# Development Review Regulations

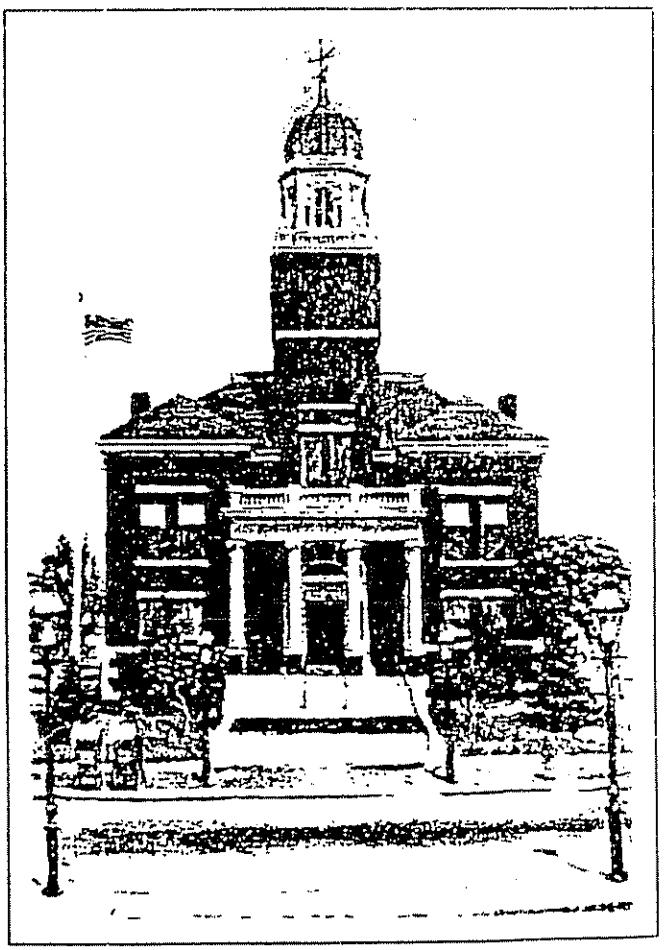
governing

## Subdivisions
## Land Development Projects
## Development Plan Review

Warwick Planning Board

January 1, 1996

Amended: January 01, 2000; March 13, 2001



## City of Warwick
## Rhode Island

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# ARTICLE 1

# PURPOSES AND GENERAL STATEMENTS

## 1.1 AUTHORITY

These Land Development and Subdivision Review Regulations, hereinafter referred to as "Regulations," are adopted pursuant to the authority contained in Title 45, Chapter 23, Sections 25 through 74 of the Rhode Island General Laws, known as the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, City of Warwick Code of Ordinances Number 0-95-10, May 16, 1995 and the Zoning Ordinance of the City of Warwick.

### 1.1.1 Purposes

The purpose of these Regulations is to establish procedural and substantive provisions for the development and subdivision of land that will, consistent with the provisions of the City of Warwick Comprehensive Community Plan and the Zoning Ordinance, accomplish the following:

a. Protect the public health, safety and welfare of the City;

b. Provide for the orderly, thorough and expeditious review and approval of land development projects and subdivisions;

c. Protect existing natural and built environments and mitigate the significant negative impacts of proposed development on those environments;

d. Promote high quality, and appropriate design and construction of land development projects and subdivisions ;

e. Promote subdivision and land development designs that are well-integrated into surrounding neighborhoods, and concentrate development in areas that can best support intensive use because of natural characteristics and existing infrastructure.

f. Provide for design and improvement standards to reflect the Comprehensive Plan with regard to the physical character of the City and its neighborhoods;

g. Promote thorough technical review of all proposed land developments and subdivisions by the Planning Board;

i. Provide for the dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered;

j. Provide consistent procedures for record-keeping on all matters of land development and subdivision review, approval and construction.

### 1.1.2 Construction and Intent

a. These Regulations are not intended to supersede, abrogate, or interfere with any provision of any Ordinance of the City of Warwick.

b. These Regulations are intended to be interpreted so as to be consistent with, and further the implementation of the Comprehensive Plan and the Zoning Ordinance of the City of Warwick and the Rhode Island Land Development and Subdivision Review Enabling Act of 1992. Consistency with the Comprehensive Plan means in accordance with the goals, policies, procedures, maps and other policy statements in the plan.

# ARTICLE 2

# APPLICABILITY OF REGULATIONS AND CLASSIFICATION OF SUBDIVISIONS

## 2.1 APPLICABILITY OF REGULATIONS - SUBDIVISION

These Regulations shall apply to any adjustment, alteration or change of any existing lot line, and to the creation of any new lot lines, including, but not limited to, the following:

### 2.1.1 Adjustment of Existing Lot Line

Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision, and subject to these Regulations, even if no new lot is created.

### 2.1.2 Division or Subdivision

The division or subdivision, of a lot, tract or parcel of land into two or more lots, tracts, or parcels shall be considered a subdivision and subject to these Regulations.

### 2.1.3 Re-subdivision

All re-subdivision activity shall be considered a subdivision and subject to these Regulations.

### 2.1.4 Financing

The division of land for purposes of financing or mortgaging shall be considered a subdivision and subject to these Regulations.

### 2.1.5 Leasing

The division of land for purposes of leasing shall be considered a subdivision and subject to these regulations.

## 2.2 APPLICABILITY OF REGULATIONS - LAND DEVELOPMENT PROJECT AND DEVELOPMENT PLAN REVIEW

These regulations shall also apply to any Land Development Project or Development Plan Review set forth in the Zoning Ordinance, including, but not limited to, the following:

### 2.2.1 Single Family Cluster

The development of a Single Family Cluster Land Development Project, pursuant to Section 501 of the Zoning Ordinance shall be subject to these regulations as a Major Land Development Review.

### 2.2.2 Two-Family or Multiple-Family Dwelling

The development of a Two-Family Dwelling Land Development Project, or of a Multiple-Family Dwelling Land Development Project containing from 3 to 10 dwelling units, pursuant to Section 502 of the Zoning Ordinance shall be subject to these regulations as a Minor Land Development Review.

### 2.2.3 Overlay District Land Development Projects

The development of an Overlay District Land Development Project, pursuant to Sections 305, 306, 307, 308 or 309 of the Zoning Ordinance, shall be subject to these regulations as a Major Land Development Review.

### 2.2.4 Development Plan Review (DPR)

Development Plan Review (DPR) shall be required for certain uses identified in Section 500 of the Warwick Zoning Ordinance, prior to development or expansion of such uses. There are two different DPR procedures. Administrative DPR shall be for those uses that are permitted as of right (i.e. that are classified with a "Yes" in the Use Table of the Zoning Ordinance). Planning Board DPR shall be for those uses that require a variance or special use permit under the Zoning Ordinance. DPR shall be subject to these regulations as follows:

**(1) Administrative DPR**

The Development Plan Review of any development permitted by right in the zone in which it is located, and which does not require any waivers, shall be reviewed by the Administrative Officer pursuant to the procedures set forth for such review in Article 3 of these Regulations.

### (2) Planning Board DPR

The Development Plan Review of any development requiring either a variance or a special use permit in the zone in which it is located, or requiring a waiver, shall be reviewed by the Planning Board pursuant to the procedures set forth in Article 4 of these Regulations for Minor Land Development Review.

### (3) DPR with Subdivision or LDP - One Review

Any subdivision or LDP that is also subject to review under the DPR provisions of Section 500 of the Zoning Ordinance shall only have one combined review under the procedures for subdivision or LDP review, whichever may apply; provided that the Planning Board shall make an affirmative finding of fact that the subdivision or LDP has met the intent and spirit of the requirements of DPR.

## 2.3 CLASSIFICATION OF SUBDIVISIONS

All subdivisions shall be classified according to criteria set forth below. If any subdivision does not otherwise fit into a classification, it shall be considered a Ma or Subdivision.

### 2.3.1 Administrative Subdivision

An Administrative Subdivision shall include only divisions, mergers, mergers and re-division and adjustment of existing lot lines, and if any additional lot is created, such lot shall be a "lot not for development." A "lot not for development" (as further defined in Article 10 of these Regulations) shall include any lot which is to be donated to the City, the Rhode Island Department of Environmental Management, or any recognized conservation organization, provided that such lot shall be conveyed with appropriate access and appropriate deed restrictions forbidding any development thereon.

### 2.3.2 Minor Subdivision

A Minor Subdivision shall include only a subdivision of land consisting of five (5) or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in these Regulations. Minor Subdivisions shall be further classified as follows:

**a. Minor Subdivision - Two to Five Lots On Existing Street**

This shall include the division of land into not more than five lots, for residential development only, and where street creation or extension is NOT required. This classification of Minor Subdivision would include that which was, prior to [Enactment Date], considered to be a division of land with frontage along an existing street. No public hearing is required for this classification.

**b. Minor Subdivision - Two to Five Lots With New Street**

This shall include the division of land into not more than five lots, for residential development only, where street creation or extension is required. A public hearing is required for this classification.

### 2.3.3 Major Subdivision

A Major Subdivision shall include any subdivision not classified as either an Administrative Subdivision or a Minor Subdivision, including, but not limited to, a subdivision in which more than five lots are resultant, a subdivision requiring a waiver or modification of these Regulations, or a subdivision with phasing.

# ARTICLE 3

# APPLICATION PROCEDURES AND REQUIREMENTS, ADMINISTRATIVE SUBDIVISIONS AND ADMINISTRATIVE DEVELOPMENT PLAN REVIEW

## 3.1 SUBMISSION REQUIREMENTS

### 3.1.1 Required Items Checklist and Plans

Any applicant requesting approval of a proposed Administrative Subdivision, as defined in these Regulations, shall submit to the Administrative Officer the items and plans set forth in Appendix A.

### 3.1.2 Required Design and Construction Standards

Any proposed Administrative Subdivision shall meet the applicable design and construction requirements as set forth in the Subdivision and Development Design Standards, Appendix D.

## 3.2 CERTIFICATION

The application shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of Section 7.2. In the event such certification of the application is not made within the time specified, the application shall be deemed complete for purposes of commencing the review period.

## 3.3 REVIEW PROCESS

### 3.3.1 Administrative Officer

Within fifteen (15) days of certification of completeness, the Administrative Officer shall review the application and approve, deny or refer it to the Planning Board with recommendations.

**a. Approval**

If approved, the Administrative Officer shall report his or her actions to the Planning Board at its next regular meeting, to be made part of the record, and shall be evidenced by a written decision which shall be filed and posted in the office of the city clerk.

**b. No Action**

If no action is taken by the Administrative Officer within the fifteen (15) days, the application shall be deemed to be refer-red to the Planning Board and placed on the agenda of the next regular Planning Board meeting.

**c. Denial**

Denial of an application by the Administrative Officer shall not be appealable and shall require the plan to be submitted as a Minor Subdivision application.

### 3.3.2 Review By Planning Board

If referred to the Planning Board, either by the Administrative Officer or by default, the Board shall consider the application and the recommendations of the Administrative Officer, if any, and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of certification of completeness. Denial of an Administrative Subdivision by the Planning Board shall be an appealable action.

### 3.3.3 Failure To Act

Failure of the Planning Board to act within the period prescribed shall constitute approval of the Administrative Subdivision plan and a certificate of the Administrative Officer as to the failure of the Planning Board or Administrative Officer to act within the required time and the resulting approval shall be issued on request of the applicant.

## 3.4 EXPIRATION OF APPROVAL

Approval of an Administrative Subdivision shall expire ninety (90) days from the date of approval unless within such period a plat in conformity with such approval is submitted for signature and recording as specified in Section 8.8.

## 3.5 DEVELOPMENT PLAN REVIEW BY ADMINISTRATIVE OFFICER

When Development Plan Review ("DPR"), as set forth in Section 500 of the Warwick Zoning Ordinance, requires the review to be conducted by the Administrative Officer, such review shall be conducted pursuant to the procedures and time periods set forth below.

### 3.5.1 Failure to Act

The time periods specified herein are maximum time periods only and are not meant to indicate the time expected to be taken by the average application. These time periods may be extended by mutual consent between either the Administrative Officer or the Board and the applicant. However, failure of either the Administrative Officer or the Planning Board to act within the periods prescribed herein shall constitute approval of the Development Plan and a certificate of the Administrative Officer as to the failure of the Planning Board or Administrative Officer to act within the required time and the resulting approval shall be issued on request of the applicant.

### 3.5.2 Pre-application Meeting Required

Any applicant requiring DPR shall meet, at least once, with the Administrative Officer in order to review the procedure and required general, conceptual application materials.

### 3.5.3 Required Submissions and Design Guidelines

Any applicant requesting DPR approval shall submit to the Administrative Officer the items and plans as provided in Appendix A of these Regulations. Any proposed DPR shall meet the design and construction requirements as provided in Appendix D of these Regulations.

### 3.5.4 Certification

The application shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission. Failure to provide required materials shall cause an application to be certified incomplete. In the event such certification of the application is not made by the Administrative Officer within the time specified, the application shall be deemed complete for purposes of commencing the review period. Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the administrative officer or the planning board determines that the required application information is complete.

### 3.5.5 Review by Administrative Officer

Within forty five (45) days of certification of completeness, the Administrative Officer shall review the application and either approve it, deny it, or refer it to the

Planning Board with a written finding setting forth special conditions which exist and which require that the Planning Board review the application. If approved or denied, the Administrative Officer shall report in writing his or her actions to the Planning Board at its next regular meeting, to be made part of the record.

### 3.5.6 Review by Planning Board

If referred to the Planning Board by the Administrative Officer, the Board shall consider the application, and shall either approve, approve with conditions, or deny the application within a maximum of ninety (90) days of the date of certification of completeness by the Administrative Officer.

### 3.5.7 Expiration of Approval

Approval of a Development Plan shall expire ninety (90) days from the date of approval unless within such period an application for a building permit or certificate of occupancy is applied for and diligently pursued. Denial of such building permit or certificate of occupancy on grounds unrelated to the DPR shall not effect the validity of the DPR approval, provided that a building permit or certificate of occupancy is eventually issued no later than one hundred and eighty (180) days from the date of DPR approval.

### 3.5.8 Scope of Review

The decision by the Administrative Officer shall be binding upon the permitting authority, being that officer responsible to issue the building permit or certificate of occupancy. Such decision shall be in writing and shall comply with all requirements of these Regulations, including those for filing of records and decisions. The permitting authority may not issue a permit contrary to the decision of the Administrative Officer, but such decision may be considered an appealable decision, appealable to the Zoning Board of Review, pursuant to the procedures set forth for the review of a decision of the Planning Board.

### 3.5.9 Specific and Objective Guidelines for Review

The guidelines for review are set forth in Appendices A and D of these Regulations.

# ARTICLE 4

# APPLICATION PROCEDURES AND REQUIREMENTS, MINOR SUBDIVISIONS AND MINOR LAND DEVELOPMENT REVIEW

## 4.1 SUBMISSION REQUIREMENTS

### 4.1.1 Required Items Checklist and Plans

Any applicant requesting approval of a proposed Minor Subdivision or Minor Land Development Project, as defined in these Regulations, shall submit to the Administrative Officer the items and plans set forth in Appendix B.

### 4.1.2 Required Design and Construction Standards

Any proposed Minor Subdivision and Development Review shall meet the design and construction requirements as set forth in Appendix D.

## 4.2 CERTIFICATION

The application shall be certified as complete or incomplete by the Administrative Officer within twenty-five (25) days or within fifteen (15) days if no street creation or extension is required, from the date of its submission according to the provisions of Section 7.2. The running of the time period set for the herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission. In the event such certification of the application is not made within the time specified, the application shall be deemed complete for purposes of commencing the review period.

## 4.3 REVIEW PROCESS

### 4.3.1 Stages

Review shall consist of two stages, preliminary and final, provided, that if a street creation or extension is involved, a public hearing is required. The Planning Board may combine the approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the Planning Board.

**a. Preliminary Plan**

If no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board.

**b. Public Hearing**

If a street extension or creation is required, the Planning Board shall hold a public hearing prior to approval, according to the requirements in Section 8.5, and shall approve, deny, or approve with conditions, the preliminary plan within ninety-five (95) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board.

**c. Vesting**

The approved preliminary plan shall be vested for a period of one (1) year and 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 shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

**d. Final Plan**

The Final Plan shall meet all of the requirements as set forth in Appendix B, and shall reflect all stipulations and conditions of the Preliminary Approval. Final plan review and approval shall be conducted by the Administrative Officer, who shall then report his or her actions to the Planning Board at its next regular meeting, to be made part of the record. In the event that the Administrative Officer determines that all of the requirements for final plan approval have not been met, then the Administrative Officer shall refer the final plan to the Planning Board for Final Plan Review.

### 4.3.2 Re-assignment to Major Subdivision and Development Review

If the Planning Board is unable to make the positive findings required by Section 8.6, or if the Planning Board determines that a waiver or modification of these Regulations is necessary, it may, in lieu of denial, re-assign a proposed Minor Subdivision and Development Review to Major Subdivision and Development Review.

### 4.3.3 Failure To Act

Failure of the Planning Board to act within the period prescribed shall constitute 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.

## 4.4 EXPIRATION OF APPROVAL

Approval of a Minor Subdivision and Development Review Plan shall expire ninety (90) days from the date of final approval unless within such period a plat or plan, in conformity with such approval, and as defined in this act, is submitted for signature and recording as specified in Section 8.8. Validity may be extended for a longer period of up to one year at a time, for cause shown, if requested by the applicant in writing, and approved by the Planning Board.

### 5.5.2 Planning Board Review

If the Administrative Officer determines that the application is not complete and does not comply with the conditions and requirements set forth by the Planning Board in its approval of the preliminary plan and by other provisions of these Regulations, the Administrative Officer shall refer the final plans to the Planning Board for review. The Planning Board shall, within forty-five (45) days after the issuance of the Certificate of Completeness of the application for final plan approval by the Administrative Officer, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted

### 5.5.3 Failure to Act

Failure of the Administrative Officer or Planning Board to act within the period prescribed shall constitute 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.

### 5.5.4 Expiration of Final Approval and Recording

The final plan of a major subdivision shall expire one (1) year from the date of approval by the Planning Board unless, within that period, the plat or plan shall have been submitted for signature by the Planning Board Chairperson and Administrative Officer and recording as specified in Section 8.8. (See also Section 6.5.1 requiring that security must be provided prior to signature and recording). The Planning Board may, for good cause shown, extend the period for recording for an additional period, if requested by the applicant in writing,

### 5.5.5 Validity of Recorded Plans

The approved final plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure forth in Section 8.9, or a new plan is approved by the Planning Board.

### 5.4.5 Decision

The Planning Board shall, within one hundred and twenty (120) days of certification of completeness of the preliminary plan application, or within such further time as may be consented to by the applicant, approve of the preliminary plan as submitted, approve with changes and/or conditions, or deny the application.

### 5.4.6 Failure to Act

Failure of the Planning Board to act within the period prescribed shall constitute 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.

### 5.4.7 Expiration of Prelininary Approval

The approved preliminary plan shall be vested for a period of one (1) year and 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 shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

## 5.5 FINAL PLAN

Any applicant requesting final approval of a proposed major land development and major subdivision, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials required by the Final Plan Checklist for Major Subdivision (Appendix C, Item #4).

