

Zoning Ordinance

Town of West Greenwich

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Town of West Greenwich

Zoning Ordinance

This document reflects the ordinance as adopted through September 2026.

§ I. Administration and Procedures

§ 400-1. Authority and adoption; effective date; repealer

In accordance with Title 45, Chapter 24 of the General Laws of Rhode Island, 1956, as amended, the following Zoning Ordinance is hereby adopted by the Town Council of the Town of West Greenwich effective December 15, 1994. All ordinances and amendments, or parts of ordinances and amendments, which are inconsistent herewith are hereby repealed.

§ 400-2. Consistency with Comprehensive Plan; purpose

- A. The zoning regulations set forth in this chapter have been developed and shall be maintained in accordance with the Town's Comprehensive Community Plan. Where uncertainty in the construction or application of any section of this chapter exists, it shall be construed in a manner that will further the implementation of, and not to be contrary to, the goals and policies and applicable elements of the Comprehensive Plan.
- B. This chapter is designed to achieve the following purposes:

- (1) Promote the public health, safety, and general welfare of the Town of West Greenwich.
- (2) Provide for a range of uses and intensities of use appropriate to the character of the Town of West Greenwich reflecting current and expected future needs.
- (3) Provide for orderly growth and development which recognizes:
 - * (a) The goals and patterns of land use contained in the West Greenwich Comprehensive Plan adopted and as may be amended;
 - * (b) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography, and susceptibility to surface water or groundwater pollution;
 - * (c) The values and dynamic nature of freshwater ponds, the shoreline, and freshwater 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 uses of innovative development regulations and techniques.
- (4) Provide for the control, protection, and/or abatement of air, water, groundwater, noise pollution, soil erosion and sedimentation.
- (5) Provide for the protection of the natural, historic, cultural, and scenic character of the Town of West Greenwich.
- (6) Provide for the preservation and promotion of agriculture production, forest and timber resources, and open space.
- (7) Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, schools, recreation, public facilities, open space and other public requirements.
- (8) Promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing; provide opportunities for the establishment of low- and moderate-income housing.
- (9) Promote safety from fire, flood, and other natural or man-made disasters.
- (10) Promote a high level of quality in design in the development of private and public facilities.
- (11) Promote implementation of the Town's Comprehensive Plan as adopted and as may be amended.
- (12) Provide 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 the municipality.
- (13) Provide for efficient review of development proposals, to clarify and expedite the zoning approval process.
- (14) Provide for procedures for the administration of this chapter.

§ 400-3. Compliance required; limit on number of residential buildings

[Amended 2-15-2023]

Except as may be specifically provided hereinafter, no land shall be used and no building, structure, or sign shall be erected, modified, enlarged, or used unless such action conforms to all of the applicable provisions of this chapter. Every building, structure, or sign hereafter erected and every use hereafter initiated shall be located on a lot as defined by this chapter, and in no event shall there be more than one residential building, together with accessory structures, on one lot; provided, however, that accessory dwelling units may be permitted as set forth in Article XXIV.

§ 400-4. Definitions

[Amended 10-11-2017; 11-8-2017; 7-11-2018; 2-15-2023; 12-13-2023; 2-12-2025; 11-19-2025]

In order to clarify and simplify the wording, to eliminate ambiguity and to avoid unnecessary delay in interpretation and application of this chapter, certain words, terms and phrases used herein shall be interpreted as follows. Where any words and phrases are also or additionally defined in R.I.G.L. § 45-24-31, the definitions

found in state law are controlling.

ACCESSORY DWELLING UNIT (ADU) — A residential living unit on the same lot where the principal use is a legally established single-family dwelling unit or multi-family dwelling unit. An ADU provides complete independent living facilities for one or more persons. It may take various forms, including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage or barn; or a unit that is part of an expanded or remodeled primary dwelling.

ACCESSORY STRUCTURE — A structure located on the same lot as a principal structure but separate from the principal structure, the use of which is clearly incidental and secondary to the principal structure and which is customarily used in connection with the principal structure.

ADAPTIVE REUSE — The conversion of an existing structure from the use for which it was constructed to a new use by maintaining the elements of the structure and adapting such elements to a new use.

ADULT ENTERTAINMENT —

- A. Includes:
 - (1) Any commercial establishment where, for any form of consideration, magazines, films, motion pictures, videocassettes, slides or other similar visual photographic representations are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. "Commercial establishment" also includes any place of business that features persons who perform live and expose any specified anatomical area or appear in any state of nudity, including seminude.
 - (2) Any commercial establishment, bookstore, video store or novelty store where at least 20% of the in-store inventory that is held for sale or rental, for any form of consideration, includes any books, videos, magazine, film or other visual photographic representations which are or may be characterized by the depiction or description of specified sexual activities or specified anatomical areas. The descriptions provided within shall serve as examples and are not meant to be exhaustive.
 - (3) Any store or commercial establishment that sells or rents, for any form of consideration, any in-store inventory including instruments, devices, or paraphernalia that may be designed for or may be used in connection with specified sexual activities.
- B. An adult entertainment business may have other principal purposes that do not involve the activities or materials described above. However, such purposes shall not have the effect of preempting the commercial businesses from being categorized as adult entertainment so long as the depiction or description of specified sexual activities or specified anatomical areas remains one of the principal purposes.

AIR-SUPPORTED STRUCTURE — (Also known as "air-inflated structures," "air domes," or "membrane structures"). A temporary or permanent structure made from a membrane-like fabric either fully or partially supported by air pressure. An air-supported structure typically has cable restraints, anchoring supports, primary blowers, and/or backup inflation units. Air-supported structures are generally used for warehouse or indoor commercial recreation purposes.

CERTIFICATE OF COMPLETENESS — A notice issued by the administrative officer informing the applicant that the application is completed and meets the requirements of the regulations, and that the applicant may proceed with the approval process.

CUSTOMARY HOME OCCUPATION — Any occupation, profession, activity, or use that is clearly a customary, incidental, and accessory use of a residential dwelling unit carried out for gain by a resident, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

ELDERLY AND/OR HANDICAPPED FAMILY APARTMENT — A one-bedroom apartment unit to be included as an integral portion of a single-family dwelling that is designed for use by immediate family members of the resident(s) of the main dwelling space, in order to facilitate needed care and assistance and a degree of independent living.

FARMER'S BREWERY — A brewery that is located on a farm of no less than five acres and that produces

beer which is manufactured with at least one primary ingredient (hops or grain) grown on the farm and whose annual production does not exceed 150,000 gallons of beer, and where customers would have the opportunity to tour the farm and try small samples (three ounces or less), and purchase bottles (of up to 64 ounces each) to take home and consume off-site. A farm brewery may also sell beer wholesale to retailers with the appropriate state license. A farm brewery must have the appropriate state license to operate a brewery.

FARMER'S WINERY — A winery as defined under R.I.G.L. § 3-6-1.1.

LOW- OR MODERATE-INCOME HOUSING — This term shall be synonymous with "affordable housing" as defined in R.I.G.L. § 42-128-8.1, and further means any housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of affordable housing and that will remain affordable through a land lease and/or deed restriction for 99 years or such other period that is either agreed to by the applicant and Town or prescribed by the federal, state, or municipal government subsidy program but that is not less than 30 years from initial occupancy.

MICROBREWERY — A facility for the production and packaging of malt beverages of low alcoholic content for wholesale distribution with a capacity of less than 15,000 barrels per year and may include a tasting room open to the public.

MICRODISTILLERY — A facility for the production and packaging of alcoholic beverages in quantities not to exceed 12,000 gallons per year and may include a tasting room open to the public.

MICROWINERY — A facility for the production and packaging of any alcoholic beverages obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, in quantities not to exceed 25,000 gallons per year and may include a tasting room open to the public.

MULTIFAMILY DWELLING — A building consisting of three or more separate dwelling units and/or townhouses, row houses, apartments and/or condominiums to be owned, leased or rented by individuals and/or families. A multifamily dwelling includes low- or moderate-income housing pursuant to R.I.G.L. § 45-53-1 et seq.

QUARRY — A lot, or parcel of land, or portion thereof, which is used for the primary or principal commercial purpose of extracting ledge, bedrock, and similar material, as by cutting or blasting, for sale or use at a site removed from the place of extraction.

SPECIFIED ANATOMICAL AREAS — Any of the following:

- A. The genitals of the human male which may be found in a discernibly turgid state, even if completely and opaquely covered; or
- B. Less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the areola.

SPECIFIED SEXUAL ACTIVITIES — Any of the following:

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

YARD — The area on the same lot with a principal building or structure which is unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise herein provided, and shall include:

- A. **FRONT YARD**— The area extending across the full width of the lot between a street line and a line parallel thereto drawn through the nearest point of the principal structure.
- B. **REAR YARD**— The area extending across the full width of the lot between the principal building and rear lot line, and measured perpendicular from the rear lot line to the closest point of the principal

building.

- C. SIDE YARD— The area extending from the front yard to the rear yard between the principal building and the side lot line, and measured perpendicular from the side lot line to the closest point of the principal building.

ZONING PERMIT — The permit required under the provisions of § 400-7B hereof to be issued by the Building Official to authorize any new construction of buildings, structures or signs, or the alteration of existing buildings, structures or signs, or construction of other improvements.

§ 400-5. Zoning districts and Zoning Map

- A. For the purpose of this chapter, The Town of West Greenwich is hereby divided into the following zoning districts as defined in Article II:

Rural, Farming, Residential (RFR-1)
Rural, Farming, Residential (RFR-2)
Open Space and Public Lands (OSPL)
Neighborhood Business
Highway Business
Industrial A
Industrial B
Exit 7 Special Management District
Corporate Zoning District
Senior Residential District

- B. The location and boundaries of the above zoning districts are hereby established as shown on a map filed in the office of the Town Clerk, titled "West Greenwich Zoning Map," dated December 1994. Said map is hereby adopted and made a part of this chapter. In addition, copies of this chapter shall be available at all times at the office of the Town Clerk.

§ 400-6. Interpretation of district boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of a highway, street, alley, railroad, watercourse or body of water shall be construed to be center lines, or middle thereof, and/or such boundaries indicated as approximately following Town limits shall be construed as following such Town limits.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Where a district line divides a lot which was in single ownership at the time of passage of this chapter, the Board of Review may permit, as a special use, the extension of the regulations for either portion of the lot not to exceed 30 feet beyond the district line into the remainder of the lot.
- D. Boundaries indicated as following shorelines shall be construed to follow such shorelines; and in event of change in the shoreline, shall be construed as moving with the actual shoreline.
- E. Boundaries indicated as parallel to or extensions of features indicated in the above subsections shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or are, in other circumstances, not covered by the above subsections, the Board of Review shall interpret the district boundaries.

§ 400-7. Enforcement; zoning permits; modifications

[Amended 12-13-2023]

- A. Zoning Inspector. A Zoning Inspector, hereinafter referred to as "Inspector," shall be appointed by the Town Council. It shall be the duty of the Inspector to enforce the provisions of this chapter and to record all amendments to this chapter on the record copy of this chapter and map. In addition, all records of the Zoning Board of Review shall be filed in the office of the Zoning Inspector.
- B. Zoning permits.
 - (1) A permit shall be required indicating that the proposed use of structures or land conforms to the provisions of this chapter for the following:
 - * (a) The erection, enlargement or relocation of a building, structure or sign.
 - * (b) Change in use of an existing building.
 - * (c) Use of vacant land.
 - * (d) Change in use of existing land.
 - (2) The Inspector may require that copies of plans, specifications and such other information as he may deem necessary be filed with the application for such permit.
 - (3) No permit may be issued by the Inspector for any use not specifically permitted in this chapter, except where the Inspector receives a statement in writing from the West Greenwich Zoning Board of Review indicating the granting of an appeal, special use permit or variance or a statement in writing from the West Greenwich Town Council indicating an amendment to this chapter.
 - (4) The Inspector shall retain a copy of each permit issued, and one copy shall be forwarded to the Town Clerk and Tax Assessor. Where the Inspector denies the issuance of a permit, a written statement shall be given to the applicant, indicating the reason for such refusal.
- C. Modifications.

[Added 12-13-2023]

- (1) The Zoning Inspector is authorized to grant modification permits of up to and including 15% of the literal dimensional requirements of this subsection as follows:
 - * (a) Within 10 days of the receipt of a request for a modification, the Zoning Inspector shall make a decision as to the suitability of the requested modification based on the following determinations:
 - [1] The modification is reasonably necessary for the full enjoyment of the permitted use;
 - [2] If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
 - [3] The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations;
 - [4] The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.
 - * (b) Upon an affirmative determination, in the case of a modification of 5% or less, the Zoning Inspector shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than 5%, the Zoning Enforcement Officer shall notify, by first-class mail, all property owners abutting the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city or town that the modification will be granted unless written objection is received within 14 days of the public notice. If written objection is received within 14 days, the request for modification shall be scheduled for the next available hearing before the Zoning Board of Review on application for a dimensional variance following the standard procedures for such variances, including notice requirements provided for under this chapter. If no written objections are received within 14 days, the Zoning Inspector shall grant the modification.
 - * (c) The Zoning Inspector may apply any special conditions to the permit as may, in the opinion of the officer, be requested to conform to the intent and purposes of the zoning ordinance.

- * (d) The Zoning Inspector shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received.
- * (e) Costs of any notice required under this subsection shall be borne by the applicant requesting the modification.

§ 400-8. Administration

- A. Zoning Board of Review. A Zoning Board of Review, hereinafter called the "Board," is hereby created in accordance with Charter § 702. Reappointments or succeeding appointments shall be made at the regular meeting of the Town Council, in May of each year, to be effective on July 1 of each year. All members of the Board shall be legal residents of the Town of West Greenwich, and no member shall be an elected official or salaried employee of the Town of West Greenwich. Any member may be removed by the Town Council for due cause following a public hearing.

[Amended 7-11-2018]

- B. Organization and operation of the Board.
 - (1) Once each year, the Zoning Board of Review shall organize by electing from its membership a Chairman and Vice-Chairman. The Board may engage the services of a Clerk or Recorder within the limit of the funds available to it or may elect one of its members as Secretary.
 - (2) Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses and the submission of data. One alternate member of the Board shall sit as an active member when and if a member of the Board is unable to serve at any hearing. All hearings of the Board shall be open to the public.

[Amended 7-11-2018]

- (3) In conducting hearings and arriving at its decisions, the Board shall consist of a minimum of four and a maximum of five participating members, which may include alternates. The concurring vote of a majority of members shall be necessary to reverse any order, requirements, decision or determination of the Zoning Inspector. The concurring vote of a majority of members shall be required to decide in favor of an applicant on any matter concerning a special use permit or variance, upon which the Board is required to act under this chapter.

[Amended 12-13-2023]

- (4) The Board shall make a record of all its proceedings and actions, specifying the grounds for its decision, the vote of each member participating therein, and the absence of a member or his failure to vote. This record shall be available for review by the public at the office of the Town Clerk, and notice of the decision of the Board shall be sent to the Zoning Inspector.
- C. Powers and duties of the Zoning Board of Review:
 - (1) Appeals.
 - (2) Special use permits.
 - (3) Variances.
- D. Appeals to the Zoning Board of Review. The Zoning Board of Review shall have the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this chapter. In using this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Inspector from whom the appeal was taken.
 - (1) Any such appeal shall be made in writing to the Town Clerk and the Zoning Board of Review within 15 days of the recording of the order or decision of the Zoning Inspector which is the subject of said appeal.

- (2) In the notice of appeal, the aggrieved party shall specify the grounds for said appeal.
- (3) Upon receipt of the notice of appeal, the Town Clerk shall transmit to the Zoning Board of Review all papers constituting the record upon which the appealed action was taken. Notice of the appeal shall also be transmitted to the Planning Board.
- (4) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector 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 in the certificate a stay would, in the Inspector's opinion, cause imminent peril to life or property. In that 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 Zoning Inspector from whom the appeal is taken on due cause shown.
- (5) The Zoning Board of Review shall hold a public hearing for the hearing of the appeal, give public notice thereof, as well as due notice to the parties of interest, and decide the matter within 65 days of the date of the filing of the appeal. Upon the hearing, any party may appear in person or by agent or by attorney. The cost of any notice required for the hearing shall be borne by the appellant.

[Amended 7-11-2018]

- E. Unified development review.

[Added 12-13-2023]

- (1) Unified development review established. There shall be unified development review for the issuance of variances and special use permits for properties undergoing review by development plan review and/or land development or subdivision review.
- (2) Public hearing. All land development and subdivision applications, and development plan review applications that include requests for variances and/or special-use permits submitted pursuant to this section, shall require a public hearing that meets the requirements of R.I.G.L. § 45-23-50.1(d).
- (3) In granting requests for dimensional and use variances, the Planning Board shall be bound to the requirements of § 400-10 relative to entering evidence into the record in satisfaction of the applicable standards.
- (4) In reviewing requests for special use permits the Planning Board shall be bound to the conditions and procedures under which a special use permit may be issued and the criteria for the issuance of such permits, as found within the zoning ordinance at § 400-9, and shall be required to provide for the recording of findings of fact and written decisions.
- (5) Appeals. An appeal from any decision made pursuant to this section may be taken pursuant to R.I.G.L. § 45-23-71.

§ 400-9. Special use permits; specific special uses

R.I.G.L. § 45-24-42. General provisions - Special-use permits

- A. Special use permits may be approved by the Zoning Board of Review as follows:
 - (1) The uses requiring special use permits in each district are indicated in the Zone Use Matrix.
Editor's Note: The Use Matrix is included as an attachment to this chapter.
 - (2) The following describes the conditions and procedures under which special use permits, of each of the various categories of special use permits established in this chapter, may be issued:
 - * (a) An application for special use permit may be made by any person, group, agency, or corporation by filing with the Zoning Enforcement Officer or Zoning Board Clerk an application describing the request and supported by such data and evidence as may be required by the West Greenwich Zoning Board of Review. The Zoning Enforcement Officer or Zoning Board

Clerk shall immediately transmit each application received to the West Greenwich Zoning Board of Review and shall transmit a copy of each application to the Town Planner and the Planning Board.

- * (b) Special use permit application. An application for a special use permit shall be filed with the Town Clerk and Clerk for the Zoning Board of Review, specifying the grounds for the application. The application for the special use permit shall include plans and data describing the site and proposed use and documentation in support of the application. The application shall show the location and dimensions of the property and the proposed use and any other information required by the application form and as may be required by the Zoning Board of Review.
- (3) The following criteria will be utilized by the West Greenwich Zoning Board of Review for issuance of a special use permit. These criteria are in conformance with the purposes and intent of the West Greenwich Comprehensive Plan and the West Greenwich Zoning Ordinance. An applicant shall demonstrate to the satisfaction of the Zoning Board, by presenting competent legal evidence, that:
 - * (a) The proposed use and/or structure will be compatible with the neighboring uses and will not adversely affect the surrounding neighbors' use and enjoyment of their property;
 - * (b) The proposed use and/or structure will be environmentally compatible with neighboring properties and the protection of property values;
 - * (c) The proposed use and/or structure will be compatible with the orderly growth and development of the Town of West Greenwich, and will not be environmentally detrimental therewith;
 - * (d) The best practices and procedures to minimize the possibility of any adverse effects on neighboring property, the Town of West Greenwich, and the environment have been considered and will be employed, including, but not limited to: considerations of soil erosion, water supply protection, septic disposal, wetland protection, traffic limitation, safety and circulation;
 - * (e) The proposed use and/or structure will not result in or create conditions that will be detrimental to the public health, safety, morals and general welfare of the community; and
 - * (f) The purposes of this chapter, and as set forth in the West Greenwich Comprehensive Plan, shall be served by said special use permit.
- (4) An applicant may apply for, and be issued, a dimensional variance in conjunction with a special use permit. If the special use could not exist without the dimensional variance, the Zoning Board of Review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards.

[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- B. Criteria for the issuance of a special use permit for elderly and/or handicapped family apartments.
 - (1) Purpose and intent. The purpose and intent of this subsection shall be to:
 - * (a) Provide family-assisted housing for an immediate family member(s) suffering a hardship who requires family support, while maintaining some degree of independent living.
 - * (b) Allow a family to provide assistance and care to immediate family members in a cost-effective manner that preserves an independent lifestyle for the caregiver and the recipient.
 - * (c) Allow for design modifications as part of new construction or renovation of existing single-family residential dwellings.
 - * (d) Address a legitimate need within the community which deals with the needs of aging or handicapped family members by allowing a one-bedroom apartment to be utilized as an integral component of the single-family dwelling.
 - (2) Description and regulation. All elderly and/or handicapped family apartments shall:
 - * (a) Be attached directly to the main single-family dwelling and be fully accessible from such area.

- * (b) Have all utilities connected through the main dwelling. Separate utilities are specifically prohibited.
- * (c) Have an interior living space consisting of a maximum of 500 square feet or 30% of the total square footage of the main dwelling (whichever is greater), which may be designed to accommodate an independent living arrangement. The Zoning Board, at its discretion, shall consider a waiver of the maximum square footage requirement based on special conditions as presented by the applicant.
- * (d) Be considered an integral part of the main dwelling for purposes of conformance to all zoning regulations.
- * (e) Maintain the exterior appearance of a single-family dwelling.
- * (f) Be constructed and located so that the apartment unit can be converted to standard use as an integral portion of the main dwelling. Such uses include, but are not limited to, bedrooms, dens, living and storage areas.
- * (g) Not be converted to, or used as, a rental apartment unit.
- * (h) Not overburden the sewage disposal system (ISDS) (OWTS). New construction shall include the apartment unit in calculating the size and obtaining approval of an individual sewage disposal system (ISDS)(OWTS). Renovation of an existing dwelling will be subject to review and may require supplementary waste disposal provision and/or a change-of-use application to the Rhode Island Department of Environmental Management (DEM) ISDS Section.
- (3) Application, hearing, approval and appeal procedures.
 - * (a) An application for a special use permit shall be made jointly by the property owner(s)/dwelling resident(s) and the individual(s) who shall occupy an elderly and/or handicapped family apartment. The application shall state the relationship between the applicants and evidence of need for the specified living arrangement.
 - * (b) All applications shall be subject to review for conformance with the purpose and intent of this subsection and with other relevant provisions of this chapter.
 - * (c) Any change in the occupancy of the main dwelling or the family apartment unit through demise, sale, vacancy, or change of ownership, etc. shall cause the apartment unit to be converted to an integral portion of the main dwelling. Any subsequent similar use as a family apartment unit shall require a separate application and approval of a special use permit.
Editor's Note: Original Subsection (iii)4, regarding restrictions on family apartments, which immediately followed this subsection, was repealed 7-11-2018.
 - * (d) The West Greenwich Zoning Board shall hold a public hearing on any application for a special use permit in an expeditious manner, after receipt, in proper form, of an application, and will require notification of the date, time, place, and purpose of the public hearing to interested parties. Public notice shall be given thereof at least 14 days prior to the date of the hearing in a newspaper of general circulation. Notice of hearing shall be sent by first class mail to the applicant, and to all those who would require notice under § 400-16E of this chapter. The notice shall also include the street address of the subject property. The cost of notification shall be borne by the applicant.
 - * (e) All recording of findings of fact and written decisions of the West Greenwich Zoning Board of Review shall be in conformance with § 400-14, Decisions and records of Zoning Board of Review.
 - * (f) Any appeals may be taken pursuant to § 400-15, Appeal of Zoning Board of Review action to Superior Court.
Editor's Note: Former Subsection B(3)(g), which pertained to the expiration special use permits, was repealed 6-12-2019.
- C. Criteria for the issuance of a special use permit for adult entertainment shall be as follows:
 - (1) The application for a special use permit pursuant to this subsection shall provide the names and addresses of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.
 - (2) Location restrictions.

- * (a) No uses granted under this subsection shall be located within:
 - [1] One thousand feet from the nearest residential zoning district; or
 - [2] One thousand feet from the nearest house of worship, school, park, playground, play field, youth center, licensed day-care center, or other location where groups of minors regularly congregate; or
 - [3] Two thousand feet from the nearest adult entertainment establishment or sexually oriented business use as defined herein; or
 - [4] One thousand feet from the nearest establishment serving alcohol.
- * (b) The distance specified above shall be measured by a straight line from the nearest property line of the premises on which the proposed adult entertainment establishment or sexually oriented business use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any of the other designated uses set forth above.
- * (c) In conjunction with dimensional variances an applicant may apply for, and be issued, a dimensional variance with a special use. If the special use cannot exist without the dimensional variance, the Zoning Board of Review shall consider the special use permit and the dimensional variance together to determine if granting the special use is appropriate based on both the special use criteria and the dimensional variance evidentiary standards.
[Amended 6-18-2018]
 - (3) All building openings, entries, and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.
 - (4) No use shall be allowed to display for advertisement or other purposes any sign, placards, or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any explicit figures or words concerning specified anatomical areas or sexual activities as defined herein.
 - (5) No use permitted under this subsection shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises. No one under the age of 18 years shall be permitted on the premises.
 - (6) No use permitted under this subsection shall be established prior to submission and approval of a site plan by the Planning Board. The site plan shall depict all existing and proposed buildings, parking spaces, driveways, and other uses. The site plan shall show the distances between the proposed use and the boundary of the nearest residential zoning district and property line of all other abutting uses.
 - (7) All uses permitted under this subsection shall comply fully with all licensing requirements of the Town of West Greenwich, and all rubbish, box containers, packages, trash, waste, or other debris generated from the operation of such permitted adult entertainment business shall be disposed of in a manner which is discreet and invisible to passersby. Furthermore, such debris shall be stored in a padlocked container until time of final disposal.
 - (8) Conditions. The Zoning Board of Review may impose reasonable conditions, safeguards, and limitations on time or use of the special use permit granted under this subsection and shall require that any such special use permit granted herein shall be personal to the applicant, shall not run with the land, and shall expire upon the sale or transfer of the subject property.
- D. Expiration. A special use permit shall expire one year after the date of approval by the Board, unless a building permit is obtained; or a certificate of occupancy is obtained, when a building permit is not required.
[Added 6-12-2019]
- E. One-year extension. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the special use permit for a second one-year period. Said request for an extension need not be advertised nor noticed. An advisory opinion from the Planning Board shall not be required.
[Added 6-12-2019]
- F. Further extension for cause. Should a building permit not be obtained, or certificate of occupancy for

a nonpermit project not be issued within the second one-year period, renewal of the special use permit for a third one-year period may be granted upon written request filed prior to expiration, provided that demonstration of due diligence in proceeding and substantial financial commitment in promoting the subject of the special use permit is made. Notice shall be given in accordance with § 400-11, and a hearing shall be held on the request.

[Added 6-12-2019]

- G. Pendency of court actions. None of the above one-year periods shall run during the pendency of any Superior Court actions seeking to overturn the grant.

[Added 6-12-2019]

§ 400-10. Variances

Relief from literal requirements of this chapter because of hardship may be granted to any person, group, agency or corporation through the issuance of a variance by the Zoning Board of Review under the procedures herein. Two types of variances can be considered as described below: a use variance and a dimensional variance.

- A. Variance application. An application for relief from the literal requirements of this chapter because of hardship may be made by any person, group, agency, or corporation by filing with the Town Clerk, and Clerk of the Zoning Board of Review, an application describing the variance request and supported by plans and data describing the site and proposed use and documentation in support of the application. The application shall show the location and dimensions of the property and the proposed use and any other information required by the application form and as may be required by the Zoning Board of Review.
- B. General standards for granting a variance. In granting either use or dimensional variances, the Zoning Board of Review 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 is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in R.I.G.L. § 45-24-30(16);

[Amended 7-11-2018]

- (2) That the hardship is not the result of any prior action of the applicant; and

[Amended 12-13-2023]

- (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 chapter or the Comprehensive Plan upon which this chapter is based.

[Amended 12-13-2023]

Editor's Note: Former Subsection B(4), regarding granting relief, which immediately followed, was repealed 12-13-2023.

- C. Standards for granting a use variance. The Zoning Board of Review shall, in addition to the above standards, require that evidence be entered onto the record of the proceedings showing that in granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. 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.
- D. Standards for granting a dimensional variance. In 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, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. 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. The Zoning Board of Review has the power to grant dimensional variances where the use is permitted by special use permit.

[Amended 7-11-2018; 12-13-2023]

- E. Expiration. A variance shall expire one year after the date of approval by the Board, unless a building permit is obtained or a certificate of occupancy is obtained when no building permit is required.

[Amended 6-12-2019]

- F. One-year extension. If application is made prior to the expiration of the initial one-year period, the Board may, upon written request and for cause shown, renew the variance for a second one-year period. Said request for an extension need not be advertised nor noticed. An advisory opinion from the Planning Board shall not be required.

[Added 6-12-2019]

- G. Further extension for cause. Should a building permit not be obtained or a certificate of occupancy for a nonpermit project not be issued within the second one-year period, the Board may, upon written request filed prior to expiration, renew the variance for a third one-year period, provided that the applicant can demonstrate due diligence in proceeding and substantial financial commitment in promoting the subject of the variance. Notice shall be given in accordance with § 400-11, and a hearing shall be held on the request.

[Added 6-12-2019]

- H. Pendency of court actions. None of the above one-year periods shall run during the pendency of any Superior Court actions seeking to overturn the grant.

[Added 6-12-2019]

§ 400-11. Procedure for appeal, variance or special use permit

- A. The Zoning Board of Review, upon receipt of an application for an appeal, variance, or special use permit, may request an advisory opinion from the Planning Board and Conservation Commission, based upon consultation with any other Town department as necessary, including the Town Planner; Highway Supervisor; local Fire Chief; Police Chief; and Town Engineer. The advisory opinions shall report findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan of the Town, in writing, to the Zoning Board within 30 days of receipt of an application which has been deemed complete.
- B. Within 45 days after the filing of a complete application in proper form, the Zoning Board shall hold a public hearing on any application for an appeal, variance or special use permit. Public notice shall be given thereof, at least 14 days prior to the date of the hearing, in a newspaper of general circulation in the Town.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- C. Notice of the date, time, place and purpose of the public hearing shall be sent by certified mail to the applicant and to all persons owning real property located within 200 feet of the lot or parcel which is the subject of the application. If the subject property is located within 200 feet of the Town line, a notice shall be sent to the Town Clerk and Planning Board of the neighboring city or town. In addition, all property owners within 200 feet of the subject property located in the neighboring community shall be notified, the list of which is to be certified by the neighboring city/town tax assessor's office.
- D. The notice shall also include the street address of the subject property. The cost of notification shall be borne by the applicant. This cost shall be waived for any application submitted on behalf of any Town agency.

- E. Any party may appear at the public hearing in person or be represented by agent or by attorney.

