (2) Providing for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs.
- (3) Providing for orderly growth and development which recognizes:
 - (a) The goals and patterns of land use contained in the comprehensive plan;
 - (b) The natural characteristics of the land, including its suitability to surface or groundwater pollution;
 - (c) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands;
 - (d) The values of unique or valuable natural resources and features;
 - (e) The availability and capacity of existing and planned public and/or private services and facilities;
 - (f) The need to shape and balance urban and rural development; and
 - (g) The use of innovative development regulations and techniques.
- (4) Providing for the control, protection, and/or abatement of air, water, groundwater,

and noise population, and soil erosion and sedimentation.

- (5) Providing for the protection of the natural, historic, cultural, and scenic character of the city or areas therein.
- (6) Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.
- (7) 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.
- (8) 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.
- (9) Providing opportunities for the establishment of low and moderate income housing.
- (10) Promoting safety from fire, flood, and other natural or man-made disasters.
- (11) Promoting a high level of quality in design in the development of private and public facilities.
- (12) Promoting implementation of the comprehensive plan.
- (13) 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 municipal boundaries or have a direct impact on another municipality.

(14) Providing for efficient review of the development proposals, to clarify and expedite the zoning approval process.

(15) Providing for procedures for the administration of the zoning ordinance, including without limitation, variance, special use permits, and procedures for modifications.

(16) 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 Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

Provided, however, that any zoning ordinance in which a community sets forth standards or requirements for the location, design, construction, or maintenance of on-site wastewater treatment systems shall first be submitted to the director of the department of environmental management for approval as to the technical merits of the ordinance. In addition, any zoning ordinance in which a municipality sets forth standards regarding wetland requirements, shall first be submitted to the director of the department of environmental management for approval as to the technical merits of the ordinance.

(b) Upon the effective date of this section, a city or town shall no longer be authorized to adopt as a provision of its zoning ordinance new requirements that specify buffers or setbacks in relation to freshwater wetland, freshwater wetland in the vicinity of the coast, or coastal wetland or that specify setback distances between an onsite wastewater treatment system and a

freshwater wetlands, freshwater wetland in the vicinity of the coast, or coastal wetland.

(c) Upon promulgation of state regulations to designate wetland buffers and setbacks pursuant to §§ 2-1-18 through 2-1-28, cities and towns shall be prohibited from applying the requirements in existing zoning ordinances pertaining to both wetland buffers and onsite wastewater treatment system setbacks to development applications submitted to a municipality after the effective date of said state regulations. All applications for development that were submitted to a municipality prior to the effective date of state regulations designating wetland buffers and setbacks, will remain subject to, as applicable, the zoning provisions pertaining to wetland buffers or setbacks for onsite wastewater treatment systems that were in effect at the time the application was originally filed or granted approval, subject to the discretion of the municipality to waive such requirements. Nothing herein shall rescind the authority of a city or town to enforce local zoning requirements

1.3. Consistency with Comprehensive Plan.

This zoning ordinance has been developed, and shall be maintained, in conformance with the City of Woonsocket Comprehensive Plan, adopted May 6, 1992, and all amendments thereto, in the instance of uncertainty in the construction or application of any section of this ordinance, the ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the comprehensive plan.

Section 2. Zoning Districts.

2.1. Establishment of Zoning Districts.

In order to accomplish these ends, the following zoning districts are hereby established for Woonsocket.

2.1-1 Residential Districts.

2.1-1.1 R-1. Very Low Density Single-family Residential District, but including customary incidental home occupations, public and semi-public uses. A minimum of twenty-five thousand (25,000) square feet is required per lot.

2.1-1.2 R-2. Low Density Single-family Residential District, but including customary incidental home occupations, public and semi-public uses. A minimum of ten thousand (10,000) square feet is required per lot.

2.1-1.3 R-3. Medium Density Single- and Two-family Residential District, but including customary incidental home occupations, public and semipublic uses. A minimum of seven thousand (7,000) square feet is required for a single-family dwelling, nine thousand (9,000) square feet required for a two-family dwelling.

2.1-1.4 R-4. High Density Single- and Multifamily Residential District, but including customary incidental home occupations, public, semi-public and transient residential uses. A minimum of six thousand (6,000) square feet is required for a single-family dwelling, plus four thousand (4,000) square feet for each additional unit on the same lot.

2.1-2 Commercial Districts.

2.1-2.1 C-1. Urban Commercial District, primarily for the conduct of retail trade, administrative and professional services, and service to the general public. Also permits upper story residential use. A minimum of six thousand (6,000) square feet is required per lot.

2.1-2.2 C-2. Major Commercial District, primarily for the conduct of major retail trade and services to the general public. A minimum of six thousand (6,000) square feet is required per lot.

2.1-3 Mixed-Use Districts.

2.1-3.1 MU-I. Mixed Use Commercial/Residential District, primarily for the purpose of providing day-to-day convenient shopping needs, administrative and professional services, with an emphasis on daily necessities for the immediate residential area, provided that the gross floor area of each establishment shall not exceed three thousand (3,000) square feet, except supermarkets and the lot coverage shall not exceed thirty (30) percent. Minimum required lot area for both residential and nonresidential uses shall be six thousand (6,000) square feet for the first residential or nonresidential unit, plus four thousand (4,000) square feet for each additional residential or nonresidential unit on the same lot, with a maximum possible density of ten (10) dwelling units per acre.

2.1-3.2 MU-2. Mixed Use Industrial/Commercial District, primarily for the conduct of manufacturing and other industrial uses which do not involve excessive smoke, odor, or noise; and/or the conduct of retail trade, administrative and professional services and service to the general public. Also permits accessory

residential uses limited to persons conducting primary industrial or commercial uses. A minimum of six thousand (6,000) square feet is required per lot. (Ch. No. 6585, Sec. 1,4-5-99)

2.1-4 Industrial Districts.

2.1-4.1 I-1. Light Industrial District, primarily for the conduct of manufacturing and other industrial uses which do not involve excessive smoke, odor, or noise. A minimum of six thousand (6,000) square feet is required per lot.

2.1-4.2 I-2. Heavy Industrial District, primarily for the conduct of manufacturing, assembling and fabricating where any resultant noise, odor, vibration, or fumes shall be contained within the limits of the district in which the cause is located. A minimum of six thousand (6,000) square feet is required per lot.

2.1-5 Public Recreation Districts.

2.1-5.1 PR-1. Active Public Recreation District, for the preservation and enhancement of those areas within the city which are best suited for structured, active recreational activities, with or without accessory facilities. No minimum lot size is required.

2.1-5.2 PR-2. Passive Public Recreation District, for the conservation and protection the natural state of designated areas to provide opportunities for walking, hiking, observation and other passive recreational activities, and to provide a category of land held in perpetuity to ensure that the present and future residents of the city shall enjoy the benefits of the natural environment. No minimum lot size is required.

2.1-6 Overlay Districts.

2.1-6.1 Design Review Overlay District. Established to regulate the design of new and existing commercial or mixed-use buildings, structures, improvements, and facilities with regard to assessing the impacts of predominantly commercial development on the surrounding community with regard to issues of health and safety, visual and architectural quality and long-term planning strategies.

2.1-6.2 Planned Residential Development Overlay District. Established to permit the flexible development of large tracts of residentially zoned land in order to encourage harmonious, efficient and convenient living environments and communities; to increase housing opportunities by increasing the variety of residential types, density and design; to facilitate the economical and efficient provision of necessary community services, recreation and open space; to preserve features and sites of natural, ecological and historical interest; to encourage innovative residential designs; and to promote the health, safety and welfare of the residents of Woonsocket.

2.1-6.3 River Corridor Overlay District. Established to regulate the development and use of land, buildings, structures, improvements and facilities in proximity to the Blackstone River, with regard to assessing the impacts of development on the river environment with regard to issues of health and safety, environmental protection, public access, visual and architectural quality and long-term planning strategies.

2.1-6.4 Special Flood Hazard Overlay District. Established to restrict development and use of land, buildings and structures

within areas prone to flood damage or destruction.

2.1-6.5. Downtown Overlay District.

Established to regulate the development and use of land, buildings, improvements and facilities in the Main Street area; allow additional permitted uses that encourage further growth and concentration of art, cultural and entertainment attractions; promote the use of vacant and underutilized properties; and encourage a walkable vibrant environment” and 2.1-6.6.

Downtown Overlay District Boundaries.

The Woonsocket Downtown Overlay District includes the following assessor’s lots and/or and modifications, combinations or divisions of those lots which may transpire in the future:

Assessor’s Plat 13; lots 94, 95, 96, 97, 98, 99, 100, 102, 104, 171, 172, 191, 268, 289, 294 & 295.

Assessor’s Plat 14; lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 18, 19, 20, 21, 25, 26, 27, 43, 44, 45, 46, 47, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 62, 63, 64, 67, 68, 69, 71, 72, 73, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 90, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 110, 111, 112, 113, 114, 115, 116, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 138, 139, 140, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 154, 155, 156, 157, 158, 160, 161, 163, 165, 166, 169, 170, 171, 172, 174, 175, 176, 177. 178, 180, 184, 185, 186, 205, 206, 207, 208, 211, 212, 214, 215,

216, 217, 218, 220, 221, 223, 224, 225, 227, 228, 229, 230, 253, 259, 261, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 284, 286, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 308, 315, 316, 321, 326, 329, 330, 331, 335, 336, 341, 342, 345, 353, 354, 355, 362, 363, 366, 367, 368, 369, 370, 371, 372, 375, 376, 377, 380, 382, 383, 387, 388, 390, 394, 395, 397, 398, 400, 401, 402, 403, 404, 405, 406, 407, 412, 413, 414, 415, 416, 418, 420, 421, 422, 423, 425, 427, 428, 430, 432.

Assessor’s Plat 15, lots 13, 15, 16, 61, 201, 216, 221, 222, 224, 231, 235 & 236.

(Ch. 7857, 12-07-2015)

2.2. Zoning Map.

The boundaries of said districts are hereby established as shown on the Tax Assessor's Plat, City of Woonsocket, located in the office of the city clerk, Woonsocket, Rhode Island and entitled "Official Zoning Map, 1994, City of Woonsocket, Rhode Island". Said map, filed with this ordinance, is hereby adopted and declared as part and parcel of this ordinance.

2.3. Zoning District Boundaries.

District boundary lines, in most cases, shall be lot lines, centerlines of streets, railroad right-of-way lines, or centerlines of watercourses.

2.3-1 Location of District Boundary Lines. Questions concerning the exact location of

district boundary lines shall be decided by the zoning officer.

2.3-2 Administrative Relocation of District Boundary Lines. Where a district boundary line divides a lot under single ownership, said boundary shall be moved, at the request of the owner, up to fifty (50) feet for the purpose of extending the zone of lesser use intensity into the zone of greater use intensity. District boundary lines shall not be moved in such a way as to extend any zone of greater use intensity into any zone of lesser use intensity.

2.4. Intensity of Use.

For the purposes of this ordinance, intensity of use shall be arranged in progressively greater intensity as follows: PR-2, PR-1, R-1, R-2, R-3, R-4, MU-I, C-1, C-2, MU-2, I-1, I-2.

Section 3. General Provisions.

3.1. Zoning Governs Every Building, Parcel of Land and Use.

No building or land shall hereafter be used and no building or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located; provided, however, the zoning board of review may grant variances and special use permits in accordance with the provisions herein set forth.

3.2. Uses Not Mentioned.

Any use not specifically or conditionally permitted in a district is hereby specifically prohibited from the district unless the use is similar in all respects to a permitted use in that district.

3.3. Nonconforming Development.

Nothing contained in this ordinance shall prevent or be construed to prevent the continuance of use of any property which is nonconforming by use or nonconforming by dimension for any purpose to which such property is lawfully devoted at the time of enactment of this ordinance.

3.3-1 Nonconforming by Use. A lawfully established use of land, building, or structure, which is not a permitted use in the district in which said use is located, shall constitute a nonconforming use. A building or structure containing more dwelling units than are permitted by the use regulations of this ordinance shall be nonconforming by use.

3.3-1-1 Change of Use. No nonconforming use may be changed to any other nonconforming use, unless a variance or special use permit is obtained from the zoning board of review.

3.3-1.2 Abandonment. Any nonconforming use which is abandoned shall not be re-established. Abandonment of a nonconforming use shall consist of some overt act, or failure to act, which would lead one to believe that the owner of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use, unless said owner can demonstrate an intent not to abandon the use. An involuntary interruption of a nonconforming use by fire or natural catastrophe, shall 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 such nonconforming use shall be presumed to have abandoned such nonconforming use, unless such presumption is rebutted by

presentation of sufficient evidence of intent not to abandon the use.

3.3-2 Nonconforming by dimension. A lawfully established building, structure, or parcel of land not in compliance with the dimensional regulations of this ordinance shall constitute a nonconforming development by dimension. Dimensional regulations shall include all regulations of this ordinance other than those pertaining to permitted uses. 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 requirements, shall be nonconforming by dimension.

3.3-2.1 Merger of Residential Substandard Lots of Record. Whenever two (2) or more contiguous unimproved, or contiguous improved and unimproved residentially zoned substandard lots of record are in one (1) undivided ownership, and the merger of said lots would create one (1) or more dimensionally conforming lots or reduce the extent of dimensional nonconformance of said lots, said lots shall be so merged, upon demonstration of the following:

- (1) That the merger is warranted by existing or projected demands on the availability of public services or infrastructure;
- (2) That the merger will better reflect the character of [the] neighborhood in which said lots are located, through greater adherence to minimum lot area and street frontage requirements; and
- (3) That the merger is consistent with the comprehensive plan.

3.3-2.2 Development of Residential Substandard Lots of Record. If a residentially zoned lot of record at the time

of passage of this ordinance does not contain sufficient lot area to meet all dimensional requirements of the district in which it is located, but does contain sufficient area to meet all setback requirements of such district, the building inspector may issue a building permit for the construction of one (1) single-family dwelling only. Said permit shall be issued only upon the determination by the zoning officer that the substandard lot is not a candidate for merger under subsection 3.3-2.1.

3.3-3 Substantial improvement. Any nonconforming development which is determined by the building inspector to require substantial improvement, shall not be so improved except in conformity with this ordinance.

3.3-4 Alteration of Use Allowed by Variance. No nonconforming development, shall hereafter be altered by addition, enlargement, expansion, or intensification, unless a variance to permit such alteration is granted by the zoning board of review, In the case of the proposed alteration of a nonconforming development which is nonconforming by use, the zoning board of review shall adhere to the standards for use variances. In the case of the proposed alteration of a nonconforming development which is nonconforming by dimension, the zoning board of review shall adhere to the standards for dimensional variances. In the case of the proposed alteration of a nonconforming development which is nonconforming both by use and by dimension, the zoning board of review shall adhere to the standards for use variances. (Ch. No. 6400, Sec. 1, 9-2-97)

3.3-5 Alteration of Use Allowed by Special Use Permit. No non-conforming development shall hereafter be altered by addition, enlargement, expansion, or

intensification, unless a special use permit to permit such alteration is granted by the zoning board of review. (Ch. No. 6400, Sec. 1, 9-2-97)

3.4. Building Permit Required.

It shall be unlawful to commence earth moving or excavation for, or construction of, any building, including accessory buildings, or to commence moving or alterations of any buildings, including accessory buildings, until the zoning officer has made an affirmative determination that the proposed use of such property is in conformity with the provisions of this ordinance and a building permit has been issued for such work.

3.5. Certificate of Occupancy Required.

No land or building, or part thereof, hereafter erected, changed or altered, shall be used until the zoning officer has made an affirmative determination that such land, building, or part thereof, and the proposed use thereof, is in conformity with the provisions of this ordinance and the building inspector shall have issued a certificate of occupancy.

3.6. Previously Imposed Development Restrictions.

Any development restrictions or development conditions previously imposed upon a parcel of land or portion thereof by the city council shall survive any zoning amendment affecting said parcel, and shall remain in effect until specifically repealed by city council ordinance.

Section 4. Use Regulations.

4.1. Use Categories.

The following use chart has been developed to indicate those uses which are permitted, conditionally permitted, or prohibited within each zoning district.

4.1-1. Permitted Principal Uses. Permitted uses are denoted with the symbol “P”.

4.1-2. Prohibited Principal Uses. Uses which are not permitted are denoted with the symbol “NP”.

4.1-3.. Special Uses. Uses which are permitted only upon approval by the zoning board of review and issuance of a special use permit are denoted by symbol "S".

4.1-4 Accessory Uses. Uses which are permitted only as accessory to a permitted use are denoted with the symbol "A".

4.1-5 Upper Story Uses. Uses which are not permitted as ground floor uses but which are permitted as upper story uses are denoted with the symbol "*".

4.1-6 City Council Approval Required. Uses which are permitted only upon the specific approval of the city council.

4.2. Combination of Uses.

Any number or combination of permitted uses may be located on a lot provided that the establishment and conduct of said uses are in full compliance with the requirements of this ordinance.

4.3. Overlay Restrictions.

Where a property is located within one (1) or more overlay zones, additional or lesser use restrictions or deletions may apply.

4.4 Residential Uses

Zoning Districts	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
1. Single Family Dwelling	P	P	P	P	P	P*	NP	A	NP	NP	NP	NP
2. Two-family dwelling	NP	NP	P	P	P	P*	NP	A	NP	NP	NP	NP
3. Multifamily dwelling, three or more units	NP	NP	NP	P	P	P*	NP	A	NP	NP	NP	NP
4. Residential planned development	P	P	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
5. Accessory family dwelling	S	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
6. Mobile home	NP	NP	NP	NP	NP	NP	NP	NPv	NP	NP	NP	NP
7. Community residence	P	P	P	P	P	P*	NP	NP	NP	NP	NP	NP
8. Rectory, parsonage or religious residence	P	P	P	P	P	NP	NP	NPv	NP	NP	NP	NP

Zoning District	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
9. Nursing home, or assisted or congregate care facility	NP	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP
10. Rooming or boarding house	NP	NP	NP	P	P	NP	NP	NP	NP	NP	NP	NP
11. Bed and breakfast	NP	P	P	P	P	NP	NP	NP	NP	NP	NP	NP
12. Hotel or motel	NP	NP	NP	NPv	NP	P	P	P	NP	NP	NP	NP
13. Backyard Chicken Keeping	S	S	S	NP	NP	NP	NP	NP	NP	NP	NP	NP
14. Solar Energy System-Small Residential	P	P	P	P	P	P	P	P	P	P	NP	NP
15. Solar Energy Systems-Large Residential	S	S	S	S	P	P	P	P	P	P	NP	NP
16. Solar Energy System-Small Com./Industrial	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP
17. Solar Energy System-Large Com./Industrial	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP
18. Wind Energy Conversion Facilities	NP	NP	NP	NP	NP	S	NP	S	S	S	NP	NP
19. Live/Work Units	NP	NP	NP	S**	P	P	P	P	P	P	NP	NP

** Requires approval of a resolution by the city council identifying a specific property or structure that may be designated as permitting live/work units subject to plan approval by the planning board.

(Ord. Ch. 7859 12-21-2015)

4.5. Public and Semi-public Uses

Zoning Districts	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
1. Municipal uses	P	P	P	P	P	P	P	P	P	P	P**	P**
2. State uses	S	S	S	S	S	S	S	S	S	S	S**	S**
3. Federal uses	P	P	P	P	P	P*	P	P	P	P	P**	P**
4. Place of worship	NP	S	S	S	S	S	NP	NP	NP	NP	NP	NP
5. Charitable, fraternal or service organization	NP	S	S	S	S	P	P	P	NP	NP	NP	NP
6. Nonprofit educational institutions serving young children including nursery schools, pre-schools, kindergartens, elementary schools and middle schools	NP	S	S	S	S	NP	NP	NP	S	NP	NP	NP

Zoning District	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
7. Nonprofit educational institutions serving older children and adults, including high schools, vocational schools, colleges and universities	NP	S	S	S	S	P	P	P	S	NP	NP	NP
8. Family day care home	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP
9. Day care center	NP	S	S	S	P	S	NP	NP	NP	NP	NP	NP
10. Hospital for human care	NP	NP	NP	NP	S	S	NP	NP	NP	NP	NP	NP
11. In-patient rehabilitation facility	NP	NP	NP	S	S	S	NP	NP	NP	NP	NP	NP
12. Out-patient rehabilitation	NP	NP	NP	NP	NP	S	S	NP	NP	NP	NP	NP

Zoning Districts	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
13. Prison or correctional institution, including half-way house	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
14. Compassion Centers, either for cultivation, processing, sale or distribution (See §15.8-2 for SP Use Standards)	NP	NP	NP	NP	NP	S**	S**	NP	S**	S**	NP	NP
15. Passenger terminals	NP	NP	NP	NP	NP	P	P	P	P	P	NP	NP
16. Solar Energy System-Small Residential	P	P	P	P	P	P	P	P	P	P	NP	NP
17. Solar Energy System-Large Residential	S	S	S	S	P	P	P	P	P	P	NP	NP
18. Solar Energy System-Small Comm/Industrial	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP
19.) Solar Energy System-Large Comm/Industrial	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP
20. Wind Energy Conversion Facility	NP	NP	NP	NP	NP	S	NP	S	S	S	NP	NP

(Ord. Ch. 7859 12-21-2015)

4.6. Commercial Uses

Zoning Districts	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
1. Business services and offices, including design salons operated under the authority of an approved A.I. license, excepting those listed below which are permitted as shown:	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	NP
1. Business services, and offices including design salons operated under the authority of an approved A.I. license, excepting those listed below which are permitted as shown	NP	NP	NP	NP	P	P	P	P	NP	N	NP	NP
b. Building, electrical plumbing, and similar contractor storage with or without office use.	NP	NP	NP	NP	NP	NP	NP	P	NP	P	NP	NP
c. Car wash	NP	NP	NP	NP	NP	NP	S	S	S	NP	NP	NP
d. Catering business	NP	NP	NP	NP	S	P	P	P	NP	NP	NP	NP
e. Commercial parking garage or lot	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP
f. Corporate Office	NP	NP	NP	NP	P	P	P	P	P	NP	NP	NP
g. Funeral home	S	S	S	S	S	NP	NP	NP	NP	NP	NP	NP
h. Health club facility	NP	NP	N	NP	NP	P	P	P	NP	NP	NP	NP
i. Prepared food sales	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	NP
j. Heating oil sales, service and storage	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP
k. Incidental home occupation	P	P	P	P	P	P	NP	NP	NP	NP	NP	NP

Zoning Districts	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
l. Motor fuel station	NP	NP	NP	NP	S	S	S	S	NP	NP	NP	NP
m. Motor vehicle repair garage	NP	NP	NP	NP	NP	S	S	S	NP	NP	NP	NP
n. Motor vehicle specialty shop	NP	NP	NP	NP	NP	S	P	S	NP	NP	NP	NP
o. On-premises dry cleaning facility	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP
p. Self-service laundry	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP
q. Trade school or other for-profit educational institutions	NP	NP	NP	NP	NP	P	P	P	NP	NP	NP	NP
r. Trade schools or other for-profit educational institutions serving young children including nursery schools, pre-schools, kindergartens, elementary schools and middle schools	NP	NP	NP	NP	S	NP	NP	NP	S	NP	NP	NP
s. Trade schools or other for-profit educational institutions serving older children and adults, including high schools, vocational schools, colleges and universities	NP	NP	NP	NP	S	P	P	P	S	NP	NP	NP
t. Trucking terminal	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP
2. Retail sales, excepting those listed below which are permitted as shown:	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	NP