### 5.5.1 Certification of Final Plan

The application for final plan approval shall be certified complete or incomplete by the Administrative Officer within twenty five (25) days of its receipt, in accordance with Section 7.2. This time period may be extended to forty-five (45) days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after resubmission. If the Administrative Officer certifies that the application is complete and is in compliance with the conditions and requirements set forth by the Planning Board in its approval of the preliminary plan and by other provisions of these Regulations, the final plan need not be submitted to the Planning Board as per Section 5.5.2 below, and shall be considered complete.

one (1) year from the date of final approval, with a one (1) year extension upon written request by the applicant, who must appear before the planning board for the annual review. Vesting may be extended for a longer period, for good cause shown, if requested by the applicant in writing, and approved by the planning, board. Master plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved master plan drawings and supporting materials.

## 5.4 PRELIMINARY PLAN

Any applicant requesting approval of a proposed major land development or major subdivision, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials provided in Appendix C *Checklist for Major Land Developments and Major Subdivisions, Item # 3 Preliminary Plan.*

### 5.4.1 Certification of Preliminary Plan Application

The application shall be certified complete or incomplete by the Administrative Officer within sixty (60) days of its receipt. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.

### 5.4.2 Administrative Review and Comment

The Administrative Officer shall review the preliminary plan and shall comment and make recommendations to the Planning Board.

### 5.4.3 Public Hearing and Notice Requirements

The Planning Board shall hold a public hearing prior to its decision on the preliminary plan, in accordance with Article 8, for a major land development or major subdivision, or where a street extension or creation requires a public hearing for a minor subdivision. At the preliminary plan review phase, the administrative officer shall solicit final written comments and/or approvals of the department of public works, the city engineer, the city solicitor, other local government departments, commissions, or authorities as appropriate.

### 5.4.4 Public Improvement Guarantees

Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Planning Board at the time of preliminary plan approval. Such arrangements may be revised by the applicant, with Planning Board approval, based on updated information on construction scheduling and financial guarantees.

but not limited to, the Departments of Public Works, Fire, Sewer and Water Departments and any other Department or Commission as determined by the Administrative Officer; (b) adjacent communities, if the major land development or major subdivision is located within 2,000 feet of a municipal boundary; (c) state agencies, as appropriate, including the Departments of Environmental Management, and Transportation, and the Coastal Resources Management Council; and (d) federal agencies, as appropriate. The Administrative Officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

### 5.3.4 Certification of Master Plan Application

The application shall be certified complete or incomplete by the Administrative Officer within sixty (60) days of its receipt. The running of the time period set forth herein shall be deemed stopped upon issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.

### 5.3.5 Review Procedure

#### a. Administrative Review and Comment

The Administrative Officer shall review the master plan and shall comment and make recommendations to the Planning Board.

#### b. Planning Board - Informational Meeting

A public informational meeting, pursuant to the procedures set forth in Section 8.5, shall be held prior to the Planning Board decision on the master plan if the preliminary plan approval as provided in Section 5.4 will be acted upon separately. The public informational meeting shall be optional if the master plan and preliminary plan approvals are being combined. In the latter case, review stages may be combined only after the Planning Board determines that all necessary requirements for all stages so combined have been met by the applicant.

#### c. Decision

The Planning Board shall, within one hundred and twenty (120) days of certification of completeness of the master plan application, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and/or conditions, or deny the application.

#### d. Failure to Act

Failure of the Planning Board to act within the period prescribed shall constitute approval of the master 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.

#### e. Expiration of Master Plan Approval

Approval of a major land development and major subdivision master plan shall expire

# ARTICLE 5

## APPLICATION PROCEDURES AND REQUIREMENTS, MAJOR SUBDIVISIONS AND MAJOR LAND DEVELOPMENT REVIEW

### 5.1 REVIEW STAGES

Major land development and major subdivision plan review shall be required of all applications for major land development and major subdivision approval subject to these Regulations, unless classified as an administrative subdivision or as a minor land development or minor subdivision. Major land development and major subdivision plan review shall consist of four (4) stages of review: (1) pre-application, (2) master plan, (3) preliminary plan and (4) final plan. The Planning Board may vote to combine review stages and to modify and/or waive requirements. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant. The Planning Board is required to hold at least one public informational meeting at the master plan stage and one public hearing at the preliminary plan stage, unless the master plan and preliminary plan stages are combined, in which case, only the public hearing pursuant to Section 5.4.3 is required.

### 5.2 PRE-APPLICATION

Any applicant requesting approval of a proposed major land development or major subdivision, as defined in these Regulations, shall first contact the Administrative Officer and shall have a pre-application meeting as set forth in Section 7.3. Provided that at least one (1) pre-application meeting has been held for major land development or subdivision application or sixty (60) days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within said sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project.

### 5.3 MASTER PLAN

Any applicant requesting approval of a proposed major land development or major subdivision, as defined in these Regulations, shall adhere to the following:

#### 5.3.1 Purpose

The purpose of the master plan is to provide the applicant with the opportunity to present an overall plan for a proposed project site outlining general, rather than detailed, development intentions. The master plan describes the basic parameters of a major development proposal, rather than giving full engineering details.

#### 5.3.2 Required Elements

Requirements for the master plan and supporting material for this phase of review shall include all items listed in Appendix C, *Checklist for Major Land Developments and Major Subdivisions, Item # 2 Master Plan.*

#### 5.3.3 Comments

Initial comments shall be solicited from (a) City Departments and commissions including,

# ARTICLE 6

# POWERS OF THE PLANNING BOARD

## 6.1 DEDICATION OF LAND FOR PUBLIC PURPOSES

Where land within a proposed subdivision or development project is deemed to be of unique natural character or is identified in the Warwick Comprehensive Community Plan, or where the proposed subdivision or development project is of sufficient size so as to warrant consideration of the provision of open space to serve residents of the subdivision or development project, the Board may require the dedication of a portion of the land area of the subdivision or development project, or other public improvements, for such purposes. The Board shall make such determination prior to granting preliminary approval. The intended use of the land so dedicated shall be so stamped on the final plat plan.

### 6.1.1 Requirements

Prior to the Board requiring the dedication of such land, the following requirements shall be met and set forth as findings by the Board in its approval.

**(1) Character**

All required public improvements must reflect the character defined for that neighborhood or district by the Comprehensive Plan;

**(2) Need**

The need for all dedications of land to the public or for payments-in-lieu of such dedications must be clearly documented in the adopted plans of the City, such as the Comprehensive Plan, Zoning Ordinance or the Capital Budget;

**(3) Documentation**

No dedications of land to the public or payments-in-lieu of dedications may be required until the need for such are identified and documented by the Board, the land proposed for dedication is determined through specific findings to be appropriate for the proposed use.

## 6.2 FEES IN LIEU OF DEDICATION OF LAND FOR PUBLIC PURPOSES

### 6.2.1 Applicability and Determination

This section shall only be applicable to fees in lieu of dedication of land for public purposes, as set forth in Section 6.1. This section shall not apply to any fees in lieu of required off-site improvements or in lieu of mitigation of negative impacts, which fees shall be determined by the estimated costs of such improvements or mitigation activities. It shall be the sole decision of the Board as to whether a fee in lieu of dedication of land for public purposes would be beneficial to the goals of the City, as documented pursuant to Section 6.1.

### 6.2.2 Formula

Where a fee is required by the Planning Board to be paid in lieu of land dedication, the amount of such fee shall be based on the fair market value of five hundred (500) square feet of developable land times the number of lots in the subdivision. Fair market value shall be determined by the average cost per square foot of the developable lots in such subdivision. In the even that the Planning Board and the developer can not agree on such value, the Warwick Tax Assessor shall determine the fair market value.

## 6.3 MITIGATION OF NEGATIVE IMPACTS

The Board shall have the power to require dedications of land, the construction of improvements, including off-site improvements, or other activities (collectively referred to as "mitigating activity"); in order to mitigate negative impacts of a subdivision or development project. The Board shall also have the power to require a fee in lieu of such mitigating activity. The fee shall be determined by the estimated costs of such mitigating activity. All such mitigating activity, or payments-in-lieu thereof, shall be for mitigation of identified negative impacts of proposed projects and must meet the requirements set forth in Section 6.1. Furthermore, the significant negative impacts of the proposed development on the existing conditions must be clearly documented. Any mitigating activity, or fee in lieu thereof, required as a condition of approval must be related in kind and degree to the identified impact.

## 6.4 RESTRICTED ACCOUNTS

All payment-in-lieu of dedication or construction to mitigate the impacts of the proposed development shall be kept in restricted accounts and shall only be spent on the mitigation of

the identified impacts for which it is required, within the Recreation District (as defined by the Comprehensive Plan) in which the proposed development is located.

## 6.5 PERFORMANCE AND MAINTENANCE GUARANTEES

For any subdivision or development requiring public improvements, the applicant shall have the option of completing all such improvements (including inspection thereof) prior to final plan approval. If all required public improvements are not completed prior to Final Plan Approval, then the Board shall require performance guarantees as set forth herein. The Board may also require maintenance guarantees to be provided for a one (1) year period subsequent to completion, inspection and acceptance of the improvement(s), unless there are extenuating circumstances that require a longer period, such as seasonal delay in planting or paving. The procedures for setting, maintaining and releasing such performance and maintenance guarantees shall be as follows:

### 6.5.1 Security

As a condition precedent to the endorsement of approval of the final and recorded plan, the applicant shall file a certified check, bank book, certificate of deposit or bond, in the sole name of the City, in an amount determined by the Board. This amount shall be based on the retail cost of all improvements to be constructed or maintained. The Board may fix the guarantee in a reasonable amount, not to exceed 20%, in excess of the estimated costs to anticipate for economic or construction conditions. In the case of subdivision or developments which are being approved and constructed in phases, the Board shall specify improvement guarantee requirements related to each particular phase, including additional amounts to account for inflation over the time required for all phases to be completed and/or maintained. All funds shall be verified by the Board before being accepted. The release of said funds shall be conditioned on the faithful completion of all required improvements, or the successful maintenance of any improvements subject to maintenance guarantees, within the time period set forth in the decision of the Board, and the payment of all invoices issued by the Board to cover the cost of the subdivision or development project inspections in accord with Section 6.5.2.

### 6.5.2 Inspection and Report

During construction and upon completion of the required improvements, the applicant shall notify the Administrative Officer who shall direct the City Engineer to conduct a detailed inspection of the completed work. Upon determining that the improvements have been completed in a satisfactory manner, the Administrative Officer shall prepare a final written report and shall transmit said report to the Board, which shall

initiate appropriate action to release the guarantee.

### 6.5.3 Extension of Time

If, due to circumstances beyond the control of the applicant, the required improvements are not completed within the prescribed time period, the Board may grant a time extension of no more than one year at a time. During such extension, the guarantees shall remain in full force. The Board may require the extension of guarantees for a period of up to one (1) year after completion of improvements to assure the proper performance of the improvements under all conditions of weather and use.

### 6.5.4 Default.

The Planning Board shall hold the applicant in default of a guarantee should one or more of the following occur:

(1) Failure to meet all specifications for construction of required improvements to the land;

(2) Failure to properly notify the Administrative Officer of the beginning and completion of all phases of construction of required improvements to the land;

(3) Failure to protect existing improvements and/or properly repair such improvements should damage occur during construction of the subdivision or development project;

(4) Failure to clean debris from the site and adjacent areas upon completion of construction within the subdivision or development project; or

(5) Failure to complete required improvements to the land within the time prescribed or within any extension granted by the Board.

(6) Failure to provide the City Engineer with "As-Built" drawings.

### 6.5.5 Authority of Board to Take Action

Upon notification of default by the Administrative Officer, the Board shall notify the applicant and order the applicant to show cause why the Board should not take action against the guarantee. If the Board in its sole discretion determines that the default has not been cured within the time set by the Board, then the Board shall withdraw or cash in that portion of the security necessary to correct the deficiencies for which the

applicant is deemed to be in default, and the Board shall cause the required improvements to be completed in a satisfactory manner. In the event of a default posing an immediate danger to health, safety or welfare of the City or its residents, the Administrative Officer shall act immediately to remove or abate such danger, and the Board may seek reimbursement through the guarantee.

## 6.6 IMPACT STATEMENTS

In certain instances, an impact statement shall be required, at the expense of the applicant, pursuant to Section 7.4.4. Where an impact statement is required, the applicant may chose the person or company to prepare such statement subject to the prior approval of the Board. Where the Board is given discretion to require an impact statement, it shall only be done pursuant to a vote of the Board with findings setting forth the need for such statement. Such findings may include the significant degree of impact on surrounding properties or City resources which a given project may entail. Such impact statements shall include, but are not limited to, the following:

### 6.6.1 Environmental

In accordance with R.I.G.L. 45-23-60(3), in order to make a positive finding that there will be no significant negative environmental impacts, the Planning Board may require that an environmental impact statement be prepared by the applicant of any subdivision or development project.

### 6.6.2 Fiscal

In accordance with R.I.G.L. 45-23-60(1), a fiscal report and impact statement, detailing the estimated cost of providing services to the proposed development and the estimated revenue to be derived from taxes and other fees, shall be required of all major LDP's and of all major subdivisions of twenty (20) lots or more. A fiscal impact statement may be required of any subdivision of less than 20 lots, and any Development Plan Review applicant, in accordance with the parameters set forth herein.

### 6.6.3 Traffic

In accordance with R.I.G.L. 45-23-60(1) and (3), a traffic impact statement, detailing the existing traffic conditions and any changes thereto caused by the proposed development, shall be required of all major LDP's and of all major subdivisions of twenty (20) lots or more. A traffic impact statement may be required of any subdivision of less than 20 lots and any Development Plan Review applicant, in

accordance with the parameters set forth herein.

## 6.7 ACCEPTANCE OF PUBLIC IMPROVEMENTS

Approval of a plat by the Planning Board shall be deemed the acceptance by the public of any street or other open space offered therein for dedication. Notwithstanding the acceptance of any land, street, or facility offered for dedication, such acceptance shall not impose any duty or responsibility upon the City of Warwick to maintain or improve any dedicated streets, areas, or facilities until the City Council shall have specifically authorized maintenance or improvement under procedures established by State Law, City Ordinance, or other local provisions governing public expenditures for such purposes. The above shall be stated on all approved final plat plans.

## 6.8 WAIVERS AND MODIFICATIONS

Pursuant to the procedures set forth in Article 8 of these Regulations, the Board shall have the power to grant such waivers and/or modifications from the requirements for subdivision or development project approval as may be reasonable and within the general purposes and intents of the provisions for these Regulations. The Administrative Officer may not grant waivers, and a public hearing or public information meeting (See sections 8.5 and 8.7) shall be required before any waiver may be granted. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of these Regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.

# ARTICLE 7

# ADMINISTRATION AND ENFORCEMENT OF REGULATIONS

## 7.1 ADMINISTRATIVE OFFICER

Local administration of these Regulations shall be under the direction of the Administrative Officer, who shall oversee and coordinate the review, approval, recording and enforcement provisions of these Regulations. Whenever reference is made to the Administrative Officer, it shall include any member of the staff of the Department of Planning who has been delegated to carry out such duties by the Administrative Officer.

### 7.1.1 Appointment and Qualifications

The Assistant Director of the Department of City Plan shall be the Administrative Officer under these Regulations, and shall have the following minimum qualifications: (a) a master's degree in planning and at least two years experience working in land use planning; or (b) a bachelor's degree in planning or related field and at least five years planning experience. The Administrative Officer shall be required to attend any training for administrative officers provided by or sponsored by the Rhode Island Department of Administration, Division of Planning, or as otherwise directed by the Planning Board.

### 7.1.2 Coordination of Reviews

The Administrative Officer shall be responsible for coordinating reviews of proposed subdivision or development projects with adjacent municipalities as is necessary to be consistent with applicable federal, state and local laws and as directed by the Board.

### 7.1.3 Enforcement

Enforcement of these Regulations shall be under the direction of the Administrative Officer who shall report to the Board. The Administrative Officer shall be responsible for coordinating the enforcement efforts of the Zoning Enforcement Officer, the Building Inspector, the City Engineer, the Director of the Department of Public Works, and other local officials responsible for the enforcement or carrying out of discrete elements of these Regulations.

## 7.2 CERTIFICATION AND TIME PERIODS

### 7.2.1 Classification

The Administrative Officer shall advise the applicant as to which approvals are required and the appropriate board, commission or department for hearing an application for a subdivision or development project.

### 7.2.2 Certification of A Complete Application

An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. In the event such certification of the application is not made within the time specified in this chapter for the type of plan, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in the local regulations and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application.

### 7.2.3 Correction of Information

Notwithstanding the foregoing subsection, the Board may subsequently require correction of any information found to be in error and submission of additional information specified in the regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informed decision.

### 7.2.4 Postponement

Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the Board determines that the required application information is complete. All such postponements, including the consent of the applicant, shall be documented in writing.

## 7.3 PRE-APPLICATION MEETINGS AND CONCEPT REVIEW

One or more pre-application meetings shall be held for all major subdivision or major LDP applications. Upon request of either the City or the applicant, a pre-application meeting shall be held for any other application, including one for Development Plan Review.

### 7.3.1 Purpose

Pre-application meetings shall allow the applicant to meet with appropriate officials, boards and/or commissions, staff, and, where appropriate, state agencies, for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed subdivision or development project. Provided that at least one (1) pre-application meeting has been held for major land development or subdivision application or sixty (60) days has elapsed from the filing of the pre-application submission and no pre-application meeting has been scheduled to occur within said sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project.

### 7.3.2 Informal Concept Plan Review

At the meeting, the applicant may request the Department or the Board, as applicable, for an informal concept plan review for a development. The purpose of the concept plan review is to provide the applicant with City input in the formative stages of land development and subdivision concept design. Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application meetings should include a review of the physical character of the land, and any environmental or physical constraints to development. Meetings should include a discussion regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the City to provide essential services.

### 7.3.3 Advance Materials Submission

Applicants seeking a pre-application meeting or an informal concept review shall submit general conceptual materials in advance of the meeting(s) as set forth in Appendix C for Major Subdivisions and Major Land Development Projects, and as requested by municipal officials for all other subdivisions, land development projects and development plan reviews.

### 7.3.4 Non-Binding

All pre-application discussions are intended for the guidance of the applicant and shall not be considered approval or disapproval of a project or its elements.

## 7.4 ADMINISTRATIVE FEES

### 7.4.1 Purpose

By charging the fees set forth herein, it is the intent of the City to defray the cost of providing subdivision and land development review services.

### 7.4.2 Application Fees

The applicant shall be required to pay a fee at the time of application, for all subdivisions and development projects. Such fees shall be reviewed annually by the Board and revised as appropriate. The fees are as follows:

| | |
|---|---|
| (1) Pre-application Meeting with staff (credited against fee for next stage if development proceeds): | $ 50. |
| (2) Pre-application Meeting with Planning Board (credited against fee for next stage if development proceeds): | $ 100. |
| (3) Administrative Subdivision: | $ 50. |
| (4) Minor Subdivision without street: | $ 50. per buildable lot |
| (5) Minor Subdivision with a street, Major Subdivision, Land Development Project (LDP), or Development Plan Review (DPR): | Residential: $ 100 per buildable lot, and Non-Residential: $2. per 100 sq. ft. GFA ($100. minimum) |
| (6) Extension of time; Administrative Subdivision, Minor Subdivision or Minor Land Development Project: | $ 100. |
| (7) Extension of time; Major Subdivision, Major Land Development Project or Development Plan Review: | $ 300. |
| (8) Reinstatement of expired application; Administrative Subdivision, Minor Subdivision or Minor Land Development Project: | $ 200. |
| (9) Reinstatement of expired application; Major Subdivision, Major Land Development Project or Development Plan Review: | $ 600. |

### 7.4.3 Engineering Inspection Fees

The applicant will also be required to reimburse the City for the cost of review and inspection by the City Engineer. Such cost shall be estimated by the City Engineer

assigned to the subdivision or development project at each stage of review, and shall be paid in advance by the applicant in order for that stage of application to be certified complete. Such estimate shall not be exceeded without the consent of the Board, which shall first notify the applicant and extend an opportunity to object. The total fee shall be paid by the applicant before proceeding to the next stage of approval.