§ 400-12. Special conditions

- A. In granting a variance or special use permit or in making any determination upon which it is required to pass after a public hearing under this chapter, the Zoning Board of Review may apply such special conditions that may, in the opinion of the Board, be required to promote the intent and purposes of the Comprehensive Plan and this chapter.
- B. Failure to abide by any special conditions shall constitute a zoning violation.
- C. Those special conditions shall be based on competent, credible evidence on the record, be incorporated into the decision, and may include, but are not limited to, provisions for:
 - (1) Minimizing adverse impacts of the development upon other land, including the type, intensity, design, and performance of activities;
 - (2) Controlling the sequence of development, including when it must be commenced and completed;
 - (3) Controlling the duration of use or development and the time within which any temporary structure must be removed;
 - (4) Assuring satisfactory installation and maintenance of required public improvements;
 - (5) Designating the exact location and nature of development; and
 - (6) Establishing detailed records by submission of drawings, maps, plats, and/or specifications.

§ 400-13. Fees

Except for action initiated by the Town Council or a Town agency or official, all applications for special use permits shall be accompanied by a filing fee in an amount set from time to time by the Town Council, payable to the Town of West Greenwich and returnable only in the event that the application is withdrawn prior to the publication of notification of the public hearing.

§ 400-14. Decisions and records of Zoning Board of Review

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. The Zoning Board of Review shall render a decision on an application within 15 days following the public hearing.
- B. 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 Town Clerk of the Town of West Greenwich within 30 working days from the date when the decision was rendered, and shall be a public record.
- C. 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 examinations, finding of fact, and other official actions, all of which shall be recorded and filed in the Town Hall in an expeditious manner upon completion of the proceeding.
- D. Any decision by the Zoning Board of Review, including any special conditions attached thereto, shall be mailed to the applicant and to the Zoning Inspector.

§ 400-15. Appeal of Zoning Board of Review action to Superior Court

Any person or persons jointly or severally aggrieved by any action of the Zoning Board of Review, or any officer, department or board of the Town of West Greenwich, may file an appeal with the Superior Court in the State of Rhode Island, as provided by R.I.G.L. § 45-24-69, as amended. The appeal shall set forth that such decision is illegal in whole or in part, and specify the grounds of the illegality. Such appeal shall be filed with the court within 20 days after the decision has been recorded and posted in the office of the Town Clerk.

§ 400-16. Amendments

- A. Changes in text or boundaries.
 - (1) This chapter may be amended by the Town Council on its own initiative or by application of any person, group of persons, corporation or agency. All applications for amendment shall be filed at the office of the Town Clerk and shall be accompanied by a complete description of the proposed amendment and portion of the chapter proposed for amendment.
 - (2) Where the application is for a change in the boundary of a zoning district, the application shall be accompanied by an accurately drawn map showing the following:
 - * (a) The boundaries of the property proposed for change, with appropriate plat, lot and street numbers, and the dimensions and area of the proposed change.
 - * (b) All properties within 200 feet from the perimeter of the property proposed for change, including those outside of municipal and state boundaries, together with plat and lot numbers and the names and mailing addresses of the owners of record of all said properties.
 - * (c) The present zoning district boundaries in the area, as determined by the Official Zoning Map.
- B. Fees. Except for action initiated by the Town Council or a Town agency or official, all applications for amendment shall be accompanied by a filing fee in an amount set from time to time by the Town Council, payable to the Town of West Greenwich and returnable only in the event that the application is withdrawn prior to the publication of notification of the public hearing.
- C. Procedure for amendment. The West Greenwich Town Clerk shall receive all proposals for the amendment or repeal of the West Greenwich Zoning Ordinance and/or Zoning Map. Immediately upon receipt of the proposal, the Town Clerk shall refer the proposal to the Town Council, and to the West Greenwich Planning Board for study and recommendation. The Planning Board shall, in turn, notify and seek the advice of the Town Planner and shall report to the Town Council within 45 days after receipt of the proposal, unless extended for good cause, giving its findings and recommendations as prescribed in R.I.G.L. § 45-24-52. Where a proposal for the amendment or repeal of this chapter or the Zoning Map is made by the West Greenwich Planning Board, the requirements for study by the Board may be waived, provided that the proposal by the Planning Board includes its findings and recommendations pursuant to R.I.G.L. § 45-25-52. The West Greenwich Town Council shall hold a public hearing within 65 days of receipt of a proposal, after giving proper notice as prescribed by this chapter. The Town Council shall render a decision on any proposal within 45 days after the date of completion of the public hearing. The provisions of this section pertaining to deadlines shall not be construed to apply to any extension consented to by an applicant.
- D. Review by Planning Board or Commission. Among its findings and recommendations to the Town Council with respect to a proposal for amendment or repeal of this chapter or the Zoning Map, the Planning Board or Commission shall:
 - (1) Include a statement on the general consistency of the proposal with the Comprehensive Plan of the Town of West Greenwich, including the goals and policies statement, the implementation program, and all other applicable elements of the Comprehensive Plan; and
 - (2) Include a demonstration of recognition and consideration of each of the applicable purposes of this chapter.
- E. Notice and hearing requirements.
 - (1) The West Greenwich Zoning Ordinance shall not be amended or repealed until after a public hearing has been held upon the question before the West Greenwich Town Council. The Town Council shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the Town at least once per week for three successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. Written notice, which may be a copy of the newspaper notice, shall be mailed to the statewide planning program, and, where applicable, to the parties specified in Subsection E(2), (3), (4), and (5) of this section, at least two weeks prior to the hearing. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- * (a) Specify the place of the hearing and the date and time of its commencement;
 - * (b) Indicate that the amendment or repeal of a zoning ordinance is under consideration;
 - * (c) Contain a statement of the proposed amendment(s) to the ordinance that may be printed once in its entirety, or summarize and describe the matter under consideration as long as the intent and effect of the proposed regulation is expressly written in that notice;
 - * (d) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
 - * (e) 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 alteration or amendment must be presented for comment in the course of the hearing.
- (2) Where a proposed general amendment to an existing zoning ordinance includes changes in an existing Zoning Map(s), public notice shall be given as required by Subsection E(1) of this section.
 - (3) Where a proposed amendment to an existing ordinance includes a specific change in a Zoning District Map, but does not affect districts generally, public notice shall be given as required by Subsection E(1) of this section, with the additional requirements that:
 - * (a) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city and Town boundaries where appropriate; and
 - * (b) Written notice of the date, time, and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located in or within not less than 200 feet of the perimeter of the area proposed for change, whether within the Town or within an adjacent city or town. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by registered, certified or first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located; provided that for any notice sent by first class mail, the sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, PS Form 3817, or any applicable version thereof, to demonstrate proof of such mailing.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (4) Notice of a public hearing shall be sent by first class mail to the city or Town council of any city or Town to which one or more of the following pertain:
 - * (a) Which is located in or within not less than 200 feet of the boundary of the area proposed for change; or
 - * (b) Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.
- (5) Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source and that is within 2,000 feet of any real property which is the subject of a proposed zoning change; provided, however, that the governing body of any state or municipal water department or agency, special water district, or private water company has filed with the Building Official in the city or Town a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.
- (6) No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless the defect is found to be intentional or misleading.
- (7) Costs of any notice required under this section shall be borne by the applicant.
- (8) Imposition of limitations and conditions.
 - * (a) In granting a zoning ordinance amendment, notwithstanding the provisions of R.I.G.L. § 45-24-37, the Town Council may limit the change to one of the permitted uses in the zone which the subject land is rezoned, and impose such limitations, conditions, and restrictions

as it deems necessary, including, without limitation:

- [1] Requiring the petitioner to obtain a permit or approval for 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] Those relating to the effectiveness or continued effectiveness of the zoning change; and/or
 - [3] Those relating to the use of the land.
- * (b) The Town Council shall cause the limitations and conditions so imposed to be clearly noted on the West Greenwich Zoning Map and recorded in the land evidence records; provided, however, in the case of a conditional zone change, the limitations, restrictions, and conditions shall not be noted on the Zoning Map until the zone change has become effective. If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two years or more after the zone change becomes effective, the Town Council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before the petition was filed. If any limitation, condition, or restriction in an ordinance is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.
- (9) The above requirements are to be construed as minimum requirements.

§ 400-17. Planning Board review

- A. Immediately upon receipt of an application for amendment of this chapter, a copy of such application shall be forwarded to the West Greenwich Planning Board for review and an advisory opinion. The Zoning Board may refer any matter before it to the Planning Board for review and an advisory opinion. In rendering an opinion, the Planning Board shall consider whether or not the proposed action is consistent with the Comprehensive Community Plan of the Town of West Greenwich. The Planning Board shall transmit its advisory opinion to the Zoning Board or Town Council in writing, prior to or during the public hearing.
- B. The Zoning Board and the Town Council shall consider such advisory opinion in reaching a decision, but shall not be bound by such opinion.
- C. At least once every two years, the Planning Board shall review this chapter and make a written report to the Town Council recommending any amendments deemed appropriate in the light of current development trends and needs.

§ 400-18. Repetitive petitions

- A. Where the Town Council, in the case of an amendment, or the Zoning Board, in the case of a special use permit or variance, denies an application or grants the applicant leave to withdraw the same, the Town Council or the Zoning Board may not consider another application for the same amendment, special use permit or variance for a period of one year from the day of such denial or withdrawal.
- B. The Town Council or the Zoning Board, as the case may be, may accept such an application subsequent to the one-year waiting period, provided that the application is accompanied by an affidavit setting forth facts, to the satisfaction of said Council or Board, showing a substantial change of circumstances justifying a rehearing.

§ 400-19. Violations and penalties

- A. Any person or corporation, whether as principal, agent, employee or otherwise, who or which violates any of the provisions of this chapter or any safeguard or condition attached to the granting of a special use or variance may be fined not more than \$500, for each offense, after receipt of notification from the Building Official or Town Solicitor. Each day of the existence of a violation shall be deemed a separate offense.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- B. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any provisions of this chapter is hereby declared to be a violation of this chapter and unlawful.
- C. The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

§ II. Zoning District Use Regulations

§ 400-20. Rural, Farming, Residential (RFR-2)

- A. Purpose. The purpose of the Rural, Farming, Residential (RFR-2) Zone is to provide adequate land suitable for moderate-density development to establish unified neighborhoods for more efficient, economical community services and facilities and a more pleasant and diversified environment.
- B. Permitted uses. See attached Zone Use Matrix.
Editor's Note: The Use Matrix is included as an attachment to this chapter.
- C. Uses allowed by special use permit. See attached Zone Use Matrix.
- D. Dimensional regulations. The following dimensional regulations shall apply in this zone:

Minimum Lot Size (acres)	Minimum Street Frontage (feet)	Maximum Lot Coverage by Structures	Minimum Yard Requirements (feet)			Maximum Building Height (feet)
			Front (depth)	Side (depth)	Rear (depth)	
2	200	15%	50	25	50	40

§ 400-21. Rural, Farming, Residential (RFR-1)

- A. Purpose. The purpose of the Rural, Farming, Residential (RFR-1) Zone is to provide adequate land suitable for medium-density development to establish unified neighborhoods for more efficient, economical community services and facilities and a more pleasant and diversified environment. Creation of new lots of record for building purposes shall have a service connection to an existing community water supply as of the date of adoption of this chapter.
- B. Permitted uses. See attached Zone Use Matrix.
Editor's Note: The Use Matrix is included as an attachment to this chapter.
- C. Uses allowed by special use permit. See attached Zone Use Matrix.
- D. Dimensional regulations. The following dimensional regulations shall apply in this zone:

Minimum Lot Size (acres)	Minimum Street Frontage (feet)	Maximum Lot Coverage by Structures	Minimum Yard Requirements (feet)			Maximum Building Height (feet)
			Front (depth)	Side (depth)	Rear (depth)	
1	150	20%	40	20	40	35

§ 400-22. Open Space and Public Land (OSPL)

- A. Purpose. The purpose of the Open Space and Public Land (OSPL) Zone is to ensure all OSPL owned by a public agency has a district associated with it in the event of transference or sale. This district regulates and manages any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, reserved, and preserved from private development. Such land includes the W. Alton - Jones Campus, state-owned Big River Reservoir property, Wickaboxet State Forest, Arcadia State Forest, Beach Pond State Park and other designated publicly owned land or water. A zoning district would safeguard such property therein, in the event of transference or sale, while granting, via special use permit exclusively, select public-related uses.

- B. Uses allowed by special use permit. See attached Zone Use Matrix.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

- C. Dimensional regulations. The following dimensional regulations shall apply in this zone:

Minimum Lot Size (acres)	Minimum Street Frontage (feet)	Maximum Lot Coverage by Structures	Minimum Yard Requirements (feet)			Maximum Building Height (feet)
			Front (depth)	Side (depth)	Rear (depth)	
2	200	15%	50	25	50	40

§ 400-23. Neighborhood Business Zone

- A. The purpose of the Neighborhood Business Zone is to provide areas for business to serve the day-to-day needs of the residential population of the community. It is expected that areas of this zone classification will be located in a manner that is accessible to developed residential areas with the prospect that new locations will be so designated in the future by the Town Council as new residential development occurs.

- B. Permitted uses. See attached Zone Use Matrix.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

- C. Uses authorized by special use permit. See attached Zone Use Matrix.

- D. Dimensional regulations.

- (1) The following dimensional regulations shall apply in this zone:

Minimum Lot Size (acres)	Minimum Street Frontage (feet)	Maximum Lot Coverage by Structures	Maximum Imper-vious Surface	Minimum Yard Requirements (feet)			Maximum Building Height (feet)
				Front (depth)	Side (depth)	Rear (depth)	
1	200	25%	65%	60	20	25	35

- (2) No neighborhood business structure or accessory structure shall be closer than 50 feet to a residential zone boundary.

§ 400-24. Highway Business Zone

- A. Purpose. The purpose of the Highway Business Zone is to provide areas for commercial activities to serve the needs of the entire community and contiguous regions. It is expected that such zone will be located on major arteries or within a reasonable distance of major highway interchanges to maximize accessibility.

- B. Permitted uses. See attached Zone Use Matrix.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

- C. Uses authorized by special use permit. See attached Zone Use Matrix.

- D. Dimensional regulations.

- (1) The following dimensional regulations shall apply in this zone:

Minimum Lot Size (acres)	Minimum Street Frontage (feet)	Maximum Lot Coverage by Structures	Maximum ImperVIOUS Surface	Minimum Yard Requirements (feet)			Maximum Building Height (feet)
				Front (depth)	Side (depth)	Rear (depth)	
1	200	25%	80%	50	25	30	40

- (2) No highway business structure shall be closer than 100 feet to a Rural, Farming, Residential Zone boundary.

§ 400-25. Industrial A Zone

- A. Purpose. The purpose of the Industrial A Zone is to provide areas for the future development of industrial and allied uses and to provide for existing uses of this nature. Areas so designated are considered to be geographically and topographically suitable for such use and are so designated in the interest of providing for the future economic growth of the community.

- B. Permitted uses. See attached Zone Use Matrix.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

- C. Uses authorized by special use permit. See attached Zone Use Matrix.

- D. Dimensional regulations. The following dimensional regulations shall apply in this zone:

- (1) Lot and building requirements.

Minimum Lot Size (acres)	Minimum Street Frontage (feet)	Maximum Lot Coverage by Structures	Maximum ImperVIOUS Surface	Minimum Yard Requirements (feet)			Maximum Building Height (feet)
				Front (depth)	Side (depth)	Rear (depth)	
2	200	25%	45%*	50	30	40	40

* Includes building coverage

- (2) Any industrial structure or activity including outdoor storage shall be at least 100 feet from a Rural, Farming, Residential Zone boundary and at least 50 feet from any Neighborhood or Highway Business Zone boundary.

§ 400-26. Industrial B Zone

- A. Purpose. The purpose of the Industrial B Zone is to provide areas for future development of industrial and allied uses which, due to the peculiar nature of their activities, require locations remote from other classes of use. Areas so designated are primarily undeveloped or are very sparsely developed to minimize adverse effect upon neighborhood properties and activities.

- B. Permitted uses. See attached Zone Use Matrix.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

- C. Uses allowed by a special use permit. See attached Zone Use Matrix.
- D. Dimensional regulations. The dimensional regulations of the Industrial A Zone shall apply to the Industrial B Zone. In addition, the following special requirements shall be observed:
 - (1) Any activity involving an extractive industry or the outdoor storage of used, scrap or salvage materials shall be screened by material objects or an opaque hedge or fence at least six feet in height in such a manner as to prevent visibility of such activity from any public road or from adjacent property.
 - (2) Any activity involving the outdoor storage of used scrap or salvage materials shall be at least 200 feet from any abutting property and at least 500 feet from any public road.

§ 400-27. Prohibited uses

See attached Zone Use Matrix for prohibited uses.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

§ III. Exit 7 Special Management District

[Added 5-10-2006; amended 4-4-2007; 4-18-2007; 10-11-2017]

§ 400-28. Purpose

- A. The purpose of the Exit 7 Special Management District ("SMD") is to establish design, density and dimensional criteria for a large-scale commercial development in the area located at Exit 7 along Interstate Route 95. It is the intent of this article to allow for a multi-year phased development that promotes high-quality design, provides employment opportunities and expands the Town's commercial tax base.
- B. The purpose of the SMD is to provide an area for economic development in the community according to prescribed review and approval procedures, and according to design standards particular to the SMD. The SMD is intended to provide for a diversity of compatible land uses and development densities, which will include a mixture of retail sales, office, restaurant and hotel uses.

§ 400-29. Findings

The Town Council, Planning Board and staff have found:

- A. The special management district to be consistent with the West Greenwich Comprehensive Plan, as amended;
- B. The Centre of New England development project, located at Exit 7, serves a regional purpose and consists of over 480 acres of land located in the Towns of Coventry, East Greenwich and West Greenwich;

- C. The Centre of New England is one of the few undeveloped sites in the Town of West Greenwich serviced by public water, public sewers and natural gas; and
- D. That portion of the Centre of New England located in West Greenwich, nearly 70 acres of a former gravel operation, is blighted.

§ 400-30. Conformity to Comprehensive Plan

All development within the SMD shall conform to the policies and design guidelines as set forth in the Comprehensive Community Plan. In order to demonstrate such conformity, the applicant shall be required to submit a description of all proposed development to the Planning Board as part of a district-wide master plan. This description shall be a statement, in text, maps, illustrations or other media of communication, that is designed to provide a basis for rational decision-making regarding the long-term physical development of the district.

§ 400-31. Applicability

Provisions of this article shall apply only to property located in the zoning district entitled "Exit 7 Special Management District", or SMD, which encompasses that area of the Town of West Greenwich located within the Centre of New England and which shall be shown on the Official Zoning Map.

§ 400-32. Review and approval procedures

- A. Development within the SMD shall be reviewed and approved by the Planning Board as a major land development project as provided for in this chapter, and as administered under the Land Development and Subdivision Regulations. A single application for a district-wide master plan shall be submitted to the Planning Board for review and approval in accordance with the Subdivision and Land Development Regulations. This application shall make note of all existing uses as well as present and future development plans for the entire area within the SMD, and the remaining area of the entire Centre of New England.

Editor's Note: See Ch. 450, Land Development and Subdivision Regulations.

- B. Existing conforming uses seeking approval for enlargement or significant expansion or change to another permitted use code category shall be reviewed as new uses. Existing nonconforming uses within the SMD may be continued as provided in § 400-95.

§ 400-33. Permitted uses

- A. Permitted uses, and accessory uses. See attached Zone Use Matrix.
- B. Uses allowed by special use permit. See attached Zone Use Matrix.
- C. Drive-through windows are permitted in the SMD by special use permit.
- D. Parking garages are permitted as an accessory use.
- E. The Planning Board shall determine, at the time of review for approval of or amendment to a previously approved land development project within the SMD, that the proposed use is consistent with the Comprehensive Community Plan. Changes to an approved land development project shall be reviewed as provided in Chapter 450, Subdivision and Land Development Regulations, § 450-25.
- F. The Planning Board shall, in reviewing applications for development within the SMD, apply such controls and restrictions as may be necessary to achieve a synergetic proportion of total land that is devoted to different uses. The Board shall require that at least 80% of the total land in the entire SMD be used for commercial use. At least 10% of the total land area in the entire SMD shall be pervious and landscaped, as provided in § 450-36, Landscaping, below.

§ 400-34. Dimensional and density standards

- A. The provisions of Article II, § 400-24D, Dimensional regulations, shall not apply to uses in the SMD.

- B. Land development projects. Two or more commercial structures may be located on the same lot in accordance with the following dimensional regulations:
 - (1) Dimensional regulations for commercial land development projects.
 - * (a) Density. No more than 25% of the gross floor area of the commercial development shall be consumed by any one unit, and any one unit shall not exceed 60,000 square feet; excepted from this requirement shall be any hotel.
 - * (b) Minimum lot size, commercial: one acre.
 - * (c) Yard dimensions.
 - [1] Front (depth): 20 feet.
 - [2] Side (width): 10 feet.
 - [3] Rear (depth): 20 feet.
 - * (d) Minimum separation between buildings: 25 feet between buildings.
 - * (e) Maximum percent of lot building coverage: 60%.
 - * (f) Maximum impervious area: 90% of total land area and 90% per lot.
 - * (g) Maximum building height: No structure shall exceed 60 feet, and no hotel shall exceed 90 feet; however, gables and other architectural elements may extend above these dimensions.
 - * (h) Maximum accessory building height: 40 feet.
 - * (i) Two or more buildings are permitted on one parcel.
 - * (j) In the SMD, only wetlands, water bodies, and associated buffers shall be considered land unsuitable for development and shall be subtracted out of any density calculation.

§ 400-35. Parking standards

- A. Ratios. Parking ratios for all uses within the SMD shall be:
 - (1) Commercial: four spaces per 1,000 square feet of building area.
 - (2) Hotel: five spaces plus one per room.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. Landscaping. Parking lot landscaping for all uses within the SMD shall be as provided in this chapter.
- C. Shared parking. Common parking areas shall be encouraged for mixed-use developments which have different hours, days and/or seasons of peak parking demand. The Planning Board may, in approving development within the SMD, permit individual parking standards to be reduced for separate uses where it can be demonstrated that adequate parking may be made available on a shared basis. The Planning Board may require written easements or other assurances as may be required to enforce shared parking arrangements. Where reasonable and practicable, the Planning Board shall require common driveways and interconnected parking lots in order to facilitate shared parking.
- D. Required loading and service areas. When required, loading and other service areas such as trash dumpsters shall be placed to the rear or side of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from public or private streets used by the general public. Screening and buffering shall be achieved through walls, fences and landscaping, and shall be visually impervious.
- E. All outdoor refuse storage, collection and recycling areas shall be enclosed and solidly screened, and shall extend on three sides of such an area, with a gate or door on the fourth side. A brick wall, if used, shall be capped at the top. The Planning Board may modify this requirement if such area is not visible from abutting property or streets and, in the opinion of the Planning Board, is not necessary in order to screen or buffer abutting property or streets or to otherwise meet the purposes of the Comprehensive Plan or this chapter.
- F. Parking GARAGES, above- or below ground, are permitted.
- G. Accessory parking areas for uses not located within the SMD are not permitted; except the parking on Lot 4-6.

§ 400-36. Landscaping

- A. At least 10% of the total land in the SMD shall be pervious and landscaped. The following uses shall be considered pervious, landscaped areas:
 - (1) Highway buffer areas.
 - (2) Pedestrian parks, town green, village commons, etc.
 - (3) Bicycle or foot paths, but excluding sidewalks.
 - (4) Lawns, landscaped or wooded areas.
- B. Landscaping shall be evenly distributed throughout the SMD, not designated to any one section of the development, i.e., a minimum of 10% of each lot.

§ 400-37. Architectural standards

- A. A diversity of roof heights, gable orientations and volumes in new buildings shall be considered. New buildings shall be designed with traditional roof forms that are compatible with the character of the Town and other small New England towns.
- B. Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the surrounding building context. Exaggerated or excessively large (or small) architectural elements shall be avoided. The Planning Board shall require traditional New England style architectural drawings, or typical drawings, of the exteriors of proposed new buildings to be submitted as part of review of land development projects.

§ 400-38. Signs

- A. The Planning Board shall require a submission of a comprehensive signage plan for all uses, individual buildings or a complex of buildings and uses as part of its review. The signage plan shall include conceptual drawings and supporting information describing the proposed signage for all major buildings and uses, including entrance signs, directional signs, a typical lighting plan, etc. The applicant shall also provide the Planning Board with a typical sign for all directory and directional signs. Once the typical signage plan is approved, the Zoning Enforcement Officer shall issue specific sign permits.
- B. Revisions to signs in an approved signage plan shall be reviewed by the administrative officer as an amendment to an approved plan, as provided in Chapter 450, Subdivision and Land Development, Article VI, § 450-25.
- C. For commercial uses in the SMD there may be up to 200 square feet of wall-mounted sign for each use within a building.
- D. Permitted signs within the district may be illuminated or indirectly illuminated.
- E. The Planning Board may approve two pylon signs for the commercial portion of the SMD. One sign shall not exceed 135 feet in height, nor exceed 3,500 square feet in surface area; the other sign shall not exceed 100 feet in height and 400 square feet in surface area.

§ 400-39. Utilities

All proposed new uses in the SMD shall be serviced with public sewer, public water service and natural gas. Electric and communications lines shall be placed underground within a land development project; except an extension of the aboveground main utility corridor may be extended along Interstate Route 95 for the sole purpose of supplying utilities to the interior underground utilities.

§ 400-40. Off-site traffic improvements

The Planning Board shall require vehicular traffic created by development in the SMD to be integrated into the surrounding area and to be compatible with abutting and nearby properties. If state highways are involved, such improvements shall also be approved by the Rhode Island Department of Transportation and federal agencies, if applicable. In making this determination of the need for off-site traffic improvements, the Planning Board may require a separate circulation plan and traffic study to be submitted by the developer

as part of the master plan application for approval, and any other study or documentation requested by the Planning Board.

§ 400-41. Lighting

- A. Streets, parking areas, pedestrian areas and other actively used development in the SMD shall be provided with adequate lighting while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and public rights-of-way. Streetlights shall be decorative and blend with the architectural style of buildings in the SMD.
- B. The applicant shall submit a lighting plan at the preliminary stage of review, designed and stamped by a Rhode Island licensed electrical engineer.

§ 400-42. Pedestrian and bicycle circulation

As part of its review of development within the SMD, the Planning Board shall require that adequate, safe and attractive pedestrian and/or bicycle circulation be provided, which shall include a network of sidewalks and the accommodation of mass transit, and which shall be ADA accessible in accordance with state and federal standards.

§ 400-43. Performance standards

Uses, activities or operations which violate any governmental building, fire, safety, health, environmental or other standards or regulations are prohibited. No nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A nuisance shall include, but not be limited to, any of the following conditions:

- A. Any use, including careless construction activity, that emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any street, property or wetland which may adversely affect the health, safety, comfort of, or intended use of their property by persons within or adjacent to the SMD.
- B. The escape or discharge of any fumes, odors, gases, vapors, steam, acids or other substance into the atmosphere which may be detrimental to the health, safety or welfare of any person or may interfere with the comfort of persons within the SMD or which may be harmful to property or vegetation.
- C. The radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened building and then only in such a manner that the glare, heat or radiation emitted will not be discernible from any point exterior to the site or lot upon which said operation is conducted.
- D. Excessive noise. No outside speaker or public address system shall be permitted without the express written consent of the Planning Board. At no point outside of any lot line shall the sound pressure level of any machine, device, or any combination of same, from any individual plant or operation, exceed the decibel levels set forth in Article VI.
- E. Storage of hazardous materials. No material of a hazardous character, as defined by the Hazardous Substance Act (R.I.G.L. § 23-24-2) shall be stored except within a building having roofing, walls and floors constructed of such materials as to render said building weathertight, and so as to prevent leakage of materials into the ground or release into the atmosphere. Storage and use of such materials shall be in strict compliance with the requirements of applicable local, state and federal agencies governing such storage and use.

§ 400-44. Fees

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. The fee for any application in the SMD shall be set from time to time by the Town Council for the following:
 - (1) Pre-application.

- (2) Master plan.
 - (3) Preliminary commercial plan.
 - (4) Final plan.
 - (5) Amendment to approved plan.
- B. This fee structure shall be in lieu of all other application fees.
- C. The applicant of a land development project shall deposit an amount established by the Town Council in a dedicated project review fees account as part of each application, which shall be administered in accordance with Chapter 450, Land Development and Subdivision Regulations, Article XI, § 450-41.
- D. Chapter 450, Land Development and Subdivision Regulations, Article VII, regarding guarantee of public improvements, shall also apply to the SMD, where appropriate.

§ 400-45. Timing of development

- A. Development within the SMD shall be constructed in phases. In order to regulate the development of new construction within the SMD, and to prevent excessive development from exceeding the capacity of the Town and/or other public or private agencies to provide essential services and facilities, the Planning Board shall require that commercial phasing shall be constructed over four consecutive calendar years.
- B. Minimum commercial phasing schedule (acceleration is permitted):
 - (1) Phase 1: 80,000 square feet gross floor area.
 - (2) Phase 2: 80,000 square feet gross floor area, plus, 20 one-bedroom low- or moderate-income housing units.
 - (3) Phase 3: 80,000 square feet gross floor area.
 - (4) Phase 4: 80,000 square feet gross floor area.
- C. Commercial Phase 1 shall commence in calendar year 2005.

§ IV. Corporate Zoning District

[Added 10-18-2004; amended 5-10-2006]

§ 400-46. Purpose

[Amended 10-9-2019]

- A. The purpose of the Corporate Zoning District (the "CZD") is to provide an area for economic development in the community according to prescribed review and approval procedures, and according to design, density, and dimensional criteria particular to the CZD. The CZD is intended to provide for large-scale developments which incorporate a diversity of compatible land uses, which may include a mixture of office, light industrial, hotel, and compatible ancillary retail uses.
- B. It is the intent of this article to allow for a multi-year phased development that promotes high-quality design, provides employment opportunities, and expands the Town's tax base. Economics and demographics require an update and revisions since the last amendment in 2006.

§ 400-47. Findings

The Town Council, the Planning Board and the Planning staff have found:

- A. The CZD is consistent with the West Greenwich Comprehensive Plan, as amended; and
- B. The CZD provides for large-scale mixed-use and multistructure planned development.
- C. The CZD needs to be commensurate with current technology and innovation.

[Added 10-9-2019]

§ 400-48. Conformity to Comprehensive Plan

All development within the CZD shall conform to the policies and design guidelines as set forth in the Comprehensive Community Plan. In order to demonstrate such conformity, the applicant shall be required to submit a description of all proposed development to the Planning Board as part of a master plan for the CZD. This description shall be a statement, in text, maps, illustrations or other media of communication, that is designed to provide a basis for rational decision-making regarding the long-term physical development of the CZD.

§ 400-49. Applicability

Provisions of this article shall apply only to property located in the zoning district entitled "Corporate Zoning District (or CZD)," which encompasses those areas of the Town of West Greenwich so designated by the Town Council and which shall be shown on the Official Zoning Map.