Zoning Districts	R-1	R-2	R-3	R-4	MU-1	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2
a. Adult book store	NP	NP	NP	NP	NP	S	S	NP	NP	NP	NP	NP
b. Auction house	NP	NP	NP	NP	NP	P	NP	P	S	S	NP	NP
c. Flea market	NP	NP	NP	NP	NP	NP	NP	S	S	S	NP	NP
d. Lumber yard	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP
e. Motor vehicle or vehicle sales, lease or rental	NP	NP	NP	NP	NP	S	S	P	NP	NP	NP	NP
f. Supermarket	NP	NP	NP	NP	S	P	P	P	NP	NP	NP	NP
3. Wholesale commercial uses, including sale to the public when secondary to primary wholesale commercial use	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP
4. Restaurant, cafe, diner, snack bar or other establishment where the sale of food and/or beverage is a principal use; alcoholic beverages may be sold under the authority of a BL or BV license.	NP	NP	NP	NP	P	P	P	P	NP	NP	NP	NP
5. Tavern, bar, lounge, pub or other establishment where alcoholic beverages are sold under the authority of a BL, BV or C license	NP	NP	NP	NP	NP	P	S	S	NP	NP	NP	NP
6. Entertainment facility or amusement enterprise, excepting those listed below which are permitted as shown:	NP	NP	NP	NP	NP	S	P	S	NP	NP	NP	NP

Zoning Districts	R-1	R-2	R-3	R-4	MU-1	C1	C-2	MU-2	I-1	I-2	PR-1	PR-2
a. Adult cabaret	NP	NP	NP	NP	NP	S	NP	NP	NP	NP	NP	NP
b. Adult motion picture theater	NP	NP	NP	NP	NP	S	S	NP	NP	NP	NP	NP
c. Cinema, theater or cultural arts center	NP	NP	NP	NP	NP	P	P	S	NP	NP	NP	NP
d. Night club or similar establishment where entertainment is provided	NP	NP	NP	NP	NP	S	S	S	NP	NP	NP	NP
7. Storage or warehouse uses, excepting those listed below which are permitted as shown:	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP
a. Junkyard, vehicle wrecking or salvage facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	S	NP	NP
b. Recycling, facility	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NN	NP
c. Self-service storage facility	NP	NP	NP	NP	NP	S	S	S	P	P	NP	NP
d. Trailer box or similar article used for storage	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP
e. Pallet exchange facility	NP	NP	NP	NP	P*	NP	NP	NP	P	P	NP	NP
8. Solar Energy System-Small Residential	P	P	P	P	P	P	P	P	P	P	NP	NP
9. Solar Energy System-Large Residential	S	S	S	S	S	S	S	S	P	P	NP	NP
10. Solar Energy System-Large Com./Industrial	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP
11. Wind Energy Conversion Facilities	NP	NP	NP	NP	NP	S	NP	NP	S	S	NP	NP

4.7. Industrial Uses

Zoning Districts	R-1	R-2	R-3	R-4	MU-1	C-2	C-2	MU-2	I-1	I-2	PR-1	PR-2
1. Manufacture assembly, processing or fabrication of materials in adherence with performance standards listed in subsections 9.2-4 (MU-2) and 10.2-5 (I-1)	NP	NP	NP	NP	NP	NP	NP	P	P	P	NP	NP
2. Manufacture assembly, processing or fabrication of materials in adherence with performance standards listed in subsection 10.3-5	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	NP
3. Extractive industries	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
4. Structures for the generation and transformation of electricity, gas, water or communications	S	S	S	S	S	S	S	S	S	S	S**	S**
5. Research & Development facility	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP
6. Solar Energy System-Small Residential	P	P	P	P	P	P	P	P	P	P	NP	NP
7. Solar Energy System-Large Residential	NP	NP	NP	NP	NP	NP	NP	S	S	S	NP	NP
8. Solar Energy System-Small Com./Industrial	NP	NP	NP	NP	NP	NP	NP	S	P	P	NP	NP
9. Solar Energy System-Large Com./Industrial	NP	NP	NP	NP	NP	NP	NP	NP	S	S	NP	NP
Zoning Districts	R-1	R-2	R-3	R-4	MU	C-1	C-2	MU-2	I-1	I-2	PR-1	PR-2

10. Wind Energy Conversion Facilities	NP	NP	NP	NP	NP	S	NP	NP	S	S	NP	NP
11. Aquaculture activities on lots greater than five (5) acres; 2 acres in industrial zones	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	NP
12. Indoor farming on lots greater than five (5) acres in industrial zones	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	NP
13. Vertical farming/rooftop gardens	S	S	S	S	S	S	S	S	S	S	NP	NP
14. Brewery, microbrewery, winery.	NP	NP	NP	NP	S	P	P	P	P	P	NP	NP

Section 5. Parking and Loading Regulations.

5.1. Off-Street Parking Requirements.

No land shall be used or occupied and no structure shall be erected or used unless the off-street parking spaces required herein are provided. Such parking spaces are not required for any structure or use lawfully existing at the time of enactment of this ordinance; provided, however, that parking spaces as specified in this ordinance shall be provided for any enlargement of any existing structure or use. After the effective date of this ordinance, all land being used for off-street parking, shall not be reduced below the minimum required by this ordinance.

5.1-1 Location of Parking Spaces. Off-street parking spaces shall be provided on the same lot as the use for which the parking area is required. Direct and unobstructed pedestrian access shall be provided from the parking area to the principal use.

5.1-1.1 Parking Permitted on Off-Site Location: If vehicle storage or standing space required below cannot reasonably be provided on the same lot on which the principal use is conducted, the Zoning Officer may permit such space to be provided on other off-street property, provided (1) such space lies within three hundred (300) feet of a main entrance to such principal use, (2) direct and unobstructed pedestrian access is provided from the parking area to the principal use, where possible, and (3) the parking spaces are available and designated solely for the use of the off-site property and the hours of

operation of the uses involved do not conflict.

(Ch. No. 6830, Sec. 1, 3-12-01)

5.1-1.2 No Parking in Front Yard. Except in the case of a circular driveway, no off-street parking shall be permitted in that portion of the front yard of any residential property which is bounded by the extension of the side lines of the principal building foundation, excluding any attached garage or carport, from the line of said foundation to the public right-of-way. (See Diagram). A waiver of this parking prohibition may be granted at the discretion of the zoning officer when it can be substantiated that a property does not otherwise contain sufficient area for the accommodation of required parking spaces.

5.1-2 Dimensional Requirements. Parking areas shall meet the following minimum dimensional requirements affecting the width and length of individual parking space and the width of aisles exclusive of necessary drives and other access ways:

- Minimum parking space width9 ft.
- Minimum parking space length.....18ft.
- Minimum aisle widths (back-up space): (All spaces must have back up space of no less than 9 ft. wide by the following corresponding aisle widths) 90 degree angle..... 24 ft.
- 60 degree angle 16 ft.
- 45 degree angle 12 ft.
- 30 degree angle 11 ft.
- 0 degree (parallel parking) 12 ft.

(Ch. No. 6400, Sec. 1(F), 9-2-97; Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3 Parking Space Requirements by Use. Minimum parking space requirements for specific uses are as set forth below:

5.1-3.1 Bed and Breakfast Inns: One (1) space is required for each sleeping room to be occupied by guests; plus two (2) spaces to serve the owner's dwelling unit.

5.1-3.2 Boarding Houses and Rooming Houses: One (1) space is required for every two (2) boarders or roomers that can be accommodated at maximum capacity; plus one (1) space for each person employed or intended to be employed on the largest shift.

5.1-3.3 Educational Institutions Serving Young Children, Daycare Centers, and Similar Establishments: Two (2) spaces are required for every one thousand (1,000) square feet GFA.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3.4 Educational Institutions Serving Older Children or Adults, and Similar Establishments:

Primary or Junior High School	5 spaces per classroom
High School	1 space per 5 students (based on design capacity)
Higher Education	1 space per 3 students (based on design capacity)

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3.5 Entertainment Facilities: One (1) space is required for every five (5) seats or individuals for which the facility is designated to accommodate.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3.6 Hospitals and Similar Institutions: One (1) space is required for every one (1) bed;

Nursing Homes and Similar Institutions: One (1) space is required for every three (3) beds.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3.7 Hotels or Motels: One (1) space is required for every hotel or motel room, plus one space for each person employed or intended to be employed on the largest shift.

5.1-3.8 Industrial Facilities, Corporate Offices and Research and Development Facilities: Two (2) spaces are required for each one thousand (1,000) square feet, or fraction thereof, of industrial space, including warehouse space.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3.9 Office Facilities: Three (3) spaces are required for each one thousand (1,000) square feet, or fraction thereof, of office space.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3.10 Places of Assembly, including theaters and churches: One (1) space is required for every four (4) seats or places available at maximum legal capacity.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3.11 Restaurants: One (1) space is required for every four (4) seats or places available at maximum legal capacity.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3.12 Retail Commercial Establishments, Service Establishments & Out-Patient Facilities: Parking space requirements for retail commercial and service establishments shall be based on the net floor area of said establishments, as set forth below, where net floor area is defined as the total of all floor

area used or usable in the sale of merchandise or services:

(Ch. No. 6400, Sec. 1(G), 9-2-97)

(1) If the net floor area is less than fifty thousand (50,000) square feet, four (4) spaces are required for the first one thousand (1,000) square feet, or fraction thereof, of net floor space; plus one (1) space for each additional two hundred (200) square feet of said floor space.

(Ch. No. 6585, Sec. 1, 4-5-99)

(2) If the net floor area is equal to or greater than fifty thousand (50,000) square feet, four (4) spaces are required for each one thousand (1,000) square feet, or fraction thereof, of net floor area.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-3.13 Single-family, Two-family and Multifamily Dwellings: Two (2) spaces are required for each dwelling unit, plus one (1) space for each accessory family dwelling unit which has been permitted by a special use permit.

(Ch. No. 6260, Sec. 1(D), 6-3-96)

5.1-3.14 Wholesale Commercial Establishments: Three (3) spaces are required for every one thousand (1,000) square feet, or fraction thereof, of wholesale showroom space.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-4 Exception for Main Street Area and Downtown Overlay District.

Notwithstanding the above, off-street parking shall not be required for nonresidential establishments located within the C-1 Urban Commercial District and the MU-2 Mixed Use Industrial/Commercial District from Market Square to Monument Square, nor for nonresidential establishments located with the Social

Renewal Area, which is bounded by Pond Street to the east, Social Street to the north, Clinton Street to the south, and the intersection of Social Street and Clinton Street to the west, and including Lot 22, on Plat 27, and Lot 10, on Plat 36.
(Ch. No. 6054, Sec. 1(C), 10-16-95)

“One (1) space of privately-owned off-street parking is required for each residential dwelling in the Downtown Overlay District. This parking space requirement can be met on an off-site location provided that such space lies within six hundred feet (600’) of a main entrance to the principal use.” (Ch. 7857, 12-07-2015)

“One (1) space of privately-owned off-street parking is required for each residential dwelling in the Downtown Overlay District. This parking space requirement can be met on an off-site location provided that such space lies within six hundred feet (600’) of a main entrance to the principal use.”
(Ch. 7857, 12-07-2015.)

5.1-5 Construction Requirements. Every parcel of land which after the effective date of this ordinance is changed to a business or industrial parking area, or a residential parking area for five (5) or more vehicles, or a drive-in business, or motor vehicle sales or service establishment shall be developed subject to the approval of plans thereof by the division engineer.

5.1-6 Screening from Residential Properties. Where a parking area containing eight (8) or more spaces is located on a lot which adjoins one (1) or more lots which are residentially zoned or have a residential use, a fence of solid appearance having a height of not less than four (4) feet, or an approved

evergreen hedge having a height of not less than four (4) feet and a spacing between plants of not more than one and one-half (1 1/2) times the initial height of said plants, shall be erected and maintained between such parking area and each adjacent lot which is either a residential use or residentially zoned.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-7 Landscape Requirements for Industrial Zone (I-1 & I-2) Parking Lots. The interior of parking areas shall be suitably landscaped with trees, shrubs, vegetation or other live vegetable ground cover. Interior landscaping shall amount to at least five percent (5%) of the gross square footage of the entire parking area, excluding required buffer areas. Landscaped areas shall be separated and protected from parking areas by curbing or other means. Standards shall be in accordance with those standards contained in the city’s subdivision regulations, as amended.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.1-8 Buffer Requirements for Industrial Zone (I-1 & I-2) Parking Lots. Landscaped buffer areas shall be established along the perimeter of all parking areas as follows:

1. Where any portion of a parking area is adjacent to any residential use property, a minimum landscaped buffer of ten (10) feet in width shall be established along the lot line which adjoins such residential use property, and said landscaped buffer shall include trees, shrubs, vegetation or other live vegetative ground cover.
2. Where any portion of a parking area is adjacent to any non-residential use property,

a minimum landscaped buffer of five (5) feet in width shall be established along the lot line, which adjoins such non-residential use property. The landscaped buffer shall contain trees, shrubs, vegetation or other live vegetative ground cover.

11. Where any portion of a parking area is adjacent to any street or public right-of-way, a minimum landscaped buffer of four (4) feet in width shall be established along the lot line, which adjoins such street or right-of-way. Trees of an appropriate size and type shall be located approximately every fifty (50) feet, with the exact tree locations to be determined on a site-by-site basis to avoid interfering with underground utilities and/ or curb cuts. In the case of any parking area along Diamond Hill Road, the type of tree shall be green ash, and tree locations shall be approximately every seventy (70) feet. (Ch. No. 6585, Sec. 1, 4-5-99)

Parking: For live/work units of fewer than twenty-five hundred square feet (2,500 sq. ft.), one (1) parking space is required for each unit. For live/work units greater than 2,500 square feet, required parking will be based on the applicable parking standards for the nonresidential use or the closest similar use as determined by the zoning official.

5.2. Off-Street Loading Requirements.

Every building or structure hereafter constructed for commercial or industrial use shall provide adequate space for the off-street loading and unloading of vehicles.

5.2-1 Location of Loading Spaces. Off-street loading spaces shall have unobstructed

access to a public street, and shall be directly adjacent to the uses for which the spaces are required.

5.2-2 Dimensional Requirements. No loading space shall be less than ten (10) feet wide and sixty (60) feet long.

5.2-3 Number of Loading Spaces Required. One (1) loading space shall be required for the first twenty thousand (20,000) square feet of gross floor area, plus one (1) space for each additional twenty thousand (20,000) square feet, or fraction thereof, of gross floor area. A waiver of these loading requirements may be granted, at the discretion of the zoning officer, when it can be substantiated that one (1) or more of the required loading spaces are unnecessary to accommodate an establishment's loading needs.

5.2-4 Exception for Main Street Area. Notwithstanding the above, off-street loading shall not be required within the C-1 Urban Commercial District from Market Square to Monument Square.

5.2-5 Construction Requirements. Every loading space which is developed or redeveloped after the effective date of this ordinance shall be subject to the approval of the division engineer.

5.2-6 Screening from Residential Properties. Where a loading space is located on a lot which adjoins one (1) or more lots which are residentially zoned or have a residential use, a fence of solid appearance having a height of not less than six (6) feet, or an approved evergreen hedge having a height of not less than six (6) feet and a spacing between plants of not more than one and one half (1 1/2) times the initial height of said plants, shall be erected and maintained between such parking area and

each adjacent residentially zoned lot which is either a residential use or residentially zoned.

(Ch. No. 6585, Sec. 1, 4-5-99)

5.3. Restrictions on Storage of Vehicles.

The zoning office, the public safety director chief of police, or their designee shall have the authority to order removed any vehicle located on private property which presents a hazard to children or other persons, or harbors tall grass or weeds, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents or other vermin.

5.3-1 Except as provided for in other regulations, no operative unregistered vehicle and no inoperative, disabled, or in-serviceable or dismantled vehicle shall be parked, kept or stored in any residential district, and no vehicle shall at any time be in a state of major disassembly disrepair, or in the process of being stripped or dismantled in such residential district. Painting of vehicles is prohibited unless conducted inside an approved spray-booth.

For the purposes of this section, the phrase “inoperable motor vehicle” means any vehicle which cannot be driven upon the public streets for any reason including, but not limited to, being unregistered, unlicensed, wrecked in whole or in part, abandoned, in a state of disrepair or deteriorated and/or covered with debris, rust, weeds or other growth, or incapable of being moved under its own power or which has not been moved or driven from its current location because of its condition for a period of more than 30 days.

Exception: A vehicle of any kind is permitted to undergo major overhaul,

including body work provided such work is performed inside a structure or similar enclosed area designed and approved for such purposes.

5.3-2.1 Temporary Relief. The zoning officer shall have the authority to authorize temporary relief from this sections 5.3.1 and 5.3.2 provided:

(1) The property owner shows to the satisfaction of the zoning officer that such relief will not create a visual nuisance, nor pollute or further pollute soil, water runoff, or stormwater. Such hardship shall arise from conditions which require open storage of an excess motor vehicle to repair a registered vehicle for personal use, or antique refurbishing. The zoning officer shall have the authority to impose specific stipulations as deemed necessary to alleviate adverse effects resulting from open storage or work to be performed, such as visual effects, or soil or stormwater contamination. Such relief shall not exceed sixty (60) days.

(2) Written permission must be obtained from the zoning officer, This permission may be revoked upon any violation of set stipulations. Revocation shall be in writing.

5.3-3 Storage of Inoperable Vehicles in Nonresidential Districts. No inoperable, disabled, un-serviceable or dismantled motor vehicle, whether registered or unregistered or trailer, body, engine, part, or accessory thereof, shall be parked or stored in any nonresidential district, except where such parking or storage is completely within the confines of a commercial or industrial property, and is directly related to or accessory to a permitted use on the premises.

Section 6. Supplemental Regulations.

6.1. Sign Regulations.

These regulations are intended to control the size, location and purpose of signs, and to ensure that signs are used for the identification of permitted uses and establishments and not for the advertisement of products and services. The design and location of signs shall be such as to not obstruct the safe and reasonable movement of pedestrians and vehicles, nor obstruct adequate sight distance for entering or exiting any site as determined by the zoning officer. No sign shall hereafter be created, erected, installed or altered except in conformance with this ordinance.

6.1-1 Signs Permitted In All Districts. The signs described below are permitted in all zoning districts.

6.1-1.1 Charitable, nonprofit, religious, or private educational facility signs. Signs identifying charitable, nonprofit, religious, or private educational facilities shall be permitted as follows:

(1) Wall signs not exceeding twenty (20) square feet in area shall be permitted.

(2) Off-site directional signs not exceeding two (2) square feet in area per side of sign, nor eight (8) feet in height, shall be permitted.

(3) Temporary on- or off-premises free-standing signs or wall signs advertising public social events, not exceeding twelve (12) square feet in area per side of sign, nor six (6) feet in height, and limited to one (1) sign per parcel shall be permitted. The display of said temporary signs shall be limited to three (3) weeks' duration, and

shall not be permitted more than four (4) times in a calendar year.

(4) Free-standing signs, identifying the permitted use, not exceeding twelve (12) square feet in area per side, nor five (5) feet in height, and limited to one (1) sign per parcel, shall be permitted. Said signs shall be set back a minimum of five (5) feet from all property lines.

(Ch. No. 6154, Sec. 1(D), 10-16-95)

6.1-1.2 Directional signs. Directional signs not exceeding two (2) square feet in area, nor three (3) feet in height, and not containing letters, words or symbols associated with the identification of a business or the advertisement of products or services, shall be permitted.

6.1-1.3 For Sale, Lease or Rent Signs. On-premises, temporary, non-illuminated, free-standing or wall signs to advertise the leasing, sale or rental of a parcel, lot or premises, not exceeding nine (9) square feet in area, nor six (6) feet in height, and limited to two (2) signs per parcel. Said signs shall be maintained in sound condition, and shall be removed within ten (10) days of the lease, sale or rental of the property to which they are related.

6.1-1.4 Government Agency Signs. Signs identifying, or otherwise relating to, all municipal, state or federal government agencies shall be permitted.

6.1-1.5 Political Signs. Political signs of a temporary nature, not located on utility poles, on public property or within any right-of-way, not exceeding sixteen (16) square feet in area per side of sign, nor six (6) feet in height, limited to two (2) signs per parcel, and set back a minimum of five (5) feet from the public right-of-way, shall be permitted. Said signs shall not be

installed sooner than ninety (90) days prior to an election, and shall be removed within ten (10) days following said election.

6.1-1.6 Temporary Construction Signs. Temporary signs customary and necessary in connection with the erection of buildings or other construction work, not exceeding thirty-two (32) square feet in area per side of sign nor eight (8) feet in height, and limited to two (2) signs per project site, shall be permitted. Said signs shall be set back a minimum of five (5) feet from all property lines, and shall be removed immediately upon completion of the work to which they are related.

6.1-2 Signs Prohibited in All Districts. All billboards, roof signs, two wheel portable signs with a marquee and/or with or without an arrow, strobe lights, light bulb strings, streamers, spinners and devices of a similar nature, and all moving, flashing, rotating or blinking signs shall be prohibited in all zoning districts, except that signs indicating time and temperature, and traditional barber poles shall be permitted in conformance with all other regulations of this ordinance, and temporary holiday decorations shall be permitted in all districts for a period of up to sixty (60) days per year. The use of fencing for advertising purposes shall be prohibited in all districts.

(Ch. No. 6154, Sec. 1(E), 10-16-95; Ch. No. 6400, Sec. 1(H), 9-2-97)

6.1-3 Signs Permitted in R-1, R-2, R-3 and R-4 Districts. The signs described below are permitted in the R-1 Very Low Density Single-family Residential, R-2 Low Density Single-family Residential, R-3 Medium Density Single- and Two-family Residential, and R-4 High Density Single- and Multifamily Residential Districts. Exterior signs shall not be illuminated.

6.1-3.1 Banners. Banners not overhanging the public right-of-way, nor obstructing traffic, nor interfering with adjoining properties or establishments, and limited to a maximum of two (2) banners per establishment shall be permitted on premises where the predominant, legally permitted use of said premises is nonresidential. Said banners shall be properly maintained at all times, not faded or tattered, and shall be securely fastened at all corners and ends. The occupants of any residential portion of a property upon which a banner is located, and the occupants of any abutting residential property, may object in writing to that banner. Upon receipt of said written objection, the zoning officer shall order the removal of the objectionable banner, and the owner may appeal to the zoning board of review for relief of the removal order. Said banners shall not contain letters or words associated with the identification of the business and in no way shall take the place of a permanent sign; however, logos shall be permitted on said banners.

(Ch. No. 6069, Sec. 1, 5-15-95)

6.1-3.2 Free-standing Signs. Free-standing signs, indicating the name of the owners or occupants, or identifying a permitted nonresidential use, not exceeding two (2) square feet in area, nor five (5) feet in height, and limited to one (1) sign per parcel, shall be permitted. Said signs shall be set back a minimum of five (5) feet from all property lines.

6.1-3.3 Pennant Strings. Pennant strings not overhanging the public right-of-way, nor obstructing traffic, nor interfering with adjoining properties or establishments, and limited to a maximum of two (2) pennant strings per establishment, shall be permitted on premises where the predominant, legally permitted use of said premises is nonresidential. Said pennant strings shall be properly maintained at all times, not faded

or tattered, and shall be securely fastened at all ends. The occupants of any residential portion of a property upon which a pennant string is located, and the occupants of any abutting residential property, may object in writing to that pennant string. Upon receipt of said written objection, the zoning officer shall order the removal of the objectionable pennant string, and the owner may appeal to the zoning board of review for relief of the removal order.

6.1-3.4 Subdivision or Housing Complex Signs. Free-standing signs, identifying subdivisions or housing complexes, not exceeding twelve (12) square feet in area, nor six (6) feet in height, and limited to two (2) signs per subdivision or housing complex, shall be permitted. Said signs shall be set back a minimum of five (5) feet from all property lines.

6.1-3.5 Wall Signs. Wall signs, identifying a permitted nonresidential use, not exceeding nine (9) square feet in area, and limited to one (1) sign per establishment, shall be permitted.

6.1-4 Signs Permitted in MU-I Districts. The signs described below are permitted in the MU-I Mixed-Use Commercial/Residential District. Exterior signs, if illuminated, shall be so arranged as to reflect light away from adjoining properties and/or streets, and shall not be located within twenty-five (25) feet of any residential district boundary line.

6.1-4.1 A-Frame Signs. A-frame signs or similar temporary or portable signs, not exceeding twelve (12) square feet per side of sign, nor four (4) feet in height, nor obstructing pedestrian or vehicular circulation or required parking, nor interfering with adjoining properties or establishments, and limited to a maximum

one (1) sign per establishment shall be permitted. Said signs shall be constructed of wood, metal and/or heavy plastic, and shall be so designed and/or fastened as to prevent said signs from being propelled by wind. No A-frame sign or similar temporary or portable signs shall be located more than one hundred (100) feet from the structure with which it is associated.

