TOWN OF WEST GREENWICH

ZONING ORDINANCE

Article I ADMINISTRATION AND PROCEDURES

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 All ordinances and amendments, or parts of ordinances and amendments, which are inconsistent herewith are hereby repealed.

SECTION 1. Statement of Purpose

The zoning regulations set forth in this Zoning Ordinance 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 ordinance exists, it shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of the Comprehensive Plan. This ordinance 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 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 use 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 agricultural 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, solid waste 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 that 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 the Zoning Ordinance.

SECTION 2. Regulations of Structures and Land

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 Ordinance. Every building, structure, or sign hereafter erected, and every use hereafter initiated shall be located on a lot as defined by this Ordinance and, in no event shall there be more than one (1) residential building, together with accessory structures, on one (1) lot.

SECTION 3. Definitions

In order to clarify and simplify the wording, to eliminate ambiguity and to avoid unnecessary delay in interpretation and application of this Ordinance, certain words, terms and phrases used herein shall be interpreted as follows:

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

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

(3) Accessory Structure. A structure located on the same lot as a principal structure but separate from the principal structure, the use of which is clearly incidental and secondary to and customarily in connection with the principal structure.

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

(4)A) Adult Entertainment.

(i) Any commercial establishment where, for any form of consideration, magazines, films, motion pictures, video cassettes, 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 person who perform live and expose any specified anatomical area or appear in any state of nudity, including seminude.

(ii) Any commercial establishment, bookstore, video store or novelty store where at least twenty percent (20%) of the in-store inventory that is held for sale or rental, for any form of consideration, includes any books, videos, magazine, films or other visual photographic representations where are or may be characterized by the depiction of description of sexual activities or specified anatomical areas. The descriptions provided within shall serve as examples and are not meant to be exhaustive.

(iii) 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 is designed for or may be used in connection which specified sexual activities.

(iv) "Specified Anatomical Areas" means any of the following: (i) the genitals of the human male which may be found in a discernibly turgid state, even if completely and opaquely cover; of (ii) less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the areola.

(v) "Specified Sexual Activities: means any of the following: (i) the fondly or other erotic touching of human genitals, public region, buttocks, anus, or female breasts; or (ii) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

(vi) 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 the principal purposes.

(5) Aggrieved Party. An aggrieved party, for purposes of this Ordinance, shall be either:

(a) Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering this zoning ordinance; or

(b) Anyone requiring notice pursuant to this Ordinance.

(6) Agricultural Land. ''Agricultural land'', as defined in R.I.G.L. Section 45-22.2-4. Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farm land or additional farm land of statewide importance for Rhode Island by the Soil Conservation Service of the United States Department of Agriculture.

(6A) 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.

(7) Applicant. An owner, or authorized agent of the owner, submitting an application or appealing an action of any official, board or agency.

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

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

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

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

(12) Building Height. The vertical distance from grade, as determined by the Town, to the top of the highest point of the roof or structure. The distance may exclude spires, chimneys, flag poles, and the like.

(13) Certificate of Completeness. A notice issued by the Administrative Officer informing the applicant that the application is complete and meets the requirements of these regulations, and that the applicant may proceed with the approval process.

(14) Common Ownership. Either:

(1) Ownership by one or more individuals or entities in any form of ownership of two(2) or more contiguous lots; or

(2) Ownership by any association (such ownership may also include the Town) of one or more lots under specific development techniques.

(14A) Consistent with local needs. Means reasonable in view of the state need for low and moderate income housing, and considering (i) the number of low income persons in the town: (ii) the needed to protect the health and safety of the occupants of the proposed housing or of the residences of the town; (iii) the need to promote better site and building design in relation to the surroundings or to preserve open spaces, and (iv) if the local zoning or land use ordinances, requirements, and regulations are applied as equally as possible to both subsidized and unsubsidized housing.

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

(a) Whenever six (6) or fewer retarded children or adults reside in any type of residence in the community, as licensed by the State pursuant to Chapter 24 of Title 40.1 (R.I.G.L.). All requirements pertaining to local zoning are waived for these community residences;

(b) A group home providing care or supervision, or both, to not more than eight (8) mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the State pursuant to Chapter 24 of Title 40.1 (R.I.G.L.);

(c) A residence for children providing care or supervision, or both, to not more than eight (8) children including those of the care giver and licensed by the State pursuant to Chapter 72.1 of Title 42 (R.I.G.L.);

(d) A community transitional residence providing care or assistance, or both, to no more than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8) persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor more than two (2) years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

(16) Comprehensive Plan. The Comprehensive Plan adopted and approved pursuant to Chapter 22.2 of Title 45 (R.I.G.L.) and to which any zoning adopted pursuant to this Ordinance shall be in compliance.