§ 400-50. Procedure for approval

- A. Development within the CZD shall be reviewed and approved by the Planning Board as a major land development project as provided for in this chapter, and administered under Chapter 450, Land Development and Subdivision Regulations, of the Town Code. A single application for a master plan for the CZD shall be submitted to the Planning Board for review and approval in accordance with the Land Development and Subdivision Regulations. This application shall make note of all existing uses. Preliminary and final approval may be sought in stages, with appropriate modifications of the master plan. The subdivision of any proposed lots shall occur after final approval of the specific lots for which preliminary and final approval is sought.

[Amended 10-9-2019]

- B. Existing conforming uses seeking approval for enlargement or material expansion, or change to another permitted use code category, shall be reviewed as new uses. Existing nonconforming uses within the CZD may be continued as provided in § 400-95.

§ 400-51. Permitted uses

- A. Use matrix.
 - (1) Permitted uses and accessory uses. See attached Zone Use Matrix.
Editor's Note: The Use Matrix is included as an attachment to this chapter.
 - (2) Uses allowed by special use permit. See attached Zone Use Matrix.
 - (3) Drive-through windows are permitted in the CZD by special use permit.
 - (4) Parking garages are permitted in the CZD as an accessory use.
 - (5) The Planning Board shall determine that the proposed use is consistent with the Town of West Greenwich Comprehensive Plan. Changes to an approved land development project shall be reviewed as provided in Chapter 450, Land Development and Subdivision Regulations, § 450-25.

[Amended 10-9-2019]

- B. The Planning Board shall apply such controls and restrictions as may be necessary to achieve a synergetic proportion of total land that is devoted to different uses. Individual retail trade uses shall be limited to a maximum of 20,000 gross square feet.

[Amended 10-9-2019]

- C. Roads within the CZD shall be privately owned and maintained.

§ 400-52. Dimensional and density standards

Dimensional regulations for corporate land development projects shall be as follows:

- A. Minimum lot size for commercial and industrial buildings: two acres.
- B. Minimum frontage (including frontage on private roads): 100 feet.
- C. Minimum yard requirements (except for existing buildings):
 - (1) Front (depth): 40 feet.
 - (2) Side (width): 10 feet.
 - (3) Rear (depth): 30 feet.
- D. Minimum separation between buildings (except for existing buildings): 25 feet.
- E. Maximum lot coverage ratio (ratio of area of building to area of lot): 40%.
- F. Maximum impervious area (ratio of area of impervious surfaces to area of lot): 65%.

[Amended 10-9-2019]

- G. Maximum building height (excluding gables and other architectural elements):
 - (1) Structures other than hotels: 60 feet.
 - (2) Hotels: 90 feet.
- H. Maximum accessory building height: 40 feet.
- I. Multiple buildings. Two or more buildings are permitted on one lot.
- J. Minimum buffer:
 - (1) One hundred feet to any residential zone for any structure or activity in the CZD (including outdoor storage), 75 feet of which shall be vegetated with trees and other thick screening.
 - (2) Fifty feet to any Neighborhood Business or a Highway Business Zone for any structure or activity in the CZD (including outdoor storage).
- K. Minimum district size: 15 acres.

§ 400-53. Parking standards

- A. Ratios. Parking ratios for existing uses within the CZD shall remain the same. All new uses within the CZD shall satisfy the applicable parking requirement set forth in the following table:

Use	Parking Requirement
Office, corporate, commercial and retail	1 parking space per 250 square feet of building space
Industrial, manufacturing and storage	2 parking spaces per every 3 full-time-equivalent employees
Hotel	5 parking spaces, plus 1 parking space per room

- B. Landscaping. Ten percent of the area of all parking lots shall be landscaped.
- C. Shared parking. Common parking areas shall be encouraged for mixed-use developments which have different hours, days and/or seasons of peak parking demand. The Planning Board may permit individual parking standards to be reduced for separate uses where it can be demonstrated that adequate parking may be made available on a shared basis. The Planning Board may require written easements or other assurances as may be required to enforce shared parking arrangements. Where reasonable and practical, the Planning Board may require common driveways and interconnected parking lots to facilitate shared parking.

[Amended 10-9-2019]

- D. Loading and service areas. When required, loading and other service areas such as trash dumpsters shall be placed to the rear or side of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from public or private streets used by the general public. Screening and buffering shall be achieved through walls, fences and landscaping, and shall be visually impervious.
- E. Refuse areas. All outdoor refuse storage, collection and recycling areas shall be enclosed and solidly screened, and shall extend on three sides of such an area, with a gate or door on the fourth side. A brick wall, if used, shall be capped at the top. The Planning Board may modify this requirement if such area is not visible from abutting property or streets, and, in the opinion of the Planning Board, is not necessary in order to screen or buffer abutting property or streets or to otherwise meet the purposes of the Comprehensive Plan or this chapter.
- F. Parking garages. Above- and below ground parking garages are permitted.
- G. Accessory parking. Accessory parking areas for uses not located within the CZD are not permitted.

§ 400-54. Landscaping

- A. A minimum of 20% of the area of the CZD and a minimum of 25% of the area of each lot in the CZD shall be pervious and landscaped. The following areas shall be considered pervious and landscaped areas:

[Amended 10-9-2019]

- (1) Highway buffer areas.
 - (2) Pedestrian parks, village greens and village commons, etc.
 - (3) Bicycle or foot paths (excluding sidewalks).
 - (4) Lawns, landscaped and wooded areas.
- B. Landscaping shall be evenly distributed throughout the CZD and not designated to any one section of the development.

§ 400-55. Architectural standards

A diversity of roof heights, gable orientations and volumes in new buildings shall be considered. Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the surrounding building context. Exaggerated or excessively large (or small) architectural elements shall be avoided. The Planning Board shall require architectural drawings, or typical drawings, of the exteriors of proposed new buildings to be submitted as part of review of land development projects.

§ 400-56. Signs

- A. The Planning Board shall require the submission of a comprehensive signage plan for all uses, individual buildings or a complex of buildings and uses as part of its review. The signage plan shall include conceptual drawings and supporting information describing the proposed signage for all major buildings and uses, including entrance signs, directional signs, a typical lighting plan, etc. The applicant shall also provide the Planning Board with a typical sign for all directory and directional signs. Once the typical signage plan is approved, the Zoning Enforcement Officer shall issue specific sign permits.
- B. Revisions to signs in an approved signage plan shall be reviewed by the administrative officer as an amendment to an approved plan, as provided in Chapter 450, Land Development and Subdivision Regulations, § 450-25.
- C. The CZD shall follow the regulations in Article VII, Sign Regulations, of this chapter, except as otherwise permitted below.
- D. Commercial and industrial buildings in the CZD may have signs totaling up to 200 square feet for each building.

- E. Directional signs within the CZD shall be permitted, subject to normal architectural standards. Permitted signs within the CZD may be illuminated or indirectly illuminated. No flashing signs nor portable or mobile signs shall be permitted.
- F. The Planning Board may approve one pylon sign for the CZD, for uses in the CZD only. No off-premises advertising is permitted. The sign shall not exceed 100 feet in height nor exceed 1,500 square feet in surface area.

§ 400-57. Utilities

All proposed new uses in the CZD shall be serviced with public water and public sewer. Electric and communications lines shall be placed underground within a land development project.

§ 400-58. Off-site traffic improvements

The Planning Board shall require vehicular traffic created by development in the CZD to be integrated into the surrounding area and be compatible with abutting and nearby properties. If state highways are involved, such improvements shall also be approved by the Rhode Island Department of Transportation and federal agencies, if applicable. In making this determination of the need for off-site traffic improvements, the Planning Board may require a separate circulation plan and traffic study to be submitted by the developer as part of the master plan application for approval, and any other study or documentation requested by the Planning Board.

§ 400-59. Lighting

- A. Streets, parking areas, pedestrian areas and other actively used development in the CZD shall be provided with adequate lighting while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and public rights-of-way. Streetlights shall be decorative and blend with the architectural style of buildings in the CZD.
- B. The applicant shall submit a lighting plan at the preliminary stage of review, designed and stamped by a Rhode Island licensed electrical engineer.

§ 400-60. Pedestrian and bicycle circulation

As part of its review of development within the CZD, the Planning Board shall require that adequate, safe and attractive pedestrian and/or bicycle circulation be provided, which shall include a network of sidewalks that shall be ADA accessible in accordance with state and federal standards. Unpaved bicycle and foot paths are encouraged within the CZD, and need not be ADA accessible. Consideration shall be given to the accommodation of mass transit.

§ 400-61. Performance standards

Uses, activities or operations which violate any governmental building, fire, safety, health, environmental or other standards or regulations are prohibited. No nuisance shall be permitted to exist or operate upon any lot so as to be offensive or detrimental to any adjacent lot or property or to its occupants. A nuisance shall include, but not be limited to, any of the following conditions:

- A. Any use, including careless construction activity, that emits dust, sweepings, dirt, or cinders into the atmosphere, or discharges liquid, solid wastes, or other matter into any street, property or wetland which may adversely affect the health, safety, comfort of or intended use of their property by persons within or adjacent to the CZD.
- B. The escape or discharge of any fumes, odors, gases, vapors, steam, acids or other substance into the atmosphere, which may be detrimental to the health, safety or welfare of any person or may interfere with the comfort of persons within the CZD or which may be harmful to property or vegetation.
- C. The radiation or discharge of intense glare or heat, or atomic, electromagnetic, microwave, ultrasonic, laser or other radiation. Any operation producing intense glare or heat or such other radiation shall

be performed only within an enclosed or screened building and then only in such a manner that the glare, heat or radiation emitted shall not be discernible from any point exterior to the site or lot upon which said operation is conducted.

- D. Excessive noise. No outside speaker or public address system shall be permitted without the express written consent of the Planning Board. At no point outside of any lot line shall the sound pressure level of any machine, device, or any combination of same, from any individual plant or operation, exceed the decibel levels set forth in Article VI.
- E. Storage of hazardous materials. No material of a hazardous character, as defined by the Hazardous Substance Act (R.I.G.L. § 23-24-2), shall be stored except within a building having roofing, walls and floors constructed of such materials as to render said building weathertight, and so as to prevent leakage of materials into the ground or release into the atmosphere. Storage and use of such materials shall be in strict compliance with the requirements of applicable local, state and federal agencies governing such storage and use.

§ 400-62. Fees

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- A. The fee for any application in the CZD shall be set from time to time by the Town Council for the following:
 - (1) Pre-application.
 - (2) Master plan.
 - (3) Preliminary plan.
 - (4) Final plan.
 - (5) Amendment to approved plan.
- B. This fee structure shall be in lieu of all other application fees.
- C. The applicant for a land development project shall deposit an amount established by the Town Council in a dedicated project review fee account as part of each application, which shall be administered in accordance with Chapter 450, Land Development and Subdivision Regulations, § 450-41.
- D. Chapter 450, Land Development and Subdivision Regulations, Article VII, regarding guarantee of public improvements, shall also apply to the CZD, where appropriate.

§ V. Senior Residential District

[Added 3-19-2008; amended 5-10-2017; 7-11-2018; 8-8-2018]

§ 400-63. Purpose

- A. The purpose of the Senior Village District ("SVD") is to establish design, density and dimensional criteria for a small-scaled age-restricted, multifamily development in the area located at Exit 7 along Interstate Route 95. It is the intent of this article to allow for a development that promotes high-quality design, provides for multifamily residential development where public sewer and water are available, and provides various housing choices.
- B. It is also the purpose of the SVD to encourage development of residential uses which have little impact on services, including but not limited to public school enrollments, and which are within the capacities of the Town to provide educational services; and to permit residential densities and dwelling unit types that are compatible within a mixed-use area but which may not be compatible with other residential areas of the Town.
- C. The purpose of the SVD is to allow senior residential uses in a transitional area between single-family dwellings, and commercial uses, and Route 95.

§ 400-64. Findings

The Town Council, Planning Board and staff have found:

- A. The Senior Village District to be consistent with the West Greenwich Comprehensive Plan, as amended;
- B. The proposed site is one of the few undeveloped sites in the Town of West Greenwich that can be serviced by public water, and public sewer;
- C. There exists a need in the Town of West Greenwich for age-restricted residential units, leasehold and fee; and
- D. The proposed site serves as a transitional zone between single-family dwellings and Route 95.

§ 400-65. Conformity to comprehensive plan

All development within the SVD shall conform to the policies and design guidelines as set forth in the Comprehensive Community Plan. In order to demonstrate such conformity, the applicant shall be required to submit a description of all proposed development to the Planning Board as part of a master plan. This description shall be a statement, in text, maps, illustrations or other media of communication, that is designed to provide a basis for rational decision making regarding the long-term physical development of the district.

§ 400-66. Applicability

The provisions of this article shall apply only to property located in the zoning district entitled "Senior Village District (SVD)," which encompasses that area of the Town of West Greenwich located near Exit 7, specifically A.P. 1, Lot 10-1 and which shall be shown on the Official Zoning Map.

§ 400-67. Procedure for approval

Development within the SVD shall be reviewed and approved by the Planning Board as a major land development project as provided for in this chapter, and as administered under Chapter 450, Land Development and Subdivision Regulations. A single application for a master plan shall be submitted to the Planning Board for review and approval in accordance with the Subdivision and Land Development Regulations. This application shall make note of all existing uses as well as present and future development plans for the area and within the SVD.

§ 400-68. Permitted uses

- A. Permitted uses and accessory uses: single family; two family; multifamily; customary home occupations; community residences; swimming pools; subdivision parks and community centers. All other uses are prohibited.
- B. Playgrounds are prohibited.
- C. The Planning Board shall determine, at the time of review for approval, that the proposed use is consistent with the Comprehensive Community Plan. Changes to an approved land development project shall provided in Chapter 450, Land Development and Subdivision Regulations, § 450-25.

§ 400-69. Dimensional and density standards

- A. Permitted residential uses shall be regulated by net density as well as by the dimensional standards set forth herein. The provisions of Article II, § 400-24D, Dimensional regulations, shall not apply to uses in the SVD.
- B. Incentives authorized. This article permits increases in residential density and reduction of certain dimensional requirements, not permitted in other zoning districts, as a municipal support program for the creation of senior housing, and as an incentive for construction of dwellings that have been documented as having relatively low impacts on public school enrollments as compared to traditional single household dwellings.
- C. Land development projects within the SVD. Two or more multifamily structures may be located on the same lot in accordance with the following standards:
 - (1) Maximum residential density.

- * (a) Density of one multifamily age-restricted dwelling unit per 9,300 square feet of total land area; not to exceed a total of 24 units in the entire land development.
- * (b) No unit shall have more than two bedrooms.
- (2) Commercial density: not permitted.
- (3) Dimensional regulations for multifamily development projects:
 - * (a) Minimum lot size for multifamily residential: five acres.
 - * (b) Yard dimensions.
 - [1] Front (depth): 20 feet.
 - [2] Side (width): 10 feet.
 - [3] Rear (depth): 20 feet.
 - * (c) Minimum separation between buildings: 15 feet between buildings.
 - * (d) Maximum percentage of lot building coverage: 40%.
 - * (e) Maximum impervious area: 60% of total land area, and 60% per lot.
 - * (f) Maximum building height: same as RFR-2 Zoning District.
 - * (g) Maximum accessory building height:
 - [1] Clubhouse, 25 feet; however, gables and other architectural elements may extend above these dimensions.
 - [2] All other structures: 15 feet.
 - * (h) Two or more multifamily buildings are permitted on one parcel.
 - * (i) In the SVD, only wetlands, water bodies, and their associated buffers shall be considered land unsuitable for development and shall be subtracted out of any density calculation.
 - * (j) No building shall exceed one story in height.

§ 400-70. Parking standards

- A. Ratios. Parking ratios for all uses within the SVD shall be:
 - (1) Multifamily age-restricted: 1.5 spaces per dwelling unit.
 - (2) Clubhouse/meeting room: 4.0 spaces per 1,000 square feet.
- B. Landscaping. Parking lot landscaping for all uses within the SVD shall be as provided in this chapter.
- C. Required loading and service areas. When required, loading and other service areas such as trash dumpsters shall be placed to the rear or side of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from public or private streets used by the general public. Screening and buffering shall be achieved through walls, fences and landscaping, and shall be visually impervious.
- D. All outdoor refuse storage, collection and recycling areas shall be enclosed and solidly screened, which shall extend on three sides of such an area, with a gate or door on the fourth side. A brick wall, if used, shall be capped at the top. The Planning Board may modify this requirement if such area is not visible from abutting property or streets, and, in the opinion of the Planning Board, is not necessary in order to screen or buffer abutting property or streets or to otherwise meet the purposes of the Comprehensive Plan or this chapter.
- E. Accessory parking areas for uses not located within the SVD are prohibited.

§ 400-71. Landscaping

- A. At least 40% of the total land in the SVD shall be pervious, either undisturbed or landscaped. The following uses shall be considered pervious, landscaped areas:
 - (1) Highway buffer areas.
 - (2) Pedestrian parks, town green, village commons, etc.
 - (3) Bicycle or footpaths, but excluding sidewalks.
 - (4) Lawns, landscaped or wooded areas.
- B. Landscaping shall be evenly distributed throughout the SVD, not designated to any one section of the development; i.e., a minimum of 40% of each lot, excepting existing units. Landscaping shall be designed in accordance with the additional requirements of Chapter 450, Land Development and

Subdivision Regulations, § 450-49, Landscaping standards.

§ 400-72. Architectural standards

- A. A diversity of roof heights, gable orientations and volumes in new buildings shall be considered. New buildings shall be designed with traditional roof forms that are compatible with the character of the Town and other small New England towns.
- B. Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the surrounding building context. Exaggerated or excessively large (or small) architectural elements shall be avoided. The Planning Board shall require traditional New England style architectural drawings, or typical drawings, of the exteriors of proposed new buildings to be submitted as part of review of land development projects.

§ 400-73. Utilities

All proposed new structures in the SVD shall be serviced with public sewer and public water, both of which shall originate from off-site. Electric and communications lines shall be placed underground within the land development project.

§ 400-74. Lighting

- A. Streets, parking areas, pedestrian areas and other actively used development in the SVD may be provided with adequate lighting while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and public rights-of-way. Streetlights shall be decorative and blend with the architectural style of buildings in the SVD.
- B. The applicant shall submit a lighting plan at the preliminary stage of review, designed and stamped by a Rhode Island licensed electrical engineer.

§ 400-75. Performance standards

Uses, activities or operations which violate any governmental building, fire, safety, health, environmental or other standards or regulation are prohibited.

§ 400-76. Age restriction

- A. Age restriction to 55 years and older. All residential dwelling units within the SVD shall be designed for and restricted to occupancy by at least one person aged 55 and over.
 - (1) Legal documents, including, but not limited to, homeowners' association documents, declaration of restrictions, easements, open space covenants, etc., shall be submitted as part of final plan review. The documents shall be recorded simultaneously with the final plan in the Town of West Greenwich Land Evidence Records. In addition, the developer shall give each original purchaser of a unit in the SVD a copy of all such documents.
 - (2) The final plan shall contain the following statement: "These premises are subject to age restrictions, and other restrictions, conditions, covenants, and easements that are contained in instruments recorded simultaneously with this Final Plan at Book _____ and Pages _____ of the Town of West Greenwich Land Evidence Records, and are incorporated herein by reference."

§ 400-77. Fees

- A. The fee for any application, in lieu of all other application fees, in the SVD shall be set from time to time by the Town Council for the following:
 - (1) Preapplication.
 - (2) Master plan.
 - (3) Preliminary residential plan.
 - (4) Final plan.

- (5) Amendment to approved plan.
- B. The applicant of a land development project shall deposit an amount established by the Town Council in a dedicated project review fees account as part of each application, which shall be administered in accordance with Chapter 450, Land Development and Subdivision Regulations, Article XI, § 450-41. Chapter 450, Land Development and Subdivision Regulations, Article VII, regarding guarantee of public improvements shall also apply to the SVD, where appropriate.

§ 400-77.1. Impact on adjacent property

Notwithstanding anything to the contrary in either the Zoning Ordinance or the Land Development and Subdivision Regulations, structures located on property adjacent to the SVD shall be located no closer than 25 feet from the SVD zone boundary. Additionally, for new industrial or commercial development on property adjacent to the SVD, a vegetated buffer strip shall be provided according to the Land Development and Subdivision Regulations, but the width of the required buffer shall be reduced to 25 feet.

§ VA. Nooseneck Senior Residential District

[Added 9-11-2024]

§ 400-77.2. Purpose

- A. The purpose of the Nooseneck Senior Residential District ("NSRD") is to establish design, density and dimensional criteria for a small-scaled, age-restricted, multifamily development in the area located near Exit 6 off Interstate Route 95. It is the intent of this article to allow for a development that promotes high-quality design, provides for multifamily residential development where public water is available, and provides various housing choices.
- B. It is also the purpose of the NSRD to encourage development of residential uses which have little impact on services, including but not limited to public school enrollments, and to permit residential densities and dwelling unit types that are compatible within a mixed-use area but which may not be compatible with other residential areas of the Town.
- C. The purpose of the NSRD is to allow senior multifamily uses in a predominantly commercial area, and readily accessible to Route 95.

§ 400-77.3. Findings

The Town Council, Planning Board and staff have found:

- A. The NSRD to be consistent with the West Greenwich Comprehensive Plan, as amended;
- B. The proposed site is one of the larger sites in the area that be serviced by public water;
- C. There exists a need in the Town of West Greenwich for age-restricted residential units, leasehold and fee; and
- D. The proposed site serves as a transitional border on the Coventry town line.

§ 400-77.4. Conformity to comprehensive plan

All development within the NSRD shall conform to the policies and design guidelines as set forth in the Comprehensive Community Plan. In order to demonstrate such conformity, the applicant shall be required to submit a description of all proposed development to the Planning Board as part of a master plan. This description shall be a statement, in text, maps, illustrations or other media of communication, that is designed to provide a basis for rational decision making regarding the long-term physical development of the district.

§ 400-77.5. Applicability

The provisions of this article shall apply only to property located in the zoning district entitled "Nooseneck Senior Residential District (NSRD)," which encompasses that area of the Town of West Greenwich located near Exit 6, specifically A.P. 6, Lot 21-3 - 6.5 acres more or less and which shall be shown on the Official Zoning Map.

§ 400-77.6. Procedure for approval

Development within the NSRD shall be reviewed and approved by the Planning Board as a major land development project as provided for in this chapter, and as administered under Chapter 450, Land Development and Subdivision Regulations. A single application for a master plan shall be submitted to the Planning Board for review and approval in accordance with the Subdivision and Land Development Regulations. This application shall make note of all existing uses as well as present and future development plans for the area and within the NSRD.

§ 400-77.7. Permitted uses

- A. Permitted uses and accessory uses: single family; two family; multifamily; customary home occupations; community residences; swimming pools; subdivision parks and community centers. All other uses are prohibited.
- B. Playgrounds are prohibited.
- C. The Planning Board shall determine, at the time of review for approval, that the proposed use is consistent with the Comprehensive Community Plan. Changes to an approved land development project shall provided in Chapter 450, Land Development and Subdivision Regulations, § 450-25.

§ 400-77.8. Dimensional and density standards

- A. Permitted residential uses shall be regulated by net density as well as by the dimensional standards set forth herein. The provisions of Article II, § 400-24D, Dimensional regulations, shall not apply to uses in the NSRD.
- B. Incentives authorized. This article permits increases in residential density and reduction of certain dimensional requirements, not permitted in other zoning districts, as a municipal support program for the creation of senior housing, and as an incentive for construction of dwellings that have been documented as having relatively low impacts on public school enrollments as compared to traditional single-household dwellings.
- C. Land development projects within the NSRD. Two or more multifamily structures may be located on the same lot in accordance with the following standards:
 - (1) Maximum residential density.
 - * (a) Density of one multifamily age-restricted dwelling unit per 11,325 square feet of total land area; not to exceed a total of 25 units in the entire land development.
 - * (b) No unit shall have more than two bedrooms.
 - (2) Commercial density: not permitted.
 - (3) Dimensional regulations for multifamily development projects:
 - * (a) Minimum lot size for multifamily residential: five acres.
 - * (b) Yard dimensions.
 - [1] Front (depth): 20 feet.
 - [2] Side (width): 10 feet.
 - [3] Rear (depth): 20 feet.
 - * (c) Minimum separation between buildings: 15 feet between buildings.
 - * (d) Maximum percentage of lot building coverage: 40%.
 - * (e) Maximum impervious area: 60% of total land area, and 60% per lot.
 - * (f) Maximum building height: 40 feet.
 - * (g) Maximum accessory building height:

- [1] Clubhouse, 25 feet; however, gables and other architectural elements may extend above these dimensions.
- [2] All other structures: 15 feet.
- * (h) Two or more multifamily buildings are permitted on one parcel.
- * (i) In the NSRD, only wetlands, water bodies, and their associated buffers shall be considered land unsuitable for development and shall be subtracted out of any density calculation.
- * (j) No building shall exceed one story in height.

§ 400-77.9. Parking standards

- A. Ratios. Parking ratios for all uses within the NSRD shall be:
 - (1) Multifamily age-restricted: 1.5 spaces per dwelling unit.
 - (2) Clubhouse/meeting room: 4.0 spaces per 1,000 square feet.
- B. Landscaping. Parking lot landscaping for all uses within the NSRD shall be as provided in this chapter.
- C. Required loading and service areas. When required, loading and other service areas such as trash dumpsters shall be placed to the rear or side of buildings in visually unobtrusive locations. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from public or private streets used by the general public. Screening and buffering shall be achieved through walls, fences and landscaping, and shall be visually impervious.
- D. All outdoor refuse storage, collection and recycling areas shall be enclosed and solidly screened, which shall extend on three sides of such an area, with a gate or door on the fourth side. A brick wall, if used, shall be capped at the top. The Planning Board may modify this requirement if such area is not visible from abutting property or streets, and, in the opinion of the Planning Board, is not necessary in order to screen or buffer abutting property or streets or to otherwise meet the purposes of the Comprehensive Plan or this chapter.
- E. Accessory parking areas for uses not located within the NSRD are prohibited.

§ 400-77.10. Landscaping

- A. At least 40% of the total land in the NSRD shall be pervious, either undisturbed or landscaped. The following uses shall be considered pervious, landscaped areas:
 - (1) Highway buffer areas.
 - (2) Pedestrian parks, town green, village commons, etc.
 - (3) Bicycle or footpaths, but excluding sidewalks.
 - (4) Lawns, landscaped or wooded areas.
- B. Landscaping shall be evenly distributed throughout the NSRD, not designated to any one section of the development; i.e., a minimum of 40% of each lot. Landscaping shall be designed in accordance with the additional requirements of Chapter 450, Land Development and Subdivision Regulations, § 450-49, Landscaping standards.

§ 400-77.11. Architectural standards

- A. A diversity of roof heights, gable orientations and volumes in new buildings shall be considered. New buildings shall be designed with traditional roof forms that are compatible with the character of the Town and other small New England towns.
- B. Architectural elements such as dormers should be in proportion with the overall building and should also be in keeping with the surrounding building context. Exaggerated or excessively large (or small) architectural elements shall be avoided. The Planning Board shall require traditional New England style architectural drawings, or typical drawings, of the exteriors of proposed new buildings to be submitted as part of review of land development projects.

§ 400-77.12. Utilities

All proposed new structures in the NSRD shall be serviced with public water. Electric and communications lines shall be placed underground within the land development project. On-site wastewater treatment systems (OWTS) shall be designed to serve a minimum of two buildings; consideration shall be given to providing separate systems for laundry facilities.

§ 400-77.13. Lighting

- A. Streets, parking areas, pedestrian areas and other actively used development in the NSRD may be provided with adequate lighting while minimizing adverse impacts, such as glare and overhead sky glow, on adjacent properties and public rights-of-way. Streetlights shall be decorative and blend with the architectural style of buildings in the NSRD. All lighting shall be "dark-sky" compliant.
- B. The applicant shall submit a lighting plan at the preliminary stage of review, designed and stamped by a Rhode Island licensed electrical engineer.

§ 400-77.14. Performance standards

Uses, activities or operations which violate any governmental building, fire, safety, health, environmental or other standards or regulation are prohibited.

§ 400-77.15. Age restriction

- A. Age restriction to 55 years and older. All residential dwelling units within the NSRD shall be designed for and restricted to occupancy by at least one person aged 55 and over.
 - (1) Legal documents, including, but not limited to, homeowners' association documents, declaration of restrictions, easements, open space covenants, etc., shall be submitted as part of final plan review. The documents shall be recorded simultaneously with the final plan in the Town of West Greenwich Land Evidence Records. In addition, the developer shall give each original purchaser of a unit in the NSRD a copy of all such documents.
 - (2) The final plan shall contain the following statement: "These premises are subject to age restrictions, and other restrictions, conditions, covenants, and easements that are contained in instruments recorded simultaneously with this Final Plan at Book _____ and Pages _____ of the Town of West Greenwich Land Evidence Records, and are incorporated herein by reference."

§ 400-77.16. Fees

- A. The fee for any application, in lieu of all other application fees, in the NSRD shall be set from time to time by the Town Council for the following:
 - (1) Preapplication.
 - (2) Master plan.
 - (3) Preliminary residential plan.
 - (4) Final plan.
 - (5) Amendment to approved plan.
- B. The applicant of a land development project shall deposit an amount established by the Town Council in a dedicated project review fees account as part of each application, which shall be administered in accordance with Chapter 450, Land Development and Subdivision Regulations, Article XI, § 450-41. Chapter 450, Land Development and Subdivision Regulations, Article VII, regarding guarantee of public improvements shall also apply to the NSRD, where appropriate.

§ 400-77.17. Impact on adjacent property

Notwithstanding anything to the contrary in either the Zoning Ordinance or the Land Development and Subdivision Regulations, structures located on property adjacent to the NSRD shall be located no closer than 25 feet from the NSRD zone boundary. Additionally, for new industrial or commercial development on

property adjacent to the NSRD, a vegetated buffer strip shall be provided according to the Land Development and Subdivision Regulations, but the width of the required buffer shall be reduced to 25 feet.

§ VI. Industrial Site and Performance Standards

§ 400-78. Conformance to requirements

All industrial construction and operations permitted or authorized by Article II shall conform with the requirements of this article.

§ 400-79. Site plan requirements

Property and buildings shall be so planned as to minimize disturbance to adjacent property and present an agreeable appearance where visible from any public road.

- A. An applicant shall provide the Zoning Inspector with a site plan which shall clearly indicate the following:
 - (1) Names and addresses of applicant, property owner, and designer of the plan.
 - (2) Date, North arrow, scale, contours at two-foot intervals.
 - (3) Dimensions, area of the lot or tract, abutting property owners within 200 feet, and a lot and plat number.
 - (4) Location and general exterior dimensions of existing and proposed structures and signs.
 - (5) Existing sewers, water mains, culverts and other underground appurtenances within the lot or tract, pipe sizes, grades, manholes and locations.
 - (6) Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays, angle of parking.
 - (7) Location, arrangement, and dimensions of off-street loading spaces.
 - (8) Location and dimension of any area proposed to be used for outdoor storage of materials.
 - (9) Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways.
 - (10) Adjacent streets and ways.
 - (11) Drainage system and sanitary sewers.
 - (12) Location, type, intensity of illumination, and height of all outdoor lighting fixtures.
 - (13) Sign locations.
 - (14) Finished grades, slopes, banks, and ditches.
 - (15) Landscaping, retained and created.
 - (16) Location and extent of any wetlands.
- B. The Zoning Inspector may require a drawing of any building elevation that faces a public road.
- C. When the Zoning Inspector deems the site plan submitted to be in final form and acceptable, the applicant shall endorse each final plan and drawing on its face with a notarized statement that the plan or drawing is the plan or drawing that will be adhered to for the proposed construction and development. One copy of each final plan or drawing so endorsed shall be provided to the Zoning Inspector for his permanent records.