(Ch. No. 6400, Sec. 1(J), 9-2-97)

6.1-4.2 Awning or Canopy Signs. Awning or canopy signs, identifying a permitted use, not exceeding one (1) square foot per linear foot of front wall length, up to a maximum of thirty-six (36) square feet per establishment, shall be permitted on, along or extending from the front wall of a building. Awning or canopy signs may be combined with wall signs such that the combined area of all such signs does not exceed one (1) square foot per linear foot of front wall length, up to a maximum of thirty-six (36) square feet per establishment.

6.1-4.3 Banners. Banners not overhanging the public right-of-way, nor obstructing traffic, nor interfering with adjoining properties or establishments, and limited to a maximum of two (2) banners per establishment for a period of up to six (6) months in any calendar year, shall be permitted. Said banners shall be properly maintained at all times, not faded or tattered, and shall be securely fastened at all corners and ends.

6.1-4.4 Credit Card Signs. Credit card signs, not exceeding one (1) square foot in aggregate area per establishment, which are not illuminated, shall be permitted.

6.1-4.5 Directory Signs. Wall signs, identifying two (2) or more interior permitted uses, not exceeding six (6) square

feet in aggregate area per building, shall be permitted.

6.1-4.6 Free-standing Signs. Free-standing signs, identifying a permitted use, not exceeding six (6) square feet in area, nor five (5) feet in height, and limited to one (1) sign per parcel, shall be permitted. Said signs shall be set back a minimum of five (5) feet from all property lines. (Ch. No. 6400, Sec. 1(I), 9-2-97)

6.1-4.7 Information Flags. One (1) information flag, containing the word "Open" and/or the business' logo, not exceeding fifteen (15) square feet in area per establishment, shall be permitted.

6.1-4.8 Pennant Strings. Pennant strings not overhanging the public right-of-way, nor obstructing traffic, nor interfering with adjoining properties or establishments, and limited to a maximum of two (2) pennant strings per establishment, shall be permitted. Said pennant strings shall be properly maintained at all times, not faded or tattered, and shall be securely fastened at all ends.

6.1-4.9 Projecting Signs. Projecting signs, identifying a permitted use, not exceeding twelve (12) square feet in area, nor projecting more than four (4) feet from the building wall, with an unobstructed clearance to a height of ten (10) feet above the ground, not projecting over the public right-of-way, and limited to one (1) sign per establishment, shall be permitted.

6.1-4.10 Wall Signs. Wall signs, identifying a permitted use, not exceeding one (1) square foot per linear foot of front wall length, up to a maximum of thirty-six (36) square feet per establishment, shall be permitted. For the purposes of this subsection, signs installed on first-story mansard roofs or mansard facades shall be

considered wall signs. Wall signs may be combined with awning or canopy signs such that the combined area of all such signs does not exceed one (1) square foot per linear foot of front wall length, up to a maximum of thirty-six (36) square feet per establishment.

(Ch. No. 6069, Sec. 2, 5-15-95)

6.1-5 Signs Permitted in C-1, C-2, MU-2, I-1 and I-2 Districts. The signs described below are permitted in the C-1 Urban Commercial, C-2 Major Commercial and MU-2 Commercial/Industrial, I-1 Light Industrial, and I-2 Heavy Industrial Districts. Exterior signs, if illuminated, shall be so arranged as to reflect light away from adjoining properties and/or streets, and shall not be located within twenty-five (25) feet of any residential district boundary line.

6.1-5.1 A-Frame Signs. A-frame signs or similar temporary or portable signs, not exceeding twelve (12) square feet per side of sign, nor four (4) feet in height, nor obstructing pedestrian or vehicular circulation or required parking, nor interfering with adjoining properties or establishments, and limited to a maximum of one (1) sign per establishment shall be permitted. Said signs shall be constructed of wood, metal and/or heavy plastic, and shall be so designed and/or so fastened as to prevent said signs from being propelled by wind. No A-frame signs or similar temporary or portable signs shall be located more than one hundred (100) feet from the structure with which it is associated.

(Ch. No. 6400, Sec. 1(J), 9-2-97)

6.1-5.2 Awning or Canopy Signs. Awning or canopy signs, identifying a permitted use, not exceeding two (2) square feet per linear foot of front wall length, up to a maximum of one hundred (100) square feet per establishment, shall be permitted on, along or extending from the front wall of a

building. Awning or canopy signs may be combined with wall signs such that the combined area of all such signs does not exceed two (2) square feet per linear foot of front wall length, up to a maximum of one hundred (100) square feet per establishment.

6.1-5.3 Banners. Banners not overhanging the public right-of-way, nor obstructing traffic, nor interfering with adjoining properties or establishments, and limited to a maximum of two (2) banners per establishment for a period of up to six (6) months in any calendar year, shall be permitted. Said banners shall be properly maintained at all times, not faded or tattered, and shall be securely fastened at all corners and ends.

6.1-5.4 Credit Card Signs. Credit card signs, not exceeding one (1) square foot in aggregate area per establishment, which are not illuminated, shall be permitted.

6.1-5.5 Directory Signs. Wall signs, identifying two (2) or more interior permitted uses, not exceeding eight (8) square feet in aggregate area per building, shall be permitted.

6.1-5.6 Free-standing Signs. Free-standing signs, identifying a permitted use, not exceeding fifty (50) square feet in area per side, nor one hundred (100) square feet in aggregate area, nor fourteen (14) feet in height, and limited to one (1) sign per parcel, shall be permitted. Said signs shall be set back a minimum of five (5) feet from all property lines and shall not be located within twenty-five (25) feet of any residential district.

6.1-5.7 Information Flags. One (1) information flag, containing the word "Open" and/or the business logo, not

exceeding fifteen (15) square feet in area per establishment, shall be permitted.

6.1-5.8 Menu Boards. Menu boards, not exceeding thirty-six (36) square feet in area, nor eight (8) feet in height, and limited to one (1) menu board per establishment, shall be permitted. Said signs shall be set back five (5) feet from all nonresidential property lines and ten (10) feet from all residential property lines.

6.1-5.9 Pennant Strings. Pennant strings not overhanging the public right-of-way, nor obstructing traffic, nor interfering with adjoining properties or establishments, and limited to a maximum of two (2) pennant strings per establishment, shall be permitted. Said pennant strings shall be properly maintained at all times, not faded or tattered, and shall be securely fastened at all ends.

6.1-5.10 Projecting Signs. Projecting signs, identifying a permitted use, not exceeding twelve (12) square feet in area, nor projecting more than four (4) feet from the building wall, with an unobstructed clearance to a height of ten (10) feet above the ground, not projecting over the public right-of-way, and limited to one (1) sign per establishment, shall be permitted.

6.1-5.11 Under Canopy Signs. Under canopy signs, identifying a permitted use, not exceeding three (3) square feet in area per side of sign, with an unobstructed clearance of ten (10) feet above the ground, and limited to two (2) signs per establishment, shall be permitted.

6.1-5.12 Wall Signs. Wall signs, identifying a permitted use, shall be permitted as indicated below. For the purposes of this subsection, signs installed on first-story mansard roofs or mansard facades shall be considered wall signs.

(1) Wall signs, not exceeding two (2) square feet per linear foot of front wall length, up to a maximum of one hundred (100) square feet per establishment, shall be permitted on the front wall of a building. Wall signs may be combined with awning or canopy signs such that the combined area of all such signs does not exceed two (2) square feet per linear foot of front wall length, up to a maximum of one hundred (100) square feet per establishment.

(2) Wall signs not exceeding an aggregate of one hundred (100) square feet per establishment, shall be permitted on all other exterior sides of a building combined.

6.1-6 Nonconforming Signs. Any sign, which lawfully existed and was properly maintained as of the date of enactment of this ordinance, may be continued, but shall not be relocated, or removed and reestablished, unless in conformance with the provisions of this ordinance. Maintenance, repair or replacement of the faces of said sign shall be permitted provided that there is no change in the area, height, width, depth or illumination of said sign.

(Ch. No. 6069, Sec. 3, 5-15-95)

“6.1-7 Ground Floor Window Transparency within Downtown Overlay District in C-1, MU-1 and MU-2 Districts. Ground floor windows shall maintain a total area of transparency of 50% or more. This will create a pedestrian-friendly district, which will allow views of indoor nonresidential space or product display areas.

Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or logos, provided that the portion of the transparent film around the perimeter of

the individual letters or logos maintains 100% transparency of the window.

Residential units are not subject to the ground floor window transparency minimum.”

(Ch. 7857, 12-07-2015)

6.2. Screening and Fencing.

Screening and fencing shall be permitted in conformance with the requirements set forth below.

6.2-1 Fences Permitted in R-1, R-2, R-3, R-4 and MU-I Districts. Fences located in front yards shall not exceed three (3) feet in height. Fences located in side yards shall not exceed four (4) feet in height. Fences located in rear yards shall not exceed six (6) feet in height.

6.2-1.1 Fences On Through Lots. Fences on through lots shall be so located that the height of the fence in the rear yard shall be no higher than three (3) feet along the rear lot line and three (3) feet up to the setback required from the rear street lot line.

6.2-2 Fences Permitted in C-1, C-2, and MU-2 Districts. No fences shall be permitted in front yards. Fences located in rear yards shall not exceed six (6) feet in height. Fences located in side yards shall not exceed four (4) feet in height. However, the height of a fence located in side yard may be increased to a maximum height of six (6) feet, provided that the distance between all buildings and the side lot line is increased over the minimum required side setback by five (5) feet for every foot, or fraction thereof, of additional fence height.

6.2-3 Fences Permitted in I-1, and I-2 Districts. Fences may be located in front, side or rear yards, but shall not exceed six (6) feet in height.

6.2-4 Composition of Fences. Fences may consist of posts, wire, boards, stone, masonry, concrete or other material approved by the building inspector. Fences may not consist of, nor contain, barbed wire, razor wire or any other material capable of causing injury.

6.2-5 Increased Fence Height. Increased fence height may be approved by the zoning officer if one of the adjacent buildings is used for the storage of three (3) or more automobiles or in the case of exceptional topography. The zoning board of review has the right to require increased fence heights.

6.2-6 Permit required: Any screening or fencing constructed under the provisions of this section shall require application for and the issuance of a permit from the office of the building and zoning officials in a form to be determined by that office. The cost of such permit in all cases shall be fifty dollars and no cents (\$50.00).

6.3. Exception on Building Height Limits.

The building height limitations of this ordinance shall not apply to church spires, belfries, cupolas or domes not intended for human occupancy, monuments, water towers, transmission or receiving towers, chimneys, smokestacks, flagpoles, masts, aerials, satellite dishes, or similar structures attached to a principal building or accessory structure.

6.4. Location of Accessory Buildings.

Any accessory building located on the same lot as the principal building shall not be located in any required front yard and shall meet the yard requirements for an accessory building; however, if any accessory building other than a garage or carport is connected to the principal building by a breezeway or similar structure, it shall meet all the yard requirements of the principal building.
(Ch. No. 6921, Sec. 1, 1-23-02)

6.5. Obstructions to Vision Prohibited.

Every building or structure, or improvement constructed, installed or planted on a corner lot within any district, within the triangular area formed by a straight line connecting those points along the centerlines of the streets at a distance of ninety (90) feet from their intersections, shall be constructed, installed or planted so as not to cause any obstruction to vision between a height of three (3) feet and a height of eight, (8) feet above the average grade of each street, measured along the centerline thereof. Notwithstanding the above, the requirements of this subsection shall not be deemed to prohibit the construction of any necessary retaining wall.
(Ch. No. 6830, Sec. 1, 3-12-01)

6.6. Projections over Street Rights-of-Way.

In all districts, except the C-1 Urban Commercial District, no projection, including without limitation, awnings, canopies, and signs, shall be permitted to overhang the street right-of-way. Projections over street rights-of-way within the C-1 Urban Commercial District shall be

in accordance with the standards listed below.

6.6-1 Projecting Signs. Signs shall have an unobstructed clearance of ten (10) feet from the sidewalk to the lowest portion of the sign, and shall not extend more than four (4) feet from the face of the building.

6.6-2 Awnings. Awnings shall have an unobstructed clearance of eight (8) feet from the sidewalk to the lowest portion of the awning framework, and an unobstructed clearance of not less than seven (7) feet between the covering or valance and the sidewalk. Awnings shall not extend to within one (1) foot of the outer face of the curb, except that awnings installed above the first story shall not project more than four (4) feet from the face of the building.

6.6-3 Canopies. Canopies shall have an unobstructed clearance of eight (8) feet from the sidewalk to the lowest portion of the horizontal canopy framework, and an unobstructed clearance of not less than seven (7) feet between the covering or valance and the sidewalk. The width of canopies shall not exceed eight (8) feet, and the top of canopies shall not be more than twelve (12) feet above the sidewalk. Canopies shall not extend to within two (2) feet of the outer face of the curb.

6.7. Buffer Zone Requirements. [Repealed]

(Ch. No. 6585, Sec. 1, 4-5-99)

6.8. Lighting Requirements.

Any lighting fixture used to illuminate any building, structure, improvement, parking area, or parcel of land shall be so arranged

as not to direct light onto any adjoining parcel of land or street.

6.9. Display of Wares or Merchandise.

There shall be no outside display of wares or merchandise in connection with any use, including uses permitted by variance or special use permit, in any R-1, R-2, R-3, R-4 or MU-I district. Outside display of wares or merchandise shall be permitted in connection with permitted uses in all other districts, but shall not affect or decrease the required parking.

6.10. Nonconforming Residential Development.

In the case of existing nonconforming residential uses in commercial, mixed-use or industrial districts, all buildings and structures shall meet the density and setback requirements of the strictest adjacent residential district.

6.11. Temporary Use of Mobile Homes.

Mobile homes may temporarily be used by persons displaced by a disaster such as a fire or a flood, at the site of said disaster, upon application to and approval by the building inspector and zoning officer, who shall be authorized to give temporary approval for said use for a period not to exceed one (1) year. An application for further relief must be made to the zoning board of review. Said mobile homes shall not be located within twenty (20) feet of any abutter's dwelling where living quarters exist.

6.12. Carnivals and Circuses.

Carnivals, circuses, fairs, flea markets, and similar activities shall not be permitted in any zone, unless a permit for such activity,

not to exceed fourteen (14) days, is granted by the city council.

6.13. Farm Animals.

As there is no agriculturally zoned land within the city, farm animals are not allowed in any district.

6.14. Entrance Landings/Stoops.

Entrance landings/stoops, not exceeding three (3) feet in width nor four (4) feet in depth, whether covered or uncovered, shall be permitted at the entrances to all residential and nonresidential structures, without regard to front, side or rear setback requirements. Larger entrance landings/stoops, and entrance landings/stoops, which are enclosed by walls and/or windows, shall conform to all relevant setback requirements.

(Ch. No. 6012, Sec. 1(F), 10-16-95)

Section 6.15. Solar & Wind Energy Systems, Facilities and Installations

A. Definitions

“Photovoltaics” shall mean electricity produced directly from sunlight; typically small scale.

“Solar Heating and Cooling” shall mean thermal (heat) energy used to change the temperature of air and water; typically small or medium scale.

“Concentrated Solar Power” shall mean concentrated sunlight used to drive a traditional steam turbine; typically large scale.

“Residential Solar Power System; Small” shall mean a solar installation with an output of 10.5kW or less or rooftop-mounted, which:

- 1. Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height.
- 2. Shall require a building permit after submission and approval of layout and design. Any signed lease, easement, or distribution agreements must also be submitted for review by the city solicitor and be recorded in Land Evidence in the city of Woonsocket after approval.
- 3. Shall be in compliance with RI State Building Code and National Electric Code.
- 4. Solar Energy Systems-Small and Large shall comply with the following provisions
 - (a) No individual panels within a ground-mounted solar installation shall exceed fifteen (15) feet in height, as measured from the pre-development lot grade at the location of the panel;
 - (b) All panels and other equipment and structures that are part of the installation shall be setback from all property lines applicable to the specific zone in which they are located;
 - (c) A roof-mounted solar installation shall not exceed the permitted building height applicable to the zone in which it is located;

- (d) A ground-mounted solar installation shall not exceed the permitted accessory building height applicable to the zone in which it is located.
- (e) A ground-mounted solar installation shall be designed to prevent unauthorized access, including, but not necessarily limited to protective fencing.
- (f) Any solar installation shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts.
- (g) No individual panels within a ground-mounted solar installation shall exceed fifteen (15) feet in height, as measured from the pre-development lot grade at the location of the panel;
- (h) All panels and other equipment and structures that are part of the installation shall be setback from all property lines applicable to the specific zone in which they are located;
- (i) A roof-mounted solar installation shall not exceed the permitted building height applicable to the zone in which it is located;

“Residential Solar Power System; Large” shall mean A solar installation with an output of 20kW or less and greater than 10.5kW, requiring a Design Review with the Planning Board in all zones, which:

- 1. Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height.
- 2. Shall require a building permit after submission and approval of layout and design. Any signed lease, easement, or distribution agreements must also be submitted for review by the city solicitor and be recorded in Land Evidence in the city of Woonsocket after approval.
- 3. Shall be in compliance with RI State Building Code and National Electric Code.
- 4. Solar Energy Systems-Small and Large shall comply with the following provisions

- (j) A ground-mounted solar installation shall not exceed the permitted accessory building height applicable to the zone in which it is located.
- (k) A ground-mounted solar installation shall be designed to prevent unauthorized access, including, but not necessarily limited to protective fencing.
- (l) Any solar installation shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts.

Commercial/Industrial Solar Power System; Small” shall mean a solar installation with an output of 250kW or less and greater than 10Kw, or an installation exceeding 20% of the minimum buildable area of the applicable zone (wetlands and setbacks subtracted from lot size); requiring, in all zones, Minor Land Development approval

from the Planning Board and a Special Use Permit from the Zoning Board of Review, pursuant to Rhode Island General Law 45-23-61; and a building permit prior to construction; which shall adhere to the following:

- Design Standards- Solar installation applications shall include the proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components to be used, an operation and maintenance plan, a decommission plan, utility approval, proof of liability insurance, and the contact information for the project contractors. Additional documents may be required by the Planning Board or by the Zoning Board of Review. The Planning Board may waive requirements of the design review process upon written request of the applicant at Pre-Application.
- 2. Land Evidence- Any signed lease, easement, or distribution agreements shall be submitted with the installation application for review by the city solicitor, and be recorded in Land Evidence in the City of Woonsocket upon Planning Board and Zoning Board of Review approvals. Signed lease agreements must make reference to payment of both tangible and property tax by the grantee.
- 3. Setbacks and Height- The installation must meet all height and minimum front, side, and rear yard setback requirements in the applicable zone, and must additionally maintain a twenty foot (20'), properly maintained vegetated buffer from all adjacent properties and roadways.
- 4. All installations shall be in compliance with the RI State Building Code and National Electric Code, and may be subject to yearly inspections by the Woonsocket Building and Electrical Officials. All installation components must have an UL listing or equivalent.
- 5. All electrical connection and distribution lines within the installation shall be underground. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility.
- 6. Security- A fence shall surround the perimeter of the installation of no less than nine (9) feet in height.
- 7. Emergency Access- Reasonable accessibility for emergency service vehicles shall be required.
- 8. Signage- No signs are allowed on the security perimeter fencing except for a sign displaying the installation name, address and emergency contact information, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four (4) square feet in area.
- 9. Lighting- Externally lit signs are allowed, provided they are oriented such that the light is directed away from any adjacent properties and traffic arteries.

- 10. Abandonment or Decommissioning- It is the responsibility of the parcel owner to remove all obsolete or unused systems within six (6) months of cessation of operations. Reusable components are to be recycled whenever feasible. A surety bond to cover the cost of removal may be required as determined by the zoning board of review, and shall be posted prior to the issuance of any building permits.

“Commercial/Industrial Solar Power System; Large” shall mean a solar installation with an output of greater than 250kW, or an installation exceeding 40% of the minimum buildable area of the applicable zone (wetlands and setbacks subtracted from lot size); requiring, in all zones, Design Review approval from the Planning Board and a Special Use Permit from the Zoning Board of Review, pursuant to Rhode Island General Law 45-23-61; and a building permit prior to construction; which shall adhere to the following:

- 1. Design Standards- Solar installation applications shall include the proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components to be used, an operation and maintenance plan, a decommission plan, utility approval, proof of liability insurance, and the contact information for the project contractors. Additional documents may be required by the Planning Board and/or by the Zoning Board of Review. The Planning Board may waive requirements of the Land Development review process upon

written request of the applicant at Pre-Application.

- 2. Land Evidence- Any signed lease, easement, or distribution agreements shall be submitted with the installation application for review by the City Solicitor, and be recorded in Land Evidence in the city of Woonsocket upon Planning Board and Zoning Board of Review approvals. Signed lease agreements must make reference to payment of both tangible and property tax by the grantee.
- 3. Setbacks and Height- The installation must meet all height and minimum front, side, and rear yard setback requirements in the applicable zone, and must additionally maintain a twenty foot (20'), properly maintained, vegetated buffer from all adjacent properties and roadways.
- 4. All installations shall be in compliance with the RI State Building Code and National Electric Code, and shall be subject to yearly inspections by the Woonsocket Building and Electrical Official. All installation components must have an UL listing or equivalent.
- 5. All electrical connection and distribution lines within the installation shall be underground. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility.
- 6. Security- A fence shall surround the perimeter of the installation of no less than nine (9) feet in height.

- 7. Emergency Access- Reasonable accessibility for emergency service vehicles shall be required.

“Wind Energy Conversion Facilities” means the equipment and requisite hardware that provides and are used for collecting, transferring, converting, storing or using renewable resources for water heating, space heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced through nonrenewable resources. The primary use of a renewable energy utility scale facility is to provide energy for the commercial facility on which said facility is located or to produce energy solely to off-load electricity to the grid. Any excess energy produced by a commercial facility may be off-loaded to the grid.

Wind Energy Conversion Facility shall comply with the following:

- 1. A wind energy conversion facility located within the vicinity of residential structures, historic districts, schools, or in the River Corridor Overlay District shall not be approved unless such proposed uses and structures are so concealed as to be substantially invisible. The views of, and vistas from, such structures, districts or designated scenic corridor shall not be impaired or diminished by the placement of such uses and structures.
- 2. A wind energy conversion facility shall not exceed the permitted building heights as set forth in the zone restrictions enumerated in this ordinance.
- 3. A wind energy conversion facility shall be designed to prevent unauthorized access, including, but

not necessarily limited to protective fencing.

- 4. Support towers, monopole towers, rather than lattice or cable towers, are the preferred type of support for wind facilities and shall be used when a support tower is proposed. Lattice or cable-support towers may only be permitted if it is demonstrated to the satisfaction of the zoning board of review that the use of a monopole is impractical.
- 5. All components of the wind facility shall be painted a neutral, non-reflective exterior color designed to blend with the surrounding environment, such as white, light gray or light blue.
- 6. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind facility, such as appurtenant structures, shall be limited to that required for safety, security and operational purposes and shall be reasonably shielded from immediately adjoining properties.
- 7. Special Use Permit Submission Requirements:
 - a.) An application for a wind energy conversion facility shall submit visual impact data, including, but not limited to photographic simulation of the proposed facility as it would be seen from residential areas, public rights-of-way, parks and other recreational facilities.
 - b.) Location of proposed towers with radius map, showing the locations of all appurtenant structures, cables, wires and access roads.

- c.) A maintenance plan for the facility.
- d.) Proof of liability insurance
- e.) Approval of the height of the structure from the FAA, if applicable.
- f.) A statement certifying that the structure and facilities comply with the noise requirements of the city ordinance.

The zoning board of review may not grant a permit or variance unless it finds, in writing, that:

- a.) The construction of a wind energy conversion facility shall be allowed pursuant to the use table the use complies with all requirements set forth in this chapter and applicable requirements of the Federal Aviation Administration. All such facilities shall be constructed and operated in a manner that minimizes and adverse visual, safety and environmental impacts;
- b.) The specific site is an appropriate location for such use
- c.) The use will not adversely affect the neighborhood;
- d.) There will be not be any serious hazard to pedestrians or vehicles from the use;
- e.) No nuisance will be created by the use; and
- f.) Adequate and appropriate facilities will be provided for the proper operation of the use. (Ord. Ch. 7859 12-21-2015)

Section 7. Provisions Governing Residential Districts.

