

City of Warwick, RI Code of Ordinances

APPENDIX A - SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

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ARTICLE 1.0. - AUTHORITY AND PURPOSE

Sec. 1.1. - Authority.

In accordance with the authority vested in the Warwick Planning Board by G.L. 1956, § 45-23-1 et seq., as amended, and by article VIII, section 8-12 of the Charter of the City of Warwick, the Planning Board hereby declares its intention to exercise the power granted to it and hereby adopts the following regulations. They are declared effective as of **June 1, 2023**, and supersede all previous subdivision and development review regulations.

Sec. 1.2. - Purpose.

The purpose of these regulations is to establish the procedural and substantive provisions for the subdivision and development of land in order to ensure the orderly growth of the City of Warwick and to:

1. Protect the public health, safety and welfare;
2. Provide for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
3. Promote high quality and appropriate design and construction of land developments and subdivisions;
4. Protect the existing natural and built environment and to mitigate all significant negative impacts of any proposed development on the existing environment;
5. Promote design of land developments and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;
6. Provide thorough technical review of all proposed land developments and subdivisions;
7. Provide local design and improvement standards to reflect the intent of the comprehensive plan with regard to the physical character of the various neighborhoods and districts of the City of Warwick;
8. Encourage, fairly apply and administer dedications of public land, impact mitigation and payment in lieu thereof based on clear documentation and of needs;
9. Establish consistent application of procedures for local recordkeeping on all matters of land development and subdivision review, approval, and construction.
10. Enhance the nature of the natural environment through the development process wherever possible;
11. Encourage development consistent with the policies, goals and objectives of the city's comprehensive plan, particularly with regard to the protection of interconnected networks of open space and greenway systems;
12. Encourage the ecological enhancement and restoration of existing site conditions on land proposed for development.

It is also the purpose of these regulations to provide for the harmonious development of the city; to create conditions favorable to health, safety, convenience and prosperity; to make adequate provisions for traffic; to lessen traffic accidents; to promote safety from fire and natural hazards; to provide adequate light and air; to prevent overcrowding of land; to prevent the development of unsanitary conditions; to secure a well-articulated street and highway system; to coordinate streets within subdivisions with other planned streets; to provide for the width of streets, limitations of street grades and street intersection angles; to provide for the relation of streets to topography; to prevent duplication of street names; to promote coordinated development of unbuilt areas; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve natural beauty and other natural resources; to furnish guidance for the wise and efficient expenditure of funds for public works; to facilitate the adequate, efficient and economic provision of transportation, water supply, sewerage, recreation and other public utilities and requisites and to

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ensure conformance with the purposes of conservation development in conserving open land, protecting site features and providing flexibility in the siting of structures, services and infrastructure.

Sec. 1.3. - Consistency with comprehensive plan.

In the instance of uncertainty in the construction or application of any section of these regulations, these regulations shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the comprehensive plan of the city, as may be amended from time to time. These regulations shall be construed in a manner consistent with the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, as amended.

Sec. 1.4. - Relationship to zoning ordinance.

The requirements of the zoning ordinance of the City of Warwick, as amended from time to time, shall be considered to be the applicable standards for all subdivisions and developments governed by these subdivision and land development regulations.

Sec. 1.5. - Relationship to other federal, state and local land use regulations.

These regulations are intended to be consistent with and not supersede any federal, state or other local land use regulations.

Sec. 1.6. - Applicability.

- (a) These subdivision and development regulations shall be applicable in all of the following instances:
 - 1. In all cases of subdivision of land, including re-subdivision, as defined in article 2.0 of these subdivision and land development regulations, all provisions of these regulations shall apply.
 - 2. In all cases of land development projects as provided for in G.L. 1956, § 45-24-47 of the Zoning Enabling Act of 1991.
 - 3. In all cases of development plan review as provided for in G.L. 1956, § 45-24-49 of the Zoning Enabling Act of 1991.
- (b) Plats required:
 - 1. All activity defined as subdivision shall require a new plat, drawn to the specifications of these subdivision and land development regulations, and shall be reviewed and approved by the Planning Board or its agents as provided herein; and
 - 2. Prior to recording, the approved plat shall be submitted for signature and recording as specified in article 6.0 of these subdivision and land development regulations.

Sec. 1.7. - Legislative findings.