§ 400-80. Operating performance standards

- A. Noise.
 - (1) Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1. 1961) American Standard Specification for General-Purpose Sound Level Meters. The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.2 (1962), American Standard Method for the Physical Measurements of Sounds.
 - (2) Table I specifies the noise limits that apply on or beyond adjacent lot lines or zone boundaries outside the user's property. Noises shall not exceed the maximum sound levels specified in Table

I, except as designated following Table I. Where more than one specified sound level applies, the most restrictive shall govern. Measurements may be made at points of maximum noise intensity.

Table I Noise Level Restrictions Maximum Permitted Sound Level* (dBA)		Measured Across and Outside
55		Rural, Farming, Residential District lot lines
60		Industrial A District boundary lines
65		Industrial B District boundary lines

* In any Rural, Farming and Residential Zones, the weighted sound level shall not exceed 55 dBA between 7:00 a.m. and 7:00 p.m.

- (3) The levels specified in Table I may be exceeded by 10 dBA for a single period, no longer than 15 minutes, in any one day.
- (4) For impact noise levels, the values in Table I, increased by 20 dBA, shall apply. Impact noises shall be considered to be those noises whose peak values are more than six dBA higher than the values indicated on the sound level meter.
- (5) Exemptions. The following uses and activities shall be exempt from the noise level regulations:
 - * (a) Noises not directly under the control of the property user.
 - * (b) Noises emanating from construction and maintenance activities between 7:00 a.m. and 7:00 p.m., Monday through Saturday.
 - * (c) The noises of safety signals, warning devices, and emergency pressure-relief valves.
 - * (d) Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.

Editor's Note: See also Ch. 269, Noise.

• B. Vibration.

- (1) Ground-transmitted vibration shall be measured with an accelerometer or complement of instruments capable of recording vibration displacement and frequency, particle velocity, or acceleration simultaneously in three mutually perpendicular directions.
- (2) Maximum permitted vibration levels.
 - * (a) No vibration at any time shall produce a maximum peak particle velocity which exceeds the following values measured on or beyond the appropriate lot or district boundaries given below:

Table II Maximum Peak Particle Velocity (inches/second)			
Character of Vibrations	Adjacent Lot Line	Measured On or Beyond Neighborhood or Highway Business District Boundary	Rural, Farming, Residential District Boundary
Steady-state	0.10	0.05	0.02
Impact	0.20	0.10	0.04

* Steady-state vibrations shall be considered as vibrations which are continuous, or vibrations in discrete impulses mor

- * (b) Between 7:00 p.m. and 7:00 a.m., all of the permissible vibration levels indicated in the previous table for Rural, Farming, and Residential District boundaries shall be reduced to 1/2 of the indicated values.
- C. Fire and explosive hazards. All operations, activities and uses shall comply with applicable provisions of the Fire Safety Code of the State of Rhode Island.
- D. Glare.
 - (1) Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.
 - (2) Uses subject to performance standards shall not produce glare so as to cause illumination in Rural, Farming, and Residential Districts in excess of 0.05 footcandle. Flickering or intrinsically bright sources of illumination shall be controlled so as not to be a nuisance in residential districts. Exterior lights shall reflect light away from adjoining property in any Rural, Farming and Residential District.
 - (3) Uses subject to performance standards shall limit the use of light sources and illuminated surfaces within 500 feet of, and visible in, a Rural, Farming and Residential District to comply with the light intensities indicated below.

Table III

Maximum Intensity of Light Sources

Source	Intensity
Bare incandescent bulbs	40 watts
Illuminated buildings	30 footcandles
Back-lighted or luminous background signs	250 footlamberts
Outdoor illuminated signs and poster panels	50 footcandles
Any other unshielded sources, intrinsic brightness	50 candles per square centimeter

- E. Heat. Any use producing heat shall be shielded so that no increase in the ambient temperature can be recorded on or beyond the property line of any residential properties.
- F. Smoke and other forms of air pollution. All operations, activities and uses shall comply with the Air Pollution Control Regulations of the Rhode Island Department of Environmental Management issued under the provisions of Title 23, Chapter 23 of the General Laws of Rhode Island, as amended.
- G. Sewage and water-borne wastes.
 - (1) Sewage and water-borne wastes shall be disposed of in a manner acceptable to the Director of the Rhode Island Department of Environmental Management, and the design, installation and operation of all subsurface wastewater disposal systems shall be approved by the Director of the Rhode Island Department of Environmental Management.
 - (2) Effluent discharges into a surface water body shall require issuance of a National Pollutant Discharge Elimination System (NPDES) permit by the United States Environmental Protection Agency and the Rhode Island Department of Environmental Management.

Editor's Note: See also Ch. 301, Sewage and Garbage Disposal.

- H. Radioactive materials. The handling of radioactive materials, the discharge of such materials into the air and/or water, and the disposal of radioactive wastes shall be in conformance with the applicable

regulations of the United States Nuclear Regulatory Commission and rules and regulations for the controls of radiation established by the Rhode Island Department of Health.

- I. Electrical interference. Electrical or electronic interference or emissions induced by the operation of any electrical or electronic equipment or device located on the property shall not be such as to affect the operation of any electrical or other equipment or device located off the property, or to affect the physical health of any person on or off the property.
- J. Wetlands. Areas classified as "wetlands" by R.I.G.L. §§ 2-1-18 through 2-1-24, as amended, shall be subject to the provisions of that law.
- K. Resource allocation. Development of the property shall take into consideration the availability of water and energy supply and, to the extent feasible, the developer shall make efficient use of such resources.

§ 400-81. Supplementary regulations

- A. Screening of utilities. All transformers, meters or similar utility apparatus shall be screened in such a manner as to prevent vision of such equipment from any public road or adjacent property.
- B. Outdoor storage. Outdoor storage of equipment and material(s) shall be screened by natural objects or an opaque hedge or fence at least six feet in height in such a manner as to prevent visibility of such equipment and material(s) from any public road or adjacent property. There shall be no outdoor storage of equipment or materials between any building and any public road.

§ 400-82. Certification

When the Zoning Inspector has accepted the endorsed plans and drawings required by § 400-79C of this article, and becomes satisfied through the steps described in the remainder of this section that the proposed industrial operation will comply with the standards and regulations specified in §§ 400-80 and 400-81 of this article, the Zoning Inspector shall certify the project for issuance of a building permit. Such certification shall specify whether the location for which it is granted is the Industrial A or Industrial B Zone.

- A. Affidavit from applicant. The Zoning Inspector shall require an affidavit from the applicant acknowledging his understanding of the standards and regulations in §§ 400-80 and 400-81 of this article, and his continuing agreement to comply with them.
- B. Plans and specifications. The Zoning Inspector shall require the submission of plans and specifications of any proposed machinery and operations techniques to be used to meet the operating performance standards. No applicant shall be required to reveal any secret or proprietary processes.
- C. Review by the Zoning Inspector.
 - (1) Upon receipt of the required affidavit, plans and specifications, the Zoning Inspector shall review the request for the subject industrial use and make findings as to probable compliance of the proposed use with the standards and regulations of §§ 400-80 and 400-81 of this article.
 - (2) It is intended that the burden of proof for the establishment of reasonable assurance of compliance with the standards and regulations in §§ 400-80 and 400-81 of this article shall rest with the applicant.
 - (3) The Zoning Inspector may request an advisory opinion from the Planning Board, if an adequate judgment cannot be determined regarding the conformance of a proposed or established industrial use to the standards and regulations in §§ 400-80 and 400-81 of this article.
 - (4) If the Planning Board is asked to advise on an application, the Board shall invite the applicant or his representative to appear before it at its meeting.
 - (5) The Zoning Inspector will grant or refuse to issue a zoning permit based upon the finding made.

§ 400-83. Enforcement of standards and regulations

- A. Probable violations. In the event of a determination by the Zoning Inspector that a probable violation of the performance standards has occurred after the granting of a permit, a written notice of the probable violation shall be sent by certified or registered mail to the owner of the industrial use. The notice shall further state that upon the continuation of the probable violation, technical determinations as described in this chapter shall be made, and that if violations as alleged are found, costs of such determinations, including the costs of hiring qualified experts, shall be a charge against those responsible for the violation, but that if it is determined that no violation exists, the cost of the determination will be paid by the Town of West Greenwich.
- B. Review by the Planning Board. Cases involving probable violations may be referred by the Zoning Inspector to the Planning Board. In such cases, the Planning Board shall proceed to investigate the alleged violation and shall make such technical determinations as are prescribed in § 400-80 of this article. The Planning Board shall make known its finding in writing to the Zoning Inspector and the owner of the industrial use.
- C. Violations.
 - (1) If a violation actually occurred or exists, notice of such violation shall be sent to the owner, owners or managers of the industrial use by registered or certified mail.
 - (2) The continued operation of an industrial use for longer than 15 days after a determination has been made that said use is not in conformance with the provisions of §§ 400-80 and 400-81 of this article is hereby declared to be a violation of this chapter and unlawful. The Town Solicitor shall promptly be advised of any such violation, and shall thereupon institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- D. Re-compliance. An industrial use so charged and proven to have violated the provisions of this chapter shall not be allowed to resume operation until it has been issued a certificate of compliance by the Zoning Inspector. To obtain such certificate, the violator must prove to the satisfaction of the Zoning Inspector that the violation has been corrected and that all requirements of this chapter have been met. The Zoning Inspector may require changes in plans for land use, structures, or operations as may be necessary to assure compliance with this chapter and standards and limitations required in §§ 400-80 and 400-81 of this article.
- E. Change of use. Any change of use that violates or may potentially violate a certification previously granted shall require a new application for the new or altered use in accordance with the preceding sections of this article.

§ VII. Sign Regulations

§ 400-84. Purpose and intent

The purpose of this article is to:

- A. Improve pedestrian and traffic safety;
- B. Encourage the effective use of signs as a means of communication and ensure that signs adequately identify uses or activities to the public;
- C. Preserve and enhance the Town's character; protect property values; and maintain and improve the visual quality of commercial and industrial areas, which promotes the economic interests of the Town, by requiring new and replacement signs which:
 - (1) Are well designed;
 - (2) Are compatible with the surroundings;
 - (3) Express the identity of the individual business owner;
 - (4) Have a style and form which relate to the business;
 - (5) Are of size which is to scale with the building and streetscape as a whole; and
 - (6) Are appropriately sized in context so as to be easily readable by both the public and emergency vehicles.

§ 400-85. Definition; permit required; nonconforming signs

- A. The term "sign" means any display of lettering, logos, colors, lights or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services, or facilities available, either on the lot or any other premises, whether permanent or temporary, but excluding window displays and merchandise. The following regulations shall apply to all signs over two square feet in area, except those exempted in § 400-91 of this article.
- B. It shall be unlawful for any person to erect, display, alter or enlarge any sign without first obtaining a permit from the Zoning Enforcement Officer and paying the appropriate fees.
 - (1) A sign application shall be obtained from the Zoning Enforcement Officer and shall include:
 - * (a) Name, address and telephone number of applicant;
 - * (b) Name of person performing the work;
 - * (c) A scale drawing of the proposed sign, giving dimensions, colors, materials, and details, including the size of the letters and graphics, at a scale of 3/8 inch equals one foot;
 - * (d) A scale drawing of the building or lot showing where the proposed sign is to be located on it, including, but not limited to, all physical entities, at a scale of one inch equals 50 feet;
 - * (e) A scale drawing of the plans, at a scale of 3/8 inch equals one foot, and specifications and method of construction and attachment to the building or in the ground;
 - * (f) Any electric permit required and issued for said sign;
 - * (g) Written consent of the owner of the building, structure, or land to which or on which the sign is to be erected;
 - * (h) Verified review of land evidence records, and planning documents, for restrictive covenants or conditions, imposed by predecessors of title or by the Town of West Greenwich during any subdivision.
 - (2) The following signs may be authorized by special use permit, upon application to the Zoning Board of Review:
 - * (a) Changeable copy signs, defined as signs having a fixed area upon which the content is not permanently affixed.
 - * (b) Off-site directional signs, except for signs erected by the Town, the State or United States government, any sign giving directions to the location of any use or activity not located upon the property upon which the sign is erected, and which may contain only the name of the use and necessary information giving directions to the use; provided, however, that no advertising shall be contained in such sign.
 - (3) Any freestanding sign less than 20 feet from the edge of any Town street, road or right-of-way, or within 50 feet of a street intersection, shall be reviewed by the Planning Board. Upon receipt of a sign application, the Zoning Enforcement Officer shall forward a copy of the application to the Planning Board. At a public informational meeting, the Planning Board shall review the sign application and render an advisory opinion to the Zoning Enforcement Officer or the Zoning Board of Review.
- C. Issuance of sign permit. Permits shall be issued only if the Zoning Enforcement Officer determines the sign complies or will comply with all applicable provisions of this article. The Zoning Enforcement Officer's decision, or failure to act, may be appealed to the Zoning Board of Review. If the work authorized under the sign permit has not been completed within six months after the date of issuance, said permit shall become null and void.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- D. Nonconforming signs.
 - (1) Any sign which does not conform to the provisions of this article, and which lawfully existed at the time of adoption or subsequent amendment to this article, may be continued or be repaired, provided that said nonconforming sign shall comply with § 400-86C of this article.

- (2) Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with the provisions of this article.

§ 400-86. Prohibited signs; measurement of sign area; safety standards

- A. Prohibitions. These regulations apply to all zoning districts.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (1) The following signs shall be prohibited:
 - * (a) Colored lighted, neon lighted, and/or flashing lighted signs.
 - * (b) Animated signs illuminated by flashing or intermittent lighting, or signs which use movement or lighting to depict action or create a special effect and/or scene.
 - * (c) Signs containing reflective elements which sparkle or twinkle in the sunlight.
 - * (d) Moving signs, either by mechanical or natural means such as wind.
 - * (e) Off-premises signs, defined as any sign or advertising device, including a billboard, which advertises a use or activity not located on, or a product not sold nor manufactured on, the lot on which the sign or device is located.
 - * (f) Any sign advertising or identifying a business or organization which is either defunct or no longer on the premises. Exceptions are granted to landmark signs, which shall be preserved and maintained even if they no longer pertain to the present use of the premises.
 - * (g) Signs which are affixed to, or painted on, any parked vehicle which is not registered or not roadworthy.
 - * (h) Permanent signs which are attached to natural features, historic stone walls, utility poles, utility boxes, traffic signs, fences or highway structures.
 - * (i) Signs placed on or against trailers or vehicles, whether registered or unregistered, and situated to display advertisement to passersby by parking or extending the vehicle in an area outside of the parking lot.
 - * (j) All existing signs erected without the necessary approvals and/or permits.
 - * (k) Sign materials or attracting devices, identified as pennants, streamers, spinners, and other moving devices, whether or not containing a message of any kind.
 - * (l) Searchlights or any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source, or any light with one or more beams that rotate or move.
 - * (m) Sign material which fluoresces or phosphoresces.
 - * (n) Inflatable signs or inflatable objects displayed as a form of advertising.
 - * (o) Billboards.
 - * (p) Portable signs, including but not limited to sandwich boards.
 - (2) No sign shall be placed or located upon any sidewalk or right-of-way nor shall any sign project over the sidewalk or over any right-of-way.
 - (3) With the exception of traffic, regulatory, or informational signs, signs shall not use the words "stop," "caution," or "danger"; shall not incorporate red, amber, green or blue lights resembling traffic signals or emergency vehicles; and/or shall not resemble "stop" or "yield" signs in shape or color.
 - (4) Signs and/or banners shall not extend over any street or public right-of-way without prior approval of the Town Council. The Town Council shall require the applicant to maintain sufficient insurance coverage to protect both the Town and the applicant from all claims for personal injuries which may arise from said sign and/or banner.
- B. Measurement of sign area.
 - (1) Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
 - (2) For a sign painted on or applied to a building or window, the area shall be considered to include all lettering, wording or accompanying designs or symbols, together with any background of different color than the natural color or finish material of the building.

- (3) For a sign of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- (4) The area of supporting framework (for example bracket, posts, etc.) shall not be included in the area if such framework is incidental to the display.
- (5) When a sign has two or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than one foot from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.
- (6) All signs located within a single premises shall be totaled cumulative for purpose of calculating the sign area; for example, three two-square-foot signs located on one property equals a total area of six square feet.
- C. Safety standards. No sign may be erected or maintained which:
 - (1) Is structurally unsafe;
 - (2) Constitutes a hazard to public safety and health by reason of inadequate maintenance, damage, dilapidation or abandonment;
 - (3) Obstructs free entrance to or exit from a required door, window or fire escape;
 - (4) Obstructs light or air, or interferes with proper ventilation of the building;
 - (5) Is capable of causing electrical shock;
 - (6) Blocks pedestrian or vehicle rights-of-way or access;
 - (7) Violates the clear vision requirements of § 400-120 of this chapter;
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (8) Is within 20 feet of a point of ingress or egress on the site or an abutting site.

§ 400-87. Signs in residence districts (RFR-1, RFR-2, OSPL)

The following regulations shall apply in the RFR-1, RFR-2 and OSPL Residence Districts:

- A. Permitted signs:
 - (1) One sign, no greater than two square feet in area, displaying the name and address of the occupant or identifying a permitted use or accessory use or identifying or regulating private property or a private right-of-way.
 - (2) One sign, not larger than nine square feet in area, for an agricultural, religious, educational, recreational, communal, medical, professional, governmental or utility use or identifying lawful nonconforming uses. This shall include temporary signs advertising the sale or lease of the premises.
- B. Locations of signs.
 - (1) No signs shall be placed closer than 15 feet to a side or rear lot line and five feet to a front lot line.
 - (2) No portion of any sign shall be located within a street right-of-way or within the corner triangle described in § 400-120 of this chapter.
 - (3) Signs shall not be erected or affixed to a utility pole, traffic or regulating sign, tree, shrub, rock or other natural object.
 - (4) No sign shall project more than 10 feet above average grade level or higher than the roofline (ridge) of a building, whichever is less.
 - (5) Freestanding signs shall provide an open unobstructed space of at least six feet from the grade to the bottom of the sign.
- C. Lighting of signs. Signs may be lighted only by an external, continuous incandescent white light, downward shielded and of no more than a maximum of 20 footcandles at the surface.

§ 400-88. Signs in business and industrial districts (NHBD, HIWY, IND. A, IND. B)

The following regulations shall apply in the NHBD, HIWY, IND. A and IND. B Business and Industrial Districts:

- A. Permitted signs:
 - (1) Those permitted in residence districts.
 - (2) Business signs for permitted uses. In no case shall more than one freestanding sign or one roof sign be used, or one mounted (to the building) sign, or awning/canopy for each building, regardless of the number of businesses at the location; and no sign shall exceed 50 square feet in area. In addition, each business may have a sign attached to the building, not greater than six square feet, displaying the name of the business; and where there are multiple businesses, all of these signs shall be uniform in size, shape and lettering. Any change from the above shall be granted as a special use permit with an advisory opinion from the Planning Board. For buildings with a public entrance and parking in the rear as well as the front, there may be an additional wall, projecting, window or awning/canopy sign placed at the rear building entrance.
 - (3) Where a building has multiple street frontages, the building is allowed one wall sign for each wall frontage on a street or a parking area. No sign shall exceed 50 square feet.
- B. Location of signs.
 - (1) No sign shall project more than 15 feet above average grade level or higher than the roofline (ridge) of a building, whichever is less.
 - (2) Freestanding signs shall either provide an open and unobstructed space at least six feet from grade to the bottom of the sign or be no greater than five feet in height from grade and no more than 15 square feet in area.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (3) No sign shall be located within 40 feet of a residence district boundary.
 - (4) A sign shall be placed within the boundaries of a lot and no closer than five feet to any lot line.
 - (5) Any freestanding sign less than 20 feet from the pavement or within 50 feet of a street intersection shall be reviewed by the Planning Board prior to being placed.
 - (6) Signs shall not be erected or affixed to a utility pole, traffic or regulating sign, tree, shrub, rock or other natural object.
- C. Lighting of signs.
 - (1) Signs may be lighted by:
 - * (a) External continuous incandescent or fluorescent white light downward shielded and of no more than 20 footcandles at the surface; or
 - * (b) Internal continuous incandescent or fluorescent white light having no more than 15 footcandles at the surface.
 - (2) All lighting shall be oriented so that the light is directed away from adjacent properties and traffic arteries.
 - (3) Lighting for all signs is subject to review and revision by the Planning Board to prevent the light from causing a traffic safety hazard.

§ 400-89. Traffic control signs permitted

All signs specified in the Manual on Uniform Traffic Control Devices for Streets and Highways by the United States Department of Transportation, Federal Highway Administration, as amended, are permitted in all zoning districts.

§ 400-90. Temporary signs on private property

Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:

- A. Term. A temporary sign permit shall allow the use of a temporary sign for a specified fifteen-day period for special events.
- B. Number. Only two temporary sign permits shall be issued to the same business license holder on the same zone lot in any calendar year for special events, such as a grand opening, retail sale, advertisement of a new product, etc. This restriction shall not apply to property sale, lease, or rent signs for the premises.
- C. Temporary commercial and industrial real estate signs shall be permitted for industrial and commercial properties. One common sign with a maximum sign area of 32 square feet shall be permitted for posting at local Town or state roads, per road on which the property has frontage. One common sign with a maximum sign area of 90 square feet shall be permitted for posting at Interstate 95. A real estate sign shall be maintained in good condition on any property being sold or rented but shall be removed by the owner or agent within 30 days of the sale, rental or lease agreement. Temporary real estate sign permits shall be renewed every 60 days.
- D. Construction signs shall be permitted for residential and commercial developments after the project has received preliminary plan approval from the Planning Board. One temporary sign per project, displaying the name of the contractor and/or subcontractors employed on a work site, and/or the consultant and/or financial institutions participating in the project, shall be allowed to be placed on the premises during the term of construction, not to exceed two years, and shall be either freestanding or attached to the structure and shall not exceed 12 square feet in a residential zone or 32 square feet in all other zones. Such signs shall be removed within 30 days following the completion or abandonment of construction. A temporary construction sign permit shall be renewed every four months.
- E. Illumination. Temporary signs shall not be illuminated.
- F. Height and location. Temporary signs shall be placed in accordance with the height and location regulations pertaining to the zoning district in which the sign is located, in accordance with §§ 400-87 and 400-88 of this article.
- G. Permit fees. The fee per temporary sign permit or renewal shall be set from time to time by the Town Council.

[Amended 7-11-2018]

§ 400-90.1. Trespassing on utility poles and other public property

[Added 5-15-2024]

- A. No person shall post or affix any notice, poster or other paper or device to any lamppost, public utility post or shade tree, or upon any public property, or in any manner prohibited under R.I.G.L. § 5-18-1, except as may be authorized or required by law.
- B. Upon a finding of the building official that any notice, poster or other paper or device within the Town is in such violation of the requirements of this article, he may give notice thereof to the owner of the notice, poster or other paper or device to comply with the requirements of this article within 24 hours after service of notice. Such notice shall contain a statement of the findings of the building official as to violations and a description of the notice, poster or other paper or device as well as its location. Such notice may be given personally or by certified mail to the individuals listed on the notice, poster or other paper or device and service of such notice shall be deemed complete and sufficient when so addressed and deposited in the United States mail with postage prepaid. Nothing in this section shall prohibit Town employees from removing the notice, poster or other paper or device.
- C. Enforcement authority. The Town Building Official is authorized to:
 - (1) Issue a written citation or summons to the Rhode Island District Court if such officer witnesses a violation or has probable cause to believe that a person has violated the provisions of this article.
 - (2) Investigate any notice, poster or other paper or device found thrown, deposited, or dumped on a public place.

- (3) Issue a notice of violation and order the removal of said litter pursuant to procedures defined in this section.
- D. Upon failure of the owner of such notice, poster or other paper or device to remedy the conditions existing in violation of the requirements hereof within seven days after service of notice to do so as provided herein, the building official or his designee may proceed to Rhode Island District Court where, upon conviction, said owner shall be fined in accordance with the ordinances of the Town, and shall be required to pay the costs of remediation and cleaning incurred by the Town.
- E. Right to appeal. Any person owning all or any interest in said property shall have the right to appeal the findings of violation within seven days of service of the notice thereof, to the Rhode Island District Court. Appeals from any decision of the Rhode Island District Court may be appealed to the Superior Court within seven days.

§ 400-91. Exemptions

- A. Flags of all nations, states, counties, towns and cities flown in compliance with the United States Flag Code, and flags and buntings exhibited to commemorate national patriotic holidays.
- B. Temporary real estate signs advertising sale, lease, or rent for individual residential property on which the sign is located. Residential real estate signs shall not exceed six square feet in area. Only one residential real estate sign per lot shall be permitted. The sign shall be removed within seven days of the sale, rental, or lease agreement. "Open house" real estate signs not exceeding two square feet and erected only one day out of every seven days may be permitted off-premises.
- C. Temporary notices of yard sales. A maximum of four signs per sale, not to exceed a total of two square feet per sign, may be erected off-premises. All signs must be removed within 48 hours of the sale.
- D. Signs prohibiting trespass, hunting and the like, signs warning of danger, and necessary public utility signs, not to exceed a total area of two square feet.
- E. Temporary window signs, such as signs advertising a sale. Normal displays of merchandise in windows shall not be considered to be signs.
- F. Traffic and other governmental signs erected by any public safety agency in the discharge of any governmental function.
- G. Signs designating historical places, recreation areas, or other points of interest, erected by governmental authority or the like, not to exceed a total area of 12 square feet.
- H. Informational and directional signs containing no advertising, to direct traffic flow, indicating entrance, exit, parking, or points of interest or other essential information to guide vehicular or pedestrian traffic flow. Such signs shall be erected on the premises, not exceed a total area of 1.5 square feet per sign and not exceed a maximum height of 36 inches from the ground. Such signs shall incorporate conventional instructions and symbols, but shall be integrated by style and materials with other signage and landscape elements in the development. Informational and directional signage shall be approved by the Planning Board as part of the overall development plan review.
- I. Temporary signs for events for church, school or other public or nonprofit use, which may not exceed a total area of 24 square feet for a maximum fifteen-day period per event.

[Amended 7-11-2018]

- J. Temporary political signs advising voters of a candidate or a position in a forthcoming election. Each lot shall be allowed without permit one sign per candidate or issue, and each sign shall not exceed eight square feet. All political signs must be removed within seven days of the political election or event.
- K. Subdivision identification sign as part of the approval by the Planning Board of a major subdivision of six or more lots. One freestanding permanent sign may be installed at one exclusive entrance to a development. Each sign shall have a maximum sign area of 16 square feet. These signs shall not be located within the public right-of-way or on Town-owned or -controlled land.

§ VIII. Off-Street Parking, Loading and Storage

§ 400-92. Off-street parking facilities

- A. Any structure or use, erected or constructed after the date of passage of this chapter shall provide off-street parking facilities in accordance with the following minimum requirements:

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Use	Number of Parking Spaces Required
Dwellings and apartments	2 for each dwelling unit
Tourist court or motel	5, plus 1 for each unit or room
Restaurant, theater, church or other places of public assembly	1 for every 4 seats or for every 4 persons of capacity, whichever is less
Hospital or institution	1 for every 2 beds
Office use	1 for every 250 square feet of floor area plus 1 for every 2 employees
Retail or personal service business	1 for every 75 square feet of floor area
Manufacturing, industrial, storage or wholesale use	2 for every 3 employees and 1 for each truck operated by the business
Any other nonresidential use	1 for every 250 square feet of floor area

- B. Plans and specifications for the required parking facility and its access drives shall be submitted at the time of application for a permit for the main use. In allocating area for off-street parking facilities, each parking space shall have a minimum width of nine feet, a minimum length of 18 feet, and shall be served by suitable aisles to permit access into all parking spaces. In no case shall the gross area of the parking facility be less than 300 square feet per parking space.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- C. All parking facilities provided under this section shall be constructed on or adjacent to the site of the main use. Off-street parking lots of more than two motor vehicle capacity shall conform to the following standards of construction:
 - (1) The area shall have a dust-free, hard surface and shall be provided with bumper guards or tire stops when needed.
 - (2) Where such area adjoins or lies within a residential district, an opaque hedge or fence not less than five feet in height shall be erected and maintained between such area and the adjoining residential district.
 - (3) Any lighting used to illuminate the parking area shall reflect away from adjoining residential areas and away from adjacent traffic arteries.
- D. In a residential zone, the parking or storage of commercial vehicles of over 1.5 tons' capacity and of commercial or house trailers shall not be permitted except where such parking or storage is directly related to and is accessory to a permitted use or legal nonconforming use.

§ 400-93. Parking or storage of major recreational equipment

In the Rural, Farming, Residential Zones, the parking or storage of major recreational equipment, owned by the legal occupant, which includes travel trailers, pick-up campers or coaches, motorized dwellings, tent trailers, boats, and boat trailers, but does not include mobile homes, must comply with the following regulations:

- A. No major recreational equipment, while parked or stored, shall be used for living, sleeping or housekeeping purposes.
- B. No major recreational equipment shall be stored out of doors in a Rural, Farming, Residential Zone unless it is in condition for safe and effective performance of the function for which it was intended or can be made so within a six-month period.

§ 400-94. Off-street loading requirements

All commercial and industrial structures shall provide off-street loading facilities. Plans and specifications for such loading facilities shall be submitted at the time of application for a permit for the main use.

- A. Location of facilities.
 - (1) The off-street loading spaces required by this chapter shall in all cases be on the same or a contiguous lot or parcel of land as the use or structure they are intended to serve. In no case shall any required off-street loading space be part of an area used to satisfy the off-street parking requirements.
 - (2) Loading bays shall be located at the side or the rear of the structure they are intended to serve. Where practicable, such loading bays shall not be visible from a public highway.
 - (3) No area designated as a loading space shall be located within 50 feet of a Rural, Farming, Residential District boundary.
 - (4) Where a loading facility abuts a Rural, Farming, Residential District, the restrictions contained in § 400-92C shall apply.
- B. Requirements.
 - (1) For each nonresidential use or structure equal to or less than 1,000 square feet of gross floor area or ground area in which commodities are sold, displayed, serviced, repaired, altered or fabricated as the principal use of the parcel or lot, one off-street loading space of at least 300 square feet in area shall be provided.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (2) For each nonresidential use or structure of over 1,000 square feet of gross floor area or ground area in which commodities are sold, displayed, serviced, repaired, altered or fabricated as the principal use of the parcel or lot, one off-street loading space with minimum dimensions of at least 60 feet by 12 feet and with minimum overhead clearance of 14 feet shall be provided.
 - (3) Additional off-street loading space shall be required by the Zoning Inspector when necessary to provide adequate area for off-street loading. Detailed plans for off-street loading space provision and use may be required before the issuance of a zoning permit.