7.1. Provisions Governing All Residential Districts.

Within all residential districts the following provisions shall apply.

7.1-1 Yard Requirements for Corner Lots. The side yard requirements for all buildings on corner lots shall be such that no principal or accessory building extends beyond the front setback line set for buildings along the street considered to be the side street of the corner lot.

7.1-2 Number of Buildings on a Lot. In no case shall more than one (1) principal building be constructed on any one (1) lot.

7.1-3 Incidental Home Occupations. Incidental home occupations shall be permitted, provided not more than twenty-five (25) percent of the total floor area of any dwelling unit is devoted to such use. No displays or alterations of the facade of any building shall be permitted, with the exception of signs herein permitted, which may indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.

7.2. Requirements of R-1 District.

Very Low Density Single-family Residential District, but including customary incidental home occupations, public and semipublic uses.

7.2-1 Lot Area. Minimum required lot area shall be twenty-five thousand (25,000) square feet.

7.2-2 Lot Coverage. Maximum lot coverage shall be twenty-five (25) percent.

	R-1
Minimum Lot Size (sq. ft.)	25,000
Lot Coverage Maximum	25%
Coverage Allowed (sq. ft.)	6,250
Pervious Surface (sq. ft.)	18,750

(Ch. No. 7846. Sec. 1 – 10.06.2015)

7.2-3 Street Frontage. Minimum required frontage on a public street shall be one hundred thirty-five (135) feet.

7.2-4 Lot Width at the Building Line. Minimum required lot width at the building line shall be one hundred thirty-five (135) feet.

7.2-5 Yards and Open Spaces. All buildings shall meet the following requirements:

7.2-5.1 Front Setback. All buildings, including unattached accessory buildings, shall be set back from the street right-of-way line on which they front to conform to or exceed a line formed by extending the setbacks of buildings on adjoining lots, except that in no case shall such setback be less than thirty-five (35) feet. A variance may be granted by the zoning board of review where existing development on adjoining lots is less than thirty-five (35) feet, but no variance shall be granted to permit a setback which does not conform to or exceed the line formed by extending the setbacks of buildings on the adjoining lots. The zoning board of review may grant a variance where an unenclosed structure such as a porch, deck or gazebo that does encroach into the front setback area more than fifty percent (50%) into the area and where no vision obstruction is created; provided that such permitted structure may not be enclosed at any later date. (Ch. 7852. 11-23-2015)

7.2-5.2 Side Setback. All buildings shall be set back from each side lot line a minimum of twenty-five (25) feet, except that unattached accessory buildings, and attached garages or garages with breezeways where no living space is included as part of the garage structure, shall be set back a minimum of fifteen (15) feet from each side lot line.

7.2-5.3 Rear Setback. All buildings except unattached accessory buildings shall be set back from the rear lot line a minimum of fifty (50) feet. Unattached accessory buildings shall be set back a minimum of fifteen (15) feet.

7.2-6 Height and Number of Stories. No building or structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

7.2-7 Accessory Family Dwelling Unit. An accessory family dwelling unit shall be permitted upon approval by the zoning board and issuance of a special use permit for said unit, provided that the subject property is in full compliance with applicable minimum lot area and parking requirements as set forth in this ordinance, that the design of the structure is such that there is no indication from the exterior that the property is used for any purpose other than a single-family dwelling, and that the accessory family dwelling unit shall not contain more than one (1) bedroom nor comprise more than thirty-five (35) percent of the aggregate floor area of the principal structure.

(Ch. No. 6260, Sec. 1(E), 6-3-96)

7.3. Requirements of R-2 District.

Low Density Single-family Residential District, but including customary incidental home occupations, public and semi-public uses.

7.3-1 Lot Area. Minimum required lot area shall be ten thousand (10,000) square feet.

7.3-2 Lot Coverage. Maximum lot coverage shall be thirty-five (35) percent.

	R-2
Minimum Lot Size (sq. ft.)	10,000
Lot Coverage Maximum	35%
Coverage Allowed (sq. ft.)	3,500
Pervious Surface (sq. ft.)	6,500

(Ch. No. 7846. Sec. 1 – 10.06.2015)

7.3-3 Street Frontage. Minimum required frontage on a public street shall be ninety (90) feet.

7.3-4 Lot Width at the Building Line. Minimum required lot width at the building line shall be ninety (90) feet.

7.3-5 Yards and Open Spaces. All buildings shall meet the following requirements:

7.3-5.1 Front Setback. All buildings, including unattached accessory buildings, shall be set back from the street right-of-way line on which they front to conform to or exceed a line formed by extending the setbacks of buildings on adjoining lots, except that in no case shall such setback be less than twenty (20) feet. A variance may be granted by the zoning board of review where existing development on adjoining lots is less than twenty (20) feet, but no variance shall be granted to permit a setback which does not conform to or exceed the line formed by extending the setbacks of buildings on the adjoining lots. The zoning board of review may grant a variance where an unenclosed structure such as a porch, deck or gazebo that does encroach into the

front setback area more than fifty percent (50%) into the area and where no vision obstruction is created; provided that such permitted structure may not be enclosed at any later date. (Ch. 7852, 11-23-2015)

7.3-5.2 Side Setback. All buildings shall be set back from each side lot line a minimum of ten (10) feet, except that unattached accessory buildings, and attached garages or garages with breezeways where no living space is included as part of the garage structure, shall be set back a minimum of five (5) feet from each side lot line.

7.3-5.3 Rear Setback. All buildings except unattached accessory buildings shall be set back from the rear lot line a minimum of twenty-five (25) feet. Unattached accessory buildings shall be set back a minimum of five (5) feet.

7.3-6 Height and Number of Stories. No building or structure shall exceed two (2) stories or thirty (30) feet in height.

7.4. Requirements of R-3 District.

Medium Density Single- and Two-family Residential District, but including customary incidental home occupations, public and semipublic uses.

7.4-1 Lot Area. Minimum required lot area shall be seven thousand (7,000) square feet for a single-family dwelling, and nine thousand (9,000) square feet for a two-family dwelling.

7.4-2 Lot Coverage. Maximum lot coverage shall be fifty percent (50%).

	R-3
Minimum Lot Size (sq. ft.)	7,000
Lot Coverage Maximum	50%
Coverage Allowed (sq. ft.)	3,500
Pervious Surface (sq. ft.)	3,500

(Ch. No. 7846. Sec. 1 – 10.06.2015)

7.4-3 Street Frontage. Minimum required frontage on a public street shall be seventy (70) feet for a single-family dwelling, and eighty (80) feet for a two-family dwelling.

7.4-4 Lot width at the Building Line. Minimum required lot width at the building line shall be seventy (70) feet for a single-family dwelling, and eighty (80) feet for a two-family dwelling.

7.4-5 Yards and Open Spaces. All buildings shall meet the following requirements:

7.4-5.1 Front Setback. All buildings, including unattached accessory buildings, shall be set back from the street right-of-way line on which they front to conform to or exceed a line formed by extending the setbacks of buildings on adjoining lots, except that in no case shall such setback be less than twenty (20) feet. A variance may be granted by the zoning board of review where existing development on adjoining lots is less than twenty (20) feet, but no variance shall be granted to permit a setback which does not conform to or exceed the line formed by extending the setbacks of buildings on the adjoining lots. The zoning board of review may grant a variance where an unenclosed structure such as a porch, deck or gazebo that does encroach into the front setback area more than fifty percent (50%) into the area and where no vision obstruction is created; provided that such permitted structure may not be enclosed at any later date. (Ch. 7852, 11-23-2015)

7.4-5.2 Side Setback. All buildings shall be set back from each side lot line a minimum of ten (10) feet, except that unattached accessory buildings, and attached garages or garages with breezeways where no living

space is included as part of the garage structure, shall be set back a minimum of five (5) feet from each side lot line.

7.4-5.3 Rear Setback. All buildings except unattached accessory buildings shall be set back from the rear lot line a minimum of twenty-five (25) feet. Unattached accessory buildings shall be set back a minimum of five (5) feet.

7.4-6 Height. No building or structure shall exceed thirty (30) feet in height, unless each side yard is increased over the minimum setback requirement by ten (10) feet for every five (5) feet, or fraction thereof, of additional height. In no case shall the height of a building or structure exceed forty (40) feet.

7.5. Requirements of R-4 District.

High Density Single- and Multifamily Residential District, but including customary incidental home occupations, public, semipublic and transient residential uses.

7.5-1 Lot Area. Minimum required lot area shall be six thousand (6,000) square feet for a single-family dwelling, plus four thousand (4,000) square feet for each additional dwelling unit on the same lot.

(Ch. No. 6585, Sec. 1, 4-5-99)

7.5-2 Lot Coverage. Maximum lot coverage shall be fifty percent (50%).

	R-4
Minimum Lot Size (sq. ft.)	6,000
Lot Coverage Maximum	50%
Coverage Allowed (sq. ft.)	3,000
Pervious Surface (sq. ft.)	3,000

(Ch. No. 7846. Sec. 1 – 10.06.2015)

7.5-3 Street Frontage. Minimum required frontage on a public street shall be sixty (60)

feet for a single-family dwelling, plus ten (10) feet for each additional dwelling unit.

7.5-4 Lot Width at the Building Line. Minimum required lot width at the building line shall be sixty (60) feet for a single-family dwelling, plus ten (10) feet for each additional dwelling unit.

7.5-5 Yards and Open Spaces. All buildings shall meet the following requirements:

7.5-5.1 Front Setback. All buildings, including unattached accessory buildings, shall be set back from the street right-of-way line on which they front to conform to or exceed a line formed by extending the setbacks of buildings on adjoining lots, except that in no case shall such setback be less than twenty (20) feet. A variance may be granted by the zoning board of review where existing development on adjoining lots is less than twenty (20) feet, but no variance shall be granted to permit a setback which does not conform to or exceed the line formed by extending the setbacks of buildings on the adjoining lots. The zoning board of review may grant a variance where an unenclosed structure such as a porch, deck or gazebo that does encroach into the front setback area more than fifty percent (50%) into the area and where no vision obstruction is created; provided that such permitted structure may not be enclosed at any later date. (Ch. 7852, 11-23-2015)

7.5-5.2 Side Setback. All buildings shall be set back from each side lot line a minimum of ten (10) feet, except that unattached accessory buildings, and attached garages or garages with breezeways where no living space is included as part of the garage structure, shall be set back a minimum of five (5) feet from each side lot line.

7.5-5.3 Rear Setback. All buildings except unattached accessory buildings shall be set back from the rear lot line a minimum of twenty-five (25) feet. Unattached accessory buildings shall be set back a minimum of five (5) feet.

7.5-6 Height. No building or structure shall exceed thirty (30) feet in height, unless each side yard is increased over the minimum setback requirement by ten (10) feet for every five (5) feet, or fraction thereof, of additional height. In no case shall the height of a building or structure exceed fifty (50) feet.

Section 8. Provisions Governing Commercial Districts.

8.1. Requirements of C-1 District.

Urban Commercial District, primarily for the conduct of retail trade, administrative and professional services, and service to the general public.

8.1-1 Lot Area. Minimum required lot area shall be six thousand (6,000) square feet.

8.1-2 Floor Area Ratio. The maximum floor area ratio shall be 2.0.

8.1-3 Yards and Open Spaces. All buildings shall meet the following requirements:

8.1-3.1 Front Setback. All buildings shall be set back a minimum of zero (0) feet from the street right-of-way line on which they front.

8.1-3.2 Side Setback. All buildings shall be set back from each side lot line a minimum of zero (0) feet or twenty-five (25) feet when abutting a residential zone or use.

(Ch. No. 6585, Sec. 1, 4-5-99)

8.1-3.3 Rear Setback. All buildings shall be set back from the rear lot line a minimum of twenty-five (25) feet.

8.1-4 Height and Number of Stories. No building shall exceed live (5) stories or sixty (60) feet in height, unless each side yard is increased over the minimum setback requirement by ten (10) feet for every one (1) story of additional height.

8.1-5 Upper Story Residential Uses. No ground story residential uses shall be permitted; however, dwelling units shall be permitted on all stories above the ground floor.

8.2. Requirements of C-2 District.

Major Commercial District, primarily for the conduct of major retail trade and services to the general public.

8.2-1 Lot Area. Minimum required lot area shall be six thousand (6,000) square feet.

8.2-2 Floor Area Ratio. The maximum floor area ratio shall be 0.4, unless twenty-five (25) percent or more of the total lot area is preserved and maintained as natural open space, in which case the maximum floor area ratio shall be increased to 0.5.

8.2-3 Yards and Open Spaces. All buildings shall meet the following requirements:

8.2-3.1 Front Setback. All buildings shall be set back a minimum of twenty (20) feet from the street right-of-way line on which they front.

8.2-3.2 Side Setback. All buildings shall be set back from each side lot line a minimum

of ten (10) feet or twenty-five (25) feet when abutting a residential zone or use. (Ch. No. 6585, Sec. 1, 4-5-99).

8.2-3.3 Rear Setback. All buildings shall be set back from the rear lot line a minimum of twenty-five (25) feet.

8.2-4 Height and Number of Stories. No building shall exceed five (5) stories or sixty-(60) feet in height, unless each side yard is increased over the minimum setback requirement by ten (10) feet for every one (1) story of additional height.

Section 9. Provisions Governing Mixed-Use Districts.

9.1. Requirements of MU-I District.

Mixed Use Commercial/Residential District, primarily for the purpose of providing day-to-day convenient shopping needs, administrative and professional services, with an emphasis on daily necessities for the immediate residential area.

9.1-1 Lot Area. Minimum required lot area for both residential and nonresidential uses shall be six thousand (6,000) square feet for the first residential or nonresidential unit, plus four thousand (4,000) square feet for each additional residential or nonresidential unit on the same lot, with a maximum possible density of ten (10) dwelling units per acre.

9.1-2 Lot Coverage. Maximum lot coverage shall be fifty percent (50%). In no case shall more than one (1) principal building be constructed on any one (1) lot. (Ch. No. 6400, Sec. 1(K), 9-2-97)

	MU-1
Minimum Lot Size (sq. ft.)	6,000
Lot Coverage Maximum	50%

Coverage Allowed (sq. ft.)	3,000
Pervious Surface (sq. ft.)	3,000

(Ch. No. 7846, Sec. 1 – 10.06.2015)

9.1-3 Gross Floor Area. Maximum gross floor area for nonresidential uses shall be five thousand (5,000) square feet per establishment. (Ch. No. 6400, Sec. 1(L), 9-2-97)

9.1-4 Street Frontage. Minimum required frontage on a public street for both residential and nonresidential uses shall be sixty (60) feet for the first residential or nonresidential unit, plus ten (10) feet for each additional residential or nonresidential unit.

9.1-5 Lot Width at the Building Line. Minimum required lot width at the building line for both residential and nonresidential uses shall be sixty (60) feet for the first residential or nonresidential unit, plus ten (10) feet each additional residential or nonresidential unit.

9.1-6 Yards and Open Spaces. All buildings shall meet the following requirements:

9.1-6.1 Front Setback. All buildings shall be set back from the street right-of-way line on which they front to conform to or exceed a line formed by extending the setbacks of buildings on adjoining lots, except that in no case shall such setbacks be less than twenty (20) feet.

9.1-6.2 Side Setback. All buildings shall be set back from each side lot line a minimum of ten (10) feet, except that unattached accessory buildings, and attached garages or garages with breezeways where no living space is included as part of the garage structure, shall be set back a minimum of five (5) feet from each side lot line.

9.1-6.3 Rear Setback. All buildings except unattached accessory buildings shall be set back from the rear lot line a minimum of twenty-five (25) feet. Unattached accessory buildings shall be set back a minimum of five (5) feet.

9.1-6.4 Yard Requirements for Corner Lots. The side yard requirements for all buildings on corner lots shall be such that no principal or accessory building extends beyond the front setback line set for buildings along the street considered to be the side street of the corner lot.

9.1-7 Height and Number of Stories. No building or structure shall exceed thirty (30) feet in height, unless each side yard is increased over the minimum setback requirement by ten (10) feet for every five (5) feet, or fraction thereof, of additional height. In no case shall the height of a building or structure exceed fifty (50) feet.

9.1-8 Number of Buildings on a Lot. In no case shall more than one (1) principal building be constructed on any one (1) lot.

9.1-9 Incidental Home Occupations. Incidental home occupations shall be permitted, provided not more than twenty-five (25) percent of the total floor area of any dwelling unit is devoted to such use. No displays or alterations of the facade of any building shall be permitted, with the exception of signs herein permitted, which may indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.

9.2. Requirements of MU-2 District.

Mixed Use Industrial/Commercial District, primarily for the conduct of manufacturing and other industrial uses which do not involve excessive smoke, odor, or noise; and/or the conduct of retail trade, administrative and professional services, and

service to the general public. Also permits accessory residential use limited to persons conducting primary industrial or commercial uses.

9.2-1 Lot Area. Minimum required lot area shall be six thousand (6,000) square feet.

9.2-2 Floor Area Ratio. The maximum floor area ratio shall be 2.0.

9.2-3 Yards and Open Spaces. All buildings shall meet the following requirements:

9.2-3.1 Front Setback. All buildings shall be set back a minimum of twenty (20) feet from the street right-of-way line on which they front.

9.2-3.2 Side Setback. All buildings shall be set back from each side lot line a minimum of ten (10) feet.

9.2-3.3 Rear Setback. All buildings shall be set back from the rear lot line a minimum of twenty-five (25) feet.

9.2-4 Height and Number of Stories. No building shall exceed five (5) stories or sixty (60) feet in height, unless each side yard is increased over the minimum setback requirement by ten (10) feet for every one (1) story of additional height.

9.2-5 Performance Criteria. No structure, use or activity shall cause the release of any excessive noise, or any odor, glare, vibration, smoke, fume or other pollutant into the air, soil, or water, on, under or around the lot on which said structure, use or activity is located. Permitted operations shall conform to all applicable local, state and federal regulations. The Woonsocket Noise Ordinance regulations shall be utilized for determination of excessive noise.

(Ch. No. 6154, Sec. 1(G), 10-16-95)

Section 10. Provisions Governing Industrial Districts.

10.1. Provisions Governing All Industrial Districts.

10.1-1 Sale of Goods. Manufacturers may sell on the premises only what they manufacture on the premises, and such sale shall be clearly secondary to the primary manufacturing use.

10.1-2 Industrial Sewage. Industrial sewage and waste shall be deposited in the public sewage system when available, except in case of adequate treatment provided at a private treatment plant subject to all local, state and federal regulations.

10.2. Requirements of I-1 District.

Light Industrial District, primarily for the conduct of manufacturing and other industrial uses which do not involve excessive smoke, odor, or noise.

10.2-1 Lot Area. Minimum required lot area shall be six thousand (6,000) square feet.

10.2-2 Lot Coverage. Maximum lot coverage shall be fifty (50) percent.

10.2-3 Yards and Open Spaces.

10.2-3.1 Front Setback. All buildings shall be set back from the street right-of-way line on which it fronts to conform with existing setbacks on adjoining lots except that in no case shall such setback be less than twenty-five (25) feet or less than half the width of the street right-of-way, whichever is greater. A variance may be granted by the zoning board of review where existing development

on adjoining lots does not meet this front setback requirement, but no variance shall be granted to permit a setback closer to the street than those setbacks on the adjoining lots.

10.2-3.2 Side and Rear Setbacks. All buildings shall be set back from each side and rear property lines a minimum of five (5) feet, except that in the case of a lot adjacent to one (1) or more residential zones or residential uses, all buildings shall be located so as to provide a minimum side or rear yard of fifty (50) feet on the side or rear adjacent to said residential zones or uses. Streets and parking areas shall be permitted within the setback area.

(Ch. No. 6585, Sec. 1, 4-5-99)

10.2-4 Height and Number of Stories. No building shall exceed fifty (50) feet in height, unless each side and rear yard setback is increased over the minimum setback requirement by two (2) feet for every one (1) foot or fraction thereof, of additional height. In no case shall the height of a building or structure exceed sixty (60) feet. The total height shall be measured from the average ground elevation to the highest point of the building, including enclosed roof mounted mechanical equipment.

(Ch. No. 6585, Sec. 1, 4-5-99)

10.2-5 Performance Criteria. No structure, use or activity shall cause the release of any excessive noise, or any odor, glare, vibration, smoke, fume or other pollutant into the air, soil, or water, on, under or around the lot on which said structure, use or activity, is located. Permitted operations shall conform to all applicable local, state and federal regulations. The Woonsocket Noise Ordinance regulations shall be utilized for the determination of excessive noise.

(Ch. No. 6154, Sec. 1(H), 10-16-95)

10.3. Requirements of I-2 District.

Heavy Industrial District, primarily for the conduct of manufacturing, assembling and fabricating where any resultant noise, odor, vibration, or fumes shall be contained within the limits of the district in which the cause is located.

10.3-1 Lot Area. Minimum required lot area shall be six thousand (6,000) square feet.

10.3-2 Lot Coverage. Maximum lot coverage shall be fifty (50) percent.

10.3-3 Yards and Open Spaces.

10.3-3.1 Front Setback. All buildings shall be set back from the street right-of-way line on which it fronts to conform with existing setbacks on adjoining lots except that in no case shall such setback be less than twenty-five (25) feet or less than half the width of the street right-of-way, whichever is greater. A variance may be granted by the zoning board of review where existing development on adjoining lots does not meet this front setback requirement, but no variance shall be granted to permit a setback closer to the street than those setbacks on the adjoining lots.

10.3-3.2 Side and Rear Setbacks. All buildings shall be set back from each side and rear property lines a minimum of five (5) feet, except that in the case of a lot adjacent to one (1) or more residential zone or residential uses, all buildings shall be located so as to provide a minimum side or rear yard of one hundred (100) feet on the side or rear adjacent to said residential zones or residential uses. Streets and parking areas shall be permitted within the setback area.

(Ch. No. 6585, Sec. 1, 4-5-99)

10.3-4 Height and Number of Stories. No building shall exceed fifty (50) feet in height, unless each side and rear yard setback is increased over the minimum setback requirement by two (2) feet for every one (1) foot or fraction thereof, of additional height. In no case shall the height of a building or structure exceed sixty (60) feet. The total height shall be measured from the average ground elevation to the highest point of the building, including enclosed roof mounted mechanical equipment.
(Ch. No. 6585, Sec. 1, 4-5-99).

10.3-5 Performance Criteria. No structure, use or activity shall cause the release of any excessive noise, or any odor, glare, vibration, smoke, fume or other pollutant into the air, soil, or water, beyond the limits of the zoning district in which said structure, use or activity is located. Permitted operations shall conform to all applicable local, state and federal regulations. The Woonsocket Noise Ordinance regulations shall be utilized for determination of excessive noise.

(Ch. No. 6154, Sec. 1(I), 10-16-95)

Section 11. Provisions Governing Public Recreation Districts.

11.1. Provisions Governing All Public Recreation Districts.

In addition to the requirements set forth in this ordinance, all public recreational districts are bound by the rules, regulations, and prohibitions described in sections 15-1, 15-4 and 15-5 of the Code of Ordinances.

11.1-1 Publicly owned Land. The public recreational districts consist of publicly owned lands and/or facilities set aside for

the purpose of active or passive recreational activities.

11.1-2 Development Requirements. Any proposal for development, public or private, shall be reviewed by the department of planning and development. Recommended by the planning board, and approved by the city council by ordinance. For the purpose of this subsection, development shall be defined as the removal or substantial alteration of land or landscape elements, or the construction or erection of any buildings or structures, excluding signs and trail markers.

11.2. Requirements of PR-1 District.

Active Public Recreation District, for the preservation and enhancement of those areas within the city which are best suited for structured, active recreational activities, with or without accessory facilities.