(17) Day Care - Day Care Center. Any other day care center which is not a family day care home.

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

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

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

(21) Development Plan Review. The process whereby authorized Town officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of this Ordinance.

(22) District. See "Zoning Use District".

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

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

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

(25A) 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.

(26) Family. A person or persons related by blood, marriage, or other legal means. See also "Household".

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

(28) Floodplains, or Flood Hazard Area. As defined in Section 45-22.2-4. (R.I.G.L.) An area that has a one percent (1%) or greater chance of inundation in any given year, as delineated by the Federal Emergency Agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 U.S.C. 4011 et seq.].

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

(30) Halfway House. A residential facility for adults or children

who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to functional members of society.

(31) Hardship. See Section 45-24-41. (R.I.G.L.)

(32) Historic District, or Historic Site. As defined in R.I.G.L. Section 45-22.2-4. "Historic District" means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites, and has been registered, or is deemed eligible to be included, on the State Register of Historical Places pursuant to R.I.G.L. 42-45-5. "Historic site" means any real property, man-made structure, natural object, or configuration or any portion or group of the foregoing which has been registered, or is deemed eligible to be included, on the State Register of Historic Places pursuant to R.I.G.L. 42-45-5.

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

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

(a) A family, which may also include servants and employees living with the family; or

(b) A person or group of unrelated persons living together not to exceed three (3) such persons.

(35) Reserved.

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

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

(37A) Local Board. Any town Zoning Board of Review, Planning Board, Building Inspector, Administrative Officer, or the officer or board having supervision of the construction of buildings or the power of endorsing municipal building, subdivision, or zoning laws; or the town council.

(37B) Low or Moderate Income Housing. Any housing subsidized by the federal or state government under any program to assist the construction or rehabilitation of low or moderate income housing, as defined in the applicable federal or state statute, whether built or operated by any public agency or nonprofit organization, or by any limited equity housing cooperative or any private developer.

(38) Lot. Either:

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

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

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

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

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

(42) Lot Frontage. That portion of a lot abutting a street. Minimum frontage requirements as specified in this Ordinance shall mean contiguous frontage abutting a town road or public right of way.

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

(a) Front: the lot line separating a lot from a street right-of-way;.

(b) Rear: the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and

(c) Side: any lot line other than a front or rear lot line. On a corner lot, a side lot line may be a street lot line, depending on requirements of the local zoning ordinance.

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

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

(46) Mere Inconvenience. As defined in Section 45-24-41. (R.I.G.L.)

(47) Mixed Use. A mixture of land uses within a single development, building, or tract.

(48) Modification. Permission granted and administered by the zoning enforcement officer to grant a dimensional variance other than lot area requirements from the requirements of this zoning ordinance but not to exceed twenty-five percent (25%) of each of the applicable dimensional requirements.

MULTI FAMILY DWELLING - A building consisting of three (3) 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 multi family dwelling includes low-moderate income housing pursuant to R.I. Gen. Laws § 45-53-1 et seq.

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

(a) Nonconforming by use: a lawfully established use of land, building, or structure which is not a permitted use in the zoning district in which it is located, and including a building or structure containing more dwelling units than are permitted by the use regulations of this zoning ordinance; or

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

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

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

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

(53) Planned Development. A "land development project," as defined herein, and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant

common areas.

(54) Preapplication Conference. A review meeting of a proposed development held between applicants and reviewing officials and/or agencies, before formal submission of an application for a permit or for development approval.

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

(55A) 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.

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

(57) Special Use. A regulated use which is permitted pursuant to the special-use permit issued by the Zoning Board, pursuant to Section 45-24-42. (R.I.G.L.) Formerly referred to as a "special exception".

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

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

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

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

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

(b) Dimensional Variance. Permission to depart from the dimensional requirements of this zoning ordinance, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

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

(63) Wetland, Coastal. As defined in Section 2-1-14. (R.I.G.L.) (CP 28) A salt marsh bordering on the tidal waters of this state and contiguous uplands extending no more than fifty (50) yards inland therefrom.

(64) Wetland, Freshwater. As defined in Section 2-1-20. (R.I.G.L.) (CP 29) A marsh, swamp, bog, pond, river, river or stream flood plain or bank, area subject to flooding or storm flowage; emergent or submergent plant community in any body of fresh water; or area within fifty feet of the edge of a bog, marsh, swamp, or pond, as defined in Section 2-1-20 (R.I.G.L.).