- (a) The Rhode Island General Assembly recognizes and affirms that the findings and goals stated in the Rhode Island Comprehensive Planning and Land Use Regulation Act and the Zoning Enabling Act of 1991, respectively, present findings and goals with which these subdivision and land development regulations shall be consistent.
- (b) The Rhode Island General Assembly further finds that:
 - 1. The subdivision enabling statutes contained in G.L. 1956, §§ 45-23-1—45-23-24 repealed December 31, 1995, have been enacted in a series of separate actions over many years and do not provide for all the elements presently necessary for proper municipal review and approval of land development and subdivision projects;

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2. The character of land development and subdivision, and the related public and private services, have changed substantially in recent years;
 3. The responsibilities of the local government in regulating land development and subdivision have changed, increased in complexity, and expanded to include additional areas of concern;
 4. State and federal laws increasingly require the interaction of local land development regulatory authorities with those of the federal and state agencies and adjacent municipalities;
 5. Not all instances of land development or subdivision are sufficiently reviewed prior to recording or construction, resulting in unwarranted environmental impacts, financial impact on private individuals and communities, and inappropriate design;
 6. At present, the cities and towns throughout the state each establish their own procedures for review, approval, recording, and enforcement of land development and subdivision projects; It is necessary to provide for review and approval of land development projects within the subdivision review and approval procedures as specified in the Zoning Enabling Act of 1991;
 7. It is necessary to require that the regulations and standards for all land development projects and subdivisions be sufficiently definite to provide clear direction for development design and construction and to satisfy the requirements for due process for all applicants for development approval.
- (c) It is the intent of the general assembly:
1. That the land development and subdivision enabling authority contained herein provide all cities and towns with the ability to adequately address the present and future needs of the communities;
 2. That the land development and subdivision enabling authority contained herein requires each city and town to develop land development and subdivision regulations in accordance with the community comprehensive plan, capital improvement plan, and zoning ordinance and to ensure the consistency of all local development regulations;
 3. That certain local procedures for review and approval of land development and subdivision shall be the same in every city and town;
 4. That the local procedure for integrating the approvals of state regulatory agencies into the local review and approval process for land development and subdivision shall be the same in every city and town; and
 5. That all proposed land developments and subdivisions will be reviewed by local officials, following a standard process, prior to recording in local land evidence records.

Sec. 1.8. - Vested rights-continuation of prior regulations.

Subdivisions and land development projects which have been submitted to the Planning Board for approval, and have been certified as complete under the provisions of the regulations in effect prior to **June 1, 2022** may be continued to be reviewed by the Planning Board and approved under those regulations in accordance with the following:

1. *Final approvals.* Any subdivision which, at the time of adoption of these amendments, has received final approval, or final approval with conditions, from the Planning Board, may initiate or construct any part of the development, or record said plans in accordance with the

subdivision regulations in effect at the time final approval was granted. The Planning Board, may, in its discretion, grant extensions to any such final approval in accordance with the procedure for such extensions as set forth in the regulations in effect at the time of final approval.

2. *Preliminary approvals.* Any subdivision or land development project which, at the time of adoption of these amendments, has received preliminary approval, or preliminary approval with conditions, from the Planning Board, may continue to be reviewed by the Planning Board in accordance with the subdivision regulations in effect at the time preliminary approval was granted provided that the final plat, including all the material required in the final plat checklist, is filed with, and has been certified as complete by the ~~administrative officer~~administrative officers within one year from the date of preliminary approval or within one year from the date of any such other time period granted as an extension by the Planning Board; or
3. *Master plan approvals.* Any subdivision or land development project which, at the time of adoption of these amendments, has received master plan approval, or master plan approval with conditions, from the Planning Board, may continue to be reviewed by the Planning Board in accordance with the Subdivision Regulations in effect at the time master plan approval was granted provided that the preliminary plat, including all the material required in the Preliminary Plat Checklist, is filed with, and has been certified as complete by the ~~Administrative Officer~~Administrative officers within one (1) year from the date of master plan approval or within one year from any such other time period granted as an extension by the Planning Board.
4. *Other status.* Any subdivision which, at the time of adoption of these Regulations, has not received final, preliminary or master plan approval; or has been reviewed by the Planning Board for preliminary or master plan review but no approval therefor has been granted; or has received preliminary or master plan approval more than one year prior to the date of adoption of these regulations; or for which any extension of approval has expired; or for which only pre-application conference(s) has (have) been conducted shall be required to be reviewed under the revisions to the land development and land development and subdivision regulations adopted on January 1, 1996 (amended January 1, 2000 and March 13, 2001) pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act of 1992. Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the board of appeals as herein provided.

ARTICLE 2.0. - DEFINITIONS

~~Administrative officer~~Administrative officers. The director of the Warwick Planning Department, deputy director, and principal planner. ~~(also known as the Department of City Plan).~~

~~Administrative subdivision. Re-subdivision of existing lots which 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.~~

Aggrieved Party. An aggrieved party, for purposes of these Regulations, shall be:

- 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 the Subdivision and Land Development Regulations of the of the City of Warwick; or

b. Anyone requiring notice pursuant to these Regulations.