### 7.4.4 Other Fees

As set forth in Section 6.6, the Board or the Administrative Officer shall have the power to require various information, studies, and impact statements from an applicant, provided that the proper findings of fact have been made. Any such study or statement, whether conducted by the applicant or by the Board, shall be paid for by the applicant, provided that the Administrative Officer or the Board shall first notify the applicant and extend an opportunity to object before the Board. The total fee shall be paid by the applicant before the application for the next stage of approval may be certified complete.

## 7.5 VIOLATIONS AND PENALTIES

### 7.5.1 Violations

The failure to comply with these Regulations or any of the terms or conditions of an approval (whether Master Plan, Preliminary or Final) issued by the Board, shall be a violation of these Regulations. The violation of any terms or conditions of any action imposed by the Board or of any other agency or officer charged in these Regulations with enforcement of any of the provisions shall also be a violation of these Regulations. Violation of the regulations shall also include any action related to the transfer or sale of land in an unapproved or unrecorded subdivision or development projects. Any owner, or agent of the owner, who transfers, sells or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision or development project before the plat has been approved by the Board and recorded in the municipal land evidence records, shall be in violation of the local regulations and subject to the penalties described below.

### 7.5.2 Penalties - Fine

The Administrative Officer, in consultation with the City Solicitor, shall be empowered to levy a fine for any violation as defined herein. The Administrative Officer shall ordinarily issue a notice of violation and order the violator to correct the violation within a reasonable time, with such time to be indicated on the notice.

However, in cases of willful violation or danger to public health, safety or welfare, the Administrative Officer may levy a fine immediately. The penalty for violation shall reasonably relate to the seriousness of the offense, and shall not exceed five hundred dollars ($500) for each violation. Each day of existence of any violation shall be deemed to be a separate offense. Any such fine shall inure to the City. The Administrative Officer shall report any fines levied to the Board at its next meeting and shall file a copy of such report in the record of any subdivision or development project so fined. Any fine may be appealed to the appropriate division of the Rhode Island District Court.

### 7.5.3 Penalties - Injunction

The City, through its City Solicitor, may also cause suit to be brought in the Supreme Court or Superior Court, in the name of the City, to restrain the violation of, or to compel compliance with, the provisions of these Regulations. The City may consolidate an action for injunctive relief and/or fines under these Regulations or other local ordinance in the Superior Court for Kent County.

# ARTICLE 8

# PROCEDURES OF THE PLANNING BOARD

## 8.1 COMPOSITION OF BOARD

### 8.1.1 Appointment and Removal

The Board shall consist of nine members, appointed by the Mayor of the City, who shall be qualified electors of the City and who shall serve for a term of five years with such terms staggered according to the Section 8-13 of the Warwick City Charter. Any member of the Board may be removed from office by the Mayor for due cause, following a public hearing, pursuant to R.I.G.L. 45-22-3, as amended. Due cause shall include, but not be limited to, failure to attend three (3) consecutive meetings of the Board.

### 8.1.2 Organization

In February of each year, the Board shall elect a Chairperson and Vice-Chairperson. For the purpose of signing plats and plans, pursuant to state law and Section 8.8.1 of these Regulations, the Vice-Chairperson shall also be designated as the Secretary of the Board. The Chairperson and Vice-Chairperson may not serve more than two terms consecutively. The Board may adopt any procedural rules, not inconsistent with these Regulations, deemed necessary to the discharge of its duties.

### 8.1.3 Cooperative Agreements and Technical Assistance

The Board may require the Administrative Officer, subject to the limit of funds appropriated to it, enter into cooperative agreements with any other city or town, state, regional, or federal agencies or private organizations to undertake studies deemed to be in the best interest of the City, including cooperative agreements with cities or towns in neighboring states where problems of common interest are deemed to exist. The Board may accept or engage technical or clerical assistance, including the hiring of one or more Planning Board Engineers or assistance from other public agencies or private organizations, subject to the limit of funds appropriated to it.

## 8.2 PUBLICATION AND AVAILABILITY OF REGULATIONS

Printed copies of these Regulations shall be available to the general public and shall be revised to include all amendments. Any appendices shall also be available. A reasonable charge may be made for copies. Upon publication of these Regulations and any amendments thereto, the City shall send a copy to the Rhode Island Department of Administration's Division of Planning and to the State Law Library

## 8.3 RECORDS OF THE BOARD

### 8.3.1 Public Availability

All records of the Board proceedings and decisions shall be written and kept permanently available for public review. Completed applications and related materials shall also be available for public review. Copies of any document or plan may be purchased for a fee not to exceed the actual cost including research time, pursuant to Chapter 2 of Title 38 of the General Laws of Rhode Island. No commercial use may be made of such records (See R.I.G.L. 38-2-6 )

### 8.3.2 Contents

All final written comments to the Board from the administrative officer, municipal departments, state and federal agencies, and local commissions shall also be part of the permanent record of the development application.

## 8.4 MEETINGS AND VOTES

### 8.4.1. Qualified Immunity

Participation in a Board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

### 8.4.2 Quorum and Votes

A quorum of the Board shall be at least five (5) members. All votes of the Board shall be made part of the permanent record and shall show the members present and their votes. Any decision by the Board to approve any development project or subdivision application shall require the affirmative vote of at least five (5)

members of the Board. A denial of an application shall always require a separate vote with appropriate findings.

### 8.4.3 Regular and Special Meetings

The Board shall hold a regular meeting each month. The Board may hold special meetings at the direction of the chairman.

### 8.4.4 Conflict of Interest

As soon as any conflict of interest for a member occurs or is revealed, that member shall immediately recuse himself or herself, and shall not sit as an active member and shall take no part in the conduct of the meeting or hearing on such matter. The member shall notify the chairman in writing (or notify the vice chairman if the conflict is for the chairman), and the member shall also notify the Rhode Island Ethics Commission in writing as required by law.

## 8.5 PUBLIC HEARINGS AND PUBLIC INFORMATION MEETINGS

### 8.5.1 Public Information Meeting

For a major subdivision or development project, a public informational meeting shall be held prior to the Board decision on the master plan, unless the master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional (i.e. may be combined with the public hearing), based upon Board determination.

#### (1) Purpose

The purpose of an informational meeting is both to inform the neighboring property owners and other interested parties as to the nature of the proposed subdivision or development project, and to inform the Board of issues of concern to such parties of which the Board may not be aware.

#### (2) Part of the Record

At the public informational meeting, the applicant shall present the proposed development project. The Board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.

**(3) Notice: How Provided**

Public notice for the informational meeting is required and shall be given at least fourteen (14) calendar days prior to the date of the meeting in a newspaper of general circulation within the City. Postcard notice shall then be mailed by the applicant and to those in the notice area as set forth in Section 8.5.3 below, not less than fourteen (14) calendar days prior to the date of the meeting.

### 8.5.2 Public Hearing

A public hearing shall be required for a major subdivision or development project or where a street extension or creation requires a public hearing for a minor subdivision or development project.

**(1) Purpose**

The purpose of a public hearing is to provide the applicant with an opportunity to present the application to the public, and to provide the public with an opportunity to inform the Board of concerns relating only to the proposed subdivision or development project.

**(2) Part of the Record**

At the public hearing the applicant shall present the proposed development project. The Board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.

**(3) Notice: How Provided**

Public notice of the hearing shall be given at least fourteen (14) calendar days prior to the date of the hearing in a newspaper of general circulation within the City. Notice shall be sent by the Applicant to each owner within the notice area as set forth in Section 8.5.3 below, by certified mail, return receipt requested, not less than fourteen (14) days prior to the date of the hearing.

### 8.5.3. Notice Requirements For Public Information Meeting and Public Hearing

**(1) Content of Notice**

The notice shall provide the time and place of hearing or meeting, and shall

include the street address of the subject property or if no street address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile. The notice shall also provide a brief description of the extent of the subdivision or development project, and if any waiver or modification is required shall describe the waiver or modification.

(2) **Applicant's Submissions**

The applicant shall supply the Board with a radius map, drawn to scale and signed by a registered engineer, architect or surveyor, showing the entire subject property and all property within the required notice area, together with a list of all property owners requiring notice. If a public hearing is held, the applicant shall, after sending notice pursuant to Section 8.5.2(3), supply the Board with the postmarked certified mailing receipts. The return receipts shall be addressed to the Board directly.

(3) **Notice Area**

Notice shall be sent by certified mail, return receipt requested, by the applicant to:

a. all owners of real property whose property is located within two hundred (200) feet of the perimeter of the subject property; provided however, if the subject property is zoned Residential A-40 or if more than fifty percent (50%) of the number of parcels which are residentially zoned land within the 200 foot radius of the subject property are zoned Residential A-40, then notice shall be sent to all property owners of record within 400 feet of the property.

b. the city or town Planning Board and Planning Department of any municipality 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, located within two thousand feet (2,000') of the City's boundaries.

c. 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 located within either the municipality or two thousand feet (2,000') of the municipal boundaries, provided, however, that a map survey has been filed with the building official as specified in R.I.G.L. Section 45-24-53(E).

d. the administrative officer of an adjacent town if (1) the notice area extends into the adjacent city or town, or (2) the development site extends into the adjacent city or town, or (3) if the Administrative Officer determines that there is a potential for significant negative

impact on the adjacent city or town.

(4) Notice cost

The cost of all such notice, including any additional fees for special meetings, shall be borne by the applicant.

## 8.6 REQUIRED FINDINGS

For all subdivision or development project applications, the approving authority, whether Administrative Officer or Board, shall address each of the general purposes stated in Article 1 of these Regulations and R.I.G.L. Section 45-23-30, and shall make positive findings on each of the following provisions as they apply to the application under review, as part of the proposed project's record prior to approval. The requirement to address the purposes of these Regulations and make written findings on each of the following provisions shall also apply in the case of a vote to deny an application.

### 8.6.1 Consistency

The proposed development is consistent with the comprehensive community plan and/or has satisfactorily addressed the issues where there may be inconsistencies;

### 8.6.2 Compliance with Zoning Ordinance

The proposed development is in compliance with the standards and provisions of the City's zoning ordinance;

### 8.6.3 Environmental Impact

There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;

### 8.6.4 Buildable Lot

The subdivision or development project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and

### 8.6.5 Street Access

All proposed development projects and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

## 8.7 WAIVER, MODIFICATION, REINSTATEMENT AND EXTENSION

### 8.7.1 Waiver and/or Modification of Requirements

The Board shall have the power to grant such waivers and/or modifications from these Regulations for development project and subdivision approval as may be reasonable and within the general purposes and intents of the provisions for local regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the City's Comprehensive Plan and Zoning Ordinance. The Board shall not have the power to grant any waiver or modification from the terms of any other regulation, rule or ordinance, including the Zoning Ordinance.

### 8.7.2 Required Procedure for any Waiver or Modification

The Board may approve, approve with conditions, or deny the request for either a waiver or modification. No waiver or modification may be granted without first being heard as part of either a public information meeting or public hearing as set forth in Section 8.5. The notice for such public information meeting or public hearing shall include a description of the proposed waiver or modification.

### 8.7.3 Expiration and Reinstatement

When the deadlines set in these Regulations or in conditions of approval are exceeded, the subdivision or development project approval is deemed to have expired and shall be rendered invalid. The approval may be reinstated by the Board, upon written application, under the following conditions:

**(1) Good Cause - Burden on Applicant**

The Applicant shall have no guarantee of reinstatement and shall bear the burden of proof to show that said applicant has proceeded with due diligence

and that:

(a) The subdivision or development project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this subdivision or development project.

(b) These Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of original application, as they would apply to this subdivision or development project.

(c) The Zoning Map designation for the subdivision or development project has not changed substantially since the time of original application.

(d) No substantial change to the physical conditions of the subdivision or development project or the neighboring property has occurred since the time of original application.

**(2) Procedure and Stage of Review**

The request for reinstatement shall be in writing and the applicant shall be required to appear before the Board. The Board shall make written findings of fact in approving or denying such request. If reinstated, the applicant shall proceed from the stage previous to where expiration occurred. For example, if preliminary approval had been granted and then expired, then the applicant shall reapply for preliminary approval. If, and only if, reinstatement is granted for a stage of approval, then all previous stages of approval shall automatically be reinstated.

**(3) Vesting**

There shall be no vesting for any subdivision or development project the deadline for which has expired, unless reinstatement is granted, in which case the date of reinstatement shall toll the beginning of any vesting time period.

### 8.7.4 Extension

Prior to expiration of any deadline set forth in these Regulations or in any approval of the Board, an applicant may request an extension thereof in writing. The applicant shall demonstrate to the Board that the factors set forth in subsections 8.7.3(1)(a)

through 8.7.3(1)(d) above have been met. No extension shall be granted for a period of more than one (1) year.

## 8.8 SIGNING AND RECORDING OF PLATS AND PLANS

### 8.8.1 Signing

All approved final plans and plats for development project and subdivision projects shall be signed by the appropriate Board official with the date of approval. For administrative subdivisions, minor subdivisions, or Development Plan Review conducted by the Administrative Officer, they shall be signed by the Administrative Officer. They may also be signed by the Chairperson or Vice-Chairperson/Secretary in the absence of the Administrative Officer. Plans and plats for all other development projects, subdivisions and Development Plan Review must be signed by the Board Chairperson or Vice-Chairperson/Secretary, attesting to the approval by the Board.

### 8.8.2 Recording

Upon signature, all plans and plats shall be submitted to the administrative officer prior to recording and filing in the appropriate municipal departments. The material to be recorded for all plans and plats shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the City, permits and agreements with state and federal reviewing agencies, and other information as required by the Board.

### 8.8.3 Permanent Records

Other parts of the applications record for subdivisions and development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the municipal departments responsible for implementation and enforcement.

### 8.8.4 Emergency Services Notification

The Administrative Officer shall notify the statewide "911" emergency authority, and the local police, fire, school department, post office and canvassing authorities that will be servicing the new plat, with the information required by each of the authorities.

## 8.9 CHANGES TO RECORDED PLATS AND PLANS

### 8.9.1 Amendment Required For All Changes

For all changes to the approved plans of development or subdivision, an amendment of the final plan is required prior to the issuance of any building permit. Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats in Section 8.8.

### 8.9.2 Minor Changes

Minor changes, as defined in subsection 8.9.3, to a subdivision or development project plan may be approved by the Administrative Officer, whereupon a permit may be issued. Such changes may be authorized without additional public hearings at the discretion of the Administrative Officer. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from the Board. Denial of the proposed change(s) shall be referred to the Board for review as a major change.

### 8.9.3 Definition of Minor Changes

A minor change is hereby defined as any change that does not substantially impact the proposed subdivision or development project or any of the neighboring properties and that meets all of the following criteria:

(1) There is no increase the number of lots or dwelling units.

(2) There is no change to any dimension of the plan, including building envelopes, exceeding twenty percent (20%).

(3) There is no change to the type of street or driveway.

(4) There is no change required to any public infrastructure.

### 8.9.4 Major Changes

Major changes, which are hereby defined as any changes other than minor changes as defined in subsection 8.9.3 , to a subdivision or development project plan may be approved only by the Board and must follow the same review and public hearing process required for preliminary approval of the type (minor subdivision or LDP, major subdivision or LDP, DPR) of the subdivision or development project which is proposed to be changed.

# 10 PRECEDENCE OF APPROVALS WITH OTHER LOCAL PERMITTING AUTHORITIES

## 8.10.1 Zoning Board

### (1) Variance

Where an applicant requires both a variance from the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain conditional Zoning Board relief, and then return to the Planning Board for subsequent required approval(s).

### (2) Special Use Permit

Where an applicant requires both a special-use permit under the local zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional special-use permit from the Zoning Board, and then return to the Planning Board for subsequent required approval(s).

## 8.10.2 City council

Where an applicant requires both Planning Board approval and council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the council, and then return to the Planning Board for subsequent required approval(s).

# 8.11 APPEAL OF PLANNING BOARD ACTION

## 8.11.1 The Board of Appeal

As authorized by the Zoning Ordinance and pursuant to state law, the Zoning Board shall be the Board of Appeal to hear appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of subdivision or development project.

### 8.11.2 Right of Appeal

An appeal from any decision of the Board or Administrative Officer may be taken to the Board of Appeal by an aggrieved party, as defined in Article 10. Any decision of the planning board, or administrative officer may be taken to the board of appeal by an aggrieved party. Appeals from a decision granting or denying approval of a final plan shall be limited to elements of such approval or disapproval not contained in the decision reached by the planning board at the prelimnary stage, providing that a public hearing has been held on the plan.

### 8.11.3 Process of Appeal

#### (1) Time Period and Standing

An appeal to the Board of Appeal from a decision or action of the Board or Administrative Officer may be taken by an aggrieved party to the extent provided in section 8.11.2. Such appeal must be taken within twenty (20) days after the decision has been recorded and posted in the office of the City Clerk.

#### (2) Form and Content of Appeal

The appeal shall be in writing and shall state clearly and unambiguously the issue or decision which is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the Board of Appeal. The Building Official shall accept delivery of an appeal on behalf of the Zoning Board of Appeal. Two copies of the appeal shall be filed, and the City Clerk shall immediately transmit one copy to the Zoning Enforcement Officer and the other copy to the Administrative Officer.

#### (3) Transmittal of Record

Upon receipt of an appeal, the Board of Appeal shall require the Planning Board or Administrative Officer to transmit forthwith to the Board of Appeal, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

### 8.11.4 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action being appealed.

### 8.11.5 Public Hearing

#### (1) Time Limits and Notice

The Board of Appeal shall hold a public hearing on the appeal within forty-five (45) days of the receipt of the appeal, give public notice thereof, as well as due notice to the parties of interest. The Board of Appeal shall render a decision within ten (10) days of the close of the public hearing.

#### (2) Cost

The cost of any notice required for the hearing shall be borne by the appellant.

#### (3) Special Meeting Required

The Board of Appeal shall only hear appeals of the actions of the Planning Board or Administrative Officer at a meeting called especially for the purpose of hearing such appeals and which has been so advertised. The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and records of votes shall be maintained by the Board of Appeal.

#### (4) Appearance and Testimony

At the hearing any party may appear in person, or may be represented by an agent or attorney. The Administrative Officer shall appear at the hearing. For an appeal of a decision of the Planning Board, the Planning Board shall designate one individual, who may be the Administrative Officer or a member of the Planning Board, who shall represent the Planning Board at the hearing. Other members of the Planning Board may attend and speak at the hearing, but not as official representatives of the Planning Board.

### 8.11.6 Standards of Review

#### (1) Upon Findings and Record

In instances of a Board of Appeal's review of a Planning Board or Administrative Officer's decision on matters subject to this chapter, the Board of Appeal shall not substitute its own judgment for that of the Planning Board or the Administrative Officer but must consider the issue upon the findings and record of the Planning Board or Administrative Officer. The Board of Appeal

shall not reverse a decision of the Planning Board or Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.

**(2) Required Vote**

The concurring vote of three (3) of the five (5) members of the Board of Appeal sitting at a hearing shall be necessary to reverse any decision of the Planning Board or Administrative Officer

**(3) Required Records**

The Board of Appeal shall keep complete records of all proceedings including a record of all findings and votes taken, and shall put all decisions on appeals in writing. The Board of Appeal shall include in the written record the reasons for each decision.