11.2-1 Limitations on Development. The use of all land and structures shall be exclusively for recreational purposes, and uses accessory to those purposes, except that land and structures used as revenue-generating facilities for the benefit of financing public parks, recreational facilities, and recreational organizations shall be permitted.

11.3. Requirements of PR-2 District.

Passive Public Recreation District, for the conservation and protection the natural state of designated areas to provide opportunities for walking, hiking, observation and other passive recreational activities, and to provide a category of land held in perpetuity to ensure that the present and future

residents of the city shall enjoy the benefits of the natural environment.

11.3-1 Limitations on Development. The use of all land and structures shall be exclusively for conservation and passive recreational purposes, and uses accessory to those purposes. Impervious roadway and/or parking area improvements shall only be permitted at designated access points. Hunting and the use of motorized vehicles are prohibited.

Section 12. Provisions Governing Overlay Districts.

12.1. Design Review Overlay District.

The Design Review Overlay District is hereby established to regulate the design of new and existing commercial or mixed-use buildings, structures, improvements and facilities with regard to assessing the impacts of predominantly commercial development on the surrounding community with regard to issues of health and safety, visual and architectural quality and long-term planning strategies. All nonresidential buildings, structures, improvements and facilities within zoning districts C-1, C-2, MU-1, MU-2 and I-1 shall be regulated by both the requirements of the district in which they are located and the requirements of this overlay district. This district shall furthermore overlay all lots, or portions thereof, where any building, structure, improvement or facility is associated with a use otherwise permitted only in a C-1, C-2, MU-1 and/or MU-2 district, that has been granted by variance or special use permit by the zoning board of review.

(Ch. No. 6154, Sec. 1(J), 10-16-95; Ch. No. 6400, Sec. 1(M), 9-2-97) (Ch. 7845, 10-26-05.)

12.1-1 Design Review Commission. The design review commission is hereby established as the agency authorized to administer that portion of the Design Review Overlay Zone in which any proposed project includes the construction of a new commercial or mixed-use building, or any proposed project that includes the substantial exterior renovation of an existing commercial or mixed-use building. Substantial renovations shall mean to be those renovations, where 50% or more of the total existing exterior materials, are to be replaced, or 70% of the exterior facade materials are to be replaced. The members of the design review commission shall be the members of the planning board.

Design Review Officer. The design review officer is hereby established as the agent authorized to administer all other portions of the Design Review Overlay Zone which are not administered by the design review commission as defined above. The design review officer shall be appointed by the Mayor and serve until his/her successor is named. All decisions made by the design review officer may be appealed to the design review commission in writing.

(Ch. No. 6400, Sec. 1(N), 9-2-97)

12.1-2 Design Guidelines. The design review commission shall prepare and adopt design guidelines for development within this overlay district within six (6) months of the enactment of this ordinance. Said guidelines shall guide applicants in the development of proposals.

12.1-3 Submission of Plans and Proposals. A proposal for development within this overlay district may be made by any applicant by filing with the city planner an application describing the proposal and supporting materials. Applications and supporting materials shall be submitted for

review under this subsection prior to the submittal of plans for a building permit. Supporting materials shall include seven (7) sets of each of the following:

12.1-3.1 Site Plan. A site plan is required which shall be prepared by a registered land surveyor or by a registered professional engineer. As appropriate under the requirements established by the State of Rhode Island for each class, and which shall include without limitation the following:

- (1) Location of all existing and proposed buildings and structures, including signs;
- (2) Location of all existing and proposed site improvements, including utilities;
- (3) Location of all existing and proposed points of vehicular and pedestrian access;
- (4) Location of all existing and proposed interior access corridors and parking spaces; and
- (5) Existing and proposed contour data for the site, at two-foot intervals.

12.1-3.2 Architectural Submittals. Architectural submittals are required which shall include without limitation the following:

- (1) Elevations for all sides of any proposed building or structure, including signs;
- (2) Exterior lighting plans;
- (3) Floor plans for all proposed buildings; and
- (4) Samples and/or descriptions of all materials for proposed exterior treatment.

12.1-3.3 Landscape Plans. Landscape plans are required which shall include without limitation the following:

- (1) Proposed plantings and other landscape material, shown by type, size and number; and
- (2) Provisions for pedestrian circulation; and
- (3) Site furnishings.

12.1-4 Pre-Development Conference. Developers shall be encouraged, but are not required, to discuss proposals at the outset with the city planner and the division engineer for suggestions and general guidance.

12.1-5 Evaluation of Proposals. Proposals for development within this overlay district shall be reviewed with respect to the following:

- (1) Architectural design;
- (2) Landscape design in accordance with the green space requirements set forth below;
- (3) Impacts on available utilities and the planning of future improvements;
- (4) Off-site traffic impacts;
- (5) On-site traffic circulation;
- (6) Overall visual quality;
- (7) Relationship to surrounding buildings and sites;
- (8) Sign design and placement; and
- (9) Site layout.

Fees to appear before Overlay District Commissions:

- Appearance before Design Review Commission, two hundred dollars (\$200.00).
- Appearance before River Corridor Overlay District Commission, two hundred dollars (\$200.00).
- 12.1-6 Green Space Requirement. All developments within this overlay district shall include a minimum of fifty (50) square feet of on-site green space for every parking space required under this ordinance, except that in the case of parcels with unreasonable constraints, the design review commission may alter, reduce or waive the green space requirement. Said green space shall consist of areas that contain grass, ground cover, shrubs, trees, flower beds, or any combination of the above.
- 12.1-6.1 Parking Areas. A minimum of five (5) percent of the green space shall be applied within parking and vehicular circulation areas in the form of landscaped strips or islands that divide parking areas and limit cross-traffic, and shall be evenly dispersed throughout said parking areas to the greatest extent possible.
- 12.1-6.2 Perimeter Buffers. Landscaped buffer areas shall be established along the perimeter of all development sites as follows:
 - (1) Where any portion of a site is adjacent to any residential use property, a minimum landscaped buffer of ten (10) feet in width shall be established along the lot line which adjoins such residential use property, and said landscaped buffer shall contain plant materials and/or fencing to create a six (6) foot high screen between the properties.

- (2) Where any portion of a site is adjacent to any nonresidential use property, a minimum landscaped buffer of five (5) feet in width shall be established along the lot line which adjoins such nonresidential use property, and said landscaped buffer shall contain landscape treatment which is determined by the design review commission to be of an appropriate nature.

- (3) Where any portion of a site is adjacent to any street or public right-of-way, a minimum landscaped buffer of four (4) feet in width shall be established along the lot line which adjoins such street or right-of-way and trees of an appropriate size and type shall be located approximately every fifty (50) feet, with exact tree locations to be determined on a site-by-site basis to avoid interfering with underground utilities and/or curb cuts. In the case of any development located along Diamond Hill Road, the type of tree shall be green ash, and tree locations shall be approximately every seventy (70) feet.

12.1-7 Penalties. All plans and designs approved by the design review commission shall be executed as such. Failure to comply with approved plans shall be deemed a violation of this ordinance and of the building permit issued for such development, and shall cause the building official to issue a stop-work order until such time that the violation has been satisfactorily remedied.

12.2. Planned Residential Development Overlay District.

The Planned Residential Development Overlay District is hereby established to permit the flexible development of large tracts of residentially zoned land in order to

encourage harmonious, efficient and convenient living environments and communities; to increase housing opportunities by increasing the variety of residential types, density and design; to facilitate the economical and efficient provision of necessary community services, recreation and open space; to preserve features and sites of natural, ecological and historical interest; to encourage innovative residential designs; and to promote the health, safety and welfare of the residents of Woonsocket. This overlay district shall include all undeveloped parcels of land which are equal to or greater than ten (10) acres in size and which are located within the R-1 and/or R-2 districts. For the purposes of subdivision and/or development, all land within the Planned Residential Development Overlay District may be regulated by either the requirements of the district in which they are located or the requirements of this overlay district.

12.2-1 Eligibility. Proposals may be eligible for consideration as planned residential developments only upon demonstration that such development will be in the best interests of the residents of Woonsocket. Said demonstration shall be made by the planning board upon consideration of the following factors:

- (1) Compliance with the comprehensive plan;
- (2) Estimated amount of taxes to be provided to the city;
- (2.1) Extent of services and facilities to be required by the development, and capacity of the city to provide the same;
- (2.2) Preservation of open space and features of unique natural, ecological, or historical interest;

- (3) Quality of residential design features;
- (4) Diversification of housing choices; and
- (5) Benefits to the surrounding neighborhood.

12.2-2 Land Unsuitable for Development. In order to calculate the maximum density permitted in a residential planned development, the following land shall be determined by the planning board to be unsuitable for development:

- (1) Any wetlands, as defined in 2-1-14 and 2-1-20 of the General Laws of Rhode Island and in any rules or regulations adopted pursuant thereto, but excluding land encompassed by any setback requirements as set forth therein;
- (2) Any land located within the Flood Hazard Zones "A" and "B" shown on those maps entitled, "Flood Insurance Rate Map City of Woonsocket, Rhode Island, Providence County, Community Panel Number 445411 00013, map revised January 6, 1982, Federal Emergency Management Agency" as amended;
- (3) Any stream areas and/or bodies of water;
- (4) Any areas with slopes in excess of fifteen (15) percent; and
- (5) Any unusual or undevelopable land formations.

12.2-3 Density Requirements. Single-family attached and/or single-family detached residential development may be permitted at an increased density on a portion of a parcel within this overlay district only if a sufficient amount of open space is set aside within the same parcel so

that the average residential density of the parcel as a whole does not exceed that permitted by the regulations of the zoning district or districts in which the planned residential development is located. The maximum number of dwelling units in a planned residential development shall not exceed the number computed in accordance with the following procedure:

- (1) All acreage which is unsuitable for development, as hereinabove defined, shall first be deducted from the tract proposed for development.
- (2) Twenty (20) percent of the tract's gross area, or in the alternative, the actual area of any street right-of-way designed for the development in accordance with planning board approval, shall be subtracted as an allowance for streets.
- (3) The remaining acreage shall be divided by the minimum lot size permitted by the regulations pertaining to the zoning district in which the parcel is located.
- (4) The resulting figure shall be rounded down to the nearest whole number.

12.2-4 Homeowners' Association. The developer of a planned residential development shall create a homeowners' association which shall include as its members all owners of dwelling units within the planned residential development. Said homeowners' association shall be established in accordance with all applicable local, state and federal laws, and shall have, by virtue of its rules or bylaws, the power to assess dues and/or fees sufficient to cover the cost of maintenance of the common open space, and of any improvements thereon, in accordance with all applicable local, state and federal laws.

12.2-5 Perimeter Buffer. There shall be a buffer of open space around the entire perimeter of the planned residential development. Said buffer shall be at least two (2) times as wide as the minimum required rear yard setback for single-family dwellings in the zoning district in which the adjoining land is located. If the planned residential development adjoins a commercial or industrial district, the perimeter buffer shall be a minimum of one hundred (100) feet. The perimeter buffer may include land which has been determined by the planning board to be unsuitable for development. No buildings or structures, or portions thereof, shall be built within the perimeter buffer, except that fencing may be permitted upon the approval of the planning board. The perimeter buffer may be reduced or waived, in whole or in part, by the planning board only where the adjacent land is a publicly or privately owned park or conservation area.

12.2-6 Common Open Space. A substantial portion of the land involved in any planned residential development must consist of common open space, the use of which shall be limited to conservation, preservation, reforestation, agriculture, non-commercial recreation, and any structures and uses accessory to the aforementioned which may be approved by the planning board. All common open space shall be reserved for the use of the present and future owners, lessees, sublessees and residents of the planned residential development, and their nonpaying guests, except that in cases where both the developer and the planning board agree, access shall be provided for the public.

12.2-6.1 Specific Requirements. Common open space shall be provided as set forth below, and according to such additional restrictions as may be imposed by the

planning board and city council in a particular residential planned development.

(1) In addition to the open space required for the perimeter buffer, at least twenty (20) percent of the gross area of the land involved in any planned residential development shall be set aside as contiguous common open space.

(2) A minimum of fifty (50) percent of required common open space may be composed of land determined by the planning board to be unsuitable for development.

(3) A maximum of twenty (20) percent of required common open space may be devoted to structures or impervious surfaces, and no structure or impervious surface shall be located within the required common open space unless directly related to a permitted use as hereinabove defined.

(4) Access to the required common open space shall be made available through the provision of a sufficient number of clearly marked access corridors, each with a minimum width of fifteen (15) feet, and composed of appropriate materials approved by the planning board.

(5) Strips of common land between residential buildings, streets, or drives shall not be counted toward the minimum percentage of common open space, but may be used as access corridors to said common open space.

12.2-6.2 Ownership of Common Open Space. Common open space shall be owned jointly by the owners of all dwelling units within the planned residential development, in conformance with all applicable local, state and federal laws, such that the ownership interest in any dwelling unit shall

be inseparable from the ownership interest in the common open space. In addition, common open space shall be protected against future development and environmental damage by conveying to the city an easement over such common open space, restricting any development or use of the common open space, except as provided hereinabove.

12.2-6.3 Management of Common Open Space. The management and maintenance of all common open space shall be the full responsibility of the homeowners' association for the planned residential development. The homeowners' association shall enter into a professional maintenance contract for the maintenance of all common open space and facilities with a professional maintenance contractor who shall be regularly engaged in the maintenance business. In the event of a failure or neglect of the homeowners' association to comply with any city code or ordinance, the city may enforce such code or ordinance as authorized. In no event does this ordinance obligate the City of Woonsocket to become involved with the maintenance of common open space.

12.2-7 Private Drives. The planning board and city council may allow the use of private drives to service a planned residential development in combination with, or in place of, public streets. The construction of said private drives shall be subject to the inspection and approval of the division engineer. No maintenance or trash removal services shall be provided by the city on any private drive.

12.2-8 Setback Requirements. Single-family attached or detached dwelling units may be sited in arrangements that allow for lesser setbacks than required under the regulations of the zoning district or districts

in which the planned residential development is located. However, all structures in planned residential developments shall have minimum front setbacks from public roads and/or private drives as set forth below. All structures located on corner or through lots shall maintain required setbacks from each road and/or drive.

- (1) Twenty-five (25) feet from the right-of-way line of any subdivision road or private drive;
- (2) Thirty-five (35) feet from the right-of-way line of any collector road;
- (3) Fifty (50) feet from the right-of-way line of any arterial road; and
- (4) Two hundred (200) feet from the right-of-way line of any limited access or divided highway.

12.2-9 Criteria for Attached Dwelling Units. The following criteria shall apply to the placement and arrangement of attached dwelling units:

- (1) No more than eight (8) dwelling units shall be located in any one building;
- (2) No more than four (4) contiguous dwelling units in any building shall have the same or approximately the same front building line;
- (3) The minimum distance between any two (2) buildings which are substantially parallel to each other shall be one hundred (100) feet.
- (4) The minimum distance between any two (2) abutting ends of buildings in the same general plane shall be fifty (50) feet, unless the walls of both abutting ends contain no

windows to serve habitable rooms, in which case the minimum distance shall be thirty (30) feet.

12.2-10 Obstructions to Visibility. No wall, fence or other structure shall be erected and no hedge, tree, shrub or other growth shall be maintained in such a location as to obstruct the view from a vehicle traveling on any road or drive.

12.2-11 Preliminary Plat Submittal Requirements. A preliminary plat shall be filed with the department of planning and development for consideration by the planning board and city council. Said plat shall contain the following:

12.2-11.1 Plat. A plat of a scale not smaller than forty (40) feet to the inch, shall be included as part of the preliminary plat submission, which shall be prepared by a registered land surveyor or by a registered professional engineer, as appropriate under the requirements established by the State of Rhode Island for each class, and which shall include without limitation the following:

- (1) The title under which the proposed plat is to be recorded, with the name and stamp of the registered land surveyor under whose supervision the plat was prepared;
- (2) The present zoning classification of all parcels contained in said plat;
- (3) The location of all existing property lines, streets, alleys, buildings, watercourses, railroads, utilities, and public spaces;
- (4) The location and names of all adjacent subdivisions, streets, alleys, watercourses, railroads, utilities and public spaces on immediately adjoining properties;

(5) The location and dimensions, by metes and bounds, of all proposed streets, alleys, easements and lot lines;

(6) Existing and proposed contour data for the entire parcel, at two-foot intervals;

(7) The existing drainage pattern, including swampland, state designated wetlands, low wetlands, and natural water channels;

(8) The proposed drainage pattern, including all storm drainage, sanitary sewer and water connections with the city's system and designation as to the responsibility for future maintenance of such connections. Such designation shall be incorporated into the records of land evidence of the City of Woonsocket;

(9) The location and demarcation of all proposed open space to be designated in common ownership;

(10) The location and demarcation of all parcels of land proposed to be dedicated to public use, if any, and the conditions of such dedication;

(11) A statement acknowledging that the plat, which the city council and planning board approve, shall not be materially altered in a size or scope and that if, such material alterations are proposed, city council and planning board approval shall be necessary to proceed with the plan; and

(12) The date upon which the plat is submitted.

12.2-11.2 Locus Map. A map drawn of suitable scale, showing the location of the plat in relation to its surrounding area shall be included as part of the preliminary plat submission. This map should include

enough information to permit the ready and convenient location of the plat.

12.2-11.3 List of Abutters. A list of the names and post office addresses of the owners of all parcels contained in the plat, and of all abutting owners, shall be included as part of the preliminary plat submission.

12.2-11.4 Site Plan. A site plan of a scale not smaller than forty (40) feet to the inch, shall be included as part of the preliminary plat submission, which shall be prepared by a registered land surveyor or by a registered professional engineer, as appropriate under the requirements established by the State of Rhode Island for each class, and which shall include without limitation the following:

(1) The outline and location of all proposed dwelling units with an indication of the number of bedrooms per unit;

(2) A statement of the total number of dwelling units;

(3) The outline and location of all accessory buildings, including garages and utility sheds;

(4) The outline and location of all recreational and leisure facilities; and

(5) The date upon which the site plan is submitted.

12.2-11.5 Exterior Elevations. Exterior elevations of the proposed dwelling units and all common facilities, developed and stamped by a registered Rhode Island architect, shall be included as part of the preliminary plat submission.

12.2-11.6 Comprehensive Development Plan. A comprehensive development plan shall be included as part of the preliminary plat submission. Said plan shall include

detailed information on the scope and timing of all phases. There shall be no more than three (3) workable phases in the total plan. Each workable phase shall include the construction of a similar proportion of dwelling units and common facilities. A workable phase shall consist of an entire residential planned development which meets the density and open space requirements of this ordinance. The division of any residential planned development into workable phases shall be approved by the city council during the preliminary approval stage.

12.2-11.7 Traffic Plan. A traffic circulation plan and traffic impact analysis prepared by a registered engineer experienced in traffic engineering shall be included as part of the preliminary plat submission for projects having a total development potential of twenty-five (25) units or more. Such plan and analysis shall cite the local street network capacity, project the increased traffic generated from the proposed development, and provide alternative methods of accommodating such traffic when necessary.

12.2-11.8 Conventional Subdivision Plan. The developer may also present a conventional subdivision plan to the planning board in accordance with the ordinance of Real Estate Subdivision, City of Woonsocket, Rhode Island, for consideration in the event that the planned residential development proposal does not receive approval.

12.2-12 Consideration of Preliminary Plat. A joint public hearing shall be held by the planning board and city council to consider a complete preliminary plat submission rendered in proper form in accordance with the provisions of this ordinance. Within thirty (30) days of such public hearing, the

planning board shall render a decision on said preliminary plat, if approved by the planning board, said preliminary plat shall require concurring approval by the city council.

12.2-13 Duration of Preliminary Plat Approval. If a preliminary plat has been given approval by both the planning board and city council, such approval shall become null and void after the expiration of one (1) year following the date of approval by the city council, unless a complete final plat plan rendered in proper form in accordance with the provisions of this ordinance has been filed with, and accepted by, the planning board before the expiration of the one-year period or unless an extension of time has been applied for and granted by the city council.

12.2-14 Final Plat Requirements. No construction of a planned residential development shall begin, including any type of earth moving or vegetative removal, until the final plat for such development has been given approval by both the planning board and city council, and recorded in the office of the city clerk, except that construction necessary for the completion of required public improvements as a prerequisite to final plat approval may be undertaken following the approval and recording of the preliminary plat for the planned residential development in the office of the city clerk. A final plat shall be filed with the department of planning and development for consideration by the planning board and city council. Said plat shall conform to the requirements of the City of Woonsocket's Real Estate Subdivision Ordinance, and shall contain updated and/or revised versions of each of the items specified above as preliminary plat requirements, as well as the following:

12.2-14.1 Architectural Plans and Specifications. A full set of architectural plans and definitive specifications, developed and stamped by a registered Rhode Island architect, shall be included as part of the final plat submission.

12.2-14.2 Guaranty of Performance. To assure that all proposed improvements designated for future public use shall be satisfactorily completed, a cash guaranty shall be provided to the City of Woonsocket to be placed in an escrow account. The total amount of the cash guaranty shall be set by the planning board based upon the estimated cost of completion of said improvements. The planning board shall have the authority to grant release of funds from the escrow account upon the completion of portions of said improvements, and shall obtain verification of completed improvements from the director of public works, whenever a reduction or release of the escrow account is requested. In no case, however, shall the planning board allow the reduction of the account below twenty-five (25) percent of the original amount until such time as the specified improvements are one hundred (100) percent complete as approved by the director of public works. As an alternative to providing the above cash guaranty, the developer may complete and have accepted for public use by the city council, all proposed improvements prior to granting of final plat approval.

12.2-14.3 Easements. Deeds to any and all easements in favor of the city concerning common open space included as part of the final plat submission.

12.2-14.4 Rules, Regulations and Bylaws. Rules, regulations and bylaws which establish a homeowners' association, its powers, rights and duties, and the details of the ownership structure shall be included as

part of the final plat submission. Such rules and bylaws shall be reviewed by the city solicitor for conformance to applicable local, state and federal law. The homeowners association shall be organized and function in accordance with rules or bylaws which shall be satisfactory in form and substance to the planning board and which shall be recorded in the records of land evidence in the office of the city clerk with the other documents pertaining to the development.

12.2-15 Consideration of Final Plat. A joint public hearing shall be held by the planning board and city council to consider a complete final plat submission rendered in proper form in accordance with the provisions of this ordinance. Within thirty (30) days of such public hearing, the planning board shall render a decision on said final plat. If approved by the planning board, said final plat shall require concurring approval by the city council.

12.2-16 Duration of Final Plat Approval. If a final plat has been given approval by both the planning board and city council, such approval shall become null and void after the expiration of thirty (30) days following the date of approval by the city council, unless said plat has been recorded with the records of land evidence in the office of the city clerk, the planning board before the expiration of the one-year period or unless an extension of time has been applied for and granted by the city council.

12.2-17 Failure to Begin Development. The developer must begin and substantially complete the planned residential development within two (2) years from the time of final plat approval by the city council. If the planned residential development is to be constructed in two (2) or more phases, the developer must begin and substantially complete the development

of the first phase within eighteen (18) months of said final approval, and must begin and substantially complete the development of each subsequent phase within eighteen (18) months of completion of each preceding phase. The planning board, upon showing of good cause by the developer, may extend for periods of six (6) months the time for completion of any phase. For purposes of this subsection, "substantially completed" means the completion of at least eighty (80) percent of the full development.

12.2-18 Appeals. Appeals to the city council, acting as the subdivision board of review, may be taken by an applicant whose preliminary or final plat has been rejected by the planning board by filing a statement of appeal within thirty (30) days after the final action on such plat by the planning board.

12.2-19 Amendment Procedure. The planning board chairman shall notify the full city council within twenty-four (24) hours of the receipt of any request for amendment of a preliminary or final plat approval. Unless an objection is received from any council member within three (3) days, formal city council ratification of said amendment by resolution shall not be required in making a determination on whether or not a change in a planned residential development constitutes a material alteration.

12.3. River Corridor Overlay District.

The River Corridor Overlay District is hereby established to regulate the development and use of land, buildings, structures, improvements and facilities in proximity to the Blackstone River, with regard to assessing the impacts of development on the river environment with regard to issues of health and safety,

environmental protection, public access, visual and architectural quality and long-term planning strategies. All land, buildings, structures, improvements and facilities within the River Corridor Overlay District shall be regulated by both the requirements of the district in which they are located and the requirements of this overlay district.