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 the state by the Natural Resources Conservation Service (formerly Soil Conservation Service) of the United States Department of Agriculture.

Applicant. Person who applies for subdivision or development plan approval either as an owner or authorized agent of the owner.

Arcade. A passage or walkway covered over by a succession of arches or vaults supported by columns.

Articulation. The degree or manner in which a building wall or roofline is made up of distinct parts or elements. A highly articulated wall will appear to be composed of a number of different vertical and horizontal planes, usually made distinct by their change in direction (projections and recesses) and/or changes in materials, colors or textures.

Awning. A roof cover of canvas or other material extending over building openings to provide protection from the sun and rain.

Board. See "Planning Board"

Board of appeals. The local review authority for appeals of actions of the ~~administrative officer~~ administrative officers and the ~~Planning Board on matters of land development or subdivision~~ shall be the local zoning board of review constituted as the board of appeals.

Bond. See "Improvement guarantee."

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 the pertinent federal, state and local regulations.

Building setback line. A line delineating the minimum allowable distance between a street line or a lot line and a principal or accessory building or structure; generally parallel with and measured from the street line or lot line at a minimum distance therefrom equal to the required yard depth.

Certificate of completeness. A notice issued by the ~~administrative officer~~ administrative officers informing an applicant that the application is complete and meets the requirements of the city's regulations, and that the applicant may proceed with the review approval process.

City. The City of Warwick, Rhode Island.

Colonnade. A series of regularly shaped columns supporting a roof structure.

Column. A vertical support, usually cylindrical, consisting of a base, shaft and capital, either monolithic or built up of drum sections.

Comprehensive Plan. The Comprehensive Plan adopted by the city and approved pursuant to Chapter 22.2-5 – "Rhode Island Comprehensive Planning and Land Use Regulation Act" of the General Laws of

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the State of Rhode Island (1956 as amended) and to which any zoning, subdivision, and/or land use regulation adopted pursuant to said Chapter shall be in compliance.

Concept plan. A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for pre-application meetings and early discussions, and classification of the project within the approval process.

Connectivity. The degree to which buildings can relate or connect to each other through walkways and other pedestrian infrastructure.

Conservation development. A type of land development project which utilizes certain site planning techniques as set forth in the subdivision and land development regulations in order to conserve open land, protect site features and provide flexibility in the siting of structures, services and infrastructure. See article 13.0.

Consistency with the comprehensive plan. A requirement of all local land use regulations which means that all such regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the municipality as the comprehensive community plan.

Conventional subdivision. A subdivision in which all lots meet the minimum requirements of the appropriate zoning district and all land being subdivided is dedicated to either development lots or street right of way, with no common open space. Not a conservation development.

Cornice. A continuous molded projection that crowns a wall or other construction or divides it horizontally for compositional purposes; usually consists of bed molding, soffit, fascia, and crown molding.

Courtyard. A space enclosed by a building or multiple buildings that is open to the sky and may be landscaped to create an aesthetically pleasing environment.

Cul-de-sac. See "street, cul-de-sac."

Dedication, fee-in-lieu-of. Payments of cash which are authorized when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons.

Development plan review. Design or site plan review of a development of a permitted use. The City may utilize development plan review, at the discretion of the Administrative officers, under limited circumstances to encourage development to comply with the following design and/or performance standards of the City including but not limited to:

- (i) A change in use at the property where no extensive construction of improvement is sought;
- (ii) An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought;
- (iii) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units;
- (iv) Development in a designated urban or growth center such as City Centre;
- (v) Institutional development design review for educational or hospital facilities;
- (vi) Development in a historic district ;

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(vii) An adaptive reuse project that maintains, and does not degrade, the level of service from a vehicular traffic and circulation perspective at any point of ingress or egress.

Development regulation. Zoning, subdivision, land development plan, development plan review, historic district, official map, floodplain regulation, soil erosion control or any other governmental regulation of the use and development of land.

Development rights: In the context of transfer of development rights, the right to develop the maximum number of detached single family dwelling units or the maximum amount of office space that can reasonably be permitted on a designated sending area parcel under the applicable local, state and federal regulations.

Division of land. A subdivision.

Dormer. A window set upright in a sloping roof. The term is also used to refer to the roofed projection in which this window is set.

Easement. A grant for an indefinite time period of the right or use of land for a specific purpose or purposes.

Endorsement. The signature of the Planning Board chairperson or ~~administrative officer~~administrative officers on an approved plat or plan, permitting recording of the plat or plan.

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."

Facade. The front of a building or any of its sides facing public spaces, frequently distinguished by distinctive architectural treatment.

Final plan. The final stage of land development and subdivision review.

Final plat. The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Planning Board and any accompanying material in accordance with the provisions herein and/or required by the Planning Board.