(65) 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:

(1) Front - 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 a principal structure.

(2) Rear - 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.

(3) Side - 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.

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

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

Greenwich.

(68) Zoning Permit. The permit required under the provisions of Subsection 5B 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.

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

SECTION 4. Zoning Districts and Zoning Map

For the purpose of this ordinance, 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 & Public Lands
Neighborhood Business
Highway Business
Industrial A
Industrial 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 Ordinance. In addition, current copies of the Zoning Ordinance shall be available at all times at the Office of the Town Clerk.

SECTION 5. Rules for Interpretation of Zoning 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, water course 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 Ordinance, the Board of Review may permit, as a special use, the extension of the regulations for either portion of the lot not to exceed thirty (30) feet beyond the district line into the remainder of the lot;

D. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in event of change in the shore line, shall be construed as moving with the actual shore line;

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.

SECTION 6. Enforcement

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 Ordinance and to record all amendments to this Ordinance on the Record Copy of the Zoning Ordinance and Map. In addition, all records of the Zoning Board of Review shall be filed in the Office of the Zoning Inspector.

B. Zoning Permit

A permit shall be required indicating that the proposed use of structures or land conforms to the provisions of this Ordinance for the following:

1) The erection, enlargement or relocation of a building, structure or sign.

2) Change in use of an existing building.

3) Use of vacant land.

4) Change in use of existing land.

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.

No permit may be issued by the Inspector for any use not specifically permitted in this Ordinance, 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 Ordinance.

The Inspector shall retain a copy of each permit issued and one copy each 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.

SECTION 7. Administration

A. Zoning Board of Review

A Zoning Board of Review, hereinafter called the Board, is hereby created. The Board shall be appointed by the Town Council and shall consist of five (5) regular members and two (2) auxiliary members. Each regular member shall be appointed for a term of five (5) years except that the original appointments shall be made for terms of one (1), two (2), three (3), four (4), and five (5) years respectively and 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. The auxiliary members shall be appointed for a term of one (1) year. If a vacancy occurs on the Board, the Town Council shall appoint a new member for the unexpired term. 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.

B. Organization of the Board

Once each year the Zoning Board of Review shall organize by electing from its membership a Chairman and a 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.

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 auxiliary 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.

In conducting hearings and arriving at its decisions, the Board shall consist of five (5) participating members. The concurring

vote of three (3) members shall be necessary to reverse any order, requirements, decision or determination of the Zoning Inspector. The concurring vote of four (4) 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 the Ordinance.

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

1. 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 Ordinance. 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.

a. Any such appeal shall be made in writing to the Town Clerk and the Zoning Board of Review within fifteen (15) days of the recording of the order or decision of the Zoning Inspector which is the subject of said appeal.

b. In the notice of appeal, the aggrieved party shall specify the grounds for said appeal.

c. 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.

d. 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.

e. 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 a reasonable time. 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.

2. SPECIAL-USE PERMITS

Section 45-24-42. (R.I.G.L.) General provisions -- Special-use permits. -- 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;

(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 the West Greenwich Zoning Ordinance, may be issued:

a. An application for a 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 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 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 the proposed use and/or structure:

a. will be compatible with the neighboring uses and will not adversely affect the surrounding neighbors' use and enjoyment of their property;

b. will be environmentally compatible with neighboring properties and the protection of property values;

c. will be compatible with the orderly growth and development of the Town of West Greenwich, and will not be environmentally detrimental therewith;

d. that 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; and

e. that it 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. that the purposes of this Ordinance, and as set forth in the West Greenwich Comprehensive Plan, shall be served by said Special-Use Permit; and

g. Criteria for the issuance of a SPECIAL-USE PERMIT FOR ELDERLY AND/OR HANDICAPPED FAMILY APARTMENT shall be as follows:

(i) <u>Purpose & Intent:</u>

To provide family assisted housing for immediate family member(s) suffering a hardship who require(s) family support, while maintaining some degree of independent living.

To allow a family to provide assistance and care to immediate family members in a cost effective manner that preserves an independent lifestyle for the care giver and the recipient.

To allow for design modifications as part of new construction or renovation of existing single-family residential dwellings. To 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.

(ii) Description & Regulation:

All Elderly and/or Handicapped Family Apartments shall:

1. Be attached directly to the main single-family dwelling and be fully accessible from such area.

2. Have all utilities connected through the main dwelling. Separate utilities are specifically prohibited.

3. The interior living space of the apartment shall consist of a maximum of five hundred (500) square feet or thirty percent (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.