§ IX. Lawful Nonconforming Uses and Adaptive Reuse

[Amended 12-13-2023]

§ 400-95. Continuance

- A. Any use lawfully existing on the effective date of this chapter or any amendment thereto and not conforming to the use or dimensional regulations of the zone in which it is located shall be considered a "lawful nonconforming use." A lawful nonconforming use may be continued, except as provided below:

[Amended 7-11-2018]

- (1) No lawful nonconforming use shall be enlarged, extended, expanded, or increased without a special use permit from the Zoning Board of Review.
- (2) If a lawful nonconforming use is discontinued for a period of one continuous year, it shall not be allowed to be resumed without a special use permit from the Zoning Board of Review.

[Amended 5-18-2021]

- B. For the purpose of this chapter, the following actions shall indicate an intention to discontinue a lawful nonconforming use:
 - (1) Removal of equipment, machinery, fixtures or inventory from the premises.
 - (2) Leaving the property to the elements.
 - (3) Use of the property for a conforming use.

- (4) Substitution of a different nonconforming use for that existing at the time of adoption or amendment of this chapter without a special use permit..

[Amended 7-11-2018; 5-18-2021]

- (5) Voluntary demolition of the structure.
- (6) Lapse of or failure to apply for license or permits necessary to the continuance of such nonconforming use.
- (7) Failure to appeal the denial of a permit to continue the prior use.

§ 400-96. Destruction

- A. If a lawful nonconforming use is destroyed by reason of fire, accident or by act of God, such use may be reconstructed or replaced, provided such reconstruction or replacement is in the same location and does not exceed the destroyed building or use in total floor area or used land area.
- B. If a lawful nonconforming use is demolished at the direction of the owner, such use may not be reestablished without a special use permit from the Zoning Board of Review, which must be applied within one year from the date of demolition. Nothing in this chapter shall prevent or be construed to prevent the performance of normal maintenance work or work necessary to comply with safety codes on a lawful nonconforming use.

[Amended 5-18-2021]

§ 400-97. Change of use and adaptive reuse

[Amended 5-18-2021; 12-13-2023]

- A. A lawful nonconforming use may be changed to another nonconforming use only with a special use permit from the Zoning Board of Review. Existing buildings to remain (and reused) must obtain a system suitability determination from the RI Department of Environmental Management, if an on-site septic system (OWTS) serves the building. Existing buildings to remain (and reused) must be brought up to the requirements of the RI State Building Code, as may be in effect at the time, for changes of use.
- B. Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments is a permitted use, under the criteria described below under Eligibility.
 - (1) Eligibility.
 - * (a) Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units.
 - * (b) There are no environmental land use restrictions recorded on the property preventing the conversion to residential use by RIDEM or the US EPA.
 - (2) Density calculations.
 - * (a) The density proposed for any adaptive reuse project shall be determined to meet all public health and safety standards. For projects that meet the following criteria, the residential density shall be no less than 15 dwelling units per acre:
 - [1] Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building fire code, and utility requirements.
 - [2] The development includes at least 20% low- and moderate-income housing.
 - [3] The development has access to public sewer and water service or has access to adequate private water, such as well and/or wastewater treatment systems approved by the relevant state agency for the entire development as applicable.
 - * (b) For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum housing and has access to public sewer and water services or has access to adequate private

- water, such as well and wastewater treatment systems approved by the relevant state agency for the entire development, as applicable.
- (3) Dimensional requirements.
 - * (a) Notwithstanding any other provisions of this section, existing building setbacks shall remain and are considered legal nonconforming.
 - * (b) No additional encroachments shall be permitted into any nonconforming setback unless relief is granted by the permitting authority.
 - * (c) Notwithstanding other provisions of this section, the height of the structure shall be considered legal nonconforming if it exceeds the maximum height of the zoning district in which the structure is located.
 - * (d) Any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included in the height exemption.
- (4) Parking requirements.
 - * (a) Adaptive reuse developments shall provide one parking space per dwelling unit. The applicant may propose additional parking in excess of one space per dwelling unit.
 - * (b) The parking requirements and design standards in Article VIII shall apply to all uses proposed as part of the project unless otherwise approved by the applicable authority. The number of parking spaces required shall apply for uses other than residential.
- (5) Allowed uses within an adaptive reuse project.
 - * (a) Residential dwelling units are a permitted use in an adaptive reuse project regardless of the zoning district in which the structure is located, in accordance with the provisions of this section.
 - * (b) Any nonresidential uses proposed as part of an adaptive reuse project must comply with the provisions of Article II for the zoning district in which the structure is located.
- (6) Development and design standards. Site design shall be in accordance with the development regulations.
- (7) Procedural requirements.
 - * (a) Adaptive reuse projects shall be subject to land development project review as set forth in the regulations.
 - * (b) In addition to the checklist requirements for the applicable review process, the applicant shall provide the following information:
 - [1] The proposed residential density and the square footage of nonresidential uses.
 - [2] A floor plan to scale for each building indicating, as applicable, the use of floor space, number of units, number of bedrooms, and the square footage of each unit.
- (8) Specific and objective provisions. The specific and objective criteria for adaptive reuse projects are set forth in the regulations.

§ X. Development Plan Review

§ 400-98. Development plan required

- A. This article is hereby cross-referenced and subject to the review procedure, fee structure requirements, and standards necessary for proper review as established in Chapter 450, Land Development and Subdivision Regulations, which is provided for by the Rhode Island Land Development and Subdivision Review Enabling Act of 1992. The requirements of the physical design requirements and public improvement standards section of the Land Development and Subdivision Regulations are herein incorporated.

Editor's Note: See Ch. 450, Land Development and Subdivision Regulations, Art. XIII.

- B. No building permit may be issued for any building within the purview of this chapter, except in conformance with an approved development plan. No certificate of occupancy may be issued for any building or use of land within the purview of this chapter unless the building is constructed or used, or the land is developed or used in conformity with an approved site development plan. Every application for site development plan review shall be accompanied by a certification by the West

Greenwich Planning Board to the effect that the plan meets all the specific applicable requirements of this chapter, and a certificate that the plan meets all the applicable standards and requirements established or approved by that Board.

- C. As part of the development plan review process, the Planning Board may request opinions and technical review by federal and state agencies as they deem appropriate. Referrals shall also be made to the Conservation Commission, Highway Department and other local agencies as needed.
- D. Site development plan approval by the Planning Board shall be required in all districts for:

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (1) The erection, enlargement or change of use of any building or other structure, other than single-family dwellings. Any variance, special use or rezoning for a use other than single-family residential shall be referred by the Zoning Board of Review or the Town Council to the Planning Board for the Planning Board's review and recommendation as to the adequacy of the site plan;
- (2) All uses of open land for which a certificate of occupancy is required; and
- (3) Any amendment of a previously approved development plan.

§ 400-99. General criteria and standards

In addition to the requirements of Chapter 450, Land Development and Subdivision Regulations, the following criteria and standards shall be used by the Planning Board in reviewing applications for development plan approval. They are intended to provide a framework within which the designer of the site development is free to exercise creativity, invention and innovation. Participation by the Planning Board shall be restricted to reasonable, professional review and, except as otherwise provided in the following subsections, full responsibility for design shall be retained by the applicant.

- A. Ecological considerations. The development shall:
 - (1) Result in minimal degradation of unique or irreplaceable land types; minimal adverse impact upon the critical areas such as streams, wetlands, areas of aquifer recharge and discharge, steep slopes, highly erodible soils; areas with a high water table, mature stands of vegetation and extraordinary wildlife nesting, feeding or breeding grounds.
 - (2) Conform with existing geological and topographic features so that the most appropriate use of land is encouraged.
- B. Landscape. The landscape shall be preserved in its natural state, insofar as environmentally desirable, by minimizing tree and soil removal. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. A minimum of 15% of all sites shall be landscaped. Refer to Chapter 450, Land Development and Subdivision Regulations, for specific requirements.
- C. Relationship of proposed structures to environment.
 - (1) Proposed structures shall be related harmoniously to each other, the terrain, existing buildings, and roads in the vicinity that have a visual relationship to the proposed structures.
 - (2) Proposed structures shall be so sited as to minimize adverse impact upon the surrounding area, and particularly upon any nearby residences, by reason of:
 - * (a) Building location, height, bulk and shadows;
 - * (b) Location, intensity, direction and times of use of outdoor lighting;
 - * (c) Traffic generation, noise generation and pollution;
 - * (d) Likelihood of nuisances; and
 - * (e) Other similar considerations.
 - (3) Appropriate natural or artificial screening may be required to minimize any such adverse impact.
- D. Scenic, historic, archaeological landmark sites. Scenic, historical, archaeological landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected. In proposed developments where such sites have been identified, advisory opinions shall be sought from appropriate state and local agencies.

- E. Surface water drainage. A proposed development shall be designed so as to provide for proper surface water management through a system of controlled drainage that:
 - (1) Preserves existing natural drainage patterns and wetlands;
 - (2) Enhances groundwater recharge areas; and
 - (3) Protects other properties and existing natural and artificial drainage features from the adverse effects of flooding, erosion and the depositing of silt, gravel or stone.
- F. Driveway connection to public streets.
 - (1) All entrance and exit driveways to public streets shall be located with due consideration for traffic flow and so as to afford maximum safety to traffic on the public streets. Roadway design shall conform to Town and State of Rhode Island Department of Transportation standards (Standards Specifications for Road and Bridge Construction), as appropriate. All such entrances and exits shall be located and designed to:
 - * (a) Conform with municipal sight distance requirements at corner lots and in accordance with the Rhode Island Department of Transportation standards;
 - * (b) Achieve maximum practicable distance from street intersections, from existing and proposed access connections and from adjacent properties;
 - * (c) Minimize left-hand turns and other turning movements; and
 - * (d) Discourage the routing of vehicular traffic to and through local residential streets.
 - (2) Each lot shall be limited to one driveway per street frontage, and any lots created from the original lot shall be served by the single driveway or curb opening. A second curb cut may be approved by the Planning Board as part of the plan approval, if the Board finds that the additional curb cut is necessary and would improve traffic flow on the main road, or is otherwise required by the Fire Chief for that district for emergency access.
 - (3) It is encouraged, and the Planning Board may require, that internal driveway and/or pedestrian connections are made between abutting commercial sites.
 - (4) To the extent feasible, access to businesses shall be provided via one of the following:
 - * (a) Access via a common driveway serving adjacent lots or premises;
 - * (b) Access via an existing side street where deemed appropriate;
 - * (c) Access via a cul-de-sac or loop road shared by adjacent premises.
- G. Traffic effects. The site development proposal generally shall minimize adverse traffic effects on the road networks serving the area in question. A traffic study may be required to document the existing conditions and the potential impact of the proposed development.
- H. Pedestrian safety. Pedestrian and bicycle circulation shall be separated from motor vehicle circulation; safe and convenient pedestrian circulation, including sidewalks, where appropriate, shall be provided on the site and its approaches. The pedestrian circulation plan shall be designed to minimize potential conflicts between vehicles, bicycles and pedestrians.
- I. On-site parking and circulation.
 - (1) The location, width and layout of interior drives shall be appropriate for the proposed interior circulation. Location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles.
 - (2) Landscaped areas within parking lots shall occupy a minimum of 10% of the total parking area, with 50% of the landscaping distributed throughout the parking area itself. Trees, shrubbery and other landscaping features shall be of a species and size necessary to provide for shade and for screening of unsightly or highly trafficked areas from public rights-of-way or adjacent uses. Additional perimeter screening and other buffer areas may be required.
 - (3) The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provision shall be made for access by police, fire and emergency vehicles.
 - (4) Buffers and perimeter landscaping requirements are as specified in the physical design requirements and public improvement standards section of Chapter 450, Land Development and Subdivision Regulations.
Editor's Note: See Ch. 450, Land Development and Subdivision Regulations, Art. XIII.
- J. Utility services. Electric, telephone, other wire-served utility lines and service connections shall be underground insofar as feasible and subject to state public utilities regulations. Any utility installa-

tions remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and to the site.

§ 400-100. Submission fees and procedures

- A. Fees. Refer to Chapter 450, Land Development and Subdivision Regulations, for applicable fees.
- B. Required submissions. Refer to Chapter 450, Land Development and Subdivision Regulations, for submission requirements and review procedures.

§ 400-101. Additional submissions

Where, due to special conditions peculiar to a site, or the size, nature, or complexity of the proposed use or development of land or buildings, the Planning Board finds that additional information is necessary for proper review of the site plan, the Board may request additional pertinent information, including:

- A. A survey of the subject property having an error of closure not in excess of one in 25,000, indicating all lengths in feet and decimals of a foot, and all angles to the nearest 10 seconds, or closer if deemed necessary by the surveyor.
- B. A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
- C. All proposed lots, easements, and public areas.
- D. All proposed streets with:
 - (1) Profiles indicating grading;
 - (2) Cross-sections showing width of roadway, location and width of sidewalk; and
 - (3) Location and size of utility lines, according to the standards and specifications established or approved by the Town of West Greenwich.
- E. A copy of the reports of any environmental analysis performed on the development site which relates to the existence of hazardous substances.
- F. An erosion and sedimentation control plan.
- G. Environmental analysis reports of existing conditions and potential impacts.
- H. Groundwater studies.

§ 400-102. Waivers

For minor site development plans, or in other appropriate circumstances, the Planning Board may waive the provision of any items of information listed herein.

§ 400-103. Duties of Planning Board

(Note: Deadlines for review are already included in Chapter 450, Land Development and Subdivision Regulations, and are limited by state law.)

In reviewing the development plan, the Planning Board shall take into consideration the West Greenwich Comprehensive Community Plan, the public health, safety and general welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and shall set any appropriate conditions and safeguards in harmony with the general purpose and intent of these regulations, and according to the general criteria and standards set forth herein.

§ 400-104. Planning Board initiated site plans

The Planning Board may, on its own initiative, propose a general or specific site plan for a particular area where site development plan approval may be required in the future, using as a guide the requirements of this chapter and the Comprehensive Community Plan.

§ 400-105. Compliance and penalties; performance bonds

(Note: It is not practical to revoke a certificate of occupancy one year after granting it; it is better to use the compliance and penalties of the land development regulations.)

- A. Compliance requirements and penalties shall be as noted in Chapter 450, Land Development and Subdivision Regulations.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- B. The applicant shall be required to post performance bonds in sufficient amounts and duration to assure that all provisions of the approved development plan are in compliance and/or shall be required to complete all improvements prior to issuance of a certificate of occupancy. A performance bond must remain in effect in accordance with the provisions of Chapter 450, Land Development and Subdivision Regulations.

§ 400-106. Expiration

A development plan shall be void if a building permit is not issued within two years of the date of the final plan approval, except that such development plan approval may be renewed by the Planning Board at its discretion.

§ XI. Extractive Industries

§ 400-107. Permit required; site inspection and report

No person shall open or operate a gravel bank or earth removal and/or processing operation without first obtaining a permit from the Town Council of West Greenwich. Prior to any permit being issued, the Town Planner, Engineer, and/or Building Official shall inspect the site where the gravel bank is operating or is proposed and shall report findings to the Planning Board. The Planning Board will send the site inspection report with the application and plans, along with the Board's advisory opinion, to the Council.

§ 400-108. Definitions

In addition to definitions otherwise herein set forth, the following terms shall have the meanings indicated:

BUILDING OFFICIAL — The individual charged by the Town with the issuance of building permits.

GRAVEL BANK — A lot or parcel of land or portion thereof which is used for the primary or principal purpose of extracting stone, sand, gravel, loam or other earth materials; or the removal of 20,000 cubic yards of material.

PERSON — Any individual, corporation, partnership or any other entity; and the singular shall include the plural.

TOWN ENGINEER — The individual(s) or company contracted or employed by the Town to provide engineering services to the municipality.

TOWN PLANNER — The individual charged by the Town with municipal planning duties.

§ 400-109. Application requirements

- A. The permit/license required by § 400-107 shall not be issued until application therefor is made to the Town Council. Said application will be forwarded to the Planning Board for review and advisory opinion. Such application shall be accompanied by the following documentation:
 - (1) Four copies each of proposed preliminary maps and plans prepared by a professional engineer or registered land surveyor, drawn to a scale of one inch equals 40 feet and showing accurately the following:
 - * (a) The entire premises owned and the limits of the area for which a permit is requested.

- * (b) Existing and proposed land contours at a vertical contour level of not more than one foot within the permit area, and the area within 200 feet in all directions therefrom.
- * (c) Existing and proposed drainage, rivers, streams, ponds, watercourses and swamps on and within 200 feet of the premises owned.
- * (d) Proof of groundwater elevation shall be provided and documented by test well information.
- * (e) Proposed ingress to and egress from the permit area, and all fences and gates.
- * (f) A permanent point or benchmark in a location safe from disturbance for the duration of the permit, with a designation of its elevation.
- * (g) The storage area in which the applicant will stockpile sufficient topsoil, as calculated by a professional engineer, soil conservation commission or land surveyor, to cover the area to an average depth of no less than four inches.
- * (h) The proposed time period of productivity for the bank in its entirety, as well as a map showing the proposed areas for phased operation.
- * (i) The location of any proposed burial areas for stumps, boulders, etc.
- * (j) Any other information as requested by the Town Council and/or Planning Board which shall be pertinent to the existing or proposed gravel bank.
- (2) The number(s) and type(s) of equipment to be used, including any proposed fuel storage, in the operation of the gravel bank and its location, if it is to be permanently situated within the gravel bank. Such equipment must be for use on that site only, and is only permitted for the duration of the gravel bank operations.
- (3) A statement indicating whether the applicant has made application for and/or secured all necessary permits required under any other federal or state law or Town ordinance, including a list of such permits sought and/or secured.
- (4) A fee as established by the Town Council.
- B. The Planning Board will have 45 days from the time the Planning Board accepts the application as complete to conclude its review and forward comments to the Town Council. The applicant will then prepare and submit a final plan for the permit.

§ 400-110. Conditions on permit

- A. In connection with the application for a permit, the Town Council may grant or deny any application filed pursuant to this article in whole or in part, and in so acting shall take into account public health, safety and welfare, including the possibility of dust, noise, unsightly waste, soil erosion, drainage problems and protection of property values, together with such other factors as it shall deem appropriate, and may impose conditions which, in its discretion and judgment in each particular case, are designed to prevent personal injury, to promote the health and welfare of the Town's residents and to safeguard the surrounding area and the Town against permanent and temporary injury to property values either during operation of the gravel bank (including the handling and transportation of earth materials) or after operations are completed.
- B. However, all permits shall require that:
 - (1) The following buffer areas be left in their natural state during the life of the permit:
 - * (a) Three hundred feet from any street line.
 - * (b) Two hundred feet from any other boundary line.
 - * (c) Six hundred feet from any occupied dwelling.
 - (2) In the permit areas, ledge shall not be left exposed above the approved grade, and all cleared trees, stumps and brush shall be removed or completely buried. If buried, a plan showing the location of all such buried trees, stumps or other material subject to subsequent compacting by decay shall be filed with the Building Official. However, no trees, stumps or other material subject to decay shall be buried at an elevation below the maximum water table.
 - (3) All final banks shall be graded to a slope no steeper than one foot vertical to two feet horizontal.
 - (4) Following earth material removal, topsoil shall be spread to a minimum depth of four inches. Seeding of the area shall be done per the requirements of the Planning Board.
 - (5) No excavation shall produce standing water unless specifically approved.
 - (6) Earth material shall not be removed to an elevation less than six feet above the maximum

- water table elevation.
- (7) In earth removal operations involving two or more acres, a bond shall be posted with the Town Clerk with penal sum and surety satisfactory to the Town Council, conditioned upon the faithful performance by the applicant of the conditions of the permit. Such bond shall not be less than \$7,500 per acre of working area; i.e., any area in condition other than its natural or reconditioned state. The applicant shall define bonded areas and costs on the final plan.
 - (8) Adequate measures shall be taken to prevent erosion or depositing of sediment upon surrounding land and streets or into any waterway, pond or swamp as required by the Planning Board.
 - (9) All work shall take place between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, and 7:00 a.m. and 12:00 noon on Saturday. No work shall take place on Sunday and legal holidays. The Town Council shall modify these hours depending upon its findings of conditions in each application case.
 - (10) Screening, either in the form of vegetation or fencing, not less than six feet in height, shall be erected around the permit area along the property boundary.
 - (11) Access roads to the site and within the permitted area shall be treated, with water only, to minimize dust conditions.
 - (12) No machinery for the screening, washing, crushing or other like uses shall be permitted on the property.
 - (13) Earth removal operations shall be limited to 10 acres at any given time. Each additional 10 acres, or a part thereof, shall be part of another approved phase.
 - (14) All land excavated must be rehabilitated within one year of completion of the excavations of each phase. Rehabilitation of the area shall be in conformance with the United States Department of Agriculture Guidelines for Developing and Restoring Gravel Pits.
 - (15) Access points to the property shall be kept free of loose gravel and debris.
- C. The Planning Board may stipulate other site/operational specific conditions in the permit, not listed above, upon review of particular applications.

§ 400-111. Duration of permit; renewal

- A. The Town Council shall issue such permits for a period not to exceed one year. All permits shall specify the commencement date and shall expire on the succeeding first day of January.
- B. Any permit holder may renew his/her permit by filing an application in compliance with § 400-107. Applications for renewal may incorporate by reference any documents filed with the original application. All operations up for renewal will be subject to site inspection, prior to renewal, to confirm that all plans and permit conditions are being followed by the operators. All applications for renewal shall be filed prior to the first day of December in each year.

§ 400-112. Fees

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Fees for any permit issued under this article and annual renewal fees shall be set from time to time by the Town Council.

§ 400-113. Restrictions on permit

- A. No permit granted under the provisions of this article shall run with the land. Any conveyance of the premises containing the gravel bank or a portion thereof shall require an application for a new permit by the succeeding owner, if gravel bank operations are to be continued upon those premises or a portion thereof. Sale for other uses must be preceded by satisfactory completion of site reclamation.
- B. Any permit granted under the provision of this article shall be limited to the boundaries of the original lot/lots for which the permit was granted. Expansion beyond the original property site requires a new application.

§ 400-114. Revocation of permit

Any person who, after receiving a permit in accordance with this article, violates any condition set forth in said permit shall be subject to having such permit revoked and said bond forfeited. No revocation shall be made without first giving notification of the violation to the permit holder and after a public hearing.

§ 400-115. Enforcement

This article shall be enforced by the Town Council or its agent.

§ 400-116. Fines

Any person found guilty of violating this article shall be subject to a fine of \$500 per day for each day such person shall be in violation hereof.

§ 400-117. Existing operations

Any person who, prior to the passage of this article, shall have owned or operated any gravel bank and who continues to own or operate a gravel bank after the adoption of this article shall, within 30 days after the date of passage hereof, file an application for a permit in accordance with the provisions of this article.

§ XII. Special Uses and Standards

§ 400-118. Substandard lots of record

[Amended 12-13-2023; 2-12-2025]

- A. Prior recorded lots. A lot or parcel of land having a lot width or area of lesser amounts than required in Article II of this chapter may be considered as coming within the minimum requirements of Article II, provided such lot or parcel of land was shown on a recorded plat or on a recorded deed on the effective date of this chapter and did not at such time adjoin other land of the same owner.
- B. Contiguous lot under single ownership.
 - (1) If two or more contiguous lots are under single ownership on the effective date of this chapter, such lots shall be considered to be an undivided parcel of land for the purpose of this chapter, and no single lot or portion thereof shall be used in violation of the requirements of Article II as to width and area.
 - (2) Neither the area nor the frontage of a lot may be reduced or diminished so that the yards or total lot area shall be less than the minimum requirements prescribed in this chapter. No required yard or other area of one lot shall be considered as providing the minimum area or frontage required for any other lot. No zoning permit shall be issued to the owner of a lot, the area or frontage of which lot has been made to conform to the minimum requirements prescribed by this chapter by virtue of having obtained sufficient area or frontage by rendering an adjacent lot substandard, or more substandard, either with regard to the minimum area, yard or frontage requirements.
- C. Merger prohibited for certain lots. The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of 50% of the lots within 200 feet of the subject lot, as confirmed by the Zoning Enforcement Officer.
- D. Notwithstanding the failure of a single substandard lot of record or contiguous lots of record to meet the dimensional and/or quantitative requirements of this zoning ordinance, and/ or road frontage or other access requirements applicable to the district as stated in the ordinance, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. For any structure proposed under this section on a substandard lot of record, the following dimensional regulations shall apply:
 - (1) Minimum building setbacks, lot frontage, and lot width requirements for a lot that is nonconforming in area shall be reduced by applying the building setback, lot frontage, and lot width

requirements from another zoning district in the municipality in which the subject lot would be conforming as to lot area. If the subject lot is not conforming as to lot area in any zoning district in the municipality, the setbacks, lot frontage, and lot width shall be reduced by the same proportion that the area of such substandard lot meets the minimum lot area of the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets 40% of the minimum lot area required in the district in which it is located, the setbacks, frontage, and width shall each be reduced to 40% of the requirements for those dimensional standards in the same district.

- (2) Maximum lot building coverage for lots that are nonconforming in area shall be increased by the inverse proportion that the area of such substandard lot meets the minimum area requirements in the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets 40% of the required minimum lot area, the maximum lot building coverage is allowed to increase by 60% over the maximum permitted lot building coverage in that district.

All proposals exceeding such reduced requirement shall proceed with a modification request or a dimensional variance request, whichever is applicable.

§ 400-119. Setback exceptions

The space in a required front, side or rear setback shall be open and unobstructed, with the following exceptions:

- A. Projection of window sills, cornices, and other ornamental features may extend not more than one foot into a yard.
- B. Landscape features such as trees, fences, poles, shrubs, and terraces may be placed in any setback area, subject to the provisions of § 400-120.
- C. No accessory structure may be erected within the front setback lines except as provided in Subsection E of this section. An accessory structure to a permitted use may be placed no closer than the following distance to a side or rear lot line, subject to authorization granted by the Zoning Enforcement Officer:

District	Minimum Yard Requirements	
	Side (width in feet)	Rear (depth in feet)
RFR-2	19	38
RFR-1	15	30
Neighborhood Business	15	30
Highway Business	19	38
Industrial A and B	23	30

- D. Open, unenclosed porches or platforms may extend into the rear or side setbacks not more than 10 feet.
- E. In Neighborhood Business, Highway Business or Industrial Zones, parking facilities, signs, and filling station pumps may be located in a front setback area.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 400-120. Vision clearance at corners

On any corner lot and at street intersections in all districts, no wall, fence, structure or building shall be erected, and no hedge, tree, shrub, or other vegetation shall be maintained between the heights of three feet and 10 feet above street level within the triangle formed by the two street lines and a third line joining points on the street lines 20 feet from the intersection of the street lines.

§ 400-121. Height exceptions

Spires, towers, belfries, steeples, flagpoles, chimneys, water standing pipes, communications antennas, silos or similar structures may be erected above the maximum height specified for each district.

§ 400-122. Setback for sewage disposal facilities

Sewage disposal facilities which are designed to leach wastes into the soil shall be located not less than 200 feet from the edge of any pond or stream within the Town of West Greenwich.

§ 400-123. Lots divided by zoning district boundaries

Where a lot is divided by a zoning district boundary, the regulations for either zoning district shall apply; except that no district shall, in effect, be extended more than 30 feet into an adjoining district.

§ 400-124. Access to highways

No building permit shall be issued by the Building Official for construction of a nonresidential building or the use of land requiring an accessway onto a Town or state highway until the Building Official receives the approval, in writing, of the West Greenwich Highway Supervisor or the State Department of Transportation, as applicable.

§ 400-125. Parking or storage of unregistered or inoperable vehicles

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

In the Rural, Farming, Residential District, the parking or storage of more than two unregistered cars or trucks is prohibited unless such parked or stored vehicle is suitably screened from abutting properties and the street.

§ 400-126. Reduction of street frontage

In the Rural, Farming, Residential District, street frontage may be reduced to not less than 150 feet for those lots fronting entirely on turnarounds or culs-de-sac. The frontage shall be measured between the two side lot lines at the required front yard depth.

§ 400-127. Freshwater wetlands

No freshwater wetlands, as defined by R.I.G.L. §§ 2-1-18 through 2-1-24, relating to freshwater wetlands, shall be excavated, drained, or filled, nor shall any extraneous materials be placed in these wetlands or water flow diverted out of or any other change be made to the natural condition of any freshwater wetland without prior approval of the Rhode Island Department of Environmental Management and the West Greenwich Town Council in accordance with the provision of said statute.

§ 400-128. Uses noted in matrix

[Amended 12-13-2023]

No building, structure, or land shall be used except for those purposes noted in the Use Matrix. Any use not listed shall be construed to be prohibited; provided that to the extent a proposed land use is not specifically listed in the Zone Use Matrix, the property owner may submit a written request to the Zoning Inspector for an evaluation and determination of whether the proposed use is of a similar type, character, and intensity as a listed use requiring a special-use permit. The Zoning Inspector will have 30 days to provide a written evaluation to the property owner. Upon such determination, the proposed use may be considered to be a use requiring a special-use permit.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

§ XIII. Communications Facilities

[Added 12-10-1997]

§ 400-129. Purpose and goals

The purpose of this article is to establish special conditions and performance standards for the use of communications antenna arrays and communication towers, as defined below. The goals of this article include encouraging the co-location of antennas on existing structures, and the joint use of new and existing towers in order to minimize or mitigate any adverse impact on the Town that may result from the location or configuration of communications antennas and communications towers.

§ 400-130. Definitions

As used in this article, the following terms shall have the meanings indicated:

COMMUNICATIONS ANTENNA ARRAY — The antenna or antennas from which wireless radio signals are sent and received by a personal wireless service facility as defined by the Telecommunications Act of 1996. It may include up to 12 antennas in one array and one microwave antenna for the exclusive use of the carrier in transmitting its own signals. It may also include an equipment shelter as an accessory use.

COMMUNICATIONS TOWER — A freestanding structure used for the location of one or more communications antenna arrays. It may also include an equipment shelter as an accessory use.

EQUIPMENT SHELTER — An enclosed structure, cabinet, shed or box used in conjunction with a communications array to house electrical equipment, batteries and emergency electrical generators.

§ 400-131. Applicability

No communications antenna array or communications tower shall be erected, constructed, altered or maintained on any lot within the Town without complying with the terms of this article. Nothing herein shall be deemed to prohibit or regulate any communications antenna and/or tower if used solely in the exercise of a governmental function.