### 8.11.7 Remand to Planning Board

In the instance where the Board of Appeal overturns a decision of the Planning Board or Administrative Officer, the proposed application shall be remanded to the Planning Board or Administrative Officer, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Board or Administrative Officer and/or for the final disposition, which shall be consistent with the Board of Appeal's decision.

## 8.12 APPEAL OF BOARD OF APPEALS TO SUPERIOR COURT

An appeal from a decision of the Board of Appeal may be taken by an aggrieved party to the Superior Court for Kent County.

### 8.12.1 Procedure For Appeal

An aggrieved party may appeal a decision of the Board of Appeal, to the Superior Court, by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the office of the City Clerk. The Board of Appeal shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant

or appellant and the members of the Planning Board shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary for an equitable disposition of the appeal.

### 8.12.2 Evidence Before the Court

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

### 8.12.3 Standard of Review

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

(1) In violation of constitutional, statutory, ordinance provisions, or provisions of these Regulations;

(2) In excess of the authority granted to the Planning Board by statute or ordinance;

(3) Made upon unlawful procedure;

(4) Affected by other error of law;

(5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or

(6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

# ARTICLE 9

# ADOPTION, AMENDMENT AND APPEAL OF REGULATIONS

## 9.1 AUTHORITY TO ADOPT

Pursuant to the Rhode Island Development Review Act of 1992 (Chapter 23 of Title 45 of the General Laws of Rhode Island, as amended) and Ordinance of the City of Warwick adopted on the 17th day of May, 1945, as amended by Ordinance # 0-95-10 of the City of Warwick, adopted on the 16th day of May, 1995, the Planning Board is authorized to adopt, modify, and amend rules and regulations governing and restricting the platting or subdivision or development of land within the City.

## 9.2 PROCEDURE FOR ADOPTION AND AMENDMENT

The Planning Board shall consider any amendments to these Regulations. Provisions of these Regulations and appendices shall be set forth in text and may incorporate maps and other technical and graphic material. These Regulations, and all the amendments thereto, shall be consistent with all provisions of the Rhode Island Development Review Act of 1992 (Chapter 23 of Title 45 of the General Laws of Rhode Island, as amended), the Rhode Island Zoning Enabling Act of 1991 (Chapter 24 of Title 45 of the General Law of Rhode Island, as amended), as well as the Warwick Comprehensive Plan and the Warwick Zoning Ordinance.

### 9.2.1 Receiving Officer

Other than for proposals originated by the Planning Board, the Administrative Officer shall be the officer to receive a proposal for amendment to these Regulations. Upon receipt of such proposal, the Administrative Officer shall refer such proposal to the Planning Board for study.

## 9.3 PUBLIC HEARING AND NOTICE REQUIREMENTS

### 9.3.1 Public Hearing

No local regulations shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Planning Board. At this hearing

opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations. The proposal 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. However, any such alteration or amendment must be presented for comment in the course of said hearing.

### 9.3.2 Newspaper Notice

The Planning Board shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the City 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, but shall not include the day of 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.

### 9.3.3 Notice Contents

All notices, whether newspaper, posted, or mailed, shall:

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

(2) Indicate that adoption, amendment or repeal of local regulations is under consideration;

(3) Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;

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

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

### 9.3.4 Mail Notice

Notice of the public hearing, which may be a copy of the newspaper notice, shall also be sent, at least two (2) weeks prior to the hearing, by first class mail to:

(1) The Associate Director of the Division of Planning of the Rhode Island Department of Administration, and

(2) the city or town Planning Board of any municipality 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, located within two thousand feet (2,000') of the City's boundaries.

(3) 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 located within either the municipality or two thousand feet (2,000') of the municipal boundaries, provided, however, that a map survey has been filed with the building official as specified in R.I.G.L. Section 45-24-53(E).

### 9.3.5 Defects

No defect in the form of any notice under this section shall render any regulations invalid, unless such defect is found to be intentional or misleading.

## 9.4 APPEALS TO SUPERIOR COURT

### 9.4.1 Time Period, Standing and Stay

An appeal of an enactment of or an amendment to these Regulations may be taken to the Superior Court for Kent County by filing a complaint, as set forth herein, within thirty (30) days after such enactment, or amendment has become effective. The appeal may be taken by any legal resident or landowner of the City or by any association of residents or landowners of the City. The appeal shall not stay the enforcement of these Regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal. Pursuant to R.I.G.L. 45-23-73, the court shall, at the request of either party, advance the case, so that the matter shall be afforded precedence on the calendar and shall thereupon be heard and determined with as little delay as possible.

### 9.4.2 Grounds for Appeal

The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning Act, R.I.G.L. 45-22.2-1 *et. seq.*; the Zoning Enabling Act of 1991, R.I.G.L. 45-24-27 *et. seq.*; the Warwick Comprehensive Plan; or the Warwick Zoning Ordinance.

### 9.4.3. Review by Court

The review shall be conducted by the court without a jury. The court shall consider whether the enactment or amendment of the local regulations is consistent with the Comprehensive Planning Act, the Zoning Enabling Act of 1991, the Development Review Act of 1992, the Comprehensive Plan, and the Zoning Ordinance. If the enactment or amendment is not consistent, then the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment which are not consistent. The court shall not revise the local regulations to be consistent, but may suggest appropriate language as part of the court decision.

### 9.4.4 Attorneys Fees

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

## 9.5 VESTING OF PENDING APPLICATIONS

### 9.5.1 Final Plan Recorded

Any subdivision or development project which has had its final plan legally recorded shall not have its final plan be subject to these Regulations, unless the applicant fails to meet a required deadline or seeks to make a change in the subdivision or development project.

### 9.5.2 Final Approval Received

Any subdivision or development project which has received final approval shall be subject to the regulations under which it was adopted for ninety (90) days from the effective date of these Regulations (the "Effective Date"). If the final plan is not recorded within ninety (90) days of the Effective Date, such subdivision or development project shall be subject to these Regulations as to procedure; but shall remain subject to the regulations under which it was adopted, as to substance, for one

(1) year from the Effective Date.

### 9.5.3 Preliminary Approval Received

Any subdivision or development project which has received preliminary approval shall be subject to these Regulations as to procedure as of the Effective Date. However, such subdivision or development project shall be subject to the regulations under which it was adopted, as to substance, for one (1) year from the Effective Date. If final approval is not received within one (1) year of the Effective Date, such subdivision or development project shall be subject to these Regulations as to both substance and procedure.

### 9.5.4 Phased Approval Received

Notwithstanding subsections 9.5.1, 9.5.2, and 9.5.3 above, any subdivision or development project which has received final approval for multiple phases shall be subject to these Regulations as to procedure as of the Effective Date. However, each phase of the subdivision or development project shall be subject to the regulations under which it was adopted, as to substance, until such time as such phase was scheduled to be completed as set forth in the Planning Board decision. If no such time was specified, then it shall be for a period of three (3) years from the Effective Date.

### 9.5.5 Option

At the option of the applicant, any subdivision or development project which would otherwise be subject to prior regulations, for either substance or procedure, may be transferred to review under these Regulations.

## 9.6 SEVERABILITY

If any provision of these Regulations or of any rule, decision or determination made thereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the Regulation, rule, decision, or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of these Regulations shall not affect the validity of the remainder of these Regulations.

## 9.7 EFFECTIVE DATE

These Regulations supersede and amend regulations in effect since June 9, 1955, and shall become effective as of January 1, 1996.

# ARTICLE 10

# DEFINITIONS

The following words and terms are hereby defined relative to their use in these Regulations. Words used in the present tense include the future, the singular includes the plural and the plural the singular. The word "lot" includes the word "plot." The word "used" includes "designed" and "intended to be used." The word "person" includes "corporation", "partnership", "association" and "individual." The word "shall" is mandatory. Unless otherwise specified, all distances shall be measured parallel to the ground, in any direction. Terms not defined in these Regulations shall have the meaning defined by the General Laws of Rhode Island, the Warwick Zoning Ordinance, and as customarily assigned to them. The following terms, unless a contrary meaning is specifically prescribed, shall have the following meanings:

## 10.1 Administrative Officer

In accordance with Section 7.1.1, the Administrative Officer is the Assistant Director of the Department of City Plan, and is designated to administer these land development and subdivision regulations and to coordinate with other City Boards and Commissions, municipal staff, and state agencies.

## 10.2 Administrative Subdivision

The re-subdivision of existing lots that yields no additional lots for development, and involves no creation or extension of streets. Such re-subdivision shall only involve divisions, mergers, mergers and division or adjustments of boundaries of existing lots.

## 10.3 Aggrieved Party

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 these Regulations; or (b) anyone requiring notice pursuant to these regulations.

## 10.4 Agricultural Land

Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farm land or additional farm land of statewide importance for Rhode Island by the soil conservation

service of the United States Department of Agriculture.

### 10.5 Applicant

Any person who applies to the Planning Board for approval of a subdivision, land development project or development plan review.

### 10.6 Board of Appeal

The Warwick Zoning Board of Review, which shall be constituted as the Board of Appeal for appeals of actions of the Administrative Officer or Planning Board on matters relating to land development or subdivisions.

### 10.7 Buildable Lot

A lot where construction for the use(s) permitted on the site under the Zoning Ordinance is considered practicable by the Planning Board, considering the physical constraints to development of the site as well as the requirements of pertinent federal, state and local regulations.

### 10.8 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

### 10.9 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.

### 10.10 Coastal Feature

Coastal beaches, dunes, wetlands, cliffs, bluffs, embankments, rocky shores, and manmade shorelines as defined in Chapter 23 of Title 46, General Laws of Rhode Island, as amended.

### 10.11 Concept Plan

A drawing with accompanying information showing the basic elements of a proposed subdivision, as used for preapplication meetings and early discussions, and classification of the project within the approval process.

### 10.12 Days

Calendar days.

### 10.13 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.

### 10.14 Development Plan Review

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

### 10.15 Development Regulation

Zoning, subdivision, land development plan, development plan review, flood plain regulation, soil erosion control or any other governmental regulation of the use and development of land.

### 10.16 Division of Land

A type of subdivision, previously subject to only limited Planning Board control, but now subject to all applicable provisions of these Regulations.

### 10.17 Easement

The right of a party to use all or part of the property of another for a specific purpose.

### 10.18 Endorsement

The signature of the Administrative Officer, Planning Board Chairperson or Planning Board Vice-Chairperson/Secretary on an approved plat, permitting recording of the plat.

### 10.19 Environmental Constraints

Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also physical constraints to development.

### 10.20 Final Plan

The final stage of subdivision.

### 10.21 Final Plat

Final drawing(s) of all or a portion of a subdivision, and any accompanying materials, to be recorded in the Land Evidence Records after approval by the Planning Board.

### 10.22 Floodplain or Flood Hazard Area

An area that has a one percent (1 %) or greater chance of inundation in any given year, as delineated by the Federal Emergency Management Agency (FEMA) pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 U.S.C. 4011 et. seq.].

### 10.23 Improvement

Any natural or built site, that becomes part of, is placed upon, or is affixed to real estate.

### 10.24 Improvement Guarantee

A security instrument (which may include a passbook, a certificate of deposit or a bond) accepted by the Planning Board and held by the Administrative Officer to ensure that all improvements, facilities, or work required by these regulations, or as a condition of approval, will be completed in compliance with the approved plans and specifications.

### 10.25 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 the zoning ordinance.

### 10.26 Lot Not for Development

A parcel of land recorded in the Land Evidence Records that is created or reserved for open space and conservation and has or will be deeded to the City of Warwick, or the Rhode Island Department of Environmental Management, with appropriate deed and plat restrictions forbidding any development thereon, in accordance with State law.

### 10.27 Major Subdivision

Any subdivision not classified as either an administrative subdivision or a minor subdivision.

### 10.28 Master Plan

An overall plan for a major subdivision outlining general, rather than detailed, development intentions. It describes the basic parameters of a major subdivision, rather than giving full engineering details. It is required for review of major subdivisions.

### 10.29 Minor Subdivision

A plan for development that requires the subdivision of land consisting of five (5) or fewer lots, and does not require any waivers or modifications as specified in these Rules and Regulations.

### 10.30 Open space

Any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that the area may be improved with only those structures and other improvements that are designated to be incidental to the natural openness of the land. Open space provided by a cluster development or other land development project for public or common use, shall either be conveyed to the City and accepted by it for park, open space, agricultural, or other specified use or uses, or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the development, or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units. In any case where the land is not conveyed to the City, a restriction enforceable by the City shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway.

### 10.31 Parcel

A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

### 10.32 Phased Development

Development where construction of public and/or private improvements proceeds by

section(s) subsequent to approval of a master plan for the entire site.

### 10.33 Physical Constraints to Development

Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also environmental constraints

### 10.34 Planning Board

The official planning agency of the City of Warwick, appointed by the Mayor, and authorized (see Section 9.1) by the General Laws of Rhode Island and the Warwick City Charter to adopt and amend these Regulations.

### 10.35 Plat

A drawing or drawings of a subdivision plan showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in these Regulations.

### 10.36 Preapplication Conference

An initial meeting between developers and Planning Board and/or the City Planning Department that affords developers the opportunity to present their proposals informally and to receive comments and directions from the Planning Board and others.

### 10.37 Preliminary Plan

The stage of subdivision review that requires detailed engineered drawings and all required state and federal permits.

### 10.38 Prime Farmlands

Those lands which meet the applicable criteria, as established by the U.S.D.A., Soil Conservation Service.

### 10.39 Public Improvement

Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the City of Warwick or other governmental entity is presently responsible, or will ultimately assume responsibility for maintenance and operation upon the City's acceptance.

### 10.40 Public Informational Meeting

A meeting of the Planning Board, preceded by notice, open to the public and at which the public shall be heard. (See Section 8.5)

### 10.41 Re-subdivision

Any change of an approved or recorded subdivision plat or in a lot recorded in the Land Evidence Records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of these Rules and Regulations.

### 10.42 Storm Water Detention

A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

### 10.43 Storm Water Retention

A provision for storage of storm water runoff.

### 10.44 Street

A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

### 10.45 Street, access to

An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

### 10.46 Street, cul-de-sac

A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

### 10.47 Street, public

All public property reserved or dedicated for street traffic.

### 10.48 Street, stub

A portion of a street reserved to provide access to future development, which may provide for utility connections.

### 10.49 Street Classification

A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. The following are major categories:

a. Arterial - A major street that serves as an avenue for the circulation of traffic into, out of, or around the City.

b. Collector - A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties, and also includes the principal entrance streets of a residential development. A Subcollector street provides passage to Local streets and conveys traffic to Collector streets.

c. Local (also known as Access Road) - A street whose primary function is to provide access to abutting properties.

### 10.50 Subdivider

A person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or who (2) directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease or develop any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot parcel, site, unit, or plat in a subdivision.

### 10.51 Subdivision

The division or re-division of a lot, tract, or parcel of land into two or more lots, tracts or parcels. Any adjustments to existing lot lines of a recorded lot by any means shall be considered a subdivision. All resubdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

**Tax Collector**

**City of Warwick**

**CERTIFICATION OF PAYMENT OF TAXES**

I hereby certify that on_____19_____ there were no outstanding tax liens arising from the non-payment of taxes assessed on lot(s)_____on Assessor's Plat_____ owned by_____as of_____19_____ due and payable during the period of five years preceding _____19_____.

_____

DATE TAX COLLECTOR

### 10.52 Travel Way

That portion of a street right-of-way that is used for vehicular travel.

### 10.53 Vested Rights

The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to completion of the project.

# APPENDIX A
# CITY OF WARWICK, RHODE ISLAND
# INSTRUCTIONS AND CHECKLIST FOR ADMINISTRATIVE SUBDIVISIONS

These **Instructions** and **Checklist** apply to **Administrative Subdivisions**, as defined in Section 2.3.1 and includes divisions, mergers, mergers and redivision and adjustment of existing lot lines resulting in no additional lots.

The Checklist below is intended to guide the Applicant through the review stage.

**Administrative Subdivision Plan**

**Complete all items of the Application Form for Submission of Administrative Subdivision Plan and submit to the Administrative Officer with the following:**

Required submissions are noted with a • in the Checklist. In addition, the Plan shall include items noted below:

A. One (1) copy of the preliminary site plans drawn to a scale of one inch equals two hundred feet (1" = 200') on a letter size sheet of 8 1/2" X 11".

B. Five (5) copies of the preliminary site plans drawn to a scale of one inch equals forty feet (1" = 40') on sheets measuring 16" X 22".

C. Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

D. The Administrative Officer shall determine whether or not the plans are complete prior to review. Incomplete plans shall be returned to the Applicant.

E. Plans shall include a certification, with signature and seal, that all plans and improvements conform to all existing and amended standards of the State of Rhode Island Board of Registration of Land Surveyors as follows:

> *This survey and plan conform to a Class 1 (or 2) standard as adopted by the Rhode Island Board of Registration for Professional Land Surveyors.*
>
> *I hereby certify that this survey was actually made on the ground as per record description and is correct. There are no encroachments either way across property lines except as shown.*
>
> _____
>
> *By: Registered Professional Land Surveyor (SEAL) / Date*

Plans shall also include, prominently displayed with the certification, the following statement:

> *Lots depicted on this plat (or plan) shall not be altered dimensionally or in form, including the enlargement of lots or moving of any lot line for any purpose whatsoever, without first filing a new subdivision application in accordance with the City of Warwick Development Review Regulations of December 31, 1995.*

F. Plans to be Recorded - Three (3) blue print copies and one mylar of the Final Plan, which shall be an approved version of the Preliminary Plan, showing all required elements thereon, drawn to a scale of one inch equals two hundred feet (1" = 40').

## CHECKLIST OF REQUIRED INFORMATION

| | 1 | **Required, if shown with a •** |
|---|---|---|
| 1 | • | Application Form with name and address of Applicant and/or property owner |
| 2 | • | Date of plan preparation, with revision date(s) (if any). |
| 3 | • | Graphic scale and true north arrow. |
| 4 | • | Plat and lot number(s) of the parcel being subdivided. |
| 5 | • | Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown. |
| 6 | • | Deed Book and Page References; Plan Book and Page Numbers must be shown, if appropriate. |
| 7 | • | Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. |
| 8 | • | Location and dimensions of existing property lines, stone walls, easements and rights-of-way within or adjacent to the subdivision parcel. |
| 9 | • | Areas that are not sewered: Location of existing wells and ISDS. |
| 10 | • | Granite bound shown on plat installed and certified. (See Bounds Certification sheet). |

| | 1 | Required, if shown with a • |
|---|---|---|
| 11 | | Payment of Required Fees |
| a. | • | Application Filing Fee - See Section 7.4.1 |
| b. | • | Inspection Fee - See Section 7.4.2 |
| c. | • | Recording Fee |

# Application Form for Submission of Administrative Subdivision Plan

Attach Additional Sheets as Needed

Date _____

1. **General Information**

   A. Assessors plat: _____ lot(s): _____

   B. Location of Proposed Subdivision - Street address, if applicable:

_____

   C. Applicant's Name (Include all owners of property):

_____

_____

   D. Applicant's Address and Telephone:

_____

_____

   E. Owner's Name, Address and Telephone (if different from Applicant):

_____

_____

2. **Representation, if applicable (Include notarized letter of authorization)**

   A. Representative's Name(s)

_____

   B. Representative's Address and Telephone:

_____

_____

3. **Description of Change**

_____

_____

_____

## Application Form for Submission of Administrative Subdivision Plan - Page Two

**4. Tax Collectors Office**

Current Tax Obligation for Lot(s)_____Plat_____

_____Has been met by the owner for tax period ending _____

_____Has not been met by the owner Submission is not acceptable until taxes are paid

_____

*Tax Collector/Authorized Representative / Date*

**5. Sewer Authority**

Current Sewer Assessment for Lot(s)_____Plat_____

_____Has been met by the owner for billing period ending _____

_____Has not been met by the owner. Submission is not acceptable until assessments are paid

_____

*Sewer Authority/Authorized Representative / Date*

**6. Owner / Applicant's Signature(s) and date**

_____

_____

State of Rhode Island
County of _____

In _____ on the _____ day of _____, 19__, before me personally

appeared _____,
to me known and known by me to be the person(s) executing this Application and he/she/they acknowledge said Application by him/her/them executed to be his/her/their free act and deed.