4. Be considered an integral part of the main dwelling for purposes of conformance to all zoning regulations.

5. Maintain the exterior appearance of a single-family dwelling.

6. Be constructed and located so that the apartment unit can be converted to standard uses as an integral portion of the main dwelling. Such uses include, but are not limited to, bedrooms, dens, living and storage areas.

7. Not be converted to, or used as, a rental apartment unit.

8. Not overburden the sewage disposal system (ISDS). New construction shall include the apartment unit in calculating the size and obtaining approval of an Individual Sewage Disposal System (ISDS). 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 R.I. Dept. of Environmental Management (DEM) ISDS Section.

(iii) Application:

1. An application for Special-Use Permit shall be made jointly by the property owner(s)/dwelling resident(s) and the individual(s) who shall occupy the elderly and/or handicapped family apartment. The application shall state the relationship between the applicants and evidence of need for the specified living arrangement.

2. All applications shall be subject to review for conformance with the purpose and intent of this provision and for other relevant provisions of this Zoning Ordinance.

3. 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.

4. Section 45-24-2, (R.I.G.L.) requires that restrictions be imposed on family apartments "so that the same may not be used by persons who are not related as aforesaid." A condition for obtaining approval of the Special-Use Permit shall be a statement signed by the applicants agreeing to a restriction that the apartment may not be used by person(s) who are not related as defined above. This agreement shall be recorded in the Land Evidence Records of the Town of West Greenwich.

(4) 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 the notification of the date, time, place, and purpose of the public hearing to interested parties. Public notice shall be given thereof at least fourteen (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 Section 8.D. Adoption of this Ordinance. The notice shall also include the street address of the subject property. The cost of notification shall be borne by the applicant.

(5) All recording of findings of fact and written decisions of the West Greenwich Zoning Board of Review shall be in conformance with Section 7. Administration - Decisions and Records of the Zoning Board of Review.

(6) Any appeals may be taken pursuant to Section 8. Appeals of the Zoning Board of Review Action to the Superior Court.

(7) A Special-Use Permit shall expire six (6) months from the date of approval by the Board unless the applicant who has been granted relief receives a building permit, commences construction and completes such construction within one (1) year.

(h) 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 manage of the proposed establishment.

2. All used uses granted under this subsection shall not be located within:

   a. One thousand feet (1000') from the nearest residential zoning district; or

   b. One thousand feet (1000') from the nearest house of worship, school, park, playground, play field, youth center, licenses day care center, or other locations where groups of minors regularly congregate; or

   c. Two thousand feet (2000') from the nearest adult entertainment establishment or sexually-oriented business use as defined herein; or

   d. One thousand feet (1000') from the nearest establishment serving alcohol.

   The distances 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.

3. All building opening, 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 area 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 display 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 building, 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.

   a. Any and all rubbish, boxes containers, packages, trash, waste, or other
   debris generated form the operation of such permitted adult entertainment business shall be disposed of in a manner which is discreet and invisible to passerby. Furthermore, such debris shall be stored in a padlocked container until time of final disposal.

   b. Conditions. The Zoning Board of Review may impose reasonable conditions, safeguards, and limitations on time or use of 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, sand shall expire upon the sale or transfer of the subject property.

3. VARIANCES

Relief from the literal requirements of this Ordinance 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 zoning ordinance because of hardship may be made by any person, group, agency, or corporation by filing with the Town Clerk, and Clerk for 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 variance, the Zoning Board of Review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

(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;

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

(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 the Zoning Ordinance or the Comprehensive Plan upon which the Ordinance is based; and

(4) That the relief to be granted is the least relief necessary;

c. Standard For Granting a Use Variance:

The Zoning Board of Review shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

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

d. Standard for Granting a Dimensional Variance:

(1) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

e. Expiration:

(1) A variance shall expire six (6) months from the date of approval by the Board unless the applicant who has been granted relief receives a building permit, commences construction and completes such construction within one (1) year.

4. PROCEDURE: Appeal, Variance, 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 thirty(30) days of receipt of an application, which has been deemed complete.

b. At the earliest possible time, or in no case more than forty-five (45) days after the filing of an application, the Zoning Board shall hold a public hearing on any application for appeal, variance or special-use permit in an expeditious manner, after receipt, in proper form, of a completed application. Public notice shall be given

thereof, at least fourteen (14) days prior to the date of the hearing, in a newspaper of general circulation in the Town.

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 two hundred (200) feet of the lot or parcel which is the subject of the application. If the subject property is located within two hundred (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 two hundred (200) feet of the subject property located in the neighboring community, shall be notified, the list of which to be certified by the neighboring city/town Tax Assessor 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 represented by agent or by attorney.