- A. A communications antenna array shall be allowed as of right on any structure existing on December 10, 1997 (the date of passage of this amendment), within zones specified in the Zoning Use Matrix, provided that the height of such communications antenna array shall not exceed the height of such existing structure by more than 12 feet.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

- B. A communications antenna array located on any structure, including a tower, constructed after December 10, 1997 (the date of passage of this amendment), shall be permitted as a special use permit use within the zones specified in the Zoning Use Matrix, provided that such new tower or structure shall not exceed 200 feet in height.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

- C. A communications tower shall be permitted as a special use or permitted use within the zones so specified in the Zoning Use Matrix, provided that such new tower shall not exceed 200 feet in height.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

- D. This section shall not apply to any tower or antenna installation which is owned and operated by a federally licensed amateur radio station operator, which tower or antenna does not exceed 70 feet in height.

§ 400-132. General requirements

- A. All antennas shall comply with applicable Federal Communications Commission and Federal Aviation Administration regulations. The Town shall not regulate the placement, construction, and modification of communications antenna arrays on the basis of the environmental effects of radiofrequency emissions to the extent that such facilities comply with the Federal Communications Commission's regulations concerning such emissions.
- B. A communications tower shall be set back from all property lines a minimum of one foot for each one foot of tower height.
- C. All tower supports, accessory equipment, equipment shelters, and peripheral anchors, including guy wire anchors, shall be set back from all property boundaries the minimum distance for the zoning district in which a communications tower is located, and shall comply with all other applicable zoning requirements and building codes.
- D. Communications towers not exceeding 200 feet shall not require a height variance. If the tower exceeds 200 feet in height, then a height variance shall also be required.
- E. Towers shall be designed to accommodate a minimum of four carriers based on viability of transmission.
- F. All communications antenna arrays and all communications towers shall be subject to site plan approval as set forth in Article X herein and in Chapter 450, Land Development and Subdivision Regulations (the "Regulations"), and appropriate disguising, landscaping, and screening shall be provided, pursuant to the design standards set forth in this section.
 - (1) For such uses permitted as of right, site plan approval shall be conducted by the Planning Board, and the decision of such authority shall be appealable to the Zoning Board in accordance with the applicable provisions of § 400-8 of this chapter.
 - (2) For such uses permitted by special use permit, site plan approval shall be conducted by the Planning Board, and the decision of such authority shall be advisory only to the Zoning Board in accordance with R.I.G.L. § 45-24-49.
 - (3) Any expansion or modification to a tower existing prior to the enactment of this article is subject to the terms of this article.
- G. A bond adequate to cover the cost of dismantling and removal of a tower no longer in use shall be required to be posted by the owner and lessor.
- H. Towers must be structurally inspected by a registered engineer every 10 years, and a certificate of such inspection shall be filed with the Building Official.

§ 400-133. Application requirements for uses by special permit

An application for a special use permit for a communications antenna array or communications tower shall include the following information:

- A. The applicant shall supply a definition of the area of service and indicate the current coverage capacity.
- B. The applicant shall supply information showing that the proposed facility would provide the needed coverage and/or capacity.
- C. The applicant shall provide a map or maps, covering the entire Town and showing all existing, proposed or planned sites of such carrier, including alternative sites from which the needed coverage could also be provided, and indicating the zoning for all such sites.
- D. Should an existing structure not be utilized, the applicant shall provide evidence as to why such structure has not been utilized.
- E. The applicant shall indicate how the site will be designed to accommodate future multiple users, and how many of such users.

§ 400-134. Additional standards for special use permits

In addition to the standards set forth in § 400-9 of this chapter, the Zoning Board of Review shall consider the following factors in determining whether to issue a special use permit, and shall make positive findings

of fact thereupon:

- A. Have all available co-location operations on existing towers been exhausted?
- B. The height of any proposed tower and its proximity to residential structures.
- C. The nature of the uses of the neighboring properties.
- D. The surrounding topography, tree coverage and other natural elements of the landscape of the proposed site and adjacent properties.
- E. Those design characteristics that reduce or eliminate adverse impacts on the community, including type (guyed tower, lattice tower or monopole) or tower or antenna array, color of tower or antenna array, and overall visual obtrusiveness.

§ 400-135. Design standards for site plan approval

All applications for a communications antenna array or communications tower shall be subject to site plan approval. The following design standards shall apply to all communications antenna arrays and communications towers:

- A. For the erection of a communications antenna array on an existing structure, the proposed facility shall preserve the preexisting character of the building or structure on which it is located, as well as the surrounding buildings and land uses. All components of the proposed facility shall be integrated through location and design to be compatible with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved and the disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding areas.
- B. For the erection of a communications tower, the proposed facility shall preserve the preexisting character of the surrounding buildings and land uses as much as possible. All components of the proposed facility shall be integrated through location and design to be compatible with existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved and the disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the facility on the surrounding areas.
- C. Towers shall have an ASTM specification A123 hot dip galvanized finish and, subject to any applicable Federal Aviation Administration standards, may be top-coated in a neutral color so as to reduce visual obtrusiveness.
- D. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
- E. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- F. Towers shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the reviewing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- G. The Town reserves the right to verify the suitability of all towers and arrays through use of an independent consultant to be paid for by the applicant.

§ 400-136. Personal wireless services facility inventory

In order to encourage co-location of communication antenna arrays and to encourage the location of such arrays on existing structures, the Town Planner shall maintain an inventory of all active, approved and proposed personal wireless services facilities, together with copies of all coverage maps submitted in accordance with the application requirements herein. The Town Planner shall be available to meet with any wireless services carrier or group of carriers in an effort to develop a comprehensive scheme of locations of such facilities within the Town.

§ XIV. Multifamily Dwelling Units

[Added 12-13-2000]

§ 400-137. Special permit required; permitted districts

Multifamily dwellings are permitted only by obtaining a special use permit in an RFR-1, Neighborhood Business or Highway Business District. All such multifamily uses must meet the requirements as set forth in this article.

§ 400-138. Minimum lot area

The minimum lot area for each multifamily dwelling shall be five acres and shall be increased in proportion to the total number of bedrooms per structure as follows:

- A. Zero to 20 bedrooms: five acres.
- B. Over 20 bedrooms: five acres plus 10,000 square feet of land for each additional bedroom over 20.

Example: 50 bedrooms.

Five acres plus: 30 (50 bedrooms less 20 bedrooms) times 10,000 = 300,000 square feet

$300,000 / 43,560 = 6.89$ acres

Five acres plus 6.89 acres equals a minimum lot size of 11.89 acres (exclusive of land unsuitable for development) needed.

§ 400-139. Water supply and sewerage system

Each multifamily dwelling shall have 1) a service connection to a regional water supply system, and 2) either separate sewerage for sanitary and laundry facilities contained on the lot or a service connection to a public sewerage system. All such systems shall be in conformance with the Rhode Island Department of Environmental Management regulations currently in effect and all Town regulations and standards. Where Town, state and/or other standards are in conflict, the higher standards shall prevail.

§ 400-140. Septic systems

The maximum number of bedrooms for a septic system shall be 20. More than one septic system may be located on the proposed site. An annually renewable performance bond shall be filed with the administrative officer prior to issuance of a certificate of occupancy for any multifamily dwelling. The performance bond shall cover the design, installation and maintenance of the proposed septic system(s). All septic systems shall be maintained on a yearly basis; the maintenance contract shall be recorded with the Town Clerk prior to the issuance of a certificate of occupancy. Failure to perform annual maintenance of a septic system shall be cause for the administrative officer to notify the Town Council of forfeiture of the bond in order to proceed to complete or cause to be completed, by a qualified contractor, the maintenance as needed.

§ 400-141. Consistency with Comprehensive Plan

The multifamily dwelling must be consistent with the Housing Element of the West Greenwich Comprehensive Plan.

§ 400-142. Review by Planning Board

Before a special use permit for a multifamily dwelling or multifamily development shall be granted, the site plan, together with supporting documents, shall be reviewed by the West Greenwich Planning Board, after which review the Planning Board shall publish a report of its findings and recommendations pertaining to the conformity of the proposed development with the Comprehensive Plan and the requirements of this article. Copies of this report shall be sent to the Zoning Board of Review and to the office of the Town Clerk, which shall maintain copies for public inspection upon request. The Zoning Board of Review shall grant no special

use permit for a multifamily dwelling or multifamily developments without first receiving the aforementioned opinion of the Town Planning Board. The Building Official shall grant no building permit or certificate of occupancy except for construction and occupancy in strict compliance with conditions set by the Zoning Board of Review. Such building permits must be requested within six months of the date of approval.

§ 400-143. Application procedures

- A. Not requiring subdivision of land. The applicant shall apply to the West Greenwich Zoning Board of Review for a special use permit. The Secretary of the Zoning Board of Review shall forward the applicant's plans to the West Greenwich Planning Board for review and opinion prior to the conclusion of the public hearing for the special use permit.
- B. Requiring subdivision of land. A request for a special use permit requiring subdivision approval shall first be submitted to the West Greenwich Planning Board under the West Greenwich Subdivision Regulations. Upon receipt of preliminary approval by the Planning Board for the subdivision, the applicant shall then apply to the Zoning Board of Review for a special use permit.

Editor's Note: See Ch. 450, Land Development and Subdivision Regulations.

§ 400-144. Standards for development

- A. Permitted uses. Only multifamily dwellings and their accessory uses will be permitted. Accessory uses may include indoor and outdoor parking facilities and most ordinary residential uses, but shall not include office uses, restaurant and entertainment uses, commercial uses, wholesale business and storage, industrial uses, home occupations, professional offices and neither storage nor overnight parking of commercial vehicles which have a capacity of over 1.5 tons.
- B. Maximum lot coverage. The total ground area occupied by the buildings, together with all accessory buildings, shall not exceed 25% of the total area of the lot.
- C. Dimensional regulations. No construction or parking shall be located within 75 feet of any property line. The seventy-five-foot front, rear and side yard setbacks shall supersede the front, side and rear yard setbacks of the controlling zoning district. In any multifamily dwelling, the minimum front, side and rear setbacks shall be increased by five feet for each full floor level in the structure over the first two floor levels.
- D. Additional requirements.
 - (1) The specified lot area excludes all land defined as "unsuitable for development" by Chapter 450, Land Development and Subdivision Regulations, as amended.
 - (2) Lot frontage shall be as defined in Article II of this chapter.
 - (3) The total number of bedrooms per structure is related to the design daily sewage flow (two-person occupancy per bedroom) in accordance with RIDEM regulations currently in effect.
 - (4) A no-cut/non-development zone of 75 feet in width or depth along front and rear lot lines shall be maintained. This no-cut/non-development zone is intended to preserve the natural environment in its original state; exception: a reasonable area for access and egress use.
 - (5) Height. No principal building shall exceed 40 feet in height; or four stories; no accessory building or other permitted structure shall exceed 20 feet in height.
 - (6) Rubbish disposal. Each building shall be provided with an enclosed fireproof waste pen of sufficient size to accommodate all trash and waste stored on the premises. The waste pen and utility area shall be properly screened and buffered from all buildings and property lines. No trash shall be disposed of on the premises.
 - (7) Off-street parking facilities. Minimum off-street parking shall be provided and maintained as follows:
 - * (a) Two car spaces per dwelling unit (300 square feet per space, including access, egress and general circulation).
 - * (b) No parking shall be permitted within 75 feet of any boundary line or within the required minimum front yard.
 - * (c) Off-street parking spaces and service drives shall be located within the boundaries of the

lot being developed as a multifamily development, and provided in accordance with Article VIII of this chapter.

- (8) The developer shall provide adequate access around all buildings for emergency vehicles. The appropriate Fire Chief shall review the proposed plans and make a recommendation to the Planning Board.

Editor's Note: See also Ch. 350, Art. V, Fire and Public Safety Lanes.

- (9) Exterior lighting shall minimize effects on surrounding properties while providing for the safety of persons and property.
- (10) Adequate fire suppression techniques shall be required, including, but not limited to: fire hydrants, concrete cisterns or dry hydrants. The appropriate fire chief shall review the proposed plans and make recommendation to the Planning Board.
- (11) All multifamily dwellings shall conform to the predominant character of the neighborhood in which they are situated.

§ XV. Two-Family Dwellings

[Added 2-14-2001]

§ 400-145. Purpose

The purpose of this article is to provide for two-family residential use to serve the needs of the residential population of the community.

§ 400-146. Permitted use

[Amended 4-10-2024; 12-10-2025]

Two-family dwellings shall be a permitted use in an applicable zoning district RFR-2 and RFR-1.

§ 400-147. Dimensional regulations

[Amended 4-10-2024; 12-10-2025]

Dimensional regulations shall be as follows:

- A. RFR-2 Zone.
 - (1) Minimum lot size: four acres, of which two acres must be suitable for development under § 450-8 of the Land Development and Subdivision Regulations.
 - (2) Minimum street frontage: 300 feet.
 - (3) Maximum lot coverage: 15%.
 - (4) Maximum building height: 40 feet.
 - (5) Minimum yard requirements: front (depth): 50 feet; side (depth): 75 feet; rear (depth): 50 feet.
- B. RFR-1 Zone.
 - (1) Minimum lot size: 1.25 acres, must be suitable for development under § 450-8 of the Land Development and Subdivision Regulations.
 - (2) Minimum street frontage: 150 feet.
 - (3) Maximum lot coverage: 15%.
 - (4) Maximum building height: 40 feet.
 - (5) Minimum yard requirements: front (depth): 40 feet; side (depth): 40 feet; rear (depth): 40 feet.
 - (6) Must have access to public water supply.

Applies only to lots of record as of December 10, 2025.

§ 400-148. Applicability of state and local regulations

All other state and local rules and regulations shall apply as necessary.

§ XVI. Low- and Moderate-Income Housing

[Added 2-14-2001; amended 9-14-2005; 12-13-2023]

§ 400-149. Definitions

As used in this article, the following terms shall have the meanings indicated:

ADJUSTMENT(S) — A request, or requests by the application to seek relief from the literal use and dimensional requirements of the zoning ordinance and/or the design standards or requirements of the land development and subdivision regulations. The standard for the local view board's consideration of adjustments is set forth in R.I.G.L. § 45-53-4(d)(2)(iii)(E)(II).

CONSISTENT WITH LOCAL NEEDS — Reasonable in view of the state need for low- and moderate-income housing, considered with the number of low-income persons in the Town affected and the need to protect the health and safety of the occupants of the proposed housing or of the residents of the Town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if the zoning ordinance, requirements, and regulations are applied as equally as possible to both subsidized and unsubsidized housing.

INFEASIBLE — Any condition brought about by any single factor or combination of factors, as a result of limitations imposed on the development by conditions attached to the approval of the comprehensive permit, to the extent that it makes it financially or logistically impracticable for any applicant to proceed in building or operating low- or moderate-income housing, within the limitations set by the subsidizing agency of government or local review board, on the size or character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially changing the rent levels and unit sizes proposed by the applicant.

LETTER OF ELIGIBILITY — A letter issued by the Rhode Island housing and mortgage finance corporation in accordance with R.I.G.L. § 42-55-5.3(a).

LOCAL REVIEW BOARD — The Planning Board.

LOW- OR MODERATE-INCOME HOUSING — Shall be synonymous with "affordable housing" as defined in R.I.G.L. § 42-128-8.1, and further means any housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of affordable housing and that will remain affordable through a land lease and/or deed restriction for 99 years or such other period that is either agreed to by the applicant and Town or prescribed by the federal, state, or municipal government subsidy program but that is not less than 30 years from initial occupancy.

MEETING LOCAL HOUSING NEEDS — As a result of the adoption of the implementation program of an approved affordable housing plan, the absence of unreasonable denial of applications that are made pursuant to an approved affordable housing plan in order to accomplish the purposes and expectations of the approved affordable housing plan, and a showing that at least 20% of the total residential units approved by a local review board or any other municipal board in a calendar year are for low- and moderate-income housing as defined in R.I.G.L. § 42-128-8.1.

MONITORING AGENTS — Those monitoring agents appointed by the Rhode Island Housing Resources Commission pursuant to R.I.G.L. § 45-53-3.2 and to provide the monitoring and oversight set forth in this chapter, including, but not limited to, R.I.G.L. §§ 45-53-3.2 and 45-53-4.

§ 400-150. Applicability and eligibility

- A. Any applicant proposing to build low- or moderate-income housing may submit to the local review board a single application for a comprehensive permit to build that housing in lieu of separate applications to the applicable local boards. This procedure is only available for proposals in which at least 25% of the housing is low- or moderate-income housing.
- B. Notwithstanding the foregoing, in accordance with R.I.G.L. § 45-53-4(d)(10), the Town Council limits the annual total number of dwelling units in comprehensive permit applications from for-profit developers to an aggregate of 1% of the total number of year-round housing units in the Town, as recognized in the affordable housing plan, and notwithstanding the timetables set elsewhere in this section, the Planning Board shall consider comprehensive permit applications from for-profit developers sequentially in the order in which they are submitted.

§ 400-151. Municipal subsidies

In order to offset the differential cost of the low- or moderate-income housing units in the section, the following municipal subsidies shall be provided:

- A. Adjustments, meaning a request, or requests by the application to seek relief from the literal use and dimensional requirements of the zoning ordinance and/or the design standards or requirements of the land development and subdivision regulations. The standard for the Planning Board's consideration of adjustments is set forth in R.I.G.L. § 45-53-4(d)(2)(iii)(E)(II).
- B. Density bonus. The Town shall provide the following density bonuses for projects submitted under this section provided that the total land utilized under in the density calculation shall exclude wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights-of-way of record.
 - (1) For projects connected to public water and sewer, or eligible to be connected to public water and sewer, demonstrated through written confirmation from each respective service provider the following density bonuses are provided:
 - * (a) For projects providing at least 25% low- and moderate-income housing the density bonus shall be five units per acre.
 - * (b) For projects providing at least 50% low- and moderate-income housing the density bonus shall be nine units per acre.
 - * (c) For projects providing at least 100% low- and moderate-income housing the density bonus shall be 12 units per acre.
 - (2) For properties not connected to either public water or sewer, or both, but which provide competent evidence as to the availability of water to service the development and/or a permit for on-site wastewater treatment system to service the dwelling units from the applicable state agency the following density bonuses are provided:
 - * (a) For projects providing at least 25% low- and moderate-income housing the density bonus shall be three units per acre.
 - * (b) For projects providing at least 50% low- and moderate-income housing the density bonus shall be five units per acre.
 - * (c) For projects providing at least 100% low- and moderate-income housing the density bonus shall be eight units per acre.
- C. Parking. For comprehensive permit applications one off-street parking space per dwelling unit is required for units up to and including two bedrooms. Bedrooms. The bedroom count of units for a comprehensive permit are not limited to any count less than three bedrooms for single-family dwelling units. Floor area. There are no floor area limitations for comprehensive permit applications other than those provided by R.I.G.L. § 45-24.3-11.

§ 400-152. Application procedure

The application and review process for a comprehensive permit shall be as follows:

- A. Pre-application conference. A pre-application conference may be required by the administrative

officer or requested by the applicant. The pre-application conference may be with the Planning Board, Technical Review Committee, or administrative officer as determined appropriate by the administrative officer.

- (1) In advance of the pre-application conference, the applicant shall submit a short written description of the project including the number of units, type of housing, density analysis, preliminary list of adjustments requested, a location map, and a conceptual site plan.
- (2) Upon request of the applicant for a pre-application conference, such conference will be scheduled and held within 30 days of the request, unless a different time frame is agreed to by the applicant, in writing.
- (3) If 30 days has elapsed from the filing of the pre-application submission, and no pre-application submission has taken place, nothing shall be deemed to preclude the applicant from thereafter filing and proceeding with an application for preliminary plan review.
- B. Preliminary plan.
 - (1) Submission requirements. Applications for preliminary plan under this section shall include:
 - * (a) A letter of eligibility issued by the Rhode Island Housing Mortgage Finance Corporation, or in the case of projects primarily funded by the U.S. Department of Housing and Urban Development or other state or federal agencies, an award letter indicating the subsidy, or application in such form as may be prescribed for a municipal government subsidy; and
 - * (b) A letter signed by the authorized representative of the applicant, setting forth the specific sections and provisions of applicable local ordinances and regulations from which the applicant is seeking adjustments; and
 - * (c) A proposed timetable for the commencement of construction and completion of the project; and
 - * (d) Those items included in the checklist for preliminary plan review with the exception of evidence of state or federal permits.
 - * (e) Notwithstanding the submission requirements set forth above, the Planning Board may request additional, reasonable documentation throughout the public hearing, including, but not limited to, opinions of experts, credible evidence of application for necessary federal and or state permits, and advice from other local boards and officials.
 - (2) Certification of completeness. The preliminary plan must be certified complete or incomplete by the administrative officer, provided, however, that the certificate shall be granted within 25 days of submission of an application. The running of the time period set forth herein will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a correct application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than 10 days after its resubmission. If the administrative officer certifies the application as incomplete, the officer shall set forth, in writing, with specificity the missing or incomplete items.
 - (3) Public hearing. A public hearing shall be noticed and held as soon as practicable after the issuance of a certificate of completeness.
 - (4) Notice. Public notice for the public hearing will be the same notice required under local regulations for a public hearing for a master plan. The cost of notice shall be paid by the applicant.
 - (5) Time frame for review. The [Planning Board] shall render a decision on the preliminary plan application within 90 days of the date the application is certified complete, or within a further amount of time that may be consented to by the applicant through the submission of written consent.
 - (6) Failure to act. Failure of the [Planning Board] to act within the prescribed period constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure of the [Planning Board] to act within the required time and the resulting approval shall be issued on request of the applicant. Further, if the public hearing is not convened or a decision is not rendered within the time allowed, the application is deemed to have allowed and the preliminary plan approval shall be issued immediately.
 - (7) Vesting. The approved preliminary plan is vested for a period of two years with the right to

extend for two, one-year extensions upon written request by the applicant, who must appear before the Planning Board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the Planning Board. The vesting for the preliminary plan approval includes all ordinances and provisions and regulations at the time of the approval, general and specific conditions shown on the approved preliminary plan drawings and support material.

- C. Final plan. The second and final stage of review for the comprehensive permit project shall be done administratively, unless an applicant has requested and been granted any waivers from the submission of checklist items for preliminary plan review, and then, at the Planning Board's discretion, it may vote to require the applicant to return for final plan review and approval.
 - (1) The following items shall be submitted as part of the final plan submission:
 - * (a) All required state and federal permits must be obtained prior to the final plan approval.
 - * (b) A draft monitoring agreement which identifies an approved entity that will monitor the long-term affordability of the low- and moderate-income units pursuant to R.I.G.L. § 45-53-3.2.
 - * (c) A sample land lease or deed restriction with affordability liens that will restrict use as low- and moderate-income housing in conformance with the guidelines of the agency providing the subsidy for the low- and moderate-income housing, but for a period of not less than 30 years.
 - * (d) Those items included in the checklist for final plan review.
 - * (e) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
 - * (f) Certification by the Tax Collector that all property taxes are current.
 - * (g) For phased projects, the final plan for phases following the first phase shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.
 - (2) Certificate of completeness. The final plan application must be certified complete or incomplete by the administrative officer according to the provisions of R.I.G.L. § 45-23-36; provided, however, that, the certificate shall be granted within 25 days of submission of the application. The running of the time period set forth herein will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than 10 days after its resubmission. If the administrative officer certifies the application as incomplete, the officer shall set forth, in writing, with specificity the missing or incomplete items.
 - (3) Time frame for review. The reviewing authority shall render a decision on the final plan application within 45 days of the date the application is certified complete.
 - (4) Decision on final plan. An application filed in accordance with this article shall be approved by the administrative officer unless such application does not satisfy conditions set forth in the preliminary plan approval decision or such application does not have the requisite state and/or federal approval or other required submissions, does not post the required improvement bonds, or such application is a major modification of the plans approved at preliminary plan.
 - (5) Failure to act. Failure of the reviewing authority to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the applicant.
 - (6) Vesting. The approved final plan is vested for a period of two years with the right to extend for one one-year extension upon written request by the applicant, who must appear before the Planning Board for the extension request. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing, by the applicant, and approved by the local review board.

§ 400-153. Modifications and changes to plans

- A. Minor changes, as defined in the local regulations, to the plans approved at preliminary plan may be approved administratively, by the administrative officer, whereupon final plan approval may be issued. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting a recommendation from either the Technical Review Committee or the local review board. Denial of the proposed change(s) shall be referred to the local review board for review as a major change.
- B. Major changes, as defined in the local regulations, to the plans approved at preliminary plan may be approved only by the local review board and must follow the same review and public hearing process required for approval of preliminary plans.

§ 400-154. Required findings

- A. Required findings for approval. In approving a preliminary plan application for a comprehensive permit, the local review board shall make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions, where applicable:
 - (1) The proposed development is consistent with local needs as identified in the comprehensive plan with particular emphasis on the Affordable Housing Plan and/or has satisfactorily addressed the issues where there may be inconsistencies.
 - (2) The proposed development is in compliance with the standards and provisions of the zoning ordinance and subdivision regulations, and/or where adjustments are requested by the applicant, that local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing.
 - (3) All low- and moderate-income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.
 - (4) There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas, including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water runoff, and the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
 - (5) All proposed land development and all subdivision lots will have adequate and permanent physical access to a public street.
 - (6) The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.
- B. Required findings for denial. In reviewing the comprehensive permit request, the local review board may deny the request for any of the following reasons:
 - (1) The Town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan; provided that, the local review board also finds that the municipality has made significant progress in implementing the housing plan;
 - (2) The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinance and procedures promulgated in conformance with the comprehensive plan;
 - (3) The proposal is not in conformance with the comprehensive plan;
 - (4) The community has met or has plans to meet the goal of 10% of the year-round units being low- and moderate-income housing provided that the local review board also finds that the community has achieved or has made significant progress towards meeting the goals of the affordable housing plan; or
 - (5) Concerns for the environment and the health and safety of current residents have not been

adequately addressed.

- C. Infeasibility of conditions of approval. The burden is on the applicant to show, by competent evidence before the local review board, that proposed conditions of approval are infeasible, as defined in R.I.G.L. § 45-53-3. Upon request, the applicant shall be provided a reasonable opportunity to respond to such proposed conditions prior to a final vote on the application.

§ 400-155. through § 400-157. (Reserved)

Editor's Note: Former § 400-155, Denial of request, § 400-156, Voting and appeals, as amended, and § 400-157, Expiration of approval; construction schedule, were repealed 12-13-2023.

§ XVII. Growth Management

[Added 2-2-2002; amended 3-20-2002; 3-20-2004;7-21-2004;10-18-2004]

§ 400-158. Purpose

The purpose of growth management is to equitably allocate a limited number of new residential building permits over time, so as to minimize the burden on existing facilities and resources, whose adequacy is essential to the public health, safety and welfare, and in a manner which is consistent with the West Greenwich Comprehensive Plan. It is the intent of this article to allow controlled growth in relation to the existing and future capacity of Town facilities and the Exeter-West Greenwich School District (hereafter the "School District").

§ 400-159. Findings

The Town Council, Planning Board, Town staff and consultants have conducted a study to develop a growth management program as called for in the Comprehensive Plan. The study is entitled "Town Of West Greenwich, Rhode Island, Growth Management Program," and was adopted by the Town Council on February 20, 2002. The Town Council finds that this study, together with the footnotes and sources, establishes the basis for the Town's Growth Management Program, and is incorporated herein by reference.

§ 400-160. Issuance of residential building permits

Issuance of building permits authorizing creation of one or more dwelling units, as defined by this chapter, through new construction or change of use shall be allowed under the procedures and requirements set forth herein. A permit is equivalent to a dwelling unit. Applicants for such residential building permits shall be authorized to proceed in the manner specified herein, and in accordance with the priority assigned to them. The total number of dwelling units authorized to begin construction in any quarter shall not exceed the calculated quota as established in § 400-161 of this article.

§ 400-161. Calculated quota

There shall be a finite number of residential building permits for each quarter of each year. A "quarter" is defined as a three-month period that begins on the first day of January, April, July and October. The number of residential permits to be issued shall be limited in accordance with the following formula:

- A. Total permits per quarter equals the currently available seats within School District plus any increase of seats that the School District may provide for through new construction of school facilities over the next 10 years, commencing January 1, 2002 divided by 0.6 less the number of low- and moderate-income housing permits issued as set forth below divided by 40 quarters.
- B. If any low- and moderate-income housing permits have been issued pursuant to § 400-166A below, then the number of dwelling units encompassed in such permits shall be subtracted from the overall number of permits available, such that the increased school population from such units is amortized over the remaining years of the Growth Management Program.

§ 400-162. Initial quota

Initially, it has been determined by the Town Council, based upon studies conducted pursuant to the Comprehensive Plan and studies cited in § 400-159, along with data supplied by the School District, the Town's present capacity for additional dwelling units is based on the following:

1999/2001 - Total Capacity	2,320
Plus Recaptured Seats - Interim Plan	61
Total	2,381
2000/2001 Enrollment	2,130
Existing excess capacity - District wide	251
Existing excess capacity - West Greenwich at 47%	118
Divided by (pupil per dwelling unit ratio here)	0.6
Equals Number of Permits in Ten-Year Period	197
Number of Permits Per Year	20
Number of Permits Per Quarter	5, 5, 5, 5

§ 400-163. Subsequent quotas

- A. Following the method established in § 400-162, the calculation of the formula for all subsequent quarters shall be performed by the Town Planner and submitted to the Planning Board and posted in the offices of the Town Clerk and Building Official not less than 30 days prior to the commencement of the quarter for which the quota is to be applied. To assist the Town Planner in her/his calculation, the Town Planner shall request, in writing, that the Superintendent of Schools supply her/him with the number of available seats in the School District based on the current capacity less the actual enrollment as of October 1 of the current school calendar year, and the increase in seat capacity, projected from January 1, 2002 to December 31, 2011 based upon any adopted plan of the School District. In addition, the Superintendent of Schools shall indicate the actual number of pupils from West Greenwich and the percentage of West Greenwich pupils to the entire School District's student body.
- B. The Town Planner shall monitor the School District's overall capacity by checking with the Superintendent of School every first day of February, March, August, and November to determine if there are any changes in available seats. If there are no changes, the Town Planner shall notify the Town Clerk and Building Official that the number of permits to be issued the next quarter will be the same as the previous quarter. If there are changes in seats, or if any low- and moderate-income housing permits have been issued, the Town Planner shall recalculate the quota and notify the Town Clerk and Building Official of the new number of permits to be issued the next quarter. Notwithstanding any changes, the quota shall not change in the middle of any given quarter.
- C. In order to more fairly balance the goals of growth management with the goal of equitable distribution of available building permits, notwithstanding the foregoing, the Town Council may, in its discretion, adopt a lesser restriction than the quota derived from this calculation. Said lesser restriction shall be adopted by resolution of the Town Council after a public hearing for which notice, in accordance with that for a public hearing on a zoning amendment, has been given. (Amended 7-21-2004, retroactive to the beginning of the current quarter, having begun on July 1, 2004.)