12.3-1 River Corridor Review Commission. The river corridor review commission is hereby established as the agency authorized with the administration of the River Corridor Overlay District. The members of the river corridor review commission shall be the members of the planning board. For those areas under the authority of the redevelopment agency, which are also within the River Corridor Overlay District, the members of the redevelopment agency shall also serve as members of the river corridor review commission.

12.3-1.1 Delegation of Authority. The river corridor review commission may delegate limited review authority to the city planner. As so authorized by the river corridor review commission, the city planner may review and approve applications (with or without special conditions) for proposed projects which are deemed by the city planner to have little or no impact on the surrounding area. Determinations made by the city planner may be appealed to the river corridor review commission in writing.

12.3-2 Design Guidelines. Design Review Guidelines have been adopted by the Woonsocket Planning Board effective June 2, 2015.

12.3-3 Submission of Plans and Proposals. A proposal for development within this overlay district may be made by any

applicant by filing with the city planner an application describing the proposal and supporting materials. Applications and supporting materials shall be submitted for review under this subsection prior to the submittal of plans for a building permit. Supporting materials shall include seven (7) sets of each of the following:

12.3-3.1 Site Plan. A site plan is required which shall be prepared by a registered land surveyor or by a registered professional engineer, as appropriate under the requirements established by the State of Rhode Island for each class, and which shall include without limitation the following:

- (1) Location of all existing and proposed buildings and structures, including signs;
- (2) Location of all existing and proposed site improvements, including utilities;
- (3) Location of all existing and proposed points of vehicular and pedestrian access;
- (4) Location of all existing and proposed interior access corridors and parking spaces; and
- (5) Existing and proposed contour data for the site, at two-foot intervals.

12.3-3.2 Architectural Submittals. Architectural submittals are required which shall include without limitation the following:

- (1) Elevations for all sides of any proposed building or structure, including signs; and
- (2) Exterior lighting plans.

12.3-4 Pre-Development Conference. Developers shall be encouraged, but are not required, to discuss proposals at the outset

with the city planner and the division engineer for suggestions and general guidance.

12.3-5 Evaluation of Proposals. Proposals for development within this overlay district shall be reviewed with respect to the following:

- (1) Availability of public access to river;
- (2) Impacts on available utilities and the planning of future improvements;
- (3) Off-site traffic impacts;
- (4) On-site traffic circulation;
- (5) On- and off-site environmental impacts;
- (6) Overall visual quality;
- (7) Site layout.

12.3-6 Penalties. All plans and designs approved by the river corridor review commission shall be executed as such. Failure to comply with approved plans shall be deemed a violation of this ordinance and of the building permit issued for such development, and shall cause the building official to issue a stop-work order until such time that the violation has been satisfactorily remedied.

12.4. Special Flood Hazard Overlay District.

The Special Flood Hazard Overlay District is hereby established to restrict development and use of land, buildings and structures within areas prone to flood damage or destruction. This overlay district shall include all parcels, or portions thereof, delineated as "Areas of Special Flood Hazard," including A Zones and AI-A30

Zones, on the Federal Insurance Administration Map for the City of Woonsocket entitled "Food Insurance Rate Map (FIRM), City of Woonsocket, Rhode Island", and the "Flood Boundary Floodway Map for the City of Woonsocket, Rhode Island", Community--Panel Numbers 445411 0001 through 445411 0004, revised January 6, 1982, and as may be amended. All land, buildings, structures, improvements and facilities within, the Special Flood Hazard Overlay District shall be regulated by both the requirements of the district in which they are located and the requirements of this overlay district. All laws and ordinances concerning land use and control, and any other measures designed to reduce flood losses, shall take precedence over any conflicting law, ordinance or code.

12.4-1 No Encroachments Permitted. All parcels within this overlay district shall be kept free of encroachment in order that the 100-year flood can be carried without an increase of more than one (1) foot, provided that hazardous velocities are not produced. No encroachments, including without limitation, fill, new construction, substantial improvement or other development, shall be permitted which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

12.4-2 Development Permit Required. No development activity shall commence within this overlay district, including without limitation, dredging, filling, grading, paving, excavating, mining and drilling operations, until such time as a development permit has been issued by the building official.

12.4-2.1 Prior Approvals Required. Prior to the issuance of any development permit, the applicant shall submit evidence that all other necessary permits and approvals have been

received from relevant local, federal and state agencies.

12.4-2.2 Plans Required. Where any proposed development activity within this overlay district involves five (5) or more lots or one (1) or more acres, the applicant shall provide plans which indicate the minimum and maximum elevations of the proposed site as well as the 100-year base flood elevation. Said plans shall be incorporated in the application for a development permit.

12.4-3 Alteration of Watercourses. No watercourse may be altered or relocated in any manner which will, in the opinion of the building official, result in any decrease in the flood carrying capacity of the watercourse. Where any alteration or relocation is permitted, the zoning officer shall notify adjacent communities, the Rhode Island statewide planning program, and the federal insurance administration prior to said alteration or relocation.

12.4-4 Standards for Variances. Where strict application of the requirements of this ordinance would create an extreme hardship, the zoning board of review shall have the power to authorize variances for development within this overlay district according to the provisions set forth below:

12.4-4.1 Variances shall only be issued upon:

- (1) A determination that the variance is the minimum necessary to afford relief;
- (2) A showing of good and sufficient cause;
- (3) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(4) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local laws or ordinances.

12.4-4.2 The zoning board of review shall:

- (1) Maintain a record of all actions, including justification for the issuance of any variance; and
- (2) Report all variances issued in the city's annual report submitted to the Federal Insurance Administration.

12.5 Downtown Overlay District.

The Downtown Overlay District is hereby established to confer additional options for development and land use in the Main Street area, with the boundaries of the Downtown Overlay District as defined in Section 2.1-6.6. The overlay district is intended to allow additional permitted uses that encourage further growth and concentration of art, cultural and entertainment attractions in the Main Street area; promote the temporary use of vacant and underutilized properties; and encourage a walkable, vibrant environment. All land, buildings, structures, improvements and facilities within the Downtown District shall be regulated by both the requirements of the district in which they are located and the requirements of this overlay district. Where the requirements of this overlay district are greater or more restrictive than the requirements of the underlying district, or where conflicts exist between this overlay district and the underlying district, the

requirements of this overlay district shall prevail.

12.5-1 Permitted Uses. In addition to uses allowed in the underlying zoning districts, additional permitted uses are allowed within the Downtown District as provided as follows.

(1) Outdoor café seating is permitted outside of a principal restaurant, café or other eating and/or drinking establishment provided it complies with the following regulations:

(a) Outdoor café seating shall be located on the same lot as or adjacent to the principal restaurant or café use provided the appropriate City permits and/or licenses have been obtained.

(b) When outdoor café seating is located on a sidewalk adjoining the principal restaurant or café use, there shall be a minimum four (4) feet wide unobstructed passageway for pedestrians on the sidewalk.

(c) When outdoor café seating is located on a sidewalk adjoining the principal restaurant or café use, outdoor seats, tables and related furnishings shall be removable.

(d) No outdoor café seating shall encroach upon any part of the sidewalk frontage of any adjacent property or alley.

(e) Outdoor café seating shall comply with all applicable building, health, safety, fire and environmental standards.

(f) Outdoor café seating will only be permitted during April 1 to November 1 of the calendar year.

(2) Live/work unit. If the unit is located on the ground floor fronting the street, the residential area should be in the back of the building.

(3) Artist studio or gallery

(4) Hotel or Motel as defined in Section 18.1 *Definitions* limited to C-1, MU-1 and MU-2 zones

(5) Non-profit educational institutions serving older children and adults, including high schools, vocational schools, colleges and universities limited to C-1, MU-1 and MU-2 zones

(6) Bed and Breakfast Inn as defined in Section 18.1 *Definitions* limited to C-1, MU-1 and MU-2 zones

(7) Tavern, bar, lounge, pub or other establishment where alcoholic beverages are sold under the authority of a BL, BV or C license limited to C-1, MU-1 and MU-2 zones

(8) Night club or similar establishment where entertainment is provided limited to C-1, MU-1 and MU-2 zones

(9) Cinema, theater or cultural arts center limited to C-1, MU-1 and MU-2 zones

12.5-2 Interim Uses. An interim use is a temporary or transitional development, installation, or activity established on underutilized and/or vacant property for a predetermined period. Interim uses are permitted in the Downtown District Overlay and limited to C-1, MU-1 and MU-2 zones, provided they comply with this Section 12.5-2.

(1) An interim use shall be permitted for a period of up to six (6) months. The six (6) month time period may be extended through the granting of a Special Use Permit. An interim use that occurs on a property on an annual basis or other regular period basis exceeding the allowable time periods shall be treated as a special use and shall only be permitted through the granting of a Special Use Permit.

(2) Interim uses shall achieve all of the following requirements in order to be permitted:

(a) Interim uses shall provide public amenities, public access or promote economic development.

(b) Interim uses shall encourage pedestrian activity with visual and/or physical access provided from the adjacent street edge.

(c) Interim uses shall encourage street-level activity through commercial enterprise, streetscape enhancement, public art and/or public access.

(3) Applications for interim uses shall be reviewed and approved by the City Planner or designee. Applications shall include the following:

(a) Applicant's name, address and phone number

(b) Property owner's name, address and phone number

(c) Written consent of the owner of the property to establish the proposed interim use

- (d) Location of property
- (e) Current use of property
- (f) Description of proposed interim use
- (g) Length of time request for proposed interim use
- (h) Illustrations, sketches or drawings of sufficient size and clarity to show without further explanation the size and location of the property; location of the adjacent street; location and size of all existing structures on the site; and location of any temporary structures to be installed as part of the interim use
- (i) Photos of the property and adjacent properties
- (j) Any additional information requested by the City Planner that is considered necessary to adequately review and approve an application

(4) The following interim uses are permitted on underutilized and/or vacant property, provided they comply with this Section 12.5-2:

- (a) Food trucks
- (b) Pop-up retail
- (c) Art and cultural installations
- (d) Farmers' market
- (e) Theater, music or artistic performances

(5) Separate licenses, permits, fees and approvals may be required by City or State

agencies. Applicants shall be responsible for complying with all such requirements.”
(Ch. 7857, 12-07-2015)

12.6 Live/Work Units

12.6.1 Live/Work units are permitted in all commercial and manufacturing zones, or in specific properties in residential zones approved by the city council by resolution.

12.6.2 Any commercial use permitted in the zoning district applicable to the property is permitted in the live/work unit. In residentially zones properties approved by city council resolution, commercial and industrial uses are permitted such as artistic, creation, development and small-scale manufacturing is allowed together with associates retail and volume sales.

12.6.3 Live/Work units at street level are prohibited where single-purpose residential structures are otherwise prohibited. In commercial and industrial zones any portion of a residential unit is permitted only on the upper stories.

12.6.4 Where permitted, live/work units located at street level are subject to the development standards for ground-floor retail or commercial establishments as follows; and to any additional standards for ground-floor commercial establishments provided in the zoning ordinance.

12.6.4 (a) A minimum of eighty percent (80%) of a structure's street front façade at street level shall be

occupied by nonresidential uses.

12.6.4 (b) In districts where live/work units are permitted at street level, parking for live/work units on neighborhood commercial streets and in mixed-use zones is prohibited in front of the building.

12.6.4 (c) Live/work units that exceed two thousand square feet (2,000 sq. ft.) must have at least two (2) means of egress.

12.6.4 (d) Within each live/work unit, the living area shall not exceed fifty percent (50%) of the total floor area of the unit.

12.6.4 (e) Where the owner occupies the property in one of the live/work units, the remainder of the property may be designated and used solely as work units with city council preapproval.

12.6.5 (f) No signage shall be allowed other than numbering required to address identification.

12.4.5. Business License Required: At least one resident in each live/work unit shall maintain a valid business license for a business on the premises, if required.

12.4.6 Parking: For live/work units of fewer than twenty-five hundred square feet (2,500 sq. ft.), one (1)

parking space is required for each unit. For live/work units greater than 2,500 square feet, required parking will be based on the applicable parking standards for the nonresidential use or the closest similar use as determined by the zoning official.

Section 13. Procedures for Administration and Enforcement

13.1. Zoning Officer.

The zoning officer within the department of planning and development shall administer and enforce this ordinance, and shall undertake all duties assigned herein.

13.1-1 Qualifications. The zoning officer shall be an employee of the department of planning and development, shall be the recipient of a high school diploma or equivalency diploma, and shall be familiar with the provisions of this ordinance and the state enabling legislation.

13.2. Zoning Board of Review.

The zoning board of review is hereby created and shall undertake all duties assigned herein.

13.2-1 Membership. The zoning board of review shall consist of five (5) members appointed by the city council, each to hold office for the 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 zoning board of review shall also include two (2) alternates,

appointed by the mayor, to be designated as first (1st) and second (2nd) alternate members, each to hold office for the term of five (5) years. These alternate members shall sit and may actively participate in hearings.

Procedures for filling vacancies in unexpired terms of zoning board members, and for the removal of members for due cause, shall be as provided in city charter. The members of the zoning board of review as constituted at the effective date of this ordinance shall continue to serve for their remaining unexpired terms of office.

13.2-2 Organization. In the month of May of each year the zoning board of review shall organize by electing from its membership a chairman and a vice-chairman. The board may appoint a secretary and such other clerks as may be required to perform the duties required under this ordinance.

13.2-3 Meetings. Meetings of the zoning board of review shall be held at the call of the chairman or as may be fixed by the board. The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses by the issuance of subpoenas. All hearings and meetings of the zoning board of review shall be open to the public. All decisions shall be made and voted upon at a public hearing.

13.2-4 Rules of Procedure. The zoning board of review shall establish written rules of procedure within six (6) months of the enactment of this ordinance.

13.2-5 Office and Mailing Address. The zoning board of review shall establish an office where records and decisions shall be filed and a mailing address to which appeals

and correspondence to the zoning board of review shall be sent.

13.2-6 Powers and Duties of the Board. The zoning board of review shall have the following powers and duties:

(1) To hear and decide appeals in a timely fashion where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning officer or authorized agency in the enforcement or interpretation of this ordinance.

(2) To hear and decide appeals from a party aggrieved by a decision of an historic district commission, pursuant to sections 45-24.1-7.1 and 45-24.1-7.2 of the General Laws of the State of Rhode Island.

(3) To authorize upon application, in specific cases of hardship, variances in the application of the terms of this ordinance.

(4) To authorize upon application, in specific cases, special use permits.

(5) To refer matters to the planning board, or to other boards or agencies of the city as the zoning board of review may deem appropriate, for findings and recommendations.

(6) To provide for issuance of conditional zoning approvals, where a proposed application would otherwise be approved except that one (1) or more local, state or federal agency approvals which are necessary, are pending. A conditional approval shall be revoked in the instance where any necessary local, state or federal agency approvals are not received within a specified time period.

(7) To hear and decide such other matters, according to the terms of this ordinance and other statutes, and upon which the zoning

board of review may be authorized to pass under this ordinance and other statutes.

13.2-7 Voting Requirements. The zoning board of review shall be required to vote as follows:

(1) Five (5) active members of the zoning board of review shall be necessary to conduct a hearing. No member or alternate may vote on any matter before the board unless they have attended all hearings concerning such matter. Only five (5) active members shall be entitled to vote on any issue.

(2) The first alternate shall vote as an active member if a member of the board is unable to serve at a hearing. The second alternate shall also vote as an active member 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.

(3) The concurring vote of three (3) of the five (5) active members of the zoning board of review sitting at a hearing shall be necessary to reverse any order, requirement, decision or determination of the zoning officer or authorized agency from whom an appeal is taken.

(4) The concurring vote of four (4) of the five (5) members of the zoning board of review shall be required to decide in favor of an applicant on any matter within the discretion of the board upon which it is required to pass under this ordinance, including variances and special use permits.

13.2-8 Conflict of Interest. No member of the zoning board of review shall pass on any matter in which he has a business, professional or personal interest. As soon as

a conflict occurs for a member, that member shall recuse himself, shall not sit as an active member, and shall take no part in the conduct of the hearing.

13.2-9 Decisions and Records of Proceedings. Following a public hearing, the zoning board of review shall render a decision within a reasonable period of time. The zoning board of review shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon, and the absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the office of the zoning board of review within thirty (30) days from the date when the decision was rendered, and shall be a public record. The zoning board of review shall keep written minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examination, findings of fact, and other official actions, all of which shall be recorded and filed in the office of the zoning board of review in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the superior court, the zoning board of review shall have the minutes taken either by a competent stenographer or recorded by a sound-recording device. Any decision by the zoning board of review, including any special conditions attached thereto, shall be mailed to the applicant, to the zoning officer, and to the associate director of the division of planning of the Rhode Island Department of Administration. Any decision evidencing the granting of a variance, modification or special use permit shall also be recorded in the land evidence records in the office of the city clerk.

13.2-10 Engagement of Assistance. The zoning board of review may engage legal,

technical or clerical assistance, as necessary, to aid in the discharge of its duties.

13.3. Maintenance and Update of the Zoning Ordinance.

The zoning officer shall be responsible for the maintenance and update of the text and zoning map comprising this ordinance. Changes which impact the zoning map shall be depicted on the map within ninety (90) days of such authorized changes. The city clerk shall be the custodian of the zoning ordinance and zoning map.

13.4. Periodic Review of the Zoning Ordinance.

The zoning officer shall be responsible for the periodic review of the text and map comprising the zoning ordinance, and for the review of such materials whenever changes are made to the comprehensive plan, in order to identify any necessary changes and to forward proposed changes to the city council.

13.5. Request for Written Determination.

In order to provide guidance or clarification, the zoning officer shall, within fifteen (15) days of written request for such guidance or clarification, provide information in writing to the requesting party as to the zoning officer's determination, in the event that no written response is provided within such fifteen (15) days, the requesting party shall have the right to appeal to the zoning board of review for such determination.

13.6. Violations.

If the zoning officer shall find that any of the provisions of this ordinance are violated, such officer shall notify in writing the

person responsible for the violation, indicating the nature of the violation and ordering any action necessary to correct the violation. The zoning officer shall order the discontinuance of any illegal use of any land, building, structure or improvement; the removal of any illegal building, structure, improvement, addition, alteration, or structural change thereto; and the discontinuance of any illegal work being done. The zoning officer or assistant zoning officer shall undertake inspections of suspected violations, collect fines for violations, and take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

13.6-1 Illegal Residential Units. Any residential unit in excess of the maximum number of legal units of record for a given property shall be considered an illegal residential unit, and the zoning officer shall order the property owner to immediately remove the illegal unit or cause said unit to be removed.

13.6-1.1 Legal Units of Record. For the purpose of this subsection, the number of legal units of record shall be determined by the zoning officer after reviewing the minimum housing records, tax division records, sewer use division records, records of the zoning board of review, and any other records which the zoning officer deems relevant concerning the subject property.

13.6-1.2 Removal. Removal of an illegal unit shall require the following minimum actions:

- (1) Removal of all cooking facilities;
- (2) Removal of the kitchen sink and faucets, and covering of resultant openings; and

(3) Disconnection and capping of the plumbing serving said kitchen sink by a licensed plumber.

13.6-1.3 Request for Variance. Any property owner wishing to retain one (1) or more illegal units shall be required to appear before the zoning board of review and request a variance. The fee for consideration of such a request shall be one thousand dollars (\$1,000.00). In the event that the requested variance is denied by the zoning board of review, the property owner shall immediately cause the illegal unit to be removed as described hereinabove.

13.6-2 Illegal Extractions. Any parcel of land, or portion thereof, which is used in association with the operation of any extractive industry in any district where such use is not permitted under this ordinance shall be considered an illegal extraction, and the zoning officer shall order the property owner to immediately restore said land to its natural condition prior to such illegal use.

13.6-3 Remedies. Any violation of this ordinance, or violation of any terms or conditions of any action imposed by the zoning board of review, zoning officer, or other authorized agency, may result in the levy of a fine. The severity of said fine shall be reasonably related to the seriousness of the offense, and shall not exceed five hundred dollars (\$500.00) for each offense. For the purposes of this subsection, each day of the existence of any such violation shall be deemed to be a separate offense. Any fine shall inure to the city. The city may also cause suit to be brought in supreme or superior court, or in municipal court, to restrain the violation of, or to compel compliance with, the provisions of this ordinance. The city may consolidate an action for injunctive relief and/or fines under this ordinance in the Superior Court for

Providence County. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

13.6-4 Judicial Aid In Enforcement. The supreme court and superior court within their respective jurisdictions, or any justice of either of said courts in vacation, shall upon due proceedings in the name of the City of Woonsocket instituted by the city solicitor, have power to issue any extraordinary writs or to proceed according to the court of equity or both:

- (1) To restrain the erection, alteration or use of any building, structure, sign or land erected, altered or used in violation of the provisions of this ordinance, and to order its removal or abatement as a nuisance;
- (2) To compel compliance with the provisions of this ordinance;
- (3) To order the removal by the owner of any building, structure, sign or improvement existing in violation of this ordinance, and to authorize the zoning officer, in default of such removal by the owner, to remove it at the expense of said owner;
- (4) To order the reimbursement for any work or materials which shall have been done or furnished by or at the cost of the city;
- (5) To order restoration by the owner, where practicable; and/or
- (6) To issue fines and other penalties.

13.6-5 Public Records. The zoning officer shall keep public records of all violations.

13.7 Administrative Fees:

- Issuance of zoning certificate, fifty dollars (\$50.00);

- Written advisory opinion of the zoning officer, one hundred dollars (\$100.00);
- **Section 14. Procedures for Modifications.**
- **14.1. Request for Modifications.**
- In the instance of the construction, alteration or modification of a structure or lot of record, a request for one (1) or more modifications of the literal dimensional requirements of the zoning ordinance, not to exceed twenty-five (25) percent of any dimensional requirement specified in said ordinance, may be made by an applicant by filing with the zoning officer an application describing the request and supported by such data and evidence as required in the application procedures prepared and published by the zoning officer.

14.2. Consideration by the Zoning Officer.

Within ten (10) days of the receipt of a request for a modification, the zoning officer shall make a decision as to the suitability of the requested modification. One (1) or more modifications, not to exceed twenty-five (25) percent of any dimensional requirement specified in the zoning ordinance, may be issued by the zoning officer in the form of a modification permit following an affirmative determination that:

- (1) The modification is reasonably necessary for the full enjoyment of the permitted use;
- (2) If the modification is granted, no neighboring property will be substantially injured, nor will the appropriate use of any

neighboring property be substantially impaired;

(3) The modification is in harmony with the purposes and the intent of the comprehensive plan and the zoning ordinance;

(4) The modification does not require a variance of a flood hazard requirement; and

(5) The modification does not require the moving of any lot line.

14.3. Notification of Abutters.

Immediately upon an affirmative determination, the zoning officer shall notify by certified mail all property owners abutting the property which is the subject of the modification request, and shall publish a notice in a newspaper of general circulation, indicating the street address of the subject property and stating that such modification will be granted unless written objection is received within thirty (30) days of said public notice. Costs of any notice required under this subsection shall be borne in full by the applicant requesting the modification.

14.4. Written Objection.

If written objection is received within thirty (30) days, the request shall be denied. In such cases, the requested changes shall require a variance which may only be issued by the zoning board of review following the standard procedures for variances. If no written objection is received within thirty (30) days, the zoning officer shall grant the modification.

14.5. Special Conditions.

The zoning officer may apply such special conditions to the modification permit that

may, in the opinion of such officer, be required to conform to the intent and purposes of the zoning ordinance. Failure to abide by any special conditions attached to a modification permit shall constitute a zoning violation.

14.6. Public Records.

The zoning officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received.

Section 15. Procedures for Variances and Special Use Permits.

15.1. Right of Appeal to the Zoning Board of Review.

A request for a variance or special use permit may be made by any applicant by filing with the zoning officer an application describing the request and supported by such data and evidence as required in the application procedures prepared and published by the zoning officer.