5. 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 the Zoning Ordinance, the Zoning Board of Review may apply such special conditions that may, in the opinion of the Board, be required to promote the intent and purposes of the Comprehensive Plan and the Zoning Ordinance of the Town.

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 impact of the development upon other land, including the type, intensity, design, and performance of activities;

(2) Controlling the sequence of development, including when it must be commenced and completed;

(3) Controlling the duration of use or development and the time within which any temporary structure must

be removed;

(4) Assuring satisfactory installation and maintenance of required public improvements;

(5) Designating the exact location and nature of development; and

(6) Establishing detailed records by submission of drawings, maps, plats, and/or specifications.

6. FEES:

Except for action initiated by the Town Council or a town agency or official, all applications for special-use permit 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.

7. DECISIONS & RECORDS OF THE ZONING BOARD OF REVIEW:

a. The Zoning Board of Review shall render a decision on an application within thirty (30) 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 Land Evidence Records of the Town of West Greenwich within thirty (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, findings 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, to the Zoning Inspector, and to the Associate Director of the Division of Planning of the Rhode Island Department of Administration.

8. APPEAL OF ZONING BOARD OF REVIEW ACTION TO THE 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 Section 45-24-69 of the General Laws of Rhode Island, 1956, 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 twenty (20) days after the decision has been recorded and posted in the Office of the Town Clerk.

SECTION 8. Amendments

This ordinance 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 the portion of the ordinance proposed for amendment.

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:

1. The boundaries of the property proposed for change with appropriate plat, lot and street numbers, and the dimensions and area of the proposed change.

2. All properties within two hundred (200) feet of 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.

3. The present zoning district boundaries in the area, as determined from the official zoning map.

A. 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.

B. 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 forty-five (45) days after receipt of the proposal, unless extended for good cause, giving its findings and recommendations as prescribed in Section 45-24-52. (R.I.G.L.) Where a proposal for the amendment or repeal of the Zoning Ordinance or 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 include its findings and recommendations pursuant to Section 45-24-52. (R.I.G.L.) The West Greenwich Town Council shall hold a public hearing within sixty-five (65) days of receipt of a proposal, after giving proper notice as prescribed by this Ordinance. The Town Council shall render a decision on any proposal within forty-five (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.

C. Adoption -- 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 zoning ordinance or 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 zoning ordinance.

D. Adoption -- 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 each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed Ordinance. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration, and, where applicable, to the parties specified in Subsections (2), (3), (4), and (5) of this Section, at least two (2) 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:

(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;

(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 (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 (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 two hundred (200) feet of the perimeter of the area proposed for change, whether within the town or within an adjacent city or town. The notice shall be sent by registered or certified 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.

(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 two hundred (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 two thousand (2000) 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 two thousand (2000) 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 Inspector 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 two thousand (2000) 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) In granting a zoning ordinance amendment, notwithstanding the provisions of Section 45-24-37, the Town Council may limit the change to one of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions, and restrictions, including, without limitation:

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

(b) those relating to the effectiveness or continued effectiveness of the zoning change; and/or

(c) those relating to the use of the land; as it deems necessary.

The Town Clerk 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 (2) years or more after the zone change becomes effective, the town council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before the petition was filed. 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.

SECTION 9. Planning Board

Immediately upon receipt of an application for amendment of this Ordinance, 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.

The Zoning Board and the Town Council shall consider such advisory opinion in reaching a decision, but shall not be bound by such opinion.

At least once every two years, the Planning Board shall review this Ordinance and make a written report to the Town Council recommending any amendments deemed appropriate in the light of current development trends and needs.

SECTION 10. 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 date 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 (1) year

waiting period, provided that 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.

SECTION 11. Violation

Any person or corporation, whether as principal, agent, employee or otherwise who violates any of the provisions of this Ordinance or any safeguard or condition attached to the granting of a special exception or variance may be fined not more than one hundred (100) dollars, for each offense, after receipt of notification from the Building Inspector or Town Solicitor. Each day of the existence of a violation shall be deemed a separate offense.

The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained contrary to any provisions of this Ordinance is hereby declared to be a violation of this Ordinance and unlawful.

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

Article II ZONING DISTRICT USE REGULATIONS

SECTION 1. Rural, Farming, Residential (RFR 2)

A. Purpose

The purpose of this 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

C. Uses Allowed by Special-Use Permit - See Attached Zone Use Matrix

D. Dimensional Regulations

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