§ 400-164. Effective date

For the purpose of this article, the effective date shall be February 21, 2002. For the remainder of the first quarter of 2002, the Building Official shall apply the number of permits on a pro-rata basis. Any application for a building permit creating one or more additional dwelling units submitted after the effective date of this article shall be subject to the review procedures set forth herein. Permit applications submitted before the effective date of this article shall not be subject to any of the quota limitations of this article. This article shall supersede any and all ordinances inconsistent herewith.

Editor's Note: Amended on 3-20-2002 to change the effective date to 7-1-2002.

§ 400-165. Exemptions from quota

- A. The following types of dwellings shall not be subject to the provisions of this article with regard to the calculated quota. These dwellings have been determined to have no or minimal impact upon the Town's capacity or provide positive benefits to the Town which are consistent with the Comprehensive Plan.
- B. The Building Official shall accept applications for construction of the dwellings listed below and shall act upon them without regard to the quotas, priority determination and procedures as set forth in this article. All such permits issued shall be considered to be issued in addition to the calculated quota provisions of this article. Complete applications for construction of dwelling units so authorized shall be granted permits within the time limit prescribed in the Rhode Island State Building Code, regardless of the availability of permits within the quota.
 - (1) Vested rights. An application to construct a dwelling is not subject to this section if allowed pursuant to the vested rights provisions of this article.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
 - (2) Phased subdivisions. Phased subdivisions that have received preliminary approval by the Planning Board with mandatory phasing restrictions shall be exempt from the quota, provided that the phasing restrictions of the Planning Board are met. Such exemption shall survive only until the termination of the Planning Board's restrictions.
 - (3) Elderly housing developments. Dwellings which would contribute to meeting the year-round housing needs of elderly and disabled citizens through enforceable restrictions limiting occupancy to households whose members are 62 years of age or older.
 - (4) Retired adult communities. Planned developments for retired citizens, with amenities, established through publicly enforceable restrictions limiting occupancy to residents whose members are 55 years of age or older.
 - (5) Multifamily dwellings. Multifamily dwellings have zero-bedroom (studio) or one-bedroom units, and which do not exceed a total of 800 square feet of floor area per dwelling unit.
 - (6) Community residence. Any community residence as defined by R.I.G.L. § 45-24-31.
 - (7) Special impact development. Multi-household land development projects within the Exit 7 Special Management District (SMD) which, at the time of master plan approval, the applicant has proven to the satisfaction of the Planning Board that the development shall have no or very limited impacts on those critical Town capacities which most severely limit sustainable and serviceable growth, including but not limited to educational facilities and services.
[Amended 10-18-2004]

§ 400-166. Priority issuance

Building permits shall be issued by the Building Official up to the maximum number permitted by the applicable calculated quota, in the order of priority assigned below. In the event of a tie, priority shall go to the application with the earlier date and time of the submission of a complete application.

- A. First priority. The first priority shall be given to applications for construction of low- and moderate-income housing. "Low- and moderate-income housing" means any housing subsidized by the federal or state government under any program to assist the construction or rehabilitation of low- and moderate housing, as defined in the applicable federal or state statute, whether built or operated by any public agency or any nonprofit organization, or by any limited-equity housing cooperative or any private developer. Entities eligible are: 1) any public agency, nonprofit organization or limited-equity housing cooperative proposing to build or rehabilitate low- and moderate-income housing; or 2) any private developer proposing a low- and moderate-income rental housing which remain as low- and moderate-income housing for a period of not less than 30 years from initial occupancy. Projects eligible or sponsored by an eligible entity and: (1) are eligible and approved for a subsidy for the state or federal government under any program to assist the construction or rehabilitation of low- and moderate-income housing; and (2) have at least the minimum number of units reserved for low- and moderate-income housing as defined by the program providing the subsidy or 25% of the total number of units reserved for low- and moderate-income housing, whichever is greater. The number of such permits issued shall

not be deducted from the current year's allotment of permits, but shall be amortized according to the schedule set forth in § 400-161 above.

- B. Second priority.
 - (1) The second priority shall be given to applications for construction of a new single-family detached dwellings, provided that:
 - * (a) The applicant owned the lot to be built before the effective date of this article; or
 - * (b) The lot to be built upon was subdivided from a larger parcel before the effective date of this article.
 - (2) This priority level shall not apply:
 - * (a) If the applicant has previously received a permit for a new single-family detached dwelling in West Greenwich; or
 - * (b) The lot to be built upon was under common ownership with a lot or parcel that has previously received a building permit for a new single-family detached dwelling in West Greenwich within two years prior to the date of application.
- C. Third priority. The third priority shall be reserved for ultra-low-density family compounds, when and if enacted.
- D. Fourth priority. The fourth priority shall be given to applicants whose application for construction of a dwelling has been denied for four consecutive quarters because of the provisions of this article.
- E. Remainder. The remainder of the quota shall be issued to any other applications in the order of complete applications received.

§ 400-167. Procedure for issuance of building permits

- A. Applications for building permits for construction of one or more dwelling units shall be submitted to the Building Official, who shall adhere to the following procedure in reviewing and issuing permits:
 - (1) Completeness. The Building Official shall, upon receipt of an application submitted, examine the application, plans and all materials for completeness, which shall include all plans and materials required for a building permit under the applicable provisions of this article and the Rhode Island State Building Code. If said application, plans and materials are complete, the Building Official shall stamp it, indicating the date and time of official receipt by the Town.
 - (2) Incomplete applications. If the application is incomplete and does not contain all plans and materials as required by this article and the Rhode Island State Building Code, the application, plans and materials shall be returned to the applicant, within 15 days, who will be informed by the Building Official what is missing from the submission in order to qualify as a complete application.
- B. The Building Official shall not issue permits for any dwelling units in excess of the quota unless such units are exempt, as provided in § 400-165. The Building Official shall keep track of all permits issued plus complete applications submitted during the most recent quarter, beginning with the effective date of this article. If, within any quarter, the number exceeds the quota, additional building permits shall no longer be issued. Applications for additional permits shall be accumulated for action at the beginning of the next quarter, and shall be prioritized and issued under the ensuing quarter.
- C. At the beginning of the next quarter, the Building Official shall add the total number of complete applications on file to the total number of permits issued during the previous three quarters. In the event that the resulting sum (current quarter applications plus the previous three quarters' accumulation) is fewer than the annual quota as defined herein, accumulated permits shall be issued up to the quarterly quota limit and new applications may be processed to such limit. In the event that the resulting sum exceeds the annual quota, the accumulated permits shall not be issued and no further permits shall be issued for that quarter.
- D. The accumulation of applications may continue from one quarter to the next and permits issued within the limitations described in Subsection C above. Under no circumstances shall the number of building permits, other than those for exempt dwellings, exceed the annual quota.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- E. In the event that the number of building permits issued in any one year does not reach the annual quota, there shall be no carryover of permits to the following year.

§ 400-168. Limitation on permits issued

- A. In order to assure that permits for residential building construction are equitably distributed among all qualified applicants, no more than 10% (rounded off to the nearest whole number) of the available permits for dwelling units (based on the number of the previous year's quota and based on 20 permits for the first year) shall be granted to either any single applicant (including any related entity as defined below) or to any owner (including any related entity) of any single subdivision or land development project within any year if doing so would result in denial of a permit for any other applicant.
- B. "Related entity" means, with respect to a specific person, group of people, or corporation ("party"):
 - (1) Such party's spouse or parents, children, grandparents, grandchildren or siblings (blood or adopted);
 - (2) A trustee of a trust for the benefit of such party, or for the benefit of any person identified in Subsection B(1) above;
 - (3) A corporation, partnership, firm, business or legal entity of which the 15% or more of the voting interest is owned by such party, or any person identified in either Subsection B(1) or (2) above; or
 - (4) A person who is an officer, director, trustee, employee or partner of any legal entity referred to in Subsection B(2) or (3) above.

§ 400-169. Appeals

Any decision by the Building Official to carry out the purpose of this article may be taken by an aggrieved party to the Zoning Board of Review. The appeal shall be taken within 20 days following an action by the Building Official to enforce the provisions of this article and shall specify the grounds for such appeal. The Building Official shall forthwith transmit to the Zoning Board of Review all the papers constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the Planning Board. The procedure for any appeal, including a public hearing, shall be in accordance with § 400-8D of this chapter.

Editor's Note: Original Sec. 13 of this ordinance, establishing an expiration date of 12-31-2011, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ XVIII. Land Development Projects

[Added 10-18-2004]

§ 400-170. Referral to Planning Board

Land development projects are permitted in all zoning districts and shall be referred to the Planning Board for approval in accordance with the procedures of Chapter 450, Land Development and Subdivision Regulations, including those for appeal and judicial review. Article X, Development Plan Review, § 400-99, General criteria and standards, shall apply to land development projects.

§ 400-171. Minimum area or site size

The minimum area for a land development project shall be governed by the zoning district.

§ 400-172. Permitted uses

The uses permitted within the land development projects are those uses permitted in the Use Matrix for the zoning district of the parcel(s). Mixed uses and multi-use projects shall consist of compatible uses that

create a coordinated site. All mixed or multi-use projects, whether permitted by right or special use permit, shall also be reviewed by the Zoning Board for a special use permit in order to determine if the project meets the criteria of a coordinated site of compatible uses, except for special management districts with a specifically designed use matrix.

Editor's Note: The Use Matrix is included as an attachment to this chapter.

§ 400-173. Ratio of residential to nonresidential uses

The ratio of residential to nonresidential uses is not regulated, unless specified by the zoning district.

§ 400-174. Maximum density

The density for residential and nonresidential uses shall be governed by the dimensional regulations for each zoning district and special use permit criteria.

§ 400-175. Roads, driveways, utilities, parking and other facilities

Roads and associated infrastructure within land development projects shall be privately owned and maintained, unless specifically requested to be accepted by the Town.

§ 400-176. Buffer areas, landscaping, screening and shading

Buffers within land development projects shall be, at a minimum, to the extent required by this chapter, as provided for in Article II. The Planning Board may require additional vegetated buffers to protect abutting properties or to protect visual features.

§ 400-177. Applicability of subdivision regulations

Chapter 450, Land Development and Subdivision Regulations, Article XIII, Physical Design Requirements and Public Improvement Standards, shall apply to land development projects.

§ XIX. Residential Compounds

[Added 5-11-2005; amended 8-9-2006; 10-14-2009; 5-10-2017]

§ 400-178. Definition and purpose

- A. A residential compound is a parcel of land containing lots for single-family residential units and having an average density of no greater than one dwelling unit per four acres of land.
- B. Residential compounds are intended to preserve the rural character of the Town by permitting low-density residential development on large parcels of land while relieving the applicant from compliance with the design and improvement standards applicable to other subdivisions.
- C. The purpose of the residential compound is to provide qualified subdividers an option to develop a parcel of land under less stringent requirements, where, and only where, the Planning Board determines that such alternative improvement standards will promote development of the parcel in the best interests of the Town, considering the factors specified in § 400-180 below. Denial by the Planning Board of a request to submit an application for a residential compound, or denial of a residential compound, shall not be construed as denial of the right to subdivide the property. The applicant shall retain all rights to appeal a decision to the Zoning Board of Review and/or to submit a plan which complies with the improvement standards for a conventional subdivision as set forth in Chapter 450, Land Development and Subdivision Regulations, of the Town Code.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 400-179. Applicability; eligibility for consideration

Residential compounds may be considered for any subdivision of land accessed off of a Town or state owned public road, or a private right-of-way existing on or before May 11, 2005 (date of enactment). An applicant may petition the Planning Board for consideration of a residential compound, or the Planning Board may suggest that a proposed subdivision be developed as a residential compound. To qualify for consideration as a residential compound, the property and proposed subdivision must satisfy all of the following conditions; however, satisfaction of all of the following conditions shall only result in rendering the plan eligible for further consideration as a residential compound and shall not be construed as approval:

- A. The subdivision must create at least one new lot, but shall not result in the creation of more than four new lots in addition to the existing lot and be located entirely in an RFR-2 Zoning District. (Note: An owner of an RFR-1 parcel may petition the Board for consideration of a residential compound.)
- B. The permitted uses, minimum lot sizes, and dimensional regulations applicable to residential compounds shall be those provided in this chapter for the RFR-2 Zoning District.
- C. A parcel proposed for development as a residential compound shall have a minimum of 30 feet of continuous access to one state-owned or Town-accepted street.
- D. Not more than one residential compound shall be created from any one property existing on or after May 11, 2005, or within a conventional subdivision.
- E. No more than five lots may derive access from or have frontage on a residential compound road.
- F. The applicant proposing a residential compound off of an existing private right-of-way shall demonstrate to the Planning Board that the applicant has the legal ability to use the access for a subdivision/development.

§ 400-180. General requirements and design standards

- A. All lots created as part of a residential compound shall have frontage on a private right-of-way with adequate physical access to a public street. All private rights-of-way within a residential compound or subdivision shall remain private in perpetuity. No private residential compound right-of-way may be extended or connect to another private right-of-way within another residential compound. At the time of final approval, Town legal counsel shall approve the form and content of a legal document, to be recorded simultaneously with the final plat, which includes a covenant by the owner of the parcel, binding on his successors and assigns, that the Town of West Greenwich shall not be asked or required to accept or maintain the private streets within the parcel, for a minimum of 99 years from the date of recording, or, if only a lesser period is legally enforceable, for that period with as many automatic renewals as are necessary to total 99 years. Such restrictions shall state that any and all future expenses for improvements to private streets (including drainage) to meet Town requirements shall be borne by the owners of the property within the residential compound.
- B. No lot or parcel which has been developed as part of a residential compound shall be further subdivided or reduced in size, with the exception of an administrative subdivision. Administrative subdivisions shall be for the purpose of lot line adjustments only, and shall not be intended to contribute developable area for an abutting residential compound.
 - (1) Land gained by an Administrative subdivision within the previous five years shall not count towards the land area required for a residential compound.
 - (2) Administrative subdivisions may be permitted among residential lots within the residential compound in accord with these regulations; provided, however, that such transfers or lot line amendments maintain conformity with the minimum dimensional standards contained in this section of this chapter for each lot or lots so affected and the average density within the approved residential compound remains at one dwelling per four acres. This provision shall not prevent the development of a residential compound in phases as long as future phases are clearly designated as part of the initial preliminary plan submission.
 - (3) Administrative subdivisions that propose the transfer of excess land or open space to a parcel or parcels situated outside the residential compound shall not be permitted.
- C. Land unsuitable for development, as that term is defined in Chapter 450, Land Development and Subdivision Regulations, § 450-8, may be included as part of any residential building lot; provided,

however, that such land shall not be counted toward the minimum lot area required by this chapter for the RFR-2 Zoning District. Each lot within a residential compound must contain a minimum of 1.4 acres of contiguous suitable land.

- D. The private right-of-way shall be contained within defined (metes and bounds) easements over the proposed lots, not as a separate lot, and shall not count towards the minimum suitable land requirement.
- E. All land area within the residential compound in excess of that necessary to meet the minimum lot area requirements of this chapter shall be designated as extra area within one or more residential house lots.
- F. In approving a residential compound, the Planning Board must determine that all of the general requirements contained in Chapter 450, Land Development and Subdivision Regulations, Article III, have been met and in addition that one or more of the following design objectives are met in the proposed development plan:
 - (1) The number of lots having direct egress onto existing public streets is less than through conventional subdivision, and the number of lots having frontage on existing public ways has been less than through conventional subdivision.
 - (2) Dwelling units and infrastructure will be constructed in a manner which will have the least visual impact on the parcel of land in question as viewed from the public way providing access to the compound, or from adjacent residentially zoned properties.
 - (3) Lots will be configured in a manner that preserves primary and secondary resource areas on the tract or adjacent to the tract, such as wetlands, watercourses or bodies, open fields, meadows, wildlife habitat, steep slopes, or other significant areas.

§ 400-181. Application requirements and procedures

- A. For the purpose of review and approval, residential compounds shall be considered minor subdivisions, and are subject to the same review and approval by the Planning Board under the provisions of Chapter 450, Land Development and Subdivision Regulations. Any proposed residential compound shall require a pre-application meeting with the Planning Board, and a public hearing in accordance with the public hearing and notice requirements section of the West Greenwich subdivision regulations. In addition to the submission requirements at the preliminary plan stage of review contained in the minor subdivision checklist, an application must contain the following information:
 - (1) Conventional yield plan.
 - (2) Scale and area of vegetative screening separating the private right-of-way and residential compound lots from adjacent residentially zoned property.
- B. For additional requirements of the final plan, see § 400-185 below.

§ 400-182. Ownership and maintenance of common areas and improvements

All common areas, drainage and other improvements within the residential compound shall be privately owned and maintained in common by the homeowners' association (HOA) for the residential compound. At the time of final approval, the Planning Board shall approve the form and content of a document or documents establishing the method of ownership, and providing for maintenance of common areas, drainage and other improvements.

§ 400-183. Improvement standards

- A. Streets and appropriate drainage facilities within a residential compound shall be designed and constructed in compliance with this section. The Planning Board shall have the authority to require additional improvements in order to protect the public health, safety and welfare, if warranted by the characteristics of the parcel, or if the street will be used by persons other than residents of the compound.
- B. Private rights-of-way within a residential compound shall meet the following design standards:

- (1) A right-of-way intersect width at the existing public road or private right-of-way of at least 30 feet, for a distance of 50 feet.
- (2) A paved staging area of at least 50 feet in length from the edge of pavement of the street it intersects with, with a minimum width of 20 feet of pavement, and sloped not more than 4% grade for the 50 feet it extends from the street line.
- (3) Where possible, a compound street center line angle intersection with the street center line of 90° (perpendicular with the existing road).
- (4) Pavement for the staging area, and any proposed or existing grading beyond the staging area of greater than 6%, shall be paved in accordance with road construction standards in Chapter 450, Land Development and Subdivision Regulations, Article XIV, § 450-62.
- (5) A wear surface, on that portion of the private right-of-way extending beyond the staging area, of a minimum of 12 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown at a slope of 2%.
- (6) Proper drainage appurtenances, where required, to prevent washout and excessive erosion, with particular attention to the staging area, so that water draining onto the street surface from the staging area is eliminated to the maximum extent feasible.
- (7) A wear surface, on that portion of the private right-of-way extending beyond the staging area, with a minimum width of 16 feet for its entire length.
- (8) A cul-de-sac, or other teardrop or loop, of not less than 60 feet in radius provided at the end of each terminus, or alternatively, a hammerhead design may be employed with dimensions as approved by the Fire Chief and Director of Public Works.
- C. For residential compounds proposed off of an existing private right-of-way, the Planning Board shall require that the applicant improve the existing road to meet or exceed the minimum standard for the residential compound (Subsections A and B above), and if the existing private road will service a total of more than five lots, the Planning Board shall require improvements to exceed the minimum standards contained in Subsections A and B above, including but not limited to paving and drainage improvements. The applicant shall secure the permission and agreement of all parties with legal access to the private right-of-way to perform such upgrades and to be included in a maintenance agreement.
- D. Mailboxes shall be located at the entrance to the private right-of-way for access from the Town road. Street numbers shall be clearly marked in compliance with 911 laws.
- E. In the event that erosion is causing sediment for the compound to be deposited on Town roads, the compound will be in violation of Chapter 305, Soil Erosion and Sediment Control, and Chapter 450, Land Development and Subdivision Regulations. Owners of the compound lots will be required to take remedial action.
- F. Utilities such as electric, phone and cable are allowed to be above ground.

§ 400-184. Documentation required prior to final plan approval

All legal documents required under this article, including, but not limited to, homeowners' association documents, declaration of restrictions, easements, open space covenants, etc., shall be submitted to the Town Solicitor for review and approval on or before the time of final plan approval. The documents shall be recorded simultaneously with the final plat in the Town of West Greenwich Land Evidence Records. In addition, the developer shall give each original purchaser of a lot in the residential compound a copy of all such documents.

§ 400-185. Statement on final plat

- A. The final plat shall contain the following statement: "These premises are subject to restrictions, conditions, covenants and easements that are contained in instrument(s) recorded simultaneously with this Final Plat Book _____ and Page(s) _____ of the Land Evidence Records, and are incorporated herein by reference."
- B. The developer shall submit with the final plat a statement, in writing, duly executed and acknowledged, and binding upon the developer and the developer's heirs, devisees, executors, administrators, successors and assigns, which statement shall be approved by the Planning Board and be thereafter

recorded simultaneously with the recording of the approved final plat in the Town Clerk's office, and which shall contain the following:

- (1) That the land lies within the approved private residential compound.
- (2) That development of the land is permitted only in accordance with the land use approved by the Planning Board of the Town of West Greenwich.
- (3) That no further development or subdivision of the private tract or lots therein shall be permitted, with the exception of an administrative subdivision.

§ XX. Conservation Design Development

[Added 12-8-2010]

Editors' Note: See also Ch. 450, Land Development and Subdivision Regulations, §§ 450-16 and 450-23.

§ 400-186. Definitions

As used in this article, the following terms shall have the meanings indicated:

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

CLUSTER LOT — A lot within a conservation design development with reduced dimensional requirements as compared to a conventional lot meeting the requirements of this chapter.

CONSERVATION RESTRICTION — A right to prohibit or require a limitation upon or an obligation to perform acts on or with respect to or use of a land or water area, whether stated in the form of a restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of the area or in any order of taking, which right, limitation, or obligation is appropriate to retain or maintain the land or water area, or is appropriate to provide the public the benefit of the unique features of the land or water area, including improvements thereon predominantly in its natural, scenic, or open condition, or in agricultural, farming, open space, wildlife or forest use, or in other use or condition consistent with the protection of environmental quality.

HOMESTEAD LOT — A minimum ten-acre lot created as part of a conservation design development, primarily used for a private residence, with a secondary use contributing towards one or more purposes of conservation design development. (An applicant may wish to include a minimum 11 acres for a homestead lot so that it may qualify for the farm, forest and open space tax program.)

LAND DEVELOPMENT PROJECT — See R.I.G.L. § 45-24-31.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 400-187. Scope and purpose

Conservation design development is a type of residential cluster land development project, as authorized by R.I.G.L. § 45-24-47, which preserves at least 50% of the suitable land of a property as meaningful open space, while guiding the development to the most appropriate areas within the parcel on reduced-size lots such that density remains neutral. It is an alternative to conventional residential subdivision for the following purposes:

- A. To preserve the rural character of the Town by preserving the character-defining features, scenic views, environmentally sensitive features, and the natural and cultural resources within the site, and by minimizing the views of new development from existing streets.

- B. To provide for the preservation and promotion of agricultural production, and forest and timber resource production.
- C. To provide opportunities for both active and passive recreational facilities to service various neighborhoods in the Town.
- D. To provide public access to and/or to provide for the conservation and stewardship of noteworthy natural, cultural and recreational resources within the Town in furtherance of the above three goals.
- E. To provide a means for the Town to develop an interconnected network of greenway corridors, and to link together and add to already protected open space and public land.
- F. To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of conventional subdivision regulations in order to minimize the disturbance of rural landscape elements, scenic quality and overall natural and cultural values of the landscape.
- G. To reduce road and utility lengths and minimize the need for stormwater infrastructure in order to reduce disturbance to the environment and to reduce construction and maintenance costs.
- H. To reduce erosion and sedimentation by retaining existing vegetation and minimizing the total area of disturbance on the site compared to a conventional residential development.
- I. To promote a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their right to affordable, accessible, safe and sanitary housing.
- J. To provide for orderly growth and development which recognizes the natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface water or groundwater pollution; and which recognizes the value of unique or valuable natural resources and features.
- K. To implement many goals and policies as recommended in the Town of West Greenwich Comprehensive Plan.

§ 400-188. Applicability

- A. Conservation design development is a type of residential development allowable only in the RFR-2 Zoning District, at the discretion of the Planning Board.
- B. A parcel of land shall not be eligible for conservation design development if it is not otherwise eligible for a conventional subdivision.

§ 400-189. Planning Board authority; further subdivision prohibited

- A. The Planning Board shall have the sole authority to determine whether a major or minor subdivision or land development shall be developed as a conservation design development or as a conventional development. The Planning Board shall make findings of fact in writing supporting the requirements, based on the value of the site features and the benefits to the community in furtherance of the purposes of conservation design development. The Planning Board shall notify the applicant of such no later than the master plan review stage for a major application and no later than the preliminary review stage for a minor application.
- B. The Planning Board shall have the authority to review and approve conservation design developments in accordance with the dimensional requirements set forth in this article.
- C. The Planning Board shall have the authority to determine if a conservation design development should consist of a combination of cluster lots and homestead lots.
- D. All lots created as part of a conservation design development, including homestead lots and open space, shall be subject to a restriction of no further subdivision.

§ 400-190. Permitted uses

- A. The following uses are permitted on residential cluster lots within a conservation design development; all other uses are prohibited on residential cluster lots within a conservation design development:

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (1) Single-family residential - 001.
 - (2) In-law apartments - 007 (by special permit).
 - (3) Customary home occupations - 008 (including taxidermy 115 by SUP).
 - (4) Community residences - 009.
 - (5) Family day-care homes - 010.
- B. The following uses are permitted on conservation land within a conservation design development; all other uses shall be prohibited within the conservation land:

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (1) Conservation of open land in its natural state (requires an open space management plan);
 - (2) Agriculture - 10 (requires a farmland conservation easement); including field crops - 101; fruit, tree, nut and vegetable farms - 102; livestock farms, except piggeries - 103; general farms - 104; and noncommercial farms - 105. Sale of crops and related products produced on the farm is allowed on site.
 - (3) Agricultural services, hunting and trapping - 11; limited to: agricultural services - 111 by SUP; animal husbandry - 112; horticultural services - 113; and hunting and trapping services - 114 by SUP.
 - (4) Forestry - 12 (requires a forest management plan); including timber tracts - 121; forest nurseries and tree seed gathering and extracting - 122; and forestry services - 123 by SUP.
 - (5) Outdoor public recreation, limited to: playgrounds, play fields and tot lots - 801; major parks (greater than five acres) - 802; minor parks (less than five acres) - 803; and golf courses - 806 by SUP (Golf courses may include practice driving areas and practice putting greens, but shall not include standalone driving ranges or miniature golf. Golf courses may constitute up to half of the minimum required open space land. Their parking areas and any associated structures shall not be included within the 50% minimum open space requirements, and their parking and accessways may be paved and lighted.) Outdoor public recreation also includes neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trail and similar low-impact passive recreational uses, specifically excluding motorized off-road vehicles, rifle ranges and other uses similar in character and potential impact as determined by the Board. Outdoor public recreation also include active noncommercial recreation areas, such as play fields, playgrounds, courts and bikeways, provided such areas do not consume more than half of the minimum required open space land or five acres, whichever is less. Playing fields, playgrounds and courts shall not be located within 100 feet of abutting property lines. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, and properly drained; provide safe ingress and egress; and contain no more than 10 parking spaces.
 - (6) Outdoor public water-based recreation - 81, limited to: boating area - 811; bathing beaches - 812; and fishing sites - 813.
 - (7) Outdoor private land recreation, limited to: riding academies - 834 by SUP (Equestrian facilities may not consume more than 3/4 of the minimum required open space land.), and golf courses - 838 by SUP (Golf courses may include practice driving areas and practice putting greens, but shall not include standalone driving ranges or miniature golf. Golf courses may constitute up to half of the minimum required open space land. Their parking areas and any associated structures shall not be included within the 50% minimum open space requirement, and their parking and accessways may be paved and lighted.)
 - (8) Easements for drainage, access, sewer or water lines or other public purposes.
 - (9) Aboveground utility right-of-way. Aboveground utility and street right-of-way may traverse conservation areas but shall not count toward the minimum required open space land.
- C. The following uses are permitted on homestead lots within a conservation design development; all other uses are prohibited on a homestead lot within a conservation design development:
 - (1) Single-family residential - 001.
 - (2) In-law apartments - 007 (by special use permit).
 - (3) Customary home occupations - 008 (including taxidermy - 115 by SUP).

- (4) Community residence - 009.
- (5) Family day-care homes - 010.
- (6) Accessory conservation uses:
 - * (a) Conservation of open land in its natural state (A conservation easement is required unless all of the lots within the development are created as homestead lots.).
 - * (b) Those agricultural uses as permitted on conservation land in Subsection B(2) and (3) above.
 - * (c) Those forestry uses as permitted on conservation land in Subsection B(4) above.
 - * (d) Easements for public access to trails or other forms of access connecting open space land.

§ 400-191. Dimensional requirements

- A. Conservation design development provides for two lot size options, for specific purposes. The Planning Board may require the two lot sizes to be combined within the development if it finds that such a combination would better fulfill the purposes of conservation design development as stated in this chapter than either of the two single-lot-size options.
 - (1) The Conservation cluster option provides for residential uses at the density permitted by the existing zoning, with a minimum lot size of one acre. Open space and conservation lands consist of a minimum of 50% of the suitable land plus 100% of the land unsuitable for development. House lots are clustered on the most suitable areas for development in order to preserve the environmentally and culturally sensitive features, and to create neighborhoods where each home enjoys the benefits of access and views to the open space. Public access to the open space may be required.
 - (2) The homestead lot option provides for lower density than the existing zoning, with larger, privately owned lots of a minimum of 10 acres of suitable land, in order to maintain a rural setting and private use and management of the land. There is no minimum requirement for commonly owned or publicly owned open space, or public access, unless otherwise required by the Planning Board, or unless the development contains a combination of conservation cluster lots and homestead lots. Further subdivision of homestead lots shall be prohibited.
- B. Conservation design developments provide for two lot configuration options: frontage lots and interior building lots (also known as "flag lots"). Frontage lots contain full frontage dimensional requirements along the public street. Interior building lots have reduced frontage for the driveway access at the public street, and the building envelope portion of the lot is situated behind a frontage lot. Frontage for interior building lots shall be in accordance with the following table, and all other dimensional requirements shall be met. The front yard setback for an interior lot shall be measured parallel to the rear yard setbacks of all the abutting frontage lots.
- C. Dimensional requirements.

	Conservation Cluster Lots
Minimum amount of open space (suitable land)	50% of the suitable land plus 100% of all
Density (maximum)	2 acres of suitable land per dwelling unit
Minimum lot size	1 acre (43,560 square feet)
Frontage (minimum)	100 feet for frontage lots; 50 feet for inter
Minimum setbacks	
Front yard	50 feet
Side yard	15 feet
Rear yard	50 feet
Perimeter of site	75 feet of no-cut buffer
External road right-of-way	200 feet
From abutting cropland or pasture	100 feet
From buildings or barnyards housing livestock	300 feet
From active recreation areas, (excluding tot-lots)	150 feet
Minimum lot width (measured from front yard setback to rear property line)	100 feet
Maximum lot depth-to-width ratio	5:1

Minimum suitable land per lot (contiguous)	1 acre
Maximum impervious surface per lot	25%
Maximum building height	35 feet

- D. Dimensional requirements for open space land. Buildings, structures, parking areas, or other impervious improvements which are accessory to and subordinate to a permitted open space use may be located on any open space lot that is not a homestead lot, provided that they occupy no more than 15% of the total open space area, with the exception of golf courses as otherwise restricted.