Signature: _____

Printed Name: _____

My Commission expires on: _____

# Administrative Subdivision Tracking Sheet

_____

Name of Subdivision or Applicant or Owner

Plat _____ Lot _____

1. **Administrative Subdivision Plan**

Application Received on: Date_____

Certificate of Completeness: _____Complete _____Incomplete* Date_____
*Due 15 days following receipt of plan*

Administrative Officer Decision:
_____Approve _____Disapprove _____Refer to Planning Bd. Date_____
*Due 15 days following Certificate of Completeness*

2. **Planning Board Review** (if referred)

Application Received on: Date_____

Regular meeting Held on: Date_____

Planning Board Decision: _____Approve** _____Disapprove Date_____
*Due 65 days following Certificate of Completeness*

3. **Extensions**

Extension Request Received on: Date_____

Regular Meeting of the Planning Board Held on: Date_____

Planning Board Decision: _____Approve _____Disapprove Date_____

* Deficiencies Noted on Form _____Yes _____No

** Approved with Conditions Attached _____Yes _____No

## Referral Sheet - Administrative Subdivisions

**To: Departments, Commissions, and Boards:**

_____

_____

_____

Subdivision [Name, Location and Applicant and/or Owner(s) Name(s)] has been submitted to the Planning Board for review and action. Please fill in the appropriate lines below and return to the Administrative Officer no later than _____/Date

**1) Department of Public Works/ City Engineer:**

_____Comments attached

_____No Comments Offered

_____

*Department of Public Works / Date*

**2) Building Department**

_____Comments attached

_____No Comments Offered

_____

*Authorized Representative/Date*

**3) Water Department, if applicable**

_____ Comments attached

_____

*Authorized Representative / Date*

**4) Sewer Department, if applicable**

_____ Comments attached

_____

*Authorized Representative / Date*

## Certificate as to Completeness of Application

To: Applicant:_____

Address:_____

_____

Name of Subdivision_____ Location_____

Stage of Review_____

Date Filed_____

Assessor's Plat & Lot of

Land Being Subdivided_____

Description of Subdivision_____

_____

Type of Subdivision_____

Action Taken by Administrative Officer

_____Application Certified as Complete

_____Application Not Complete, with Following Deficiencies:_____

_____

_____

_____

_____

_____

_____

_____

*Signature of Administrative Officer*
*Date of Certification*

## BOUNDS CERTIFICATION

Date:_____

Planning Board
City of Warwick,
City Hall,
Warwick, Rhode island.

To the Planning Board of the City of Warwick:

We, the owner of _____
*Name of Plat*

hereby agree to place Granite Bounds, no less than 30" in length and approximately 4" square, at points indicated on the record plat and further agree to maintain the same for a period of five years or furnish the City Engineer, at any time within five years, satisfactory evidence from a recognized engineer regarding the condition of said monuments.

_____
*owner*

---

Date:_____

Department of City Plan
City of Warwick
3275 Post Road
Warwick, Rhode Island 02886

The Granite Bounds, no less than 30", in length and approximately 4" square have now been found at all the indicated positions on that recorded plat titled _____ and are in the correct positions, as of this date, in compliance with the Planning Board's Regulations.

_____
*Surveyor's Stamp and Signature*

**Tax Collector**
**City of Warwick**
**CERTIFICATION OF PAYMENT OF TAXES**

I hereby certify that on_____19_____ there were no outstanding tax liens arising from the non-payment of taxes assessed on lot(s)_____on Assessor's Plat_____ owned by_____as of_____19_____ due and payable during the period of five years preceding _____19_____.

_____

DATE TAX COLLECTOR

# APPENDIX B
# CITY OF WARWICK, RHODE ISLAND
# INSTRUCTIONS AND CHECKLIST FOR MINOR SUBDIVISIONS AND MINOR LAND DEVELOPMENT PROJECTS

These **Instructions** and **Checklist** apply to **Minor Subdivisions**, as defined in Section 2.3.2, and **Minor Land Development** Projects.

There are two (2) stages of review - Preliminary Plan and Final Plan. See Article 4 for purposes, meetings and other requirements. The Checklist below is intended to guide the Applicant through each stage by noting submission requirements.

## 1. Preliminary Plan

**Complete all items of the Application** Form for **Submission of Minor Subdivision and Minor Land Development Plans** and submit to **the Administrative Officer with the following:**

Required submissions are noted with a • in the Checklist under Column. In addition, the Preliminary Plan shall include items noted below.

A. One (1) copy of the preliminary site plans drawn to a scale of one inch equals two hundred feet (1 " = 200') with a radius of two hundred feet (200') or four hundred feet (400') (see section 8.5.3.a) drawn thereon.

B. Six (6) copies of the preliminary site plans drawn to a scale of one inch equals forty feet (1 " = 40') on sheets measuring 16" X 22" and three (3) mylars.

C. Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

D. The Administrative Officer shall determine whether or not the plans are complete prior to submitting them for Planning Board review. Incomplete plans shall be returned to the Applicant.

E. Plans shall include a certification, with signature and seal, that all plans and improvements conform to all existing and amended standards of the State of Rhode Island, Board of Registration of Land Surveyors as follows:

> This survey and plan conform to a Class 1 standard as adopted by the Rhode Island Board of Registration for Professional Land Surveyors.
>
> I hereby certify that this survey was actually made on the ground as per record description and is correct. There are no encroachments either way across property lines except as shown.
>
> _____
> By - Registered Professional Land Surveyor (SEAL)/Date

Plans shall also include, prominently displayed with the certification, the following statement:

> *Lots depicted on this plat (or plan) shall not be altered dimensionally or in form, including the enlargement of lots or moving of any lot line for any purpose whatsoever, without first filing a new subdivision application in accordance with the City of Warwick Development Review Regulations of December 31, 1995.*

In addition, any plans requiring a landscape plan in accordance with these Regulations shall have such plans drawn by a registered landscape architect and shall be so noted on the plans.

## 2. Final Plan

**Complete all items of the Application Form for Submission of Minor Subdivision and Minor Land Development Plans (new copy not necessary, note any changes from Preliminary Plan stage) and submit to the Administrative Officer with the following:**

Required submissions are noted with a • in the Checklist under Column 2. In addition, the Final Plan shall include items noted below:

A. Plans to be Recorded - One (1) mylar, plus two (2) linen, plus five (5) blue print copies of the Final Plan, which shall be an approved version of the Preliminary Plan, showing all required elements thereon, drawn on mylar to a scale of one inch equals forty feet (1" = 40') on sheets measuring 16" X 22".

B. Construction Drawings - One (1) original mylar (16" X 22"), plus five (5) blue print copies of construction plans drawn to a scale of no less than one inch equals forty feet (1" = 40').

C. Any changes or requirements voted upon by the Planning Board at the Preliminary Plan stage.

### CHECKLIST OF REQUIRED INFORMATION

| | 1 | 2 | Required, if shown with a • |
|---|---|---|---|
| 1 | • | • | Application Form with name and address of Applicant and/or property owner |
| 2 | • | • | Date of plan preparation, with revision date(s) (if any). |
| 3 | • | • | Graphic scale and true north arrow. |
| 4 | • | • | Plat and lot number(s) of the parcel being subdivided. |

| | 1 | 2 | Required, if shown with a • |
|---|---|---|---|
| 5 | • | • | Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown. |
| 6 | • | • | Deed Book and Page References: Plan Book and Page Numbers. |
| 7 | • | • | Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. |
| 8 | • | • | Perimeter boundary lines - Curves shall include radius, arc length, central angle, and tangent and chord length. |
| 9 | • | | Location and dimensions of existing property lines within or adjacent to the subdivision parcel. |
| 10 | • | • | Existing property lines shall show interior angles and distances; easements and rights-of-way within or immediately adjacent to the parcel(s) being subdivided. |
| 11 | • | • | Location and dimensions of existing easements and rights-of-way. |
| 12 | • | • | Location, width and names of existing streets within and adjacent to the subdivision parcel. |
| 13 | • | | Names and addresses of abutting property owners and property owners across any adjacent streets. |
| 14 | • | | Location of wetlands, watercourses or coastal features, if present on or within 200 feet of the property being subdivided to be identified by a biologist. |
| 15 | • | • | Written confirmation from the Rhode Island Department of Environmental Management (RIDEM) pursuant to its Rules and Regulations Governing the Enforcement of the Freshwater Wetlands |
| | | | AQJ, and any subsequent amendments thereto, that plans of the proposed subdivision, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration, if the biologist certifies the presence of wetlands. |
| 16 | • | • | Location and dimension of all existing and proposed utilities within and immediately adjacent to the subdivision or land development, including sewer, water, gas, electric, telephone, cable TV, fire alarm, hydrants, existing utility poles, (including location and type of proposed poles and fixtures), stormwater drainage or other existing above or underground utilities. |

| | 1 | 2 | Required, if shown with a • |
|---|---|---|---|
| 17 | • | • | Location of wells and ISDS as proposed - indicate if RIDEM approval is pending or received. |
| 18 | • | • | Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision or land development. |
| 19 | • | | Provisions for collecting and discharging stormwater. |
| 20 | • | • | Location of properties within the local historic zoning district and National Register District. Historic cemeteries on or immediately adjacent to the subdivision or land development (if any). |
| 21 | • | | Location of any unique natural and/or historic features, including stone walls. |
| 22 | • | • | Proposed improvements including streets, lots, lot lines, with lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. |
| 23 | • | • | Base flood elevation data. |
| 24 | • | • | Landscape Plan. |
| 25 | • | • | Grading plan to show existing and proposed contours at least two-foot intervals for all grading proposed for on and off-site street construction, drainage facilities and upon individual lots if part of proposed subdivision improvements. |
| 26 | • | • | Two (2) copies of a drainage plan and calculations showing the measures to be taken to control erosion and sedimentation during and following the development of the subdivision and the measures planned to provide for the control of stormwater runoff. |
| 27 | • | | Proposed street plan, profiles and cross-sections drawn at a minimum scale of 1" = 50' if street is proposed. |
| 28 | • | • | Proposed street names (if applicable). |
| 29 | • | • | Monuments - As specified in Appendix D, Section D.5.a |

| | 1 | 2 | Required, if shown with a |
|---|---|---|---|
| 30 | • | | The names and addresses of abutting property owners within a two hundred (200) foot radius, or four hundred foot (see section 8.5.3.a)of the subject lot(s) to be subdivided or developed (taken - from the most recent records of the City Assessor) and names and addresses of agencies or communities requiring notification as required by these Regulations. |
| 31 | • | | If Public Hearing required: Certified mail receipts. Return receipts (green post-cards) to be addressed to the Planning Board, c/o the Administrative Officer - See Section 8.5.3. |
| 32 | | • | Written approval of the proposed subdivision, including any required off-site construction, from the Rhode Island Coastal Resources Management Council in the form of an Assent as provided in the Rhode Island Coastal Resources Management Program, (if necessary). |
| 33 | | • | A Physical Alteration Permit issued by the RI Department of Transportation for any connection to or construction work within a State highway or other right-of-way (if necessary). |
| 34 | | • | Preliminary Subdivision Suitability Determination by the RIDEM for the use of individual sewage disposal systems (ISDS). |
| 35 | | • | Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents. |
| 36 | | • | Final written comments on the Preliminary Plan - Referral Form and attachments. |
| 37 | | • | Compliance with any additional improvements or conditions as required by the Planning Board in the Preliminary Plan stage. |
| 38 | | • | Certification by a Registered Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements of these Regulations. |

| | 1 | 2 | Required, if shown with a • |
|---|---|---|---|
| 39 | | | Payment of Required Fees |
| a. | • | | Application Filing Fee - See Section 7.4.1 |
| b. | | • | Inspection Fee - See Section 7.4.2 |
| c. | | • | Recording Fee |
| d. | | • | Payment in lieu of open space land dedication (See Section 6.2.2) |
| 40 | | • | Either of the following:<br>a. A letter stating it is the intent of the applicant to complete the required improvements; or,<br>b. A letter requesting that security be set by the Board sufficient to cover the cost of required improvements: |
| 41 | | • | Performance bond or other financial guarantees (Initial amount and date set by Planning Board) |
| 42 | | • | Maintenance bond for acceptance of public improvements, if applicable. |

# Application Form for Submission of Minor Subdivision or Minor Land Development Plan

Attach Additional Sheets as Needed

_____Preliminary Plan Date _____

_____Final Plan Date _____

## 1. General Information

A. Assessors plat: _____ lot(s): _____

B. Location of Proposed Subdivision or Land Development - Street address, if applicable:

_____

C. Applicant's Name (Include all owners of property):

_____

_____

D Applicant's Address and Telephone:

_____

_____

E Owner's Name, Address and Telephone (if different from Applicant):

_____

_____

## 2. Representation, if applicable (Include notarized letter of authorization)

A. Representative's Name(s)

_____

B Representative's Address and Telephone:

_____

_____

## 3. Description of Proposed Subdivision or Land Development

_____

_____

## Application Form for Submission of Minor Subdivision or Minor Land Development Plan - Page two

4. **Tax Assessors Office, if applicable**
I have reviewed the proposed development and concur with the Lot numbering sequence used by the Owner/Applicant.

_____

*Tax Assessor/ Authorized Representative / Date*

5. **Sewer Authority**
Current Sewer Assessment for Lot(s)___Plat___
_____Has been met by the owner for billing period ending _____
_____Has not been met by the owner. Submission is not acceptable until assessments are paid

_____

*Sewer Authority/Authorized Representative / Date*

6. **Tax Collectors Office** (See Certificate of Payment of Taxes Form)
Current Tax Obligation for Lot(s)_____Plat_____
_____Has been met by the owner for tax period ending_____
_____Has not been met by the owner. Submission is not acceptable until taxes are paid

_____

*Tax Collector/Authorized Representative / Date*

7. **Owner / Applicant's Signature(s) and date**

_____

_____

State of Rhode Island
County of _____

In _____ on the _____ day of _____, 19__, before me personally

appeared _____,
to me known and known by me to be the person(s) executing this Application and he/she/they acknowledge said Application by him/her/them executed to be his/her/their free act and deed.

Signature: _____

Printed Name: _____

My Commission expires on: _____.

# Minor Subdivision and Land Development Tracking Sheet

Name of Development or Applicant or Owner

Plat _____ Lot _____

1. **Preliminary Plan**

Application Received on Date_____

Certificate of Completeness: _____Complete ____Incomplete* Date_____
*Due 25 days following receipt of plan*

Public Hearing (if street proposed) Held on: Date_____

Planning Board Decision (no street) :_____Approve** ____Disapprove Date_____
*Due 65 days following Certificate of Completeness*

Planning Board Decision (street) :_____Approve** ____Disapprove Date_____
*Due 95 days following Certificate of Completeness*

2. **Final Plan**

Application Received on: Date_____

Regular Meeting of the Planning Board Held on: Date_____

Planning Board Decision: _____Approve** ____Disapprove Date_____

**Extensions**_____ **(Indicate Stage)**

Extension Request Received on: Date_____

Regular Meeting of the Planning Board Held on: Date_____

Planning Board Decision:_____Approve ____Disapprove Date_____

* Deficiencies Noted on Form _____Yes _____No

** Approved with Conditions Attached _____Yes _____No

## Referral Sheet - Minor Subdivisions and Land Developments

**To: Departments, Commissions, and Boards:**

_____

_____

_____

Subdivision [Name, Location and Applicant and/or Owner(s) Name(s)] has been submitted to the Planning Board for review and action. Please fill in the appropriate lines below and return to the Administrative Officer no later than _____/Date

**1) Department of Public Works/ City Engineer**

_____Comments attached

_____No Comments Offered

_____

*Department of Public Works/ Date*

**2) Building Department**

_____Comments attached

_____No Comments Offered

_____

*Authorized Representative/Date*

**3) Fire Department (if new roads are proposed)**

I have reviewed the proposed street names and__concur with the proposed name(s) OR___recommend that the names be changed due to similarities with existing streets.

_____ Other public safety comments attached

_____

*Fire Department Authorized Representative / Date*

**4) Water Department**

_____ Comments attached

_____

*Authorized Representative / Date*

**5) Sewer Department**

_____ Comments attached

_____

*Authorized Representative / Date*

## Certificate as to Completeness of Application

To: Applicant:_____

Address:_____

_____

Name of Plan_____ Location_____

Stage of Review_____

Date Filed_____

Assessor's Plat & Lot of

Land Being Developed_____

Description of Development_____

_____

Type of Development_____

Action Taken by Administrative Officer

_____Application Certified as Complete

_____Application Not Complete, with Following Deficiencies:_____

_____

_____

_____

_____

_____

_____

_____

*Signature of Administrative Officer*
*Date of Certification*

## BOUNDS CERTIFICATION

Date:_____

Planning Board
City of Warwick,
City Hall,
Warwick, Rhode island.

To the Planning Board of the City of Warwick:

We, the owner of _____
*Name of Plat*
hereby agree to place Granite Bounds, no less than 30" in length and approximately 4" square, at points indicated on the record plat and further agree to maintain the same for a period of five years or furnish the City Engineer, at any time within five years, satisfactory evidence from a recognized engineer regarding the condition of said monuments.

_____
*owner*

---

Date:_____

Department of City Plan
City of Warwick
3275 Post Road
Warwick, Rhode Island 02886

The Granite Bounds, no less than 30", in length and approximately 4" square have now been found at all the indicated positions on that recorded plat titled_____
and are in the correct positions, as of this date, in compliance with the Planning Board's Regulations.

_____
*Surveyor's Stamp and Signature*

## Tax Collector

## City of Warwick

## CERTIFICATION OF PAYMENT OF TAXES

I hereby certify that on_____19_____ there were no outstanding tax liens arising from the non-payment of taxes assessed on lot(s)_____on Assessor's Plat_____ owned by_____as of_____19_____ due and payable during the period of five years preceding _____19_____.

_____

DATE TAX COLLECTOR

# APPENDIX C
# CITY OF WARWICK, RHODE ISLAND
# INSTRUCTIONS AND CHECKLIST FOR MAJOR SUBDIVISIONS AND MAJOR LAND DEVELOPMENT PROJECTS

These **Instructions** and **Checklist** apply to **Major Subdivisions**, as defined in Section 2.3.3, and **Major Land Development Projects.**

There are four (4) stages of review - Preapplication, Master Plan, Preliminary Plan and Final Plan. See Article 5 for purposes, meetings and other requirements. The Checklist below is intended to guide the Applicant through each stage by noting submission requirements.

## 1. Preapplication

**Application Form for Submission of Major Subdivision and Major Land Development Plans and submit to the Administrative Officer with the following:**

One (1) copy of a proposed subdivision or land development plan, which shall at least be a copy of the appropriate sheet(s) of the City of Warwick Assessors Plat. The Applicant need only depict an illustrative site plan, sufficient for general discussion and concept review. Required submissions are noted with a • in the Checklist under Column 1.