15.2. Request for Findings and Recommendations.

Immediately upon receipt of an application for a variance, the zoning board of review may forward said application to the planning board for review and recommendation. Within thirty (30) days of receipt of said application from the zoning board of review, the planning board and/or staff shall report its findings and recommendations, including a statement of the general consistency of the application with the goals and purposes of

the comprehensive plan, in writing to the zoning board of review.

15.3 Filing fees for applications/petitions before the zoning board of review shall be as follows:

Residential Uses:

- Single-family residence or in-law apartment, one hundred fifty dollars (\$150.00);
- Duplex residence, one hundred seventy-five dollars (\$175.00);
- Multi-family structures up to nine (9) units, two hundred dollars (\$200.00) for the first unit, plus fifty dollars (\$50.00) for each additional unit thereafter;
- Multi-family structures ten (10) units or more, two hundred fifty dollars (\$250.00) for the first unit, plus seventy-five dollars (\$75.00) for each additional unit thereafter;
- All other residential variances or special use permits or extensions, including signs, one hundred twenty-five (\$125.00);
- Plus, Notification charge: two dollars and fifty cents (\$2.50) per abutter within two hundred (200) feet of the perimeter of the property; ninety dollars (\$90.00) advertising charge, and forty-seven dollars (\$47.00) charge to record decision.

Commercial/Industrial Uses/Office:

- Use containing up to five thousand (5,000) square feet of gross floor space, two hundred-fifty dollars (\$250.00);
- Use containing more than five thousand (5,000), but less than ten thousand (10,000) square feet of gross floor space, three hundred dollars (\$300.00);

- Use containing more than ten thousand (10,000), but less than twenty thousand (20,000) square feet of gross floor space, three hundred fifty dollars (\$375.00);
- Use containing more than twenty thousand (20,000) square feet of gross floor space, five hundred dollars (\$500.00), plus twenty-five dollars (\$25.00) for each one thousand (1,000) square feet of gross floor space over twenty thousand (20,000) square feet of gross floor space;
- All non-residential variances or special use permits, including signs, two hundred-fifty dollars (\$250.00);
- Plus, Notification charge: two dollars and fifty cents (\$2.50) per abutter within two hundred (200) feet of the perimeter of the property; ninety dollars (\$90.00) advertising charge, and forty-seven dollars (\$47.00) charge to record decision;

15.3-1 Increased Fees:

Where any action requiring the granting of a variance or special use permit by the zoning board of review has commenced prior to the granting of said variance or special use permit, the filing fees for such applications before the zoning board of review shall be increased to twice the amount established above, unless an exemption from the requirements of this subsection is granted by the zoning board of review upon request of the petitioner and recommendation of the zoning officer.

15.3-2 Waiver of Fees

Where an application for a variance or special use permit is submitted by a charitable organization and a determination is made by the zoning officer that payment of the required filing fee would impose an undue financial burden on that organization, the zoning officer may grant a waiver of said

filing fee, in part or in whole. [Chapter 6482, 5/15/98]

15.3-3 Cost for Special Meeting:

Any petitioner seeking a special or unscheduled meeting of the zoning board of review will be responsible for all costs incurred including the appropriate fee, cost of notification, advertisement, and stenographic services and members' stipends. Should more than one petitioner seek a special meeting, costs will be divided proportionately

15.4. Public Hearing.

The zoning board of review shall hold a public hearing on any application for variance or special use permit in an expeditious manner after the receipt, in proper form, of an application.

15.5. Participation In Zoning Hearing.

Any party may appear at a hearing of the zoning board of review in person, by agent, or by attorney. Participation in a zoning hearing or other proceeding by a party shall not be a cause for civil action or liability, except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

15.6. Notification.

The zoning board of review shall give public notice of the date, time, place and purpose of each public hearing, as well as the street addresses of all subject properties, at least fourteen (14) days prior to the date of said hearing in a newspaper of general circulation. Notice of a public hearing shall

be sent by first class mail to each of the parties listed below:

- (1) The applicant and property owner of the subject property;
- (2) The associate director of the division of planning of the Rhode Island department of administration;
- (3) All owners of real property whose property is located in or within not less than two hundred (200) feet of the subject property, whether within or outside of the city;
- (4) The city or town council of any city or town to which one (1) or more of the following pertain:
 - (a) Any portion of the city or town is located in or within not less than two hundred (200) feet of the subject property; and/or
 - (b) 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 by that city or town, within two thousand (2,000) feet of the subject property, regardless of municipal boundaries; and
- (5) 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 the subject property, provided however, that the governing body of said state or municipal water department or agency, special water district, or private water company has filed with the building inspector 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.

15.6-1 [Notice of Decision.] All parties who received original notices of public hearings shall also be notified of the zoning board of review's decision, including any and all stipulations

15.7. Standards for Variances.

The zoning board of review shall consider all properly filed applications for variances, and in granting any such variance shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

- (1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and not due to a physical or economic disability of the applicant;
- (2) That said hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;
- (3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance or the comprehensive plan.
- (4) That the relief to be granted is the least relief necessary.
- (5) That, in the case of the granting of a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same

district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance.

(6) That, in the case of granting a dimensional variance, 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, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

15.8. Standards for Special Use Permits.

The zoning board of review shall consider all properly filed applications for special use permits, and in granting any such special use permits shall require that evidence to the satisfaction of the standards set forth below be entered into the record of proceedings:

15.8-1 Standards for Special Use Permits for Accessory Family Dwellings. The following standards shall be applied in the consideration of special use permits for accessory family dwelling units:

- (1) That the special use shall be in harmony with the general purpose and intent of this ordinance;
- (2) That all appropriate conditions and safeguards are included in the special use permit in the form of stipulations;
- (3) That the subject property is in full compliance with applicable minimum lot area and parking requirements set forth in this ordinance;

(4) That the design of the structure is such that there is no indication from the exterior that the property is used for any purpose other than a single-family dwelling;

(5) That the accessory family dwelling unit shall not contain more than one (1) bedroom nor comprise more than thirty-five (35) percent of the aggregate floor area of the principal structure; and

(6) That a certification form shall be signed by the property owner and recorded with the land evidence records in the office of the city clerk, certifying that the accessory family dwelling unit shall only be occupied by a person or persons related by blood, marriage or other legal means to the occupant or occupants of the principal residence.

15.8-2 Standards for Special Use Permits for Compassion Centers.

The following standards shall be applied in the consideration of special use permits for Compassion Centers:

- (1) The application for a special use permit for a compassion center shall provide the legal name and address of the proposed compassion center, a copy of the articles of incorporation of the compassion center, and the name, address and date of birth of each principal officer and board member of the compassion center;
- (2) That the special use shall be in harmony with the general purpose and intent of this ordinance;
- (3) That all appropriate conditions and safeguards are included in the special use permit in the form of stipulations;

(4) That the subject property is in full compliance with applicable minimum lot area and parking requirements set forth in this ordinance, Section 5.1-3.12 Off-Street Parking Regulations: Retail Commercial Establishments, Service Establishments & Out-Patient Facilities.

(5) That the requested use at the proposed location will not adversely affect the use of any property used for school, public or private park, playground, play field, youth center, licensed day-care center, or other location where groups of minors regularly congregate;

(6) That the requested use at the proposed location is sufficiently buffered in relation to any residential area in the immediate vicinity so as to not adversely affect said area;

(7) That the exterior appearance of the structure will be consistent with the exterior appearance of structures already constructed or under construction within the immediate neighborhood, so as to prevent blight or deterioration, or substantial diminishment or impairment of property values within the neighborhood.

(8) All uses granted under this section shall not be located within:

- a. One thousand (1000) feet from the nearest Residential (R-1, R-2, R-3, R-4) or Mixed Use (MU1, MU-2) zoning district; or
- b. One thousand five hundred (1,500) feet from the nearest house of worship, school, public or private park, playground, play field, youth center, licensed day-care center, or other location where groups of minors regularly congregate; or
- c. Two thousand (2,000) feet from any other compassion center.

(9) The distances specified in the immediately preceding section (9) shall be measured by a straight line from the nearest property line of the premises on which the proposed compassion center use is to be located to the nearest boundary line of a residential district or to the nearest property line of any of the other designated uses set forth therein.

(10) Hours of operation for a compassion center shall be limited to 7:00 a.m. to 8:00 p.m.

(11) Lighting shall be required such that will illuminate the compassion center, its immediate surrounding area, any accessory uses including storage areas, the parking lot(s), its front facade, and any adjoining public sidewalk.

(12) The proposed compassion center shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing marijuana and shall insure the each location has an operational security/alarm system.

(13) No use permitted under this article shall be established prior to submission and approval of a site plan by the Zoning Board of Review with the technical advice of the City zoning official. The site plan shall depict all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The site plan shall show the distances between the proposed use and the boundary of the nearest residential zoning district and the property line of all other abutting uses as described within this section.

(14) All use permitted under this section shall comply fully with all licensing

requirements of the City of Woonsocket and the laws of the State of Rhode Island.

15.8-3 Standards for All Other Special Use Permits. The following standards shall be applied in the consideration of special use permits for uses other than accessory family dwelling units:

- (1) That the special use shall be in harmony with the general purpose and intent of this ordinance;
- (2) That the special use is reasonably necessary for the convenience or welfare of the public;
- (3) That all appropriate conditions and safeguards are included in the special use permit in the form of stipulations; and
- (4) That, in the case of a special use on a lot which adjoins one (1) or more lots in a residential zone, a fence of solid appearance or approved evergreen hedge, having a height of not less than six (6) feet, shall be erected and maintained between such area and the property in the residential district. The zoning board of review may waive this requirement.(Ch. No. 6154, Sec. 1(J), 10-6-95) (Ch. No. 6260, Sec. 1(F--H), 6-3-96)

15.9. Special Conditions.

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 the zoning ordinance. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, shall be incorporated into the decision, and may include, without limitation, provisions for:

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

15.10. Expiration of 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 permit to do so and commences the construction or use so granted. The zoning board of review may, upon receipt of an application for extension, grant an extension, provided that no more than one (1) extension for a period of one (1) year shall be granted. An application for an extension, and a notarized letter of explanation thereof, shall be filed in the zoning office prior to the expiration of the grant, and the applicant shall appear at a designated meeting for explanation of the details surrounding the request for an extension of the original granted application.

15.11. Repetitive Applications.

No application for a special use permit or variance shall be accepted by the zoning officer if an application requesting the same special use permit or variance has been denied within the preceding twelve (12) months; provided, however, that such application may be accepted at any time with the consent of the zoning board of review, if it shall include or be accompanied by a notarized affidavit which, in the opinion of said board sets forth facts indicating a substantial change of circumstances justifying a hearing on said application for special use permit or variance.

Section 16. Procedures for Appeal.

16.1. Right of Appeal to the Zoning Board of Review.

An appeal of any decision of the zoning officer, or other authorized agency, may be made by any aggrieved party, person, firm, corporation, government officer, department, board or bureau affected by such decision, within twenty (20) days from the date of the recording of the decision by the officer or agency from whom the appeal is taken, by filing with said officer or agency and with the zoning board of review a notice of appeal specifying the grounds thereof. The officer or agency from whom the appeal is taken shall forthwith transmit to the zoning board of review all the papers constituting the record upon which the action appealed from was taken.

16.2. Public Hearing.

The zoning board of review shall hold a public hearing on any appeal of a decision of the zoning officer, or other authorized

agency, in an expeditious manner, after the receipt, in proper form, of a notice of appeal.

16.3. Notification.

The zoning board of review shall give public notice of the date, time, place and purpose of each public hearing, as well as the street addresses of all subject properties, at least fourteen (14) days prior to the date of said hearing in a newspaper of general circulation. Notice of a public hearing shall be sent by first class mail to the appellant and to all involved parties, including the zoning officer or other agency from whom the appeal is taken. Notice of the appeal shall also be transmitted to the planning board. The full cost of such notification shall be borne by the appellant.

16.4. Consideration of Appeals.

In exercising its powers, the zoning board of review may reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make such orders, requirements, decisions or determinations as ought to be made, and to that end shall have the powers of the officer or agency from whom the appeal was taken. All decisions and records of the zoning board of review respecting appeals shall conform to the provisions of subsection 13.2-9 of this ordinance.

16.5. Stay of Proceedings.

An appeal of a decision of the zoning officer or other authorized agency shall stay all proceedings in furtherance of the action appealed from, unless the zoning officer or agency from whom the appeal is taken certifies to the zoning board of review, after an appeal shall have been duly filed, that by reason of facts stated on the certificate a stay

would in the officer's or agency's opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of competent jurisdiction on application thereof and upon notice to the officer or agency from whom the appeal is taken on due cause shown.

16.6. Right of Appeal to Superior Court.

An appeal of a decision of the zoning board of review may be made as follows:

(1) An aggrieved party may appeal a decision of the zoning board of review to the Superior Court for Providence County, by filing a complaint setting forth the reasons of [for] appeal within twenty (20) days after the decision has been recorded and posted in the office of the city clerk. The decision shall be posted in a location visible to the public in city hall for a period of twenty (20) days following the recording of the decision. 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, 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 of review 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.

(2) If, before the date set for hearing in the superior court, an application is made to the court for leave to present additional

evidence before the zoning board of review and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for the failure to present it at the hearing before the zoning board of review, the court may order that the additional evidence be taken before the zoning board of review upon conditions determined by the court. The zoning board of review may modify its findings and decision by reason of the additional evidence and shall file that evidence and any new findings or decisions with the superior court.

(3) The review shall be conducted by the superior court without a jury. The court shall consider the record of the hearing before the zoning board of review and, if it shall appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to the appeal to present the evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.

(4) The court shall not substitute its judgment for that of the zoning board of review as to the weight of the evidence on questions of fact. The court may affirm the decision of the zoning board of review or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions, or decisions which are:

(a) In violation of constitutional, statutory, or ordinance provisions;

(b) In excess of the authority granted to the zoning board of review by statute or ordinance;

- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
- (f) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(5) Upon the entry of any case or proceeding brought under the provisions of this ordinance, including pending appeals hereinafter taken to the court, the court shall, at the request of either party, advance the case, so that the matter shall be afforded precedence on the calendar and shall thereupon be heard and determined with as little delay as possible.

16.7 Filing fees for appeals before the zoning board of review shall be as follows:

- All residential variances or special use permits or extensions, including signs, one hundred twenty-five (\$125.00);
- Plus, Notification charge: two dollars and fifty cents (\$2.50) per abutter within two hundred (200) feet of the perimeter of the property; ninety dollars (\$90.00) advertising charge, and forty-seven dollars (\$47.00) charge to record decision;
- All non-residential variances or special use permits, including signs, two hundred-fifty dollars (\$250.00);
- Plus, Notification charge: two dollars and fifty cents (\$2.50) per abutter within two hundred (200) feet of the perimeter of the property; ninety dollars (\$90.00) advertising charge, and forty-seven dollars (\$47.00) charge to record decision;

- Use not mentioned, one hundred twenty-five dollars (\$125.00);
- All other appeals of zoning officer or administrative officer's decision, three hundred seventy-five dollars (\$375.00);

Section 17. Procedures for Adoption, Amendment and Repeal.

17.1. Receipt of Proposals.

Any proposal for adoption, amendment or repeal of the zoning ordinance or zoning map, or any portion thereof, shall be received by the city clerk. Immediately upon receipt of said proposal, the city clerk shall refer same to the city council and to the planning board for study and recommendation.

17.2. Planning Board Review and Recommendation.

Following receipt of a proposal for adoption, amendment or repeal of the zoning ordinance or zoning map, or any portion thereof, the planning board shall seek the advice of the department of planning and development, and shall report to the city council within forty-five (45) days after receipt of said proposal, giving its findings and recommendations as prescribed below. Where a proposal for adoption, amendment or repeal of the zoning ordinance or zoning map, or any portion thereof, is made by the planning board, the requirements for study by the board may be waived, provided that said proposal includes the planning board's findings and recommendations as prescribed below. Among its findings and recommendations to the city council with respect to said proposal, the planning board shall:

(1) Include a statement on the general consistency of the proposal with the comprehensive plan, including the goals and policies statement, the implementation program, and all other applicable elements of said plan; and

(2) Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in subsection 1.1 of this ordinance.

17.3. City Council Public Hearing.

No zoning ordinance or zoning map, or portion thereof, shall be adopted, amended, or repealed until after a public hearing has been held upon the question before the city council. The city council shall hold a public hearing within sixty-five (65) days of the receipt of a proposal for adoption, amendment or repeal of the zoning ordinance or zoning map, or any portion thereof, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed adoption, amendment or repeal.

17.4. Public Notice Requirements.

The following public notice requirements shall be met before any adoption, amendment or repeal of the zoning ordinance enacted by the city council. Costs of any notice required under this subsection shall be borne in full by the applicant.

17.4-1 General Public Notice. The city council shall give notice of a public hearing to consider a proposal for adoption, amendment or repeal of the zoning ordinance or zoning map, or any portion thereof, by publication in a newspaper of general circulation within the City of Woonsocket at least once each week for three (3) successive weeks prior to the date

of such hearing, which may include the week in which the hearing is to be held. Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

(1) Specify the place of said hearing and the date and time of its commencement;

(2) Indicate that adoption, amendment or repeal of a zoning ordinance, or part thereof, is under consideration;

(3) Contain a statement of the proposed amendments to the ordinance once in its entirety, or summarize or describe the matter under consideration;

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

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

17.4-2 Notice to State. At least two (2) weeks prior to the hearing, the city clerk shall send written notice, which may be a copy of said newspaper notice, by first class mail, to the associate director of the division of planning of the Rhode Island Department of Administration.

17.4-3 Notice to Cities or Towns. At least two (2) weeks prior to the hearing, the city clerk shall send written notice, which may be a copy of said newspaper notice, by first class mail, to the hearing, to the city or town

council of any city or town to which one (1) or more of the following pertain:

(1) Any portion of the city or town is located in or within not less than two hundred (200) feet of the perimeter of the area proposed for change; and/or

(2) 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 by that city or town, within two thousand (2,000) feet of any real property that is the subject of a proposed zoning change regardless of municipal boundaries.

17.4-4 Notice to Water Department, Agency, District or Company. At least two (2) weeks prior to the hearing, the city clerk shall send written notice, which may be a copy of said newspaper notice, by first class mail, to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within two thousand (2,000) feet of any real property which is the subject of a proposed zoning change, provided however, that the governing body of said state or municipal water department or agency, special water district, or private water company has filed with the building inspector 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.

17.4-5 Notice of Specific Changes to Zoning Map. Where a proposed amendment to an existing ordinance includes a specific change in a zoning district map, but does not affect districts generally, public notice shall be given as required above, with the additional requirements that:

(1) Notice shall include one (1) or more maps showing existing and proposed zoning district boundaries, existing streets and roads including their names, and city and town boundaries where appropriate; and

(2) At least two (2) weeks prior to the hearing, written notice of the date, time, place, nature and purpose of the public hearing shall be sent to all owners of real property whose property is located in or within not less than two hundred (200) feet of the perimeter of the area proposed for change, whether within or outside of the city. Such notice shall be sent in accordance with the requirements of Rhode Island General Laws 45-24-53 to the last known address of such property owners as shown on the current real estate tax assessment records for the city or town in which the property is located.

17.4-6 Defect in Notice. No defect in the form of any notice required under subsection 7.4 shall render any ordinance or amendment invalid, unless such defect is found to be intentional or misleading.

17.5. Decision of the City Council.

The city council shall render a decision on a proposal for adoption, amendment or repeal of the zoning ordinance or zoning map, or any portion thereof, within forty-five (45) days after the date of completion of the public hearing thereon.

17.6. Limitations, Conditions and Restrictions.

In granting a zoning amendment, the city council may limit the change to one of the permitted uses in the zone to which the subject land is rezoned, and impose limitations, including without limitation:

(1) Requiring the petitioner to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use which are the subject of the zoning change;

(2) Relating to the effectiveness or continued effectiveness of the zoning change; and/or

(3) Relating to the use of the land as it deems necessary.

17.6-1 Recording of Limitations, Conditions and Restrictions. The city clerk shall cause the limitations and conditions so imposed by the city council to be noted on the zoning map and recorded in the land evidence records, provided, however, that in the case of a conditional zone change, the limitations, restrictions and conditions shall not be noted on the zoning map until the zone change has become effective.

17.6-2 Abandonment. 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 city council may, after a public hearing as herein set forth, change the land to its original zoning use before such petition was filed.

17.7. Repetitive Petitions.

No petition for an amendment to the zoning ordinance shall be accepted by the city clerk if a petition requesting the same amendment has been denied within the preceding twelve (12) months; provided, however, that such a petition may be accepted at any time with the consent of the city council, if it shall include or be accompanied by a notarized

affidavit which, in the opinion of said council sets forth facts indicating a substantial change of circumstances justifying a hearing on said petition.

17.8. Publication and Availability of the Zoning Ordinance.

Upon publication of the zoning ordinance, or any amendment thereto, the city clerk shall send one (1) copy, without charge, to the associate director of the division of planning of the Department of Administration of the State of Rhode Island, and shall send one (1) copy, without charge, the state law library. Printed copies of the zoning ordinance and zoning map shall be available to the general public and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing and distribution costs.

17.9. Interpretation of Deadlines.

The foregoing provisions of section 17 pertaining to deadlines shall not be construed to apply to any extension consented to by an applicant.

17.10. Enactment.

This ordinance, and all amendments thereto, shall be enacted in accordance with the provisions contained in Chapter 24, Title 45 of the General Laws of Rhode Island 1956, as amended, and shall become effective upon the eleventh consecutive day following passage in accordance with the provisions of the City of Woonsocket Home Rule Charter.

17.11. Right of Appeal to Superior Court.

An appeal of an enactment of or an amendment to this ordinance may be taken as follows:

(1) An appeal of an enactment of or an amendment to this ordinance may be taken to the Superior Court for Providence County by filing a complaint, as set forth herein, within thirty (30) days after the enactment or amendment has become effective. The appeal may be taken by an aggrieved party or by any legal resident or landowner of the city or by any association of residents or landowners of the city. The appeal shall not stay the enforcement of the zoning ordinance, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

(2) The complaint shall set forth with specificity the area or areas in which the enactment or amendment does not conform with the comprehensive plan and/or the manner in which it constitutes a taking of private property without just compensation.

(3) The review shall be conducted by the court without a jury. The court shall first consider whether the enactment or amendment of the zoning ordinance is in conformance with the comprehensive plan. If the enactment or amendment is not in conformance with the comprehensive plan, then the court shall invalidate the enactment or amendment, or those parts of the enactment or amendment which are not in conformance with the comprehensive plan. The court shall not revise the ordinance to conform with the comprehensive plan, but may suggest appropriate language as part of the court decision.

(4) In the case of an aggrieved party, where the court has found that the enactment of amendment of the zoning ordinance is in conformance with the comprehensive plan,

then the court shall next determine whether the enactment or amendment works as a taking of property from the aggrieved party. If the court determines that there has been a taking the court shall remand the case to the legislative body of the municipality, with its findings that a taking has occurred, and order the municipality to either provide just compensation or rescind the enactment or amendment within thirty (30) days.

(5) The superior court shall retain jurisdiction, in the event that the aggrieved party and the municipality do not agree on the amount of compensation, in which case the superior court shall hold further hearings to determine and to award compensation. Furthermore, the superior court shall retain jurisdiction to determine the amount of an award of compensation for any temporary taking, if that taking shall exist.

(6) The court may, in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth herein, including the city.

17.12. Vested Rights.

Nothing contained in this ordinance shall restrict or be construed to restrict applications for development which are substantially complete and have been submitted for approval to the appropriate city agency prior to enactment or amendment of this ordinance. Such applications for development shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was submitted. If any such application for development is approved, development of the subject property shall commence within one (1) year of the date of approval and shall be completed within two (2) years of the date

of approval. For the purposes of this subsection, an application for development shall be considered substantially complete when all documents and plans required by ordinance, rule or regulation in existence at the time of application, together with all required fees, are received by the official or officials designated to receive such documents, plans and fees.