Minimum Street Frontage	Maximum Lot Coverage Impervious Surface	Minimum Front Yard Setback
30 feet	15%	50 feet

§ 400-192. Review and approval procedures

Applications for a conservation design development shall be made in accordance with the procedures for review and approval of a minor or major subdivision or land development project, as provided in Chapter 450, Land Development and Subdivision Regulations, and as authorized by R.I.G.L. § 45-23-49. Additional requirements, design standards, and submission checklists are contained within the Land Development and Subdivision Regulations.

§ 400-193. Restrictions and required conditions of approval

- A. Further subdivision of all house lots and common open space created as part of a conservation design development, including homestead lots, shall be prohibited.
- B. The required open space shall be restricted in perpetuity from future development, except in accordance with an approved open space management plan.
- C. Changes in the use of the open space shall be in accordance with those uses allowable within the open space in a conservation design development, as governed by this chapter, and shall be approved by the Planning Board as an amendment to the plan.
- D. No disturbance shall be made to the natural contours of the land nor shall any existing natural vegetation be removed or any natural or man-made features altered in any way. Clearing and excavation of open space areas shall be permitted only for the installation of stormwater drainage facilities, or for permitted disturbance associated with implementing an approved open space management plan.
- E. Open space land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under § 400-195 below.
- F. A conservation restriction in the form of a conservation easement is required for all open space, whether privately, publicly, or commonly owned, and regardless of any other conservation easement, and shall incorporate the following requirements:
 - (1) All open space shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions through the grant of a conservation restriction to the Town of West Greenwich, the West Greenwich Land Trust, or other nonprofit conservation group, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended.
 - (2) In addition, the perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions. The Planning Board (legal counsel) shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a perpetual maintenance guarantee shall contain the following provision:

"If the owners, or their successors or assigns, fail to maintain the open space, the restriction holder may perform any nec

- (3) The permanent conservation restriction shall be duly recorded in the Land Evidence Records, and shall define the range of permitted activities, as approved by the Planning Board, and include all restrictions as noted in this § 400-194.

- (4) In the event that the Town of West Greenwich is the proposed owner of the open space, the conservation restriction shall be held by both the Town and either the West Greenwich Land Trust or other nonprofit conservation organization.

§ 400-194. Open space/conservation land ownership options

- A. Conservation land within a conservation design development subdivision shall be doubly protected through fee simple ownership and a conservation restriction, at the discretion of the Planning Board. The Planning Board may require two or more conservation easement holders, which may include a homeowners' association, or any governmental body, or a charitable corporation, association, trust, or other entity whose purposes include conservation of land or water areas or of a particular area. Open space land shall not be transferred to another entity except for transfer to another method of ownership permitted under this section.
- B. Methods of ownership. Open space shall be owned in fee simple by any one or more of the following entities, as further described below: 1) homeowners' association; 2) Town of West Greenwich; 3) a land trust or other nonprofit conservation or recreation group; 4) individual owners of homestead lots, or other private individual who will use the land for open space purposes as provided by a conservation easement and conservation restriction; 5) condominium association.
 - (1) Homeowners' association. Open space and related facilities may be held in common ownership (as undivided proportionate interests) by (the members of) a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:
 - * (a) The applicant shall provide the Town with a description of the organization of the proposed association, including its bylaws guaranteeing continuing maintenance of the open space and other common facilities, and all documents governing ownership, transfer of ownership, maintenance, and use restrictions for the open space, for review and approval by the Town as part of the preliminary plan. The Homeowners' association agreement shall be recorded with the final plan. The homeowners' association bylaws or the declaration of covenants, conditions, and restrictions of the homeowners' association shall contain the following information:
 - [1] The legal description of the common land and a survey map.
 - [2] A description of common facilities;
 - [3] The restrictions placed upon the use and enjoyment of the lands or facilities;
 - [4] Persons or entities entitled to enforce the restrictions;
 - [5] A mechanism to assess and enforce the common expenses for the land or facilities, including upkeep and maintenance expenses, real estate taxes, and insurance premiums;
 - [6] A mechanism for resolving disputes among the owners or association members;
 - [7] The conditions and timing of the transfer of ownership and control of land facilities to the association;
 - [8] Provisions for proper reverter or retransfer in the event that the association becomes unwilling or unable to continue carrying out its functions;
 - [9] Any other matter the developer deems appropriate.
 - * (b) The proposed association shall be established by the owner or applicant and shall be operating before the sale of any lots or homes within the development.
 - * (c) Membership in the association shall be mandatory and automatic for all purchasers of house lots therein and their successors in title.
 - * (d) The association shall be responsible for maintenance and insurance of common open space and facilities. The members of the organization shall share equally the costs of maintaining and developing the open space, in accordance with the procedures established by them.
 - * (e) The association shall be responsible for payment of all property taxes on any common facilities and open space, if applicable.
 - * (f) The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
 - * (g) Written notice of any proposed transfer of common open space or facilities by the asso-

- * (h) The association shall have adequate staff to administer, maintain, and operate such common facilities.
- (2) Dedication to the Town of West Greenwich. The Town of West Greenwich may, but shall not be required to, accept the dedication of fee simple title to any portion of the open space, provided that:
 - * (a) There is no cost of acquisition to the Town.
 - * (b) The Town agrees to and has access to maintain such open space.
 - * (c) The open space is accessible to the residents of the Town.
 - * (d) The land may be held by either the Town of West Greenwich or the West Greenwich Land Trust.
- (3) Nonprofit conservation organization. With permission of the Town, an owner may transfer fee simple title of the open space to a private nonprofit conservation organization, provided that:
 - * (a) The conservation organization is acceptable to the Town and is a bona fide conservation organization intended to exist indefinitely.
 - * (b) The conveyance contains appropriate provisions for proper reverter or retransfers in the event that the organization becomes unwilling or unable to continue carrying out its functions and responsibilities.
 - * (c) A maintenance agreement acceptable to the Town is established between the owner and the organization.
- (4) Non-common private ownership/individual ownership. A private owner may own the open space land, provided that the following requirements are met:
 - * (a) The use of the land is within the purposes of the conservation development.
 - * (b) There shall be restrictions that the land shall not be further subdivided or developed, except in accordance with a Town-approved management plan for the intended use of the open space.
 - * (c) The required open space land may be included within one or more large "homestead" lots, as provided by this chapter.
 - * (d) The Planning Board may also require a conservation easement to ensure the use of the property in conformance with an approved open space management plan.
- (5) Condominium association. Common open space and facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state and federal law, and shall be approved as to form by the Town Solicitor. All open space and common facilities shall be held as "common elements" in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory. All additional requirements pertaining to a homeowners' association, as noted above, shall also apply to a condominium association.

• C. A conservation easement shall also be held by the Town of West Greenwich, the West Greenwich Land Trust, or other nonprofit conservation group, as follows:

- (1) Dedication of conservation easements to the Town. The Town of West Greenwich may, but shall not be required to, accept easements for any portion of the open space land. In such cases, the open space remains in the ownership of the homeowners' association, land trust, private conservation organization, private individual, or condominium association, while the easements are held by the Town. In addition, the following regulations shall apply:
 - * (a) There shall be no cost of acquisition to the Town.
 - * (b) Any easements intended for public use shall be accessible to the residents of the Town.
 - * (c) A satisfactory maintenance agreement shall be reached between the owner and the Town.
- (2) Conservation easement to a land trust or other nonprofit conservation organization. With permission of the Town, an owner may convey easements on any portion of the open space to the West Greenwich Land Trust, or to a nonprofit conservation organization, provided that:
 - * (a) The conservation organization is acceptable to the Town and is a bona fide conservation organization intended to exist indefinitely.

- * (b) The conveyance contains appropriate provisions for proper reverter or retransfers in the event that the organization becomes unwilling or unable to continue carrying out its functions and responsibilities.
- * (c) A maintenance agreement acceptable to the Town is established between the owner and the organization.

§ 400-195. Affordable housing local subsidy

The reduced infrastructure requirements and reduced costs inherent to conservation design developments are hereby provided as a local municipal subsidy to encourage the creation of housing affordable to low- and moderate-income residents. Conservation design development applications shall be subject to the mandatory inclusionary zoning provision.

§ XXI. Uses Related to Medical Marijuana and Cannabis

[Added 2-10-2016; amended 5-10-2017]

§ 400-196. Definitions

As used in this article, the following terms shall have the meanings indicated:

CANNABIS CULTIVATOR — As defined under § 21-28.11-3, Subsection (11), of the Rhode Island Cannabis Act, an entity licensed to cultivate, process and package cannabis, to deliver cannabis to cannabis establishments and to transfer cannabis to other cannabis establishments, but not to consumers.

[Added 1-4-2023]

CANNABIS PRODUCT MANUFACTURER — As defined under § 21-28.11-3, Subsection (14), of the Rhode Island Cannabis Act, an entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to deliver cannabis and cannabis products to cannabis establishments and to transfer cannabis and cannabis products to other cannabis establishments, but not to consumers.

[Added 1-4-2023]

CANNABIS RETAILER — As defined under § 21-28.11-3, Subsection (16), of the Rhode Island Cannabis Act, an entity licensed pursuant to § 21-28.11-10.2 to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments and to consumers.

[Added 1-4-2023]

CANNABIS TESTING LABORATORY — As defined under § 21-28.11-3, Subsection (17), of the Rhode Island Cannabis Act, a third-party analytical testing laboratory that is licensed annually by the Commission, in consultation with the Department of Health, to collect and test samples of cannabis and cannabis products pursuant to regulations issued by the Commission and is: (i) independent financially from any medical cannabis treatment center or any licensee or cannabis establishment for which it conducts a test; and (ii) qualified to test cannabis in compliance with regulations promulgated by the Commission pursuant to this chapter. The term includes, but is not limited to, a cannabis testing laboratory as provided in § 21-28.11-11.

[Added 1-4-2023]

COMPASSION CENTER — As defined in R.I.G.L. § 21-28.6-3, a not-for-profit corporation, subject to the provisions of Chapter 6 of Title 7, and registered under R.I.G.L. § 21-28.6-12, that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses medical marijuana, and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder, who has been designated as one of the cardholder's primary caregivers.

[Amended 7-11-2018]

HYBRID CANNABIS RETAILER — Under § 21-28.11-3, Subsection (28), of the Rhode Island Cannabis Act, a compassion center licensed pursuant to Chapter 28.6 of Title 21 that is in good standing with the Department of Business regulation and that has paid the fee pursuant to § 21-28.11-10 and has been authorized to sell nonmedical or adult use cannabis to consumers.

[Added 1-4-2023]

MEDICAL MARIJUANA CULTIVATION CENTER — Any entity that, under state law, may acquire, possess, cultivate, manufacture, deliver, transfer, transport, or supply marijuana to a registered compassion center or other entity authorized to dispense marijuana.

MEDICAL MARIJUANA EMPORIUM — Any retail or commercial establishment, or club, whether for-profit, nonprofit, or otherwise, at which the sale or use of medical marijuana takes place. This shall include without limitation any so-called "vape lounge," "vapor lounge," or any other establishment at which medical marijuana is consumed in vaporized form. This shall not include a compassion center regulated and licensed by the State of Rhode Island, as defined herein.

Editor's Note: The definition of "recreational marijuana retail outlet/cultivation center," added 2-16-2021, which immediately followed this definition, was repealed 1-4-2023.

§ 400-197. Special use permit standards for compassion centers

Compassion centers shall be permitted as a special use permit use in the Highway Business, Exit 7 SMD, and Industrial A Zones, subject to the requirements of Article I, § 400-8C(2), and all of the following additional requirements:

- A. The requested use at the proposed location will not adversely affect the use of any property used for a school, public or private park, playground, play field, youth center, licensed day-care center, or any other location where groups of minors regularly congregate.
- B. The requested use at the proposed location will be sufficiently buffered in relation to any residential area in the immediate vicinity so as not to adversely affect said area.
- C. The exterior appearance of the structure must be consistent with the exterior appearance of existing structures within the immediate neighborhood.
- D. The compassion center must not be located within:
 - (1) One thousand feet from the nearest residential zoning district; or
 - (2) One thousand feet from the nearest house of worship, school, public or private park, playground, play field, youth center, licensed day-care center, or any other location where groups of minors regularly congregate; or
 - (3) Two thousand feet from any other compassion center.
- E. The distances specified in the immediately preceding Subsection D 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.
- F. Hours of operation for a compassion center shall be limited to 8:00 a.m. to 8:00 p.m.
- G. Lighting shall be required 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. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- H. The proposed compassion center shall implement the appropriate security measures to deter and prevent unauthorized entrance into areas containing medical marijuana and shall ensure that each location has an operational security/alarm system.
- I. Development plan review shall be conducted by the Planning Board.
- J. All compassion center uses shall fully comply with all other licensing requirements of the Town of West Greenwich and the laws of the State of Rhode Island.

§ 400-198. Indoor cultivation required

In accordance with R.I.G.L. § 21-28.6-4(a), medical marijuana must be cultivated and stored in an indoor facility.

§ 400-198.1. Special use permit standards for cannabis facilities

[Added 1-4-2023]

Cannabis facilities permitted by special permit use in certain zones, as set forth in Article II, shall be subject to the requirements of § 400-9 and all of the following additional requirements:

- A. Pursuant to § 21-28.11-17.1, Subsection (b)(3), of the Cannabis Act, the cannabis facility must not be located within 500 feet of a preexisting public or private school providing education in kindergarten or any of Grades 1 through 12. This distance shall be measured by a straight line from the nearest property line of the premises on which the proposed cannabis facility is to be located to the nearest property line of the parcel on which the school is located.
- B. The proposed facility shall implement the appropriate security measures to deter and prevent the unauthorized entrance into areas containing cannabis and shall ensure that each location has an operational security/alarm system.
- C. Development plan review shall be conducted by the Planning Board.
- D. All cannabis facilities shall fully comply with all other licensing requirements of the Town and the laws of the state.

Editor's Note: This ordinance also repealed former 400-198.1, Recreational marijuana retail outlets/cultivation centers prohibited, added 2-16-2021.

§ XXII. Farm Accessory Uses

[Added 8-10-2016]

§ 400-199. Definitions

As used in this article, the following terms shall have the meanings indicated:

FARM — Agricultural land, together with principal and accessory buildings, upon which agricultural operations are conducted.

FARM ENTERPRISE — An agricultural- or silvicultural-based process, activity or use of a farm that is subordinate to and conducted in conjunction with an ongoing bona fide agricultural, horticultural or silvicultural operation. Activities of a farm enterprise may include, but are not limited to, the following uses: farm tours, classes and/or conferences related to agricultural production and skills, petting, feeding and viewing of farm animals, hayrides, annual festivals, crop mazes, paintball, animal walks, and horse and pony rides.

FARM EVENTS — In addition to allowable farm enterprise uses, farms may, as an accessory use, host events that are not agricultural in nature but provide a means to promote and/or increase the exposure of the agricultural operation. Such events are classified into the following categories: educational conferences, fundraisers for nonprofit entities, and other personal recognition special events, except that weddings are prohibited.

§ 400-200. Purpose

The purpose of this article is to encourage farming and agricultural operations within the Town by permitting, in addition to the principal agricultural activities conducted upon the site, farm enterprises and farm events.

§ 400-201. Farm enterprise uses

Subject to Zoning Board approval, farm structures and grounds may be utilized for farm enterprise uses. Parking must be provided in accord with the requirements of Article VIII. (See also the definition of "farm enterprise.")

§ 400-202. Farm events

Subject to Zoning Board approval, for each category of event, farm structures and grounds may be used to host farm events as an accessory use to the principal use of the premises for agricultural purposes. Parking must be provided in accordance with the requirements of Article VIII. (See also the definition of "farm events.") Such uses shall comply with all applicable state or local licensing requirements.

§ XXIII. Solar Energy Systems and Facilities

[Adopted 12-12-2018; amended 6-12-2019; 12-11-2019]

§ 400-203. Purpose and intent

The intent of this article is to allow solar energy systems that do not have adverse effects on the rural character or environment of the Town and prohibit all other solar energy systems.

§ 400-204. Definitions

As used in this article, the following terms shall have the meanings indicated:

SOLAR ENERGY SYSTEM — A device or specific-use structural design feature, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

SOLAR ENERGY SYSTEM, BUSINESS ACCESSORY — A solar energy system that is accessory to a business and that produces no more than twice the electricity needed for the business.

SOLAR ENERGY SYSTEM, COVERED PARKING ACCESSORY USE — A solar energy system that is structurally mounted to the ground, yet additionally maintains a permanent function to park vehicles under. This shall only be permitted as an accessory use.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED — A solar energy system that is structurally mounted to the ground and is not roof-mounted.

SOLAR ENERGY SYSTEM, LIMITED — A solar energy system that has a rated nameplate capacity of no more than 1 MW AC and occupies no more than four acres of surface area, including inter-row and panel/collector spacing.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED — A solar energy system that is structurally mounted to or structurally ballasted on the roof of a building or structure; includes solar shingles.

§ 400-205. General requirements

- A. Solar energy systems shall be manufactured and designed to comply with applicable industry standards, including the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), and other appropriate certifying organizations.
- B. Solar energy systems connected directly to a distribution or a transmission system must submit an interconnect feasibility study at the preapplication stage; an impact study for preliminary plan submission; and an approved interconnection agreement with the interconnecting electric utility prior to final approval, where applicable.

- C. No solar energy system shall be constructed, installed or modified without first obtaining all state and local approvals as well as all applicable permits and shall be subject to periodic inspections as deemed necessary by the building official and other Town officials.
- D. Solar energy systems shall be constructed to minimize the use of herbicides.
- E. Dimensional regulations for ground-mounted solar energy systems.
 - (1) The maximum height of a ground-mounted solar energy system shall be 12 feet, with the exception of solar-covered parking structures, which shall have a maximum height of 18 feet from the ground. The height shall be measured from the ground level or the base of the system's pedestal to the highest point of the solar energy system, including the top of any support structure or panel. A maximum of six feet of fill shall be permitted, and a dimensional variance shall be required for projects proposing more than six feet of fill.
 - (2) Setbacks.
 - * (a) A solar energy system that is accessory to a principal structure may be located no closer than 1/2 of the setback that would otherwise apply or 20 feet from the front, side, or rear site lines, whichever is greater.
 - * (b) A limited solar energy system shall have a setback requirement of 200 feet from adjacent residential zoning districts and from the front yard line. Where the subject property borders a nonresidential zoning district, the setback shall be 50 feet.
 - (3) Lot coverage. A limited solar energy system shall cover no greater than 50% of a lot or contiguous lots in common ownership. The lot coverage calculation shall include inter-row and panel/collector spacing, meaning that the entire area of the installation shall be counted as lot coverage.
- F. Panels for solar energy systems shall be recyclable unless the Planning Board approves the use of nonrecyclable panels due to extenuating circumstances.
- G. Except for roof-mounted systems, solar energy systems shall not be permitted on any property that is encumbered by a conservation easement or on state-owned property.
- H. A limited solar energy system that is located on more than one contiguous parcel of land shall be considered a single system and shall not exceed the land area/capacity threshold specified in § 400-204.

§ 400-206. Limited solar energy systems

- A. Major land development. Each limited solar energy system application must be reviewed by the Planning Board as a major land development project.
- B. General requirements.
 - (1) Location. A limited solar energy system shall be allowed in accordance with the Town of West Greenwich Zoning Ordinance Use Tables.
Editor's Note: Said tables are included as an attachment to this chapter.
 - (2) A ground-mounted facility shall be designed to prevent unauthorized access, subject to the review and acceptance of the Planning Board and concurrence of the Director of Public Works and the Fire Marshal as it relates to the provision of emergency service. Security fencing shall be installed prior to installation of panels.
 - (3) The applicant shall demonstrate that adequate access and parking are provided for service and emergency vehicles as determined by the Planning Board in consultation with the Fire Marshal.
 - (4) Landscaping. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the solar energy system or otherwise prescribed by applicable laws, regulations, and bylaws/ordinances. The disturbance of topsoil shall be limited to those areas that are required for the installation of the proposed solar energy system. Topsoil shall be stockpiled for re-use, restoration, and stabilization of the site after.
 - (5) Buffering. Applicants proposing ground-mounted solar energy systems shall propose an appropriate buffer that adequately mitigates visual impacts on surrounding properties and the neighborhood in general. Selection of the proposed buffer should be based on the context and characteristics of the specific site, and shall be done in consultation with a landscape designer. Choices include, but are not limited to: 1) wooded buffer; or 2) full landscape screen. The Board shall determine the appropriate buffer based on site conditions. If a full landscape screen is utilized,

- the applicant shall post a bond for the maintenance of that landscape screen during the expected life of the system.
- (6) Demarcation and maintenance of buffer. The required buffer shall be delineated with permanent markers. If a 200-foot setback is required under § 400-205E(2)(b), the first 150 feet of that setback distance shall be a no-cut zone, and the only allowable trimming of buffer vegetation shall be growth (branches/limbs) that overhang the buffer zone.
 - (7) Drainage and erosion and sedimentation control shall conform to the Rhode Island Department of Environmental Management Stormwater Design Manual and all applicable regulations, local and state.
 - (8) Reasonable efforts, as determined by the Board, shall be made to place all utility connections from the facility underground, depending upon appropriate soil conditions, shape, topography of the site, subsurface conditions, and any requirements of the utility provider.
 - (9) Lighting of a ground-mounted solar energy system shall be "dark-sky rated" and shall be consistent with local, state, and federal law. Lighting of other parts of the facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the facility shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
 - (10) Financial security. With the exception of roof-mounted structures, applicants proposing to develop limited solar energy systems shall be required to provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility and restore the landscape, in an amount and form determined to be reasonable by the Board (and subject to the review of the Town Solicitor), and/or as agreed to and detailed in the site lease agreements. As part of the review for the lease agreements, the applicant shall submit a fully inclusive estimate of the costs associated with removal. The amount shall include a mechanism for calculating increased removal costs due to inflation and any expected salvage or resale value. Such surety will not be required for municipally or state-owned facilities. The Administrative Officer shall recommend to the Planning Board the amount of the financial security the applicant must provide to ensure facility removal and site restoration. The Planning Board may require the applicant to cover the cost of third-party verification of the estimated removal/decommissioning costs. The applicant shall submit the financial guarantee before any local permits are issued.
 - (11) Removal requirements. With the exception of roof-mounted structures, any solar energy system that has reached the end of its useful life or has been abandoned shall be removed. The applicant shall submit a decommissioning plan to the Zoning Board and/or Planning Board with the application for project review and approval. The owner or operator shall physically remove the facility no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail no later than 90 days before the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - * (a) Physical removal of all ground-mounted solar energy systems, structures, equipment and security from the site.
 - * (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - * (c) Stabilization or revegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
 - (12) Abandonment. With the exception of roof-mounted systems, absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Town Council and Planning Board as it relates to the land development project approval. If the owner or operator of a limited solar energy system fails to remove the facility in accordance with the requirements of this section within 150 days of either abandonment or the proposed date of decommissioning, the Town may physically remove the facility, without further notice; and or/may place a lien on the property for any costs incurred over and above the bond amount, with statutory interest.

§ XXIV. Accessory Dwelling Units

[Added 2-15-2023; amended 2-12-2025]

§ 400-207. Purpose and intent

The intent of this article is to set forth standards for the review and approval of accessory dwelling units (ADUs) consistent with the Rhode Island Zoning Enabling Act, as amended.

Editor's Note: See R.I.G.L. § 45-24-27 et seq.

§ 400-208. General requirements

- A. An accessory dwelling unit ("ADU") that meets the requirements set forth herein shall be a permitted use in all residential zoning districts. An ADU that meets these requirements shall be permitted through an administrative building permit process only.
- B. One ADU per lot shall be allowed by right under the following circumstances:
 - (1) On an owner-occupied property as a reasonable accommodation for family members with disabilities; or
 - (2) On a lot with a total lot area of 20,000 sq. ft. or more for which the primary use is residential; or
 - (3) Where the proposed ADU is located within the existing footprint of the primary structure or existing accessory attached or detached structure and does not expand the footprint of the structure.
- C. The maximum unit size for an ADU shall be as follows:
 - (1) For a studio or one-bedroom ADU, 900 sq. ft. or 60% of the floor area of the principal dwelling, whichever is less; and
 - (2) For a two-bedroom ADU, 1,200 sq. ft., or 60% of the floor area of the principal dwelling, whichever is less.
- D. Occupants of the ADU shall not be restricted based on familial relationships or age unless such restriction is necessary to comply with the terms of the federal subsidy related to affordability.
- E. Application or permitting fees for the creation of an ADU shall not exceed those that would be charged for a new single-family dwelling.
- F. Infrastructure improvements in connection with the ADU, including, but not limited to, separate water or sewer service lines or expanded septic system capacity, shall not be required unless such improvements and/or modifications are required by an applicable state agency for compliance under state law or regulation, or to comply with building code requirements, or to address capacity or upgrades necessary to accommodate the ADU.
- G. Dimensional requirements and other development standards for an ADU shall not exceed the requirements for an accessory structure in the same zoning district.
- H. For conforming lots or legal nonconforming lots of record, neither additional lot area, lot frontage, nor lot width shall be required solely to accommodate an ADU.
- I. For ADU applications proposed within an existing footprint of a primary or accessory structure that is legally nonconforming by dimension, zoning relief to address the existing dimensional nonconformity shall not be required.
- J. One off-street parking space per bedroom of the ADU shall be required.
- K. An ADU shall have no more than two bedrooms.
- L. An ADU need not be deed-restricted as affordable housing unless the ADU is part of a comprehensive permit application or is proposed to fulfill the requirements of inclusionary zoning.
- M. An ADU may be maintained upon transfer of title or occupancy, and the permitted status of the ADU shall not be revoked based on transfer of title or occupancy alone.
- N. The procedure for review of a proposed ADU shall be as follows:
 - (1) An application for an ADU that is not allowed by right under this section shall not, by itself, be reviewed as a land development project.

- (2) ADUs may be proposed as part of applications for new primary dwelling units or subdivisions. For proposed ADUs that are part of a larger development proposal, a municipality shall not count such ADUs toward density of the proposal for purposes of limiting the number of dwelling units allowed in such development proposal.
- O. ADUs shall not be offered or rented for tourist or transient use or through a hosting platform, as such terms are defined by R.I.G.L. § 42-63.1-2.

§ 400-209. Special requirements for ADUs in detached structures

- A. The Fire Chief or Fire Marshal shall review the location of a proposed ADU in a detached structure to ensure the safety of the occupant(s) of the ADU.
- B. A separate 911 building number shall be assigned to any detached ADU.

§ 400-210. through § 400-214. (Reserved)

§ XXV. Inclusionary Zoning

[Added 2-12-2025; amended 8-13-2025]

§ 400-215. Purpose and intent

The intent of this article is to set forth standards for inclusionary zoning, as defined by and consistent with R.I.G.L. § 45-24-46.1. The purposes of this article are as follows:

- A. To promote affordable housing production in the town in accordance with the goals and policies of the West Greenwich Comprehensive Community Plan;
- B. To encourage the development and availability of housing that qualifies as low- and moderate-income housing as mandated by the Rhode Island Low and Moderate Income Act, and the Rhode Island Comprehensive Housing Production and Rehabilitation Act of 2004, as amended;

Editor's Note: See R.I.G.L. §§ 45-53-1 et seq. and 42-128-8.1, respectively.

- C. To promote mixed income household occupancy in new subdivisions and land development projects throughout the town;
- D. To encourage and perpetuate the historic diversity of the community through the development of housing and housing for all populations within the town, including, but not limited to, housing for the resident workforce and housing for special needs populations;
- E. To allow landowners and/or developers a reasonable return on their investment through the provisions of density bonuses to write down land and infrastructure development costs as part of a municipal subsidy program for the construction and/or rehabilitation of affordable housing units.

§ 400-216. Applicability

This section shall be applicable in all zones permitting residential development where the applicant proposes a development of five or more additional housing units or buildable vacant house lots. This section shall not apply to conservation design developments proposed under Article XX.

§ 400-217. Affordability requirements

For all applicable projects, at least 15% of the units proposed for the project must qualify as affordable housing, as defined by R.I.G.L. § 42-128-8.1(d)(1). The total number of units for the development may include less than 15% affordable units after the density bonus described in § 400-220 is determined. Where the required number of affordable units results in a fraction, the applicant shall round up to the nearest whole number.

§ 400-218. Requirements for inclusionary units

Inclusionary units shall have a certificate of occupancy prior to, or simultaneous with, the occupancy of market-rate units. Inclusionary units shall be compatible in architectural style to the market-rate units in the development. The permitting authority may allow inclusionary units to be constructed as accessory dwelling units.

§ 400-219. Off-site option

- A. The permitting authority, at its sole discretion, may allow an applicant of an inclusionary zoning project to comply with the inclusionary zoning requirement by constructing inclusionary units on a site other than that on which the project is located. The following may be required by the permitting authority for such off-site construction.
 - (1) Off-site rehabilitation of affordable units in existing buildings.
 - (2) Off-site construction of affordable units.
- B. Provisions of off-site inclusionary units shall be subject to the following conditions:
 - (1) Off-site inclusionary units shall have a certificate of occupancy prior to, or simultaneous with, the occupancy of market-rate units.
 - (2) New off-site units shall be compatible in architectural style to the existing units in the surrounding neighborhood in which they are being constructed.
 - (3) Renovated off-site units shall be in full compliance with all applicable construction and occupancy codes and shall be sufficiently maintained or rehabilitated so that all major systems meet standards comparable to new construction.

§ 400-220. Incentives

The number of housing units allowable on the site or sites involved shall be increased to one market rate unit for each affordable unit required and the minimum lot area per dwelling unit normally required in the applicable zoning district shall be reduced by that amount necessary to accommodate the development. The total number of units for the development shall equal the number originally proposed, including the required affordable units, plus the additional units that constitute the density bonus. Reasonable relief from dimensional requirements to accommodate the bonus density shall be available in the form of a dimensional variance. An application that utilizes off-site construction or rehabilitation, or donation of land suitable for development of the required affordable units, shall not be eligible for the density bonus. Payment of fees in lieu of development shall be prohibited.

§ 400-221. through § 400-230. (Reserved)

§ XXVI. Customary Home Occupations

[Added 11-19-2025]

§ 400-231. Standards for home occupations

A customary home occupation, as defined in Article I, shall be permitted as an accessory use to a lawful dwelling unit. All customary home occupations shall conform to the following conditions:

- A. The home occupation shall be performed by the resident within the dwelling unit and shall be limited to 25% of the gross floor area of the dwelling unit or 300 square feet, whichever is less.
- B. Visits by customers or deliveries of products, merchandise or materials to or from the premises shall not exceed that normally and reasonably occurring for a residence.
- C. There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
- D. No vibration, smoke, dust, odors, heat or glare or offensive noise shall be produced.

- E. No traffic shall be generated by such home occupation.