## 2. Master Plan

**Application Form for Submission of Major Subdivision Plan and Major Land Development (new copy not necessary, if Preapplication stage complete) and submit to the Administrative Officer with the following:**

Five (5) copies of a narrative report (8 1/2 x 11 sheets, stapled or bound) providing a general description of the existing physical environment and existing use(s) of the property along with a general description of the uses and type of development proposed by the Applicant. Required submissions are noted with a • in the Checklist under Column 2. In addition, the report shall include items noted below:

A. An aerial photograph or a copy of an existing aerial photograph of the proposed subdivision or land development parcel and surrounding area may be required by the Administrative Officer.

B. A copy of the soils map of the subdivision or land development parcel(s) and surrounding area, and a general analysis of soil types and suitability for the development proposed.

C. Site Plan suitable for public presentation.

D. An estimate of the approximate number of people, including school-aged children to be housed in the proposed or land development.

E. Proposed phasing, if any.

F. A vicinity map ( which may be drawn or copied from the City of Warwick Assessors Plats or other such map at an appropriate scale) to show the area within one-half mile of the or land development parcel(s) depicting the locations of all streets, existing lot lines, and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated by shading and labelling the specific use.

G. Initial written comments on the Master Plan from the following agencies:

City of Warwick: Building Official, Public Works, City Engineer, Sewer, Water and other department or commission as may be required by the Administrative Officer.

Adjacent communities: Only where the proposed subdivision or land development is within 2,000 feet of the City's borders.

State agencies, if applicable: Departments of Environmental Management, Transportation, Coastal Resources, and other_____ (specify).

Federal agencies, if applicable: U.S. Army Corps Engineers and Federal Emergency Management Agency if deemed appropriate by the Administrative Officer.

H. The Administrative Officer shall determine whether or not the plans are complete prior to submitting them for Planning Board review. Incomplete plans shall be returned to the Applicant.

I. Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island, Board of Registration of Land Surveyors.

J. Archaeological Assessment - When a proposed major subdivision is located within an area marked as archaeologically sensitive on the City's Archaeological Sensitivity Map, an archaeological assessment shall be required, if in the opinion of the Board, there is a likelihood that cultural resources or undetected human remains will be adversely impacted by construction activities associated with the proposed development.

To assist in reaching its decision to require an archaeological assessment, the Board may request an advisory pursuant to RIGL 42-45 and 45-22 from the Rhode Island Historical Preservation and Heritage Commission (RIHP&HC)

concerning the documented or potential archaeological importance of the area and whether archaeological studies are warranted.

When required, the archaeological assessment and any additional studies shall be conducted by a professional archaeologist according to standards outlined in the RIHP&HC's Standards for Archaeological Survey. (Note: The RIHP&HC maintains a list of archaeologists working in Rhode Island who meet the required professional qualification standards.)

When required by the Board, the applicant shall perform such measures necessary to identify, evaluate, protect or properly remove significant archaeologic sites within the project area. The applicant shall submit a report to the Board prepared by a professional archaeologist that includes an assessment of the project's impact, recommendations regarding the need for additional archaeological studies, and recommended alternatives to avoid or mitigate adverse impacts from the project.

The Board may request an advisory from the RIHP&HC concerning the adequacy of the archaeological study, the need for additional archaeological studies, the impacts of the project to significant archaeological sites, and the adequacy of any recommended mitigation strategies.
Where the Board determines that the proposed subdivision will adversely impact a significant archaeological site, the Board) shall not approve the subdivision unless the plan is revised or modified to protect significant resources and mitigate adverse impacts.

## 3. Preliminary Plan

**Application Form for Submission of Major Subdivision Plan and Major Land Development (new copy not necessary, if Preapplication and Master Plan stages complete) and submit to the Administrative Officer with the following:**

Required submissions are noted with a - in the Checklist under Column 3. In addition, the Preliminary Plan shall include items noted below:

A. One (1) copy of the preliminary site plans drawn to a scale of one inch equals two hundred feet (1 " = 200') with a radius of two hundred feet (200') or four hundred feet (400') (see section 8.5.3.a) drawn thereon.

B. Six (6) copies of the preliminary site plans drawn to a scale of one inch equals forty feet (1 " = 40').

C. Size of sheets shall be 16" X 22".

D. Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

E. The Administrative Officer shall determine whether or not the plans are complete prior to submitting them for Planning Board review. Incomplete plans shall be returned to the Applicant. The Administrative Officer shall distribute complete copies of plans to appropriate agencies named in 2G above.

F. Plans shall include a certification, with signature and seal, that all plans and improvements conform to all existing and amended standards of the State of Rhode Island, Board of Registration of Land Surveyors as follows:

> *This survey and plan conform to a Class 1 (or 2) standard as adopted by the Rhode Island Board of Registration for Professional Land Surveyors.*
>
> *I hereby certify that this survey was actually made on the ground as per record description and is correct. There are no encroachments either way across property lines except as shown.*
>
> _____
>
> *By: Registered Professional Land Surveyor (SEAL) / Date*

Plans shall also include, prominently displayed with the certification, the following statement:

> *Lots depicted on this plat (or plan) shall not be altered dimensionally or in form, including the enlargement of lots or moving of any lot line for any purpose whatsoever, without first filing a new subdivision application in accordance with the City of Warwick Development Review Regulations of December 31, 1995.*

In addition, any plans requiring a landscape plan in accordance with these Regulations shall have such plans drawn by a registered landscape architect and shall be so noted on the plans.

## 4. Final Plan

**Application Form for Submission of Major Subdivision Plan and Major Land Development (new copy not necessary, note any changes from Preliminary Plan stage) and submit to the Administrative Officer with the following:**

Required submissions are noted with a • in the Checklist under Column 4. In addition, the Final Plan shall include items noted below:

A. Plans to be Recorded - One (1) mylar, plus two (2) linen, plus five (5) blue print copies of the Final Plan, which shall be an approved version of the Preliminary Plan, showing all required elements thereon, drawn on mylar to a scale of one

inch equals forty feet (1" = 40') on sheets measuring 16" X 22".

B. Construction Drawings - One (1) original mylar (16" X 22"), plus five (5) blue print copies of construction plans drawn to a scale of no less than one inch equals forty feet (1" = 40').

C. Any changes or requirements voted upon by the Planning Board at the Preliminary Plan stage.

## CHECKLIST OF REQUIRED INFORMATION

| | 1 | 2 | 3 | 4 | Required, if shown with a • |
|---|---|---|---|---|---|
| 1 | • | • | • | • | Application Form with name and address of Applicant and/or property owner |
| 2 | | • | • | • | Date of plan preparation, with revision date(s) (if any). |
| 3 | | • | • | • | Graphic scale and true north arrow. |
| 4 | • | • | • | • | Plat and lot number(s) of the parcel being subdivided. |
| 5 | • | • | • | • | Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown. |
| 6 | | | • | • | Deed Book and Page References must be shown. |
| 7 | | • | • | • | Perimeter boundary lines of the subdivision or land development, drawn so as to distinguish them from other property lines. |
| 8 | | | • | • | Perimeter boundary lines - Curves shall include radius, arc length, central angle, tangent and chord length. |
| 9 | | • | | | Location and dimensions of existing property lines within or adjacent to the subdivision or land development parcel. |
| 10 | | | • | • | Existing property lines shall show interior angles and distances. |
| 11 | | • | • | • | Location and dimensions of existing easements and rights-of-way, including, buildings, water courses, railroads, utilities, and other similar features. |
| 12 | | • | • | • | Location, width and names of existing streets within and adjacent to the subdivision or land development parcel. |

| | 1 | 2 | 3 | 4 | Required, if shown with a • |
|---|---|---|---|---|---|
| 13 | | • | • | • | The names and addresses of abutting property owners, within a two hundred (200) foot radius or four hundred (400) foot (see Section 8.5.3.a) of the subject lot(s) to be subdivided or developed (taken from the most recent records of the City Assessor) and names and, addresses of agencies or communities requiring notification as required by these Regulations. |
| 14 | | | • | | Required Public Hearing: Certified mail receipts. Return receipts (green post-cards) to be addressed to the Planning Board, c/o the Administrative Officer. See Section 8.5.3. |
| 15 | | • | • | • | Location of wooded areas, if any, and notation of existing groundcover. |
| 16 | • | | | | Location of wetlands, watercourses or coastal features, if present on or within two hundred (200) feet of the property being subdivided to be generally identified on a plat map. |
| 17 | | • | | | Location of wetlands, watercourses or coastal features, if present on or within 200 feet of the property being subdivided to be identified and flagged by a biologist. |
| 18 | | | • | • | Written confirmation from the Rhode Island Department of Environmental Management (RIDEM) pursuant to its Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed subdivision or land development, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration. |
| 19 | | | • | • | Location and dimension of all existing and proposed utilities within and immediately adjacent to the subdivision or land development, including sewer, water, gas, electric, telephone, cable TV, fire alarm, hydrants, existing utility poles, (including location and type of proposed poles and fixtures), stormwater drainage or other existing above or underground utilities. |
| 20 | | | • | • | If wells and/or ISDS are proposed, indicate stage of RIDEM approval: Preliminary suitability determination or receipt of final approval. |

| | 1 | 2 | 3 | 4 | **Required, if shown with a •** |
|---|---|---|---|---|---|
| 21 | | • | | | Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision or land development. |
| 22 | | | • | | Provisions for collecting and discharging stormwater. |
| 23 | | • | | | Location of properties within the local historic zoning district and National Register District. Historic cemeteries and stone walls on or immediately adjacent to the subdivision or land development (if any). |
| 24 | | • | • | • | Proposed improvements including streets, lots, lot lines, with lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. |
| 25 | | | • | • | Base flood elevation data. |
| 26 | | | • | | Soil erosion and sediment control plan. |
| 27 | | • | | | Conceptual Landscape Plan. |
| 28 | | | • | • | Landscaping plan to show all significant proposed clearing of land, removal of existing vegetation, revegetation and/or landscaping on street rights-of-way and upon individual lots if part of proposed subdivision or land development improvements, signed and stamped by a registered landscape architect. |
| 29 | | | • | • | Grading plan to show existing and proposed contours at two-foot intervals for all grading proposed for on and off-site street construction, sewer and water installations, drainage facilities and upon individual lots if part of proposed subdivision or land development improvements. |
| 30 | | | • | | Proposed street plan, profiles and cross-sections drawn at a scale of not less than 1" = 40'. |
| 31 | | | • | • | Monuments - See Appendix D, Section D.5.a |
| 32 | | | • | • | Proposed street names. |

| | 1 | 2 | 3 | 4 | Required, if shown with a • |
|---|---|---|---|---|---|
| 33 | | | • | • | Two (2) copies of a drainage plan and calculations showing the measures to be taken to control erosion and sedimentation during and following the development of the subdivision and the measures planned to provide for the control of stormwater runoff. |
| 34 | | | • | • | Location, dimension and area of any land proposed to be dedicated to the City of Warwick or payment in lieu of such dedication. |
| 35 | | | | • | Written approval of the proposed subdivision or land development, including any required off-site construction, from the Rhode Island Coastal Resources Management Council in the form of an Assent as provided in the Rhode Island Coastal Resources Management Program, (if necessary). |
| 36 | | | | • | A Physical Alteration Permit issued by the RI Department of Transportation for any connection to or construction work within a State highway or other right-of-way (if necessary). |
| 37 | | | | • | Copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents. |
| 38 | | | • | | Written comments on the Preliminary Plan - Referral Form and attachments. |
| 39 | | | • | • | Documents of incorporation of any homeowners' association for any cluster development. |
| 40 | | | | • | Compliance with any additional improvements or conditions as required by the Planning Board in the Preliminary Plan stage. |
| 41 | | | • | • | Certification by a Registered Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements of these Regulations. |
| 42 | | | | • | Deed or instrument transferring to the City all public streets and/or other public improvements. |

| | 1 | 2 | 3 | 4 | Required, if shown with a • |
|---|---|---|---|---|---|
| 43 | | | | • | Deed transferring land proposed for dedication to the City or other qualified group or agency for open space purposes (if applicable). These might be private non-profit or homeowner associations for cluster developments. |
| 44 | | | | | Payment of Required Fees |
| a. | • | | | | Preapplication Fee |
| b. | | | • | | Filing Fee: See Section 7.4 |
| c. | | • | | | Application Filing Fee - See Section 7.4.1 |
| d. | | | | • | Engineering Inspection Fees - See Section 7.4.2 |
| e. | | | | • | Recording Fee |
| 45 | | | | • | Either of the following:<br>a. A letter stating it is the intent of the applicant to complete the required improvements; or,<br>b. A letter requesting that security be set by the Board sufficient to cover the cost of required improvements: |
| 46 | | | | • | Performance bond or other financial guarantees (Initial amount and date set by Planning Board) |
| 47 | | | | • | Maintenance bond for acceptance of public improvements, if applicable. |
| 48 | | • | | | If applicable, letter from the Rhode Island Historical Preservation & Heritage Commission for archaeological assessment. |

## Application Form for Submission of Major Subdivision or Major Land Development Plan

Attach Additional Sheets as Needed.

_____ Preapplication Date _____

_____ Master Plan Date _____

_____ Preliminary Plan Date _____

_____ Final Plan Date _____

**1. General Information**

A. Assessors plat: _____ lot(s): _____

B. Location of Proposed Subdivision or Land Development - Street address, if applicable:

_____

C. Applicant's Name (Include all owners of property):

_____

_____

D. Applicant's Address and Telephone:

_____

_____

E. Owner's Name, Address and Telephone (if different from Applicant):

_____

_____

**2. Representation, if applicable (Include notarized letter of authorization)**

A. Representative's Name(s)

_____

B. Representative's Address and Telephone:

_____

_____

**3. Description of Proposed Subdivision or Land Development**

_____

_____

## Application Form for Submission of Major Subdivision or Land Development Plan Page two

4. **Requested list of waivers from Development Review Regulations:**

_____

_____

_____

5. **Tax Assessors Office, if applicable**
I have reviewed the proposed plans and concur with the Lot numbering sequence used by the Owner/Applicant.

_____

*Tax Assessor/ Authorized Representative / Date*

6. **Tax Collectors Office** (See Certificate of Payment of Taxes Form)
Current Tax Obligation for Lot(s)_____Plat_____
_____Has been met by the owner for tax period ending _____
_____Has not been met by the owner. Submission is not acceptable until taxes are paid

_____

*Tax Collector/Authorized Representative / Date*

7. **Sewer Authority**
Current Sewer Assessment for Lot(s)____Plat____
_____Has been met by the owner for billing period ending _____
_____Has not been met by the owner. Submission is not acceptable until assessments are paid

_____

*Sewer Authority/Authorized Representative / Date*

_____

## Application Form for Submission of Major Subdivision or Land Development Plan
## Page three

**8. Owner / Applicant's Signature(s) and date**

_____

_____

State of Rhode Island
County of _____

In _____ on the _____ day of _____, 19__, before me personally

appeared _____,
to me known and known by me to be the person(s) executing this Application and he/she/they acknowledge said Application by him/her/them executed to be his/her/their free act and deed.

Signature: _____

Printed Name: _____

My Commission expires on: _____.

_____

# Major Subdivision and Land Development Tracking Sheet

_____

Name of Development or Applicant or Owner

1. **Preapplication**

Application Form Received on: Date_____

Preapplication Meeting Held on: Date_____

2. **Master Plan**

Application Received on: Date_____

Certificate of Completeness: _____Complete _____Incomplete* Date_____
*Due 90 days following receipt of plan*

Informational Meeting Held on: Date_____

Planning Board Decision: _____Approve** _____Disapprove Date_____
*Due 120 days following Certificate of Completeness*

3. **Preliminary Plan**

Application Received on Date_____

Certificate of Completeness: _____Complete _____Incomplete* Date_____
*Due 60 days following receipt of plan*

Public Hearing Held on: Date_____

Planning Board Decision: _____Approve** _____Disapprove Date_____
*Due 120 days following Certificate of Completeness*

4. **Final Plan**

Application Received on: Date_____

Certificate of Completeness: _____Complete _____Incomplete* Date_____
*Due 45 days following receipt of plan*

Regular Meeting of the Planning Board Held on: Date_____

Planning Board Decision: _____Approve** _____Disapprove Date_____
*Due 45 days following Certificate of Completeness*
**Extensions**_____ **(Indicate Stage)**

Extension Request Received on: Date_____

Regular Meeting of the Planning Board Held on: Date_____

Planning Board Decision: _____Approve _____Disapprove Date_____

* Deficiencies Noted on Form _____Yes _____No

** Approved with Conditions Attached _____Yes _____No

## Referral Sheet - Major Subdivisions and Land Developments

**To: Departments, Commissions and Boards:**

_____

_____

Subdivision [Name, Location and Applicant and/or Owner(s) Name(s)] has been submitted to the Planning Board for review and action. Please fill in the appropriate lines below and return to the Administrative Officer no later than _____ Date

**1) Department of Public Works/ City Engineer:**

_____ Comments attached

_____ No Comments Offered

_____

*Department of Public Works / Date*

**2) Building Department**

_____ Comments attached

_____ No Comments Offered

_____

*Authorized Representative/Date*

**3) Fire Department (if new roads are proposed)**

I have reviewed the proposed street names and__concur with the proposed name(s) OR___recommend that the names be changed due to similarities with existing streets.

_____ Other public safety comments attached

_____ No Comments Offered

_____

*Fire Department Authorized Representative / Date*

**4) Water Department**

_____ Comments attached

_____ No Comments Offered

_____

*Authorized Representative / Date*

**5) Sewer Department**

_____ Comments attached

_____ No Comments Offered

_____

*Authorized Representative / Date*

## Certificate as to Completeness of Application

To: Applicant:_____

Address:_____

_____

Name of Plan_____ Location_____

Stage of Review_____

Date Filed_____

Assessor's Plat & Lot of

Land Being Developed_____

Description of Development_____

_____

Type of Development_____

Action Taken by Administrative Officer

_____Application Certified as Complete

_____Application Not Complete, with Following Deficiencies:_____

_____

_____

_____

_____

_____

_____

_____

*Signature of Administrative Officer*
*Date of Certification*

## BOUNDS CERTIFICATION

Date:_____

Planning Board
City of Warwick,
City Hall,
Warwick, Rhode island.

To the Planning Board of the City of Warwick:

We, the owner of _____
*Name of Plat*
hereby agree to place Granite Bounds, no less than 30" in length and approximately 4" square, at points indicated on the record plat and further agree to maintain the same for a period of five years or furnish the City Engineer, at any time within five years, satisfactory evidence from a recognized engineer regarding the condition of said monuments.

_____
*owner*

---

Date:_____

Department of City Plan
City of Warwick
3275 Post Road
Warwick, Rhode Island 02886

The Granite Bounds, no less than 30", in length and approximately 4" square have now been found at all the indicated positions on that recorded plat titled _____ and are in the correct positions, as of this date, in compliance with the Planning Board's Regulations.

_____
*Surveyor's Stamp and Signature*

# Appendix D

# Subdivision and Development Design Standards

## D.1 General Provisions

### D.1.2 General

The subdivider, at his/her own expense, shall construct or install improvements designed by a registered engineer in accordance with the specifications of this Appendix. References to "All Subdivisions" shall include both residential and non-residential subdivisions. References to "Subdivision" with no prefix shall mean residential subdivisions only. Non-residential subdivisions include commercial and industrial developments. These required improvements are minimum design standards and accordingly, where conditions relating to the site warrant additional requirements, the Planning Board may, after citing such conditions and establishing reasons for exceeding such standards, require that the design and construction shall exceed these standards.