17.13. Severability.

If any section, clause, provision, portion, limitation, condition, or restriction of this ordinance, or of any rule, regulation or determination made thereunder, or the application thereof to any person, agency or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the ordinance, rule, regulation or determination which is not in itself invalid or unconstitutional, and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section, clause, provision, portion, limitation, condition, or restriction of this ordinance shall not cause the remainder of the ordinance to be invalid.

Section 18. Definitions.

18.1. Definitions.

The following words or terms used in this ordinance shall have the meanings stated below:

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

2.) 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. Such accessory use shall be restricted to the same lot as the

principal use, and shall not be permitted without the principal use to which it is related.

3.) Adult bookstore. An establishment that has a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one (1) or more of the following:

(a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

(b) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

4.) Adult cabaret. A night club, bar, restaurant, or similar establishment that regularly or occasionally features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Adult motion picture theater. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

5.) Aggrieved party. 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.

6.) Applicant. Any person, group, agency or corporation being the owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.

7.) Aquaculture: The cultivation of of aquatic animals and plants, especially fish, such as trout and salmon, or shellfish, such as crustaceans, mollusks, oysters and shrimp and/or aquatic plants such as seaweed, under indoor controlled marine and freshwater environments in a closed, environmentally controlled structure; including harvesting, and processing on site, packaging and shipping.

8.) "Artist studio/gallery: A commercial work or exhibit space within an enclosed structure for artists and artisans, including individuals practicing one of the fine arts or performing arts or individuals skilled in an applied art or craft. Applied arts and crafts include, but are not limited to ceramics, jewelry manufacturing, welding and woodworking, incidental retail sales of items produced on the premises is allowed. (Ord. Ch. 7857 12-07-2015)

9.) Assisted care facility. Any facility licensed by the state as a residential care/assisted living facility.

10.) Auction house. An establishment engaged in the sale of merchandise or wares by way of an auctioneer.

11.) Authorized agency. Any agency authorized to carry out the enforcement of

any provision of this ordinance, including the design review commission, the river corridor review commission, and all other agencies as may from time to time be created or authorized under this ordinance.

12.) Awning. A sheltering or covered frame, often of fabric, either stationary or on a retractable system attached to a structure. The awning does not receive stanchion support as in a canopy.

13.) Backyard Chicken Keeping. The proper care and keeping of chickens on an owner-occupied residential lot with no more than one (1) hen per eight hundred (800) square feet of total lot area with a maximum of five (5) hens on any one lot.

- (a) Proper care and keeping includes providing a hen house (coop) with fenced outdoor enclosure. The hen house must be (1) covered, predator resistant, and well-ventilated, (2) provide a minimum of two (2) square feet per hen, (3) supply adequate protection from the elements and inclement weather, (4) provide hens with good health and prevent any unnecessary or unjustified suffering, and (5) be kept clean, dry, and sanitary at all times, (6) be located upon a permeable surface that prevents waste run-off, and (7) be situated at least twenty (20) feet from any dwelling. The hen house shall not be built onto any shared fence. The fenced outdoor enclosure must adequately contain the chicken hens and be kept clean and sanitary at all

times. Chicken manure must be composted in enclosed bins. Chicken feed must be stored securely. Hens must be confined between the hours of 9:00 PM and 8:00 AM.

- (b) Chickens must be confined between the hours of 9:00 P.M. and 8:00 A.M.. When not confined, the chickens must be well supervised, kept within an enclosed fenced yard at all times and not allowed onto abutting property.
- (c) Chickens and their eggs are for private consumption only.
- (d) Chicken may not be slaughtered within City limits.
- (e) The Animal Control Officer and the Zoning Officer or their designees may inspect chickens and coops at any time¹

14.) *Bed and breakfast inn.* An owner-occupied single-family dwelling that contains no more than three (3) guest rooms for short-term lodging (not to exceed thirty (30) days), with meals, for compensation.

15.) *Boarding house.* A building where sleeping rooms, bathroom facilities and common meals or cooking facilities are provided for compensation for fewer than twenty-one (21) and more than two (2) guests.

16.) *Brewery.* A building or establishment where beer or other malt liquors are produced.

17.) *Buffer zone.* 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.

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

(a) *Building, principal.* Any structure in which is conducted the principal use of the lot on which it is situated. Such structure shall include any attached carports, attached garages, covered or uncovered decks or porches, and chimneys. In any residential district, any dwelling shall be deemed the principal building of the lot on which it is situated.

(b) *Building, accessory.* Any unattached structure the use of which is incidental to that of the principal building and which is located on the same lot. Some examples of accessory buildings: garages, carports, sheds, tennis courts, decks, swimming pools, satellite dishes, chimneys and similar structures.

19.) *Building height.* The vertical distance from grade, as defined herein, to the top of the highest point of the roof or structure.

20.) *Building line.* The line established by law beyond which a building shall not extend, except as specifically provided by law.

21.) *Building projection.* The maximum horizontal projected area of the principal building at or above grade including all

¹ Chapter 7777, October 31, 2014.

covered and/or enclosed extensions and all unenclosed extensions.

22.) Canopy. A sheltering or covered frame, often of fabric, which is attached to a structure at the inner end and receiving stanchion support at the outer end.

23.) Car wash. A machine-operated or hand-operated facility used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

24.) Catering business. An establishment engaged in the cooking and/or preparation of food for delivery and off-site consumption.

25.) Compassion Center. As defined in R.I.G.L. §21-28.6-3, a not-for-profit entity authorized by the State of Rhode Island to acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or dispense marijuana or related supplies and educational materials to registered, qualifying patients and/or their registered, designated and qualifying primary caregivers.

26.) 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, without limitation, the following:

(a) Any type of residence in the community where six (6) or fewer retarded children or adults reside, as licensed by the state pursuant to Rhode Island General Laws section 40.1-24-1. 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 Rhode Island General Laws section 40.1-24-1.

(b) Reserved.

(c) 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 Rhode Island General Laws section 42-72.1.

(d) 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 such residence not less than sixty (60) days nor more than two (2) years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

(e) A community residence providing care or assistance, or both, to not more than twelve (12) service veterans deemed eligible for said housing by the United States Veterans Administration and the United States Department of Housing and Urban Development. Residents will have access to and use of all common areas, including eating areas and living rooms, and appropriate supportive services for the purpose fostering accountability and responsibility again. For purposes of this type of community residence the term "veteran" shall be defined as (i) any person who has served in the Army, Navy, Marine Corps, Coast Guard, or Air Force of the United States for a period of ninety (90) days or more and that period began or ended

during any foreign war in which the United States shall have been engaged or in any expedition or campaign for which the United States government issues a campaign medal, and who was honorably discharged therefrom, and who shall be deemed to be in need of the care and/or assistance provided at said community residence, or (ii) any person who has served in the armed forces of the United States designated in (i) above and otherwise qualified, who has served less than said ninety (90) days period described above and who was honorably discharged from said service, and who, as a result of the service, acquired a service-connected disability.

25.) Comprehensive plan. The City of Woonsocket Comprehensive Plan, and any amendments thereto, adopted and approved pursuant to Rhode Island General Laws section 45-22.2 and to which any zoning adopted pursuant to this act shall be in compliance.

27.) Congregate care facility. A structure or structures containing four (4) or more dwelling units and/or rooming units limited in occupancy to persons sixty (60) years old and older and their spouses, and/or handicapped persons and their spouses, providing shared food preparation service and common recreation, social and service facilities for the exclusive use of residents.

28.) Corporate Office. An establishment where services are performed involving predominantly administrative, professional, or clerical operations for a corporation or company.
(Ch. No. 6012, Sec. 1, 4-7-97)

29.) Day care center. Any other day care center which is not a family day care home. (See definition of family day care home.)

30.) Density, residential. The number of dwelling units per unit of land.

31.) 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.

32.) Development restrictions or development conditions. Any restrictions or conditions imposed on a parcel of land or portion thereof by the city council, affecting the design, layout, or operation of any development on said parcel of land or portion thereof.

33.) District. See zoning district.

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.

(a) Single-family dwelling. A building containing one (1) dwelling unit.

(b) Two-family dwelling. A building containing two (2) dwelling units.

(c) Multifamily dwelling. A building containing more than two (2) dwelling units.

(d) Accessory family dwelling. An accessory dwelling unit for the sole use of one (1) 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.

34.) Educational institution. Any establishment that provides a curriculum of academic, vocational or professional instruction, including a nursery school, pre-school, kindergarten, elementary school, middle school, high school, vocational school, trade school, college or university, but excluding any establishment that is limited to non-degree instruction in music, dance, art, or similar disciplines which shall be considered business services.

(Ch. No. 6260, Sec. 1(I), 6-3-96)

35.) 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.

36.) Family. A person or persons related by blood, marriage or other legal means. See also "household."

37.) 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 such care.

38.) Farm animals. A cow, goat, pig (except for Vietnamese pot bellied pig), and such other animals as determined by the zoning officer.

39.) Farmers' Market: A temporary market where producers and processors sell agricultural and horticultural products directly to the public. Such products shall include,

but not be limited to fruits, vegetables, dairy products, plants and value-added agricultural products like as jam, and other food-related products. (Ord. Ch. 7857 12-07-2015)

40.) Fence. Any artificially constructed barrier of any material or combination of materials used as a boundary, or erected to prevent intrusion, or to enclose or screen areas of land.

41.) Flea market. An enclosed building in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to offer goods, new and/or used, for sale to the public, not to include private garage or yard sales.

42.) Floor area ratio. A ratio of the sum of the gross floor areas of all buildings to the total lot area of the lot on which said buildings are located.

43.) Food Truck. A readily movable motorized wheeled vehicle or a rowed wheeled vehicle that is designed and equipped to serve food. (Ord. Ch. 7857 12-07-2015)

44.) Gross floor area. The sum of the areas of all floor surfaces enclosed by the exterior faces of the exterior walls of a building.

45.) Ground floor. That floor which is substantially level with the exterior grade of the lot at the main entrance to a structure.

46.) Half-way house. 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.

47.) Hazardous substance. Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

48.) Health club facility. An indoor facility housing uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna for athletic, sport, fitness, health, or recreational purposes. Pro shops may also be included in this facility as a secondary use.

49.) Hotel. A building used as a place where sleeping accommodations are provided for compensation, with or without meals, for twenty-one (21) or more guests, including such accessory uses as restaurants, meeting rooms and recreational facilities located within the same structure.

50.) Hospital. An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice, including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities. (Ch. No. 6130, Sec. 1, 9-18-95)

51.) 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:

(a) A family, which may also include servants and employees living with the family.

(b) A person or group of up to five (5) unrelated persons living together.

52.) Indoor Farming: The cultivation of vegetables, fruits and/or fungi in a closed environmentally controlled structure such as mushrooms, or other specialized products to be sold at wholesale or limited retail, excluding cannabis or other products governed by R.I.G.L. § 21-28.6-3; including harvesting, and processing on site, packaging and shipping.

53.) Incidental home occupation. Any activity, excluding medical or dental offices, barber or beauty shops, customarily carried out for gain by a resident and conducted as an accessory use in the resident's dwelling unit, which does not change the character of said dwelling unit, nor utilize more than twenty (20) percent of the gross floor area thereof and in connection with which there is no display, no stock-in-trade or commodities sold upon

the premises, and not more than one (1) person who is not a resident on the premises is employed specifically in connection with said activity.

54.) *Interim use:* A temporary or transitional use, installation, or activity established on underutilized or vacant property for a predetermined period.

55.) *Junk.* Any waste materials including dismantled or wrecked motor vehicles, large auto parts, rubber tires, stoves, refrigerators and other large appliances or metal items. Additionally, the term will include scrap copper, brass, and other non-ferrous materials, old rope, batteries, rags (in bulk), paper (in bulk), and similar items having a reuse or resale market value in whole or in part.

56.) *Junkyard.* An establishment or place of business which is maintained, operated, or used for storing, keeping, processing, handling, buying, selling or exchanging junk.

57.) *Live/work unit in Downtown Overlay District.* A structure or area within a structure that combined a dwelling unit and permitted non-residential use that is principally used by at least one (1) occupant of the dwelling unit. Permitted non-residential uses include those uses permitted in the Downtown Overlay District. The residential use is secondary to the primary use as a place of work (Ord. Ch. 7857 12-07-2015).

58.) *“Live/work unit”* shall mean a building or space within a building used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

59.) *Lot.* The basic development unit for determination of lot area, depth, and other dimensional regulations.

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

61.) *Lot coverage.* That portion of the lot that is or may be covered by buildings and accessory buildings.

62.) *Lot frontage.* That portion of a lot abutting a street.

63.) *Lot line.* A line of record, bounding a lot, which divides one (1) lot from another lot or from a public or private street or any other public or private space and shall include:

(a) *Front lot line.* The lot line separating a lot from a street right-of-way. In the case of corner and through lots, the front lot line shall be considered that lot line separating the portion of the lot on which the principal building fronts from the street right-of-way. Except that with regard to the placement of accessory structures, the front lot line shall be considered any lot line separating a lot from any street right-of-way.

(b) *Rear lot line.* 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.

(c) Side lot line. Any lot line other than a front or rear lot line. On a corner lot, a side lot line may be a street lot line.

6.) 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.

64.) 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.

65.) Lumber yard. An establishment engaged in the sale of raw lumber and/or wood products which includes outside storage and/or display of said materials.

66.) Mansard roof. A roof having a double slope on all four (4) sides, the lower slope being much steeper. A partial mansard facade consists of the lower slope on one (1) or more sides, with no direct relationship to the upper roof.

67.) Mobile home. A factory-built structure which is transportable in one (1) or more sections, is used as a place of human habitation, is built on a permanent chassis, which may or may not be constructed with a permanent hitch or other device allowing transport of the unit, and which is not set on a permanent foundation.

68.) Modification. Permission by the zoning officer to grant a dimensional variance other than lot area requirements from this zoning ordinance not to exceed

twenty-five (25) percent of each of the applicable dimensional requirements.

65) Motel. A building or group of buildings containing sleeping units for twenty-one (21) or more guests, each of which maintain a separate outside entrance. Such building or group of buildings is designed, intended or used primarily for the accommodation of motor vehicle travelers and provides motor vehicle parking conveniently located on the premises.

66.) Motor fuel station. A structure, building or premises or any portion thereof where a flammable fluid is stored and sold for supply to motor vehicles. This may include the servicing of motor vehicles, including minor repairs such as replacing of mufflers and tailpipes, tune-ups, changing of tires and lubrication, as well as sale of cigarettes, gum, candy and similar items, all of which are incidental to the primary use. Service stations shall not include premises where heavy motor vehicle maintenance activities such as engine overhauls, motor vehicle painting and body work are conducted.

67.) Motor vehicle body repair shop. Any building, premises or land which is used for the care, repair or refinishing of vehicles, including both minor and major mechanical overhauling, paint and bodywork.

68.) Motor vehicle repair garage. An establishment engaged in the repair of motor vehicles, including without limitation, motor vehicle body repair and spray painting.

69.) Motor vehicle specialty shop. An establishment engaged in the specialized motor vehicle services, including without limitation, brake, muffler, oil change and tire services.

70.) Nursing home. Any facility licensed by the state as a Nursing Home.

71.) Outdoor café seating: Seating incidental to and provided outside of a restaurant, café, or other eating and/or drinking establishment, provided the outdoor seating is located on the same lot as the principal use on the adjoining sidewalk. (Ord. Ch. 7857 12-07-2015)

72.) 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 zone.

73.) Pallet Exchange Facility: A site that received, repairs, processes to client specifications, manufactures, re-manufactures, distributed, inventories, transports wood pallets, wood items, related products and items

74.) Passenger terminal: A facility or location where the principal use is handling, receiving and transferring passenger traffic for aircraft, rail, busses and watercraft.

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

76.) Permitted use. A use by right that is specifically authorized in a particular zoning district.

77.) Place of worship. A place where religious worship is conducted and/or religious services are held.

78.) Pop-up retail. A retail store that is opened for a temporary period of time. Such a store may be established in or under temporary and/or modular structures.” (Ord. Ch. 7857 12-7-2015)

79.) Prepared food sales. An establishment engaged in the retail sale of food and/or beverages prepared on the premises, where consumption is not permitted on the premises, whether seated or standing, inside or outside.

80.) Recreational vehicle. A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreation or vacation use.

81.) Recycling center. A facility in which recoverable resources, such as newspapers, glassware, and metal cans, are collected, stored, flattened, crushed or bundled, essentially by hand within a completely enclosed building.

82.) Rehabilitation facility, in-patient. An establishment used for the mental and/or physical rehabilitation of human patients, including drug and/or alcohol rehabilitation facilities, that includes overnight care facilities.
(Ch. No. 6130, Sec. 1, 9-18-95)

83.) Rehabilitation facility, out-patient. An establishment used for the mental and/or physical rehabilitation of human patients, including drug and/or alcohol rehabilitation

facilities, that does not include overnight care facilities.

(Ch. No. 6130, Sec. 1, 9-18-95)

84.) Research & Development Facility. A facility for research, investigation, testing and/or experimentation of potential products and/or services, which may include manufacture of services.

(Ch. No. 6012, Sec. 1, 4-7-97)

85.) Restaurant. An establishment engaged in the retail sale of food and/or beverages in a ready to consume state, in individual servings, and where consumption is permitted on the premises, whether seated or standing, inside or outside.

86.) Rooming house. A building where sleeping rooms and bathroom facilities are provided for compensation for less than twenty-one (21) guests and more than two (2) guests, and which makes no provision for cooking in any of the rooms.

87) Self-service storage facility. A building or group of buildings in a controlled access and fenced compound that contains individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

88.) 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.

89.) Sign. A graphic arrangement or physical structure which is designed or intended to convey information in written or pictorial form.

(a) Awning or canopy sign. A sign painted, stamped, perforated, stitched, or

otherwise applied on an awning, canopy or marquee, including backlit signs.

(b) Banner. A sign made of non-rigid material hanging from or otherwise attached to a building or structure.

(c) Billboard. Any notice or advertisement, pictorial or otherwise, used as an outdoor display not related to the use of the lot upon which the billboard is located.

(d) Credit card sign. A sign identifying by name or symbol, one (1) or more credit cards which are accepted by an establishment.

(e) Directional sign. A sign identifying on-premises traffic, parking or other functional activity, which bears no language or symbols for business identification or advertising.

(f) Directory sign. A sign identifying two (2) or more persons or establishments occupying a structure.

(g) Free-standing sign. A sign supported by one (1) or more poles, columns, or braces placed in or on the ground and not attached to any building.

(h) Menu board. A sign mounted on a structure erected for that purpose, not attached to any building, which is used for the listing of available menu items at an establishment with a drive-thru window.

(i) Portable sign. Any sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so

parked as to attract the attention of the motoring or pedestrian traffic.

(j) Projecting sign. A sign attached to a building wall which extends more than fifteen (15) inches from the face of the wall.

(k) Roof sign. A sign which is constructed and maintained on the roof of a building or on the building wall in such a way that it extends beyond the roof line.

(l) Under canopy sign. A sign attached to or hung from a canopy or other covered structure projecting from and supported by the principal building.

(m) Wall sign. A sign painted on or attached directly to the building wall which extends less than fifteen (15) inches from the face of the wall and which does not extend beyond the roof line.

90.) Sign area. The entire surface within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. The copy of signs composed of individual letters, numerals, and/or symbols shall be the sum of the area of the smallest rectangle encompassing each of said letters, numerals, and/or symbols.

91.) 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.

92.) Solar or Wind Energy System–Ground Mount means the equipment and requisite hardware that provide and are used for collecting, transferring,, converting, storing or using renewable resources for water heating, space heating, cooling, generating electricity and reducing on-site consumption of utility power, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas,

manufactured gas, or electricity produced from a nonrenewable resource. The primary use of a renewable energy facility is to reduce on-site consumption of utility power. A system is considered a residential scale facility only if it supplies electrical or thermal power solely for on-site use, except that when property upon which the facility is installed also receives electrical power supplied by a utility company, exceeds electrical power generated and not presently needed for on-site use may be off-loaded to the grid. A renewal energy-residential scale facility shall be considered an accessory use to the primary residential use of the property as set forth in this ordinance.

The installation of this facility would be built on the ground. Any renewal energy facility not meeting this definition is considered a non-residential use and is subject to review by the zoning board of review. All ground-mount units must be screened in a responsible manner so as to provide as little disharmony with each neighborhood in which it is located. (Ch. 7859, 12-21-2015)

93.) Solar and Wind Energy System – Roof Mount means the equipment and requisite hardware that provide and are used for collecting, transferring,, converting, storing or using renewable resources for water heating, space heating, cooling, generating electricity and reducing on-site consumption of utility power, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced from a nonrenewable resource. The primary use of a renewable energy facility is to reduce on-site consumption of utility power. A system is considered a residential scale facility only if it supplies electrical or thermal power solely for on-site use, except that when property upon which the facility is installed also receives electrical power supplied by a utility company, exceeds electrical power generated and not presently needed for on-site use may be off-loaded to the grid. A renewal energy-residential scale

facility shall be considered an accessory use to the primary residential use of the property as set forth in this ordinance. The installation of this facility would be built on the roof of the building . Any renewal energy facility not meeting this definition is considered a non-residential use and is subject to review by the zoning board of review. (Ch. 7859, 12.21.2015).

94.) Special use. A regulated use which is permitted pursuant to a special use permit issued by the zoning board of review, pursuant to Rhode Island General Laws section 45-24-42. Formerly referred to as a special exception.

95.) Specified anatomical areas. This term means and includes any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

96.) Specified sexual activities. This term means and includes any of the following:

(1) The fondling or other erotic touching of human genitals, public region, buttocks, anus, or female breasts;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth as noted above.

97.) Story. The space between the surface of two (2) successive floors in a building or between the top floor and the ceiling and

underside of the roof framing. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the exterior walls of such story or if it is used for business or dwelling purposes.

98.) Street. A public right-of-way, which has been accepted by the city council and dedicated for use as a public highway.

99.) Street right-of-way line. A line separating a lot from an adjacent street.

100.) 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.

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

102.) Substantial improvement. Any repair, reconstruction, or alteration of property, the cost of which exceeds fifty (50) percent of the true value of the property as determined by the tax assessor, either before improvement is started or if the property has been damaged and is being restored, before the damage occurred.

103.) Supermarket. An establishment engaged in the retail sale of food and/or groceries where the gross floor area of said establishment exceeds five thousand (5,000) square feet.

104.) 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.

(a) Use, accessory. A use which is incidental to that of a principal use on the same lot.

(b) Use, nonconforming. A use of a building or land, lawful at the time of enactment of this ordinance, that does not conform with the permitted use provisions of this ordinance for the district in which it is located.

(b) Use, principal. A use which is the major use of the lot. In any residential district a dwelling use shall be deemed the principal use of the lot.

(c) Use, public. Any use of land or structure thereon which is owned or leased by the city, state or federal government or any branch, department or agency of such government.

(d) Use, semi-public. Any use which is public in nature but owned and used by a private interest group.

may be more valuable after the relief is granted shall not be grounds for relief.

(b) Variance, use. 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 zoning ordinance.

106.) Vehicle wrecking or salvage facility. Any building, premises or land upon or within which vehicles, or parts thereof, are destroyed, junked, dismantled or stored for later dismantling or destruction.

107.) Vertical farming/Rooftop Farming: A component of urban agriculture producing

(e) Semi-public uses include churches, parish houses, parochial schools, and similar uses.

105.) Variance. Permission to depart from the use 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, a use variance or a dimensional variance.

(a) *Variance, dimensional.* 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. However, the fact that a use may be more profitable or that a structure

food in vertically stacked layers, vertically inclined surfaces and/or integrated in other using controlled environmental agriculture (CEA) technology, where all environmental factors can be controlled, These facilities utilize artificial control of light, environmental control (humidity, temperature, gases): including harvesting, and processing on site, packaging and shipping.

108. Yard. Any open space on the same lot with a principal building, unoccupied, and unobstructed from the ground to the sky, except for accessory buildings or structures, or such projections as are expressly permitted in these regulations.

(a) Front yard. The yard extending across the entire width of the lot between the front

lot line and the nearest part of the front of the principal building.

(Ch. No. 6042, Sec. 1, 3-6-95)

(b) Rear yard. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the rear of the principal building.