### D.1.3 Other Agency Approval

Development requiring approval by the Rhode Island Department of Environmental Management, the Rhode Island Coastal Resources Management Council, or the U.S. Army Corps of Engineers will not be given final approval for subdivision by the Planning Board in the absence of approval from those agencies. A letter of conditional approval will be given pending approval from the above agencies.

### D.1.4 Layout Intent

The general layout of the subdivision or development shall be designed to complement the natural form, features and vegetation of the land. The general pattern and design of the circulation system in the subdivision shall be designed so that it will provide safe vehicular and pedestrian travel.

### D.1.5 Compatibility

New developments must be considered in relation to their compatibility to existing conditions in any given area. Although Warwick is largely built out, undeveloped areas with somewhat rural characteristics are often near existing developments. As these undeveloped areas are subdivided, they should be compatible with existing areas in order to preserve property values in the existing developments and to insure that social organization of neighborhoods are advanced.

### D.1.6 Transitions

The intent of a "transition" is to separate and/or blend together different types of development features. An example of a transitional treatment of between an existing, more densely settled subdivision, and a proposed subdivision with more open space and fewer buildings might be to design the roadway, sidewalk and landscape elements in a style or manner similar to the existing subdivision where the old and new meet and then gradually break away to the more open

characteristics that the new area envisions. The necessity and extent of the transition shall be determined based on the individual situation relating to existing topography, foliage, intensity of development, and the proposed corollaries of those same items. In certain cases transitions of some type should be introduced, or in lieu of transitions, a transitional treatment of a subdivision development may be desired. To treat new development totally differently than that which already exists will have a different visual impression. This treatment could possibly create social discord of the different types of neighborhoods in close proximity and possibly diminish property values that have been developed through the years. In areas where existing development is contiguous with proposed development, transitions may be prescribed.

## D.2 Subdivision Design - All Subdivisions

### D.2.1 Streets

The general pattern of streets in a subdivision shall consider the existing street system and shall be arranged to conform with Comprehensive Plan.

a. *Access* - There shall be at least two (2) points of access in a standard subdivision. A cluster subdivision may propose one access point, provided that it meets public safety requirements.

b. *Topography* - Streets shall be designed to conform to the topography of the land and substantial alterations to the natural drainage pattern shall be avoided.

c. *Name* - Any extension of an existing street shall have the same name as the existing street. The names of proposed streets shall be substantially different from existing street names in the City of Warwick, to avoid confusion to emergency services.

d. *Extension of Street* - Proposed streets which are extensions of any existing street shall generally maintain the same width of such existing street. Alternative street widths may be proposed, if the subdivider can clearly demonstrate that variations in street widths provide logical breaks by virtue of existing physical characteristics of the land such as topographical and other site conditions.

e. *Extension of Street Within Subdivision* - Where a subdivision proposal entails several new streets off of an existing street, the new street widths shall conform to the requirements in this Appendix.

f. *Large Lot Re-Subdivision* - Where the tract is subdivided into lots of an acre or more, the Board may require such an arrangement of lots and streets as will permit a later re-subdivision in conformity with the street requirements specified herein, and in order that the later subdivisions may conform to the ultimate location of streets and extension of adjacent streets.

g. *Apportioning Street, Sidewalk and Grass Strips* - The apportioning of the street between roadway, sidewalk, and grass strips shall be in accordance with standards as indicated herein. The road width itself shall be wide enough for the purpose intended, with no more

than moderate modification of existing topography, destruction of existing trees, and interruption of drainage ways. Sidewalks shall be placed on both sides of a roadway, and may meander both horizontally and vertically from the paved roadway profile in order to create interest, preserve existing topography, save existing mature trees, shrubbery, and other natural features most appreciated by people using the sidewalks. In every case, the sidewalk shall be no closer to the right-of-way line than one foot. The width of sidewalks shall be no less than four (4) feet.

h. *Right-of-Way and Travel Way Widths* - The minimum width for any right-of-way in a standard residential subdivision shall be in accordance with the definitions contained herein and the schedule below:

| | ROW Width | Travel Way Width | ADT |
|---|---|---|---|
| Arterial | 80 feet | 40 feet | >3,000 ADT |
| Collector | 60 feet | 30 feet | 1,000 - 3,000 ADT |
| Subcollector | 50 feet | 30 feet | 250 - 1,000 ADT |
| Access | 40 feet | 26 feet | 0 - 250 ADT |

An arterial is high-volume street used primarily for fast and heavy traffic and generally have no residences. A collector carries traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development. A subcollector provides passage to access streets and conveys traffic to collectors. An access road is for local service streets and streets used primarily for access to abutting properties. Access roads shall be laid out so that their use by through traffic will be discouraged. ADT is "Average Daily Traffic."

Where the Board deems it undesirable that the width be as specified, it may modify said requirements. In no case shall the width of a street be less than 40 feet.

Commercial and industrial subdivisions shall not contain ROW widths and Travel Way widths less than those indicated for arterial and collector.

i. *Right-of-Way Width Measurement* - Rights-of-way widths shall be measured from lot line to lot line.

j. *Maximum Grade* - The maximum grade of major streets shall be 5 percent except where necessary to adjust to topographical conditions. The minimum grade of streets shall be .7 percent.

k. *Dead-End Streets and Cul-de-Sacs* - Dead-end streets without a turn-around and not designed for eventual continuance will not be approved. Streets which are designed to have one end permanently closed (cul-de-sacs), shall be clearly indicated with a "Dead-End" sign (or equivalent International symbol) at their entrance and shall include, at the

closed end, a turn-around roadway having a minimum outside radius of fifty (50) feet. Cul-de-sacs with interior islands are permitted and shall have a paved travel way width of twenty (20) feet and an interior circular island. Cul-de-sacs containing interior islands shall require provisions for maintenance to be provided by a neighborhood association and contained in the association by-laws.

The maximum length of a cul-de-sac is to be determined by traffic volume and the number of house lots. A residential cul-de-sac should handle no more than 250 trips per day. One single family home generates approximately 10 trips per day; therefore the maximum number of house lots on a cul-de-sac shall not exceed 25. The maximum length of any cul-de-sac under any conditions shall not exceed 1,600 feet. Maximum cul-de-sac lengths shall be in accordance with the schedule below:

| Zoning District | Number of House Lots | Average Daily Traffic | Minimum Frontage | Maximum Length |
|---|---|---|---|---|
| A-7 | 25 lots | 250 | 70 feet | 840 linear feet |
| A-10 | 25 lots | 250 | 100 feet | 1,200 linear feet |
| A-15 | 25 lots | 250 | 125 feet | 1,500 linear feet |
| A-40 | 25 lots | 250 | 150 feet | 1,600 linear feet |

Commercial and industrial subdivisions shall not exceed 1,600 feet.

l. *Intersections* - Streets shall be laid out so as to intersect as nearly as possible at right angles. Where a deflection angle of more than ten degrees in a street line occurs at any point, a curve of reasonably long radius is to be introduced.

m. *Street Intersection Radius* - Property lines at street intersections shall be rounded with radii of twenty-five (25) feet, or of a greater radius where the Board may deem it necessary.

n. *Subdivisions Bordering Railroads and Highways* - Where a subdivision in a residential district borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street to be laid out approximately parallel to and on each side of the right-of-way adjoining or within the subdivision, the width of and distance of the street from the right-of-way of such street to be determined by the Planning Board. Where a subdivision in a commercial or industrial district borders on or contains a railroad right-of-way, the Planning Board shall require a street to be laid out approximately parallel to and on each side of such right-of-way adjoining or within the subdivision at a distance from the right-of-way suitable for the appropriate use of the intervening land. In each case distances from the right-of-way shall be determined with due regard for the requirements of approach grades and future grade separations.

o. *Private Streets and Reserve Strips* - There shall be no private streets. Each lot shall abut upon a public street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the city under conditions approved by the Board.

p. *Cross Streets* - Cross streets shall have no centerline offsets unless deemed necessary by the Board in the case of a connection with an existing street. The minimum distance between two street intersections shall be 125 feet.

q. *Access to Arterials* - Where a subdivision abuts an existing or proposed arterial street the Planning Board shall require access roads (roads which are parallel and adjacent to arterial streets and which provide access to abutting properties and protection from through traffic) or reverse frontage with screen planting contained in a nonaccess reservation along the rear property line or other such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

r. *Utilities Underground* - New telephone, electrical, cable television and other utility lines shall be installed underground and shall conform to the appropriate utility company's policy for such underground installation. The Board may grant a waiver to this requirement only where particular site or topographical conditions warrant overhead utility lines.

s. *Poles and Fixtures* - All light poles and fixtures, street signs and poles shall be provided and installed by the subdivider, subject to the approval of the Department of Public Works.

### D.2.2 Sidewalks

Sidewalks shall be required along both sides of all subdivision streets. Sidewalk design and materials may be varied by the subdivider, with Planning Board approval, provided that the primary intent of a sidewalk, pedestrian access and enjoyment, has been achieved along with durable construction standards and shall be handicapped accessible.

a. *Parallel Sidewalks* - Sidewalks shall run parallel with the street, except where existing trees and other plant material worthy of preservation or rock outcroppings exist and right-of-way is available, in which case the sidewalk may be designed to wind around these features.

b. *Sidewalk Widths* - The minimum width of concrete sidewalks in residential subdivisions shall be as follows:

| | |
|---|---|
| Arterial - | 8 feet |
| Collector - | 6 feet |
| Subcollector - | 4 feet |
| Access - | 4 feet |

These widths may be varied with the approval of the Planning Board.

Commercial and industrial subdivisions shall not contain sidewalk widths less than those indicated for arterial and collector.

c. *Landscaped Strip* - A landscaped strip with grass and trees shall be required between the sidewalk and the street, except at intersections of the sidewalk and street. The minimum width of this strip shall be not less than four (4) feet. Access to underground utilities shall be provided within the sidewalk area and shall not interfere with the landscaped strip. If, owing to the topography or other site characteristics, the edge of a sidewalk is proposed to be two feet or less from the curb, the grass strip or tree belt may be of brick or cobblestones. All such landscaped strips shall be maintained by the adjacent property owner or by a homeowners association, if one exists. For commercial and industrial subdivisions, landscaped strips shall be maintained by the property owner or the office or industrial park developer or association.

d. *Reduction of Sidewalks* - The subdivider may propose installation of sidewalks, only in residential subdivisions, on one side of a street only if all of the following conditions are met:

1. Access streets and subcollectors are designed to take maximum advantage of topography and to save existing trees which contribute to neighborhood character.

2. The single sidewalk must serve the neighborhood in a logical, safe, efficient manner.

3. The sidewalk width be increased to 6 feet; the sidewalk need not parallel the roadway paving, but shall generally follow the roadway with a variable separation.

e. *Interior Walkways* - A walk provided through the middle of a subdivision is permitted and encouraged. This walk would be of a more casual nature than those next to the street, and may be more irregular, may have a different surface which is accessible in compliance with the Americans with Disabilities Act (ADA), and may provide places for sitting or children's games. Such inner-block walks may be important in establishing access to open space. All such walks shall be maintained by a homeowners association. Bus stops or places to sit are encouraged to be provided along the walk.

f. *Sidewalk Safety* - Proposals for sidewalks shall take into account sharp corners and other locations where the natural tendency of the pedestrian is to go off the walk by providing a durable but coarser material such as cobblestones or exposed aggregate concrete between the sidewalk and an arc with a radius of a proximately four (4) feet connecting both sections of walk.

g. *Handicap Access* - Handicap access and wheelchair ramps shall be installed at intersections.

h. *Curbing* - Wherever sidewalks are required, appropriate curbing shall also be required and

shall meet design and construction standards in Section D.4.

### D.2.3 Landscaping, Trees and Appurtenances

Street trees are required in all subdivisions, unless waived by the Planning Board based on its finding that existing trees will not be removed or that sufficient natural growth exists within the front yards of lots in the subdivision.

a. *Grid Subdivisions* - Street trees shall be planted along both sides of all streets and be located within the Landscaped Strip (See D.2.2.c). Trees shall be planted at distances of not more than fifty (50) feet apart along each side of the street. At street corners, trees shall not be planted within twenty-five (25) feet of the intersecting right-of-way lines.

b. *Curvalinear Subdivisions* - Street trees may be grouped, spaced, alternately placed, or otherwise distributed to form regular or irregular patterns on the landscape which are compatible with the style of the subdivision. The total quantity of trees shall equal or exceed that which would result from the required spacing.

c. *Materials* - Trees shall be grown under local climatic conditions and be of symmetrical growth, free of insect pests and disease, suitable for street use and durable under the maintenance contemplated. The average trunk diameter measured at a height of twelve (12) inches above the finished grade shall be a minimum of three (3) inches. The lowest branch shall be at least 80" above finished grade to meet ADA standards. Trees proposed for planting shall be approved by the Planning Board. All planting shall be done under the supervision of a licensed arborist. Loam shall be clean, of good quality and of such fertility and composition that it will support plant growth.

### D.2.4 Alleys and Easements

a *Residential Areas* - Alleys shall not be permitted in residential areas.

b. *Commercial and Industrial Areas* - Alleys may be provided in commercial and industrial districts in order to provide service access, such as off-street loading and unloading consistent with and adequate for the proposed use.

c. *Width* - The width of an alley shall not be less than 24 feet.

d. *Dead-Ends* - Dead-end alleys are prohibited.

e. *Fire Department Review* - Design of alley ways shall be reviewed by the Warwick Fire Department.

f. *Easements* - The Board may require easements, not exceeding ten feet each side of rear lot lines and on side lot lines, for poles, wires, conduits, storm and sanitary sewers, subdrainage facilities, gas, water and heat mains or other utility lines or access to historical cemeteries, or other municipal needs as determined by the Board. Easement for drainage purposes of the same or greater width may be required along the lines of or across lots where necessary for reasons of topography for the extension of the existing or planned

utilities.

g. *Utilities* - If, in the opinion of the Board, the most suitable and reasonable locations for sewers, storm drains, sub-drainage facilities, water and gas pipes, electric pole lines and conduits, or other utilities likely to be required do not lie wholly within the plat, the Board may reasonably require provision to be made for the location of such utilities outside the plat. Such requirements must be effectuated by the dedication of public easements as part of the plat or by the filing of supplementary instruments which will adequately protect the public interest in the proper location of said utilities.

### D.2.5 Blocks

a. *Length* - Intersecting streets shall be so laid out that blocks between street lines shall be not more than 1,600 feet in length.

b. *Crosswalks* - Pedestrian crosswalks, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

c. *Commercial and Industrial Blocks* - Industrial and commercial blocks shall be platted in such a way as to be suited for the intended occupancy. The Board shall require that industrial blocks be large enough to accommodate potential industries, and that commercial and industrial areas make adequate provision for future parking and delivery service.

### D.2.6 Lots

a. *Conformance with Zoning* - The minimum width for residential lots and the minimum lot area shall be in conformity with the Zoning Ordinance. So far as practicable, in all lots the wide lines shall be at right angles to straight street lines or radial to curved street lines. An arrangement placing adjacent lots at right angles to one another shall be avoided wherever possible. Corner lots shall maintain a minimum 80% of the required lot width on the alternate street in conformity with the Zoning Ordinance. Narrow, deep lots shall be avoided wherever possible. Building set-back and envelope shall be plainly designated on the plat.

b. *Commercial and Industrial Subdivisions* - Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

c. *Use* - Use of lots must be designated.

### D.2.7 Drainage

For all proposed developments, the subdivider shall submit a *Stormwater Management Plan* stamped by a registered engineer which details proposed drainage design and Best Management Practices (BMP's) which will be used in the development to achieve the same or a greater level of

purifying and retentive qualities as existed on the site prior to development.

Where possible, drainage designs shall incorporate natural features in a manner that will not impair their beneficial functioning. Considerations shall be given to the preservation of existing vegetation and topographic features. Stormwater management plans shall incorporate drainage designs which aesthetically and functionally approximate natural drainage systems such as grassed swales. Wherever such designs cannot be achieved, reasons shall be furnished in writing to the Planning Board.

Design, implementation and maintenance of stormwater facilities detailed in the above mentioned stormwater management plan shall conform to standards, recommendations and requirements contained in the most recent editions of the Rhode Island Design and Installation Standards Manual, the Rhode Island Soil Erosion and Sediment Control Handbook, and the Rhode Island Department of Transportation (RIDOT) Standards for Approved Drainage Structures.

a. *Surface and Sub-Surface Waters - Stormwater Management Plans* shall include but not be limited to site plans detailing stormwater facilities and BMP's as well as a written narrative describing the manner in which proposed measures will be designed to achieve:

1. No net increase in rate of runoff off the site under varying rainfall conditions and storm frequency,
2. Control peak discharges from varied storm events,
3. An eighty ( 80) percent removal rate on a annual basis for Total Suspended Solids (TSS),
4. On site retention of the first one inch of runoff from impervious surfaces,
5. Protection or improvement of water quality both surface and groundwater,
6. Removal of oil and sediment from parking areas prior to entering receiving waters,
7. Ease of maintenance for stormwater structures and/or BMP's,
8. A detailed maintenance plan for each structure and BMP prescribed,
9. Minimum erosion during and after construction,
10. The least amount of site disturbance necessary for the proposed development, and
11. Minimize impact to the natural functions, characteristics and values of freshwater and coastal wetlands.

In addition to addressing the aforementioned, all *Stormwater Management Plans* shall conform to the design criteria and performance standards contained within the most recent edition of the State of Rhode Island Stormwater Design and Installation Standards Manual.

These are considered minimum requirements. If site conditions warrant, the Planning

Board, at its discretion, may require additional information and standards.

b. *Stormwater Structures* - All water detention and/or retention structures and BMP's shall be located on a separate lot not intended for development. The Planning Board, upon recommendation of the Director of Public Works and the Planning Director, may waive this requirement for certain non-structural BMP's. The grade of all detention/retention facilities shall be consistent with that of the City of Warwick Soil Erosion and Sediment Control Ordinance.

If a fence surrounding a drainage structure is deemed necessary by the Planning Board, the subdivider shall provide two or more alternative fence designs which must be decorative, functional and compatible with the style of the proposed development and/or surrounding neighborhood. In no case shall a fence exceed five (5) feet in height or be solid in appearance. The Planning Board will select the preferred design. If a chain link fence is proposed, the subdivider shall provide a landscape plan which includes suitable deciduous and/or evergreen screening so as to completely surround the height and breadth of the chain link fence.

To ensure attainment of goals of the approved stormwater management plan, all stormwater infrastructure and BMP's constructed on the site shall retain a one year performance and maintenance guarantee, pursuant to Section 6.5, so as to insure proper functioning and design for both water quality and quantity performance standards.

c. *Ground Water* - If the original ground water elevation, as determined in percolation tests or the spring ground water elevation as estimated by the Director of Public Works, whichever is higher, is higher than seven feet below finished grade of the street, sub-drainage facilities adequate to lower the ground water elevation to seven feet below finished grade or restrictions on the plat providing for location of the lowest floor elevation of a building at least three feet above the ground water elevation or restrictions on the plat providing for construction designed to help prevent ground water from entering the building shall be required.

d. *Sub-drainage* - No original contours of the subdivision shall be altered so as to reduce the suitability of the soil for proper sub-drainage. Additional percolation tests may be required in areas where the contours have been altered.

e. *ISDS* - Insofar as feasible, each lot shall be designed to permit the location of an individual sewage disposal system (ISDS) between the building site and the street.

## D.3 Cluster Subdivision Design Standards

Cluster subdivisions are permitted only in residential subdivisions and are intended to maximize open space, while providing a well-designed layout for housing units. The design elements are intended to follow natural features, such as existing vegetation, rock outcroppings, natural contours of the land and topography. Earth moving, other than that which is minimally needed for home sites, roads and infrastructure, is prohibited. The objectives are to permanently preserve

as much land as possible in its natural state and to preserve farmland, slopes, riverbanks, frontage on water bodies and other significant natural features on the site for the common enjoyment of present and future residents.

### D.3.1 Streets

a. *Circulation Pattern* - The pattern of circulation should be obvious to the motorist, with access roads clearly subordinate to collector and subcollector streets. Pavement width, street alignment, design and location of intersections, frequency and degree of horizontal and vertical curves, width of abutting lots, frontage and setback of homes or other means should heighten the distinction between access and collector roads.

b. *Roadway Design* - Access roads should be designed to inhibit speeding of motor vehicles; to discourage through traffic by use of cul-de-sacs, curves, frequency and design of intersections. Collector streets should not channel traffic into access roads.

c. *Water Runoff* - All street systems and parking areas shall be placed to avoid channeling excessive runoff of water unchecked onto lower streets, lots, or directly into bodies of water.

d. *Right-of-Way Widths* - Street widths must reflect the function of the road. Due consideration must be given to special street width construction and paving requirements resulting from the use of a cluster layout. The following schedule of ROW and Travel Way widths is required:

| | ROW Width | Travel Way Width | ADT |
|---|---|---|---|
| Arterial | Not permitted | N/A | N/A |
| Collector | 50 feet | 30 feet | 1,000 - 3,000 ADT |
| Subcollector | 50 feet | 28 feet | 250 - 1,000 ADT |
| Access | 40 feet | 26 feet | 0 - 250 ADT |

### D.3.2 Sidewalks

a. *One Sidewalk* - A sidewalk is required on one side of the street.

b. *Variable Pattern* - The sidewalk need not parallel the roadway paving, but shall generally follow the roadway with a variable separation.

c. *Widths* - Sidewalk width shall be 6 feet.

### D.3.3 Landscaping and Trees

a. *Design* - Trees and landscaping shall be designed by a licensed landscape architect and be arranged in a manner compatible with existing foliage of all types. The Board may grant

waivers of landscape requirements of new trees and shrubbery if the subdivider has made a concerted effort to conserve existing topography, trees, and shrubs.

b. *Compatibility* - New trees and shrubs, in all cases, shall be compatible by species and variety with plants growing within the area of the subdivision. This is not meant to exclude introduction of new varieties for evergreen cover, screening, seasonal color, or other traditional landscape uses, but is meant rather to ensure that the neighborhood is compatible with its natural surroundings.

c. *Groupings and Spacing* - Street trees may be grouped, spaced, alternately placed, or otherwise distributed to form regular or irregular patterns on the landscape which are compatible with the style of the development. It shall be the goal of the landscaping and trees requirement of this section to replace trees and shrubs which have been destroyed through construction, and to ensure that the subdivision will regain value as a harmonious landscape in as quickly a time as practicable.

d. *Trees Noted on Surveys* - The topographic surveys shall note all trees within proposed rights of way six (6) inches or larger in diameter measured at twelve (12) inches above the ground in all areas of the subdivision. The subdivider shall replace on a two-for-one ratio all trees, that are eight (8) inches or more in diameter, that must be removed within rights-of-way. Such replacement trees shall be at least three (3) inches in diameter and may be located anywhere within the development.

e. *Trees Protected* - No person shall remove a public or protected tree or a tree of cultural, historic, botanical or site specific significance (such significance to be determined by the Planning Board) within a cluster subdivision without first proposing such removal in the subdivision plan, together with written reasons therefore, and receiving approval from the Planning Board as part of a Final Plan.

f. *Waivers* - The Planning Board may grant waivers for tree quantity replacement at its discretion so long as the proposed development is considerate of the character of the landscape surrounding the proposed development.

g. *Materials* - Trees shall be grown under local climatic conditions and be of symmetrical growth, free of insect pests and disease, suitable for street use and durable under the maintenance contemplated. The average trunk diameter measured at a height of twelve (12) inches above the finished grade shall be a minimum of three (3) inches. The lowest branch shall be at least 80" above finished grade to meet ADA standards. Trees proposed for planting shall be approved by the Planning Board. All planting shall be done under the supervision of a licensed arborist. Loam shall be clean, of good quality and of such fertility and composition that it will support plant growth.

### D.3.4 Sewage Disposal

Where sewers are not present, on-site systems should be located to facilitate future connection with a public sewer system, unless health, drainage, and topographic considerations make an

alternative location desirable. Where planned expansion of the sewer system happens to be in or near the subdivision, necessary easements shall be provided to facilitate future connections.

### D.3.5 Telephone and Electrical Utility Lines

All new telephone and electrical utility lines shall be installed underground and shall be in conformance with the appropriate utility company's policy and requirements in all cluster developments.

### D.3.6 Poles and Fixtures

All light poles and fixtures, street signs and poles shall be approved by the Director of Public Works and furnished and installed by the subdivider at his/her cost.

### D.3.7 Surrounding Areas

The site plan shall ensure maximum compatibility with surrounding land uses and structures. The open space should normally create a greenbelt around the development to provide maximum buffering from more intense uses or traffic, to ease the transition to residential areas of lower density. Where the site adjoins single family detached housing areas, the building heights, spacing and setback from the lot line shall be compatible with those of the detached housing areas.

### D.3.8 Building Groupings and Siting

Buildings shall be clustered to create comfortable and convenient groupings for the residents of the development while providing efficient groupings for the delivery of city services. Lots which are abutted by two parallel or approximately parallel streets (through lots) or lots which have at least part of their rear lot lines in common (back-to-back lots) are generally not permitted unless the subdivider submits a request for waiver, in writing, and the Board makes a finding of fact that such through lots or back-to-back lots are necessary for the safety and convenience of the subdivision.

### D.3.9 Common Open Space

The required common open space areas shall be distributed throughout the development as part of a unified open space system and/or should connect with existing open spaces, if any, to unify the entire development visually and functionally, in order to buffer the development from surrounding non-residential land uses, and to provide recreational space.

a. *Design Objectives -*

1. To permanently preserve as much land as possible in its natural state and in large parcels that would not be possible in standard subdivision.

2. To preserve farmland, slopes, riverbanks, frontage on water bodies and other significant natural features on the site for the common enjoyment of all present and future residents.

b. *Design Criteria -*

1. Open space may be in one or more parcels, the size, location, shape and character of which must be suitable for the designated use of the cluster development.

2. No more than fifty (50) percent of the required open space under common ownership and use shall be used for active recreational purposes.

3. No more than twenty (20) percent of the required open space shall be devoted to paved areas for driveways and parking, structures used for active outdoor recreation and paved pedestrian paths throughout the development.

c. *Open Space Development* - Common open space must be suitably preserved and improved for its intended use. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space, and must conserve and enhance the amenities to the common open space having regard to its topography and unimproved condition. Site improvements shall be designed and located to avoid disturbance of conservation areas such as wetlands.

The development schedule which is part of the development plan must coordinate the improvement of the common open space, the contribution of buildings, structures, and improvements in the common open space, and the construction of residential dwellings in the cluster development.

If the final development plan provides for buildings, structures, and improvements in the common open space, the developer shall be responsible for providing only those improvements shown on the Final Plat and the Detailed Landscaping Plan. If the value of site improvements are in excess of $25,000, the subdivider must provide bond or other adequate assurance that the buildings, structures, improvements shall be completed. In a multi-phased development the aforementioned bonding procedure shall only apply to that phase being developed.

d. *Required Easements* - The owner of the plat shall deed to the City of Warwick easements across the open space, not exceeding twenty (20) feet in width for the purpose of installing and maintaining sanitary and storm sewer an water lines.

Provisions shall be made that the City of Warwick shall be granted, at the time of final plat approval, an easement over such land sufficient to ensure its perpetual maintenance as conservation, recreation, or park land for the enjoyment of present and future residents. Such easement shall be made to run with the land. All easements are subject to the review and approval of the City Solicitor.

e. *Maintenance* - The owner(s) of the plat must record covenants acceptable to the City Solicitor which must be made to run with the land and be referred to in all subsequent deeds, requiring the owner or owners of the common open space area to maintain such common open space areas and homeowner association facilities.

The owner(s) of the common open space shall jointly and or severally be responsible for maintaining the common areas in accordance with Ch. 10 Housing Standards, Code of Ordinances, City of Warwick.

In the event that owner(s) fail to maintain properly the common open space areas, the Building Official may serve written notice upon owner(s) of the common open space setting forth the manner in which the organization has failed to maintain the open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within a specified period. The Building Official may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within said specified period or any extension thereof, the Building Official may make entry on the common open space and correct the deficiencies listed. The cost of any maintenance or corrective work performed by the City shall be billed to the organization or assessed against the property owners within the subdivision or development who have a right to the enjoyment of the open space, and shall become a tax lien on said properties at the time of entry upon said open space by the Building Official. The Building Official shall file a notice of lien as provided by law and notify the Planning Board of his/her actions.

f. *Homeowners Association* - The common open space in a single family cluster development shall be owned in common by the lot owners in the tract through membership in an incorporated homeowners' association.

1. *Establishment* - The establishment and initial control of the homeowners' association is the responsibility of the developer of the single family cluster development. The developer shall prepare and file, by law, Articles of Incorporation and by-laws pursuant to the purpose, structure, operator, and powers of the association.

2. *Control Transfer* - Until such time as owners other than the developer own twenty-five percent (25%) or more of the homes in the development, the developer shall be entitled to appoint the entire Board of Directors of the homeowners' association. After owners other than the developer own twenty-five percent (25%) or more of said residences, the developer shall be entitled to appoint two-thirds (2/3) of the members of the Board of Directors and this right shall continue in effect until three (3) years after the developer has closed sales on fifty percent (50%) of the residences, or three (3) months after the developer has closed sales on ninety percent (90%) of such residences, whichever occurs first. At such time the developer shall be entitled to appoint one-third (1/3) of the members of the board. Subsequent to the time that the developer ceases to own any residences in the development, the Board of Directors shall be entirely elected by the residents of the single family cluster development.

3. *Modification* - Any incorporated homeowners association shall not be dissolved nor shall it dispose of any common open space property or improvements under its ownership or control. However, any incorporated homeowners association may be modified into another form or entity, provided that such new entity shall comply with these Regulations and shall first get approval from the Planning Board. If any homeowners association were to dissolve by default or failure to renew articles of incorporation, the individual property owners, their heirs and assigns, shall be liable for all the requirements and responsibilities described in these Regulations.

4. *Other Provisions* - The homeowners' association must be established prior to the sale of any homes in the single family cluster development.

   Membership in the association must be mandatory for each homeowner and any successive homeowners.

   The association shall obtain and maintain liability insurance to protect the association and sufficient to restore any common open space elements to its original state prior to any natural or man-made disaster. All officers of the homeowners' association must be bonded.

   The homeowners' association is responsible for the maintenance of the common open space land and those improvements located within the common open space. Maintenance shall be performed in accordance with Section D.3.9.e of these Regulations.

   The homeowners' association has the power to make, collect and adjust assessments. The assessment funds shall be used for but are not limited to performing maintenance, repair to common open space and provide operating funds for the association.

5. *Homeowners' Assessment Responsibilities* - Homeowners must pay their prorata share of the maintenance and operating costs through the payment of the assessment levied by the homeowners' association regardless of how title in acquired including a purchase at a judicial sale. In a voluntary conveyance, the grantee shall be jointly or severally liable with the grantor for all unpaid assessments against the grantor for his/her share of the common expenses up to the time of conveyance, with out any prejudice to any right in the grantee may have to recover from the grantor the amounts paid by the grantee.

   The liability for assessments may not be avoided by waiver of the use or enjoyment of any common elements or by abandonment of the residence for which the assessments are made.

   The homeowners' association shall have a lien on each residential parcel for any unpaid assessments with interest, and if the by-laws all for reasonable attorney's fees incurred by the association incident to the collection of the assessment or

enforcement of the lien.

The homeowners' association has the right to suspend the enjoyment of any homeowner for any period during which the assessments are unpaid by him/her, and to charge any reasonable admission or other fee.

6. *Homeowners' Association By-Laws Provisions* - The administration of the homeowners' association and the operation of the common open space and improvements shall be governed in accordance with By-Laws, which shall be set forth as an exhibit at the time of the preliminary hearing. The By-Laws shall provide for and include the following:

The administrative form of the homeowners' association shall be described, indicating the numbers and titles of the officers and the board of directors and specifying the powers, duties and manner of selection and removal, terms along with compensation, if any, of officers and board members.

Number of association meetings to be held per year including provisions for special meetings and board meetings.

Methods assuring that all meetings will be open to association members.

Record keeping methods assuring that all association meetings and fiscal dealings are accounted for and available to the association members.

Voting rights and procedures regarding the homeowners' association.

Manner in which assessments shall be made, collected and adjusted, enumerating the uses of the assessment funds.

Method by which the By-Laws may be amended.

Method by which the association may be terminated, to be consistent with Section D.3.9.f.3 of these regulations.

## D.4 Construction Requirements - Streets, Minor and Major Subdivisions

All surveys and construction for roadways, sidewalks, curbing, drainage systems, culverts, bridges and other systems shall conform to the Rhode Island *Standard Specifications for Road and Bridge Construction*, latest edition, hereafter referred to as the *Standard Specifications*.

## D.5 Other Requirements - All Subdivisions

a. *Monuments* - Monuments shall be installed at all street intersections, at all points of change of direction or curvature of the streets, at the corners of all lots, and at other points where, in the opinion of the Planning Board, permanent monuments are necessary. Such monuments shall conform to the following specifications: Granite monuments thirty inches (30") in length, dressed to four (4) inches square at the top with a three-eighths

(3/8) inch drill hole in the center, and not less than four (4) inches square at the bottom, and shall be set to finish grade. If it is impractical to set the monument to the above depth due to a natural obstruction, then a short monument may be used if, and only if, it is permanently anchored to the natural obstruction. No permanent monuments shall be installed until all construction which would destroy or disturb the monuments is completed.

b. *Easements* - The Planning Board may require the dedication to the City of easements required for the present or future installation and maintenance of utilities, drainage structures, public access ways, open space or for other necessary public purposes.

c. *Recommended Trees* - The following varieties of trees are recommended for front yard planting:

**Large Trees**

| | |
|---|---|
| Almira Maple | (Acer platanoides Almira) |
| Armstrong Red Maple` | (Acer rubrum Armstrong) |
| Bowhall Red Maple | (Acer rubrum Bowhall) |
| Buisman Elm | (Ulmus carpinifolla Buisman) |
| Cleveland Maple | (Acer platanoides Cleveland) |
| European Beech | (Fagus sylvatica) |
| Globe-Head Maple | (Acer platanoides globosum) |
| Irish Maple | (Acer platanoides Irish) |
| Japanese Keaki or Zelkova | (Zelkova serrata) |
| Little Leaf Linden | (Tilia cordata) |
| London Plane | (Plantanus acerifolia) |
| Ruby Red Horse Chestnut | (Aesculus briotti) |
| Schwedler Maple | (Acer platanoides schwedleri) |
| Tilford Maple | (Acer rubrum Tilford) |
| Upright Beech | (Fagus sylvatica Dawyck) |
| Upright Maple | (Acer platanoides ascendens) |

## Small Trees

| | |
|---|---|
| American Hop Hornbeam | (Ostrya virginiana) |
| Chinese Cork Tree | (Pelleodendron amursense) |
| Chinese Dogwood | (Cornus Kousa) |
| Double White English Hawthorn | (Crataegus phaenopyrum) |
| Eley Crab | (Malus) |
| European Mountain Ash | (Sorbus aucuparia) |
| Flowering Ash | (Fraxinus ornus) |
| Flowering Globe Locust | (Robinia pseudo) |
| Flowering Peaches | (Prunus persica) |
| Fruitless Mulberry | (Morus alba Kingan) |
| Globe Locust | (Robinia pseudo-acacia umbraculifer) |
| Golden Rain | (Koelreuteria paniculata) |
| Idaho Locust | (Robinia hispida) |
| "Kwanzan" Japanese Flowering Cherry | (Prunus serrulata Kwanzan) |
| Lavalle Hawthorn | (Crataegus lavallei) |
| Paul's Scarlet Hawthorn | (Crataegus oxyacantha Pauli) |
| Red Silver Flowering Crabapple | (Malus) |
| Redbud | (Cercis canadensis) |
| Washington Hawthorn | (Crataegus phaenopyrum) |
| Wheatly Elm | (Ulmus carpinifolia sarniensis) |
| White Beam Mountain Ash | (Sorbus aria lutescerns) |

## Specimen Trees

| | |
|---|---|
| Columnar White Birch | (Betula alba fatigiata) |
| Clump Birch | (Betula alba clump) |
| European Birch | (Betula alba) |
| Saw Tooth Oak | (Quercus acutissima) |

| | |
|---|---|
| Shingle Oak | (Quercus imbricaria) |
| Sourwood | (Oxydendrum arboreum) |
| Thornless Honey Locust | (Gleditsia) |
| Upright American Linden | (Tilia americana pyramidalis) |

d. *Location for Planting* - Trees shall be planted in required front yard areas and have a maximum spacing of 50 feet as measured on the property line. Trees shall not be planted over any cesspool, septic tank, or associated drainage area. Trees shall be located, if possible, so that when full grown the branches will not interfere, with utility lines. Distances between trees and the street property line may vary.

e. *Size of Tree at Planting* - Trees when planted shall have a minimum height of approximately eight (8) feet and a minimum diameter of three (3) inches at a height of approximately one foot above the root ball.

f. *Planting Instructions* - Trees shall be planted in accordance with standards of the American Association of Nurserymen.

## D.6 Waivers and/or Modification of Standards.

Where strict adherence to design standards is not feasible due to special land conditions or other characteristics of the subdivision or site, and not through any self-imposed hardship by the owner or subdivider; the Planning Board may, pursuant to Section 6.8 of these Regulations, grant waivers and/or modifications to any requirement in this Appendix provided that such waiver or modification is not contrary to the general intent and spirit of these Regulations and provided further that such waivers or modifications shall not include any action which is not in conformity with the Zoning Ordinance, or other applicable local ordinance or State statute.

## D.7 Inspection of Improvements

All improvements to be installed by the subdivider shall be inspected by the Department of Public Works, Engineering Division. The Administrative Officer shall assist the City Engineer with scheduling of inspections and notifications.

a. *Notification* - No phase or step in the construction of required improvements to the land shall commence until the Administrative Officer and City Engineer have been notified in writing at least twenty-four (24) hours prior thereto.

b. *Inspection* - Each phase or step in the construction of required improvements to the land shall be inspected and approved on the job by the City Engineer. No further phase or step shall commence until such inspection and approval has been completed. The City Engineer upon proper notification of commencement of a phase or stage of construction shall not impede such construction by delaying inspection and approval without just cause provided, however, that the City Engineer shall have the authority to require such changes

as may be necessary to cause compliance with the required specifications and standards.

c. *Cost of Inspection* - In accordance with Section 7.4.2 of these Regulations the cost of all inspections shall be paid by the subdivider. The Planning Board will invoice the subdivider following each inspection. Rates shall be set by the Planning Board.

d. *Inspection Records* - The Administrative Officer shall maintain a record of all subdivision inspections and shall submit a report of each inspection to the Planning Board with a copy to the record file of the subdivision. This report shall be signed by the Administrative Officer and City Engineer.