Frontage. The portion of a lot abutting a street as measured along the street line between lot lines.

Governing body. The Warwick City Council.

Improvement. Any natural or built item which becomes part of, is placed upon, or is affixed to real estate.

Improvement guarantee. A security instrument accepted by the governing body upon the recommendation of the city engineer and the Planning Board to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the city as a condition of approval, will be completed in compliance with the approved plans and specifications of a development.

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~~*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, cluster and/or conservation development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be permitted in the zoning ordinance.~~

Land-development project. A project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units, or structures, including but not limited to, planned development or cluster development for residential commercial, institutional, recreational, open space, or mixed uses.

(i) Minor land development project. A land development project involving any one the following:

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(A) Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or

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(B) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing or industrial structures; or

(C) Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less; or

(D) Multi-family residential or residential condominium development of nine (9) units or less; or

(E) Change in use at the property where no extensive construction of improvements are sought;

(F) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought;

(G) An adaptive reuse project located in a residential zone which results in less than nine (9) residential units;

The process by which minor land development projects are reviewed by the local planning board or administrative officers is set forth in § 45-23-38, Minor land development or minor subdivision review.

(ii) Major land development project. A land development project which exceeds the thresholds for a minor land development project as set forth in this section. Notwithstanding administrative review allowance within the Intermodal Zone District, the process by which major land development projects are reviewed by the local planning board is set forth in § 10 45-23-39, Major land development or major subdivision review.

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Land suitable for development. The total land area, less land unsuitable for development.

Land unsuitable for development. Land having natural or man-made limitations which make it unsuitable for development. See section 21-22 of the zoning ordinance.

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Local regulations. The land development and subdivision review regulations adopted under the provisions of the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, as amended.

Maintenance guarantee. Any security instrument which may be required and accepted by the city to ensure that necessary improvements will function as required for a specific period of time. See "improvement guarantee."

~~*Major land development plan.* Any land development plan not classified as a minor land development plan. All nonresidential land development projects shall be considered as major land development plans.~~

Major land development project. A land development project in which the total floor area for a commercial or industrial use is at least 100,000 square feet, mixed use development is at least 200,000 square feet, or project proposing density bonuses through the transfer of development rights or inclusionary zoning.

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

Massing. The three dimensional bulk of a structure consisting of its height, width, and depth.

Master plan. An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. Required in major land development or major subdivision review only. It is the first formal review step of the major land development or major subdivision process and the step in the process in which the public hearing is held regarding RIGL 45-23-39.

~~*Minor land development plan.* A development plan for a residential project as defined in local regulations, provided that such development does not require waivers or modifications as specified in these regulations.~~

Minor land development project. A land development project in which the total floor area for a commercial or industrial use is at least 50,000 square feet but less than 100,000 square feet or a mixed use development at least 100,000 square feet but less than 200,000 square feet.

~~*Minor subdivision.* A plan for a subdivision of land consisting of five or fewer lots, provided that such subdivision does not require waivers or modifications as specified in this chapter [appendix].~~

Modification of requirements. See article 8.0, waivers and modifications.

Mullion. A structural element which serves to frame a multi-pane window unit.

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; and used for outdoor recreation, agriculture and/or conservation of natural resources and site features as provided in Section 21-217 of the Zoning Ordinance. Provided, however that the area may be improved with only those buildings, structures, utilities, streets, and off-street parking, and other improvements that are designed to be incidental to the natural openness of the land; and as may be permitted by these Regulations.

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Parapet. A portion of a wall that projects above a roof and can effectively screen rooftop infrastructure from pedestrians at the street level; sometimes serves as a guard at the edge of a balcony or roof.

Parcel. A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.

Permitting authority. The local agency of government, meaning any board, commission or administrative officer specifically empowered by state enabling law and local regulation or ordinance to hear and decide on specific matters pertaining to local land use.

Phased development. Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.

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

Pilasters. A slightly-projecting column built into a wall or pier. Architecturally treated as a column, with a base, shaft and capital that is attached to a wall surface.

Planning board. The Warwick Planning Board.

Plat. A drawing or drawings of a land development or subdivision plan showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in the local regulations.

Porch. A platform, usually having a separate roof, at an entrance to a building that is attached to the outside of the structure.

Portico. A porch that is leading to the entrance of a building, or extended as a colonnade, with a roof structure over a walkway, supported by columns or enclosed by walls.

Pre-application conference. An initial meeting between developers and the Planning Board or the Planning Department which affords developers the opportunity to present their proposals informally and to receive comments and directions from city officials and others.

Preliminary plan. ~~The~~ required stage of land development and subdivision review which generally shall require detailed engineered drawings, ~~and all required state and federal permits.~~

Public hearing. A hearing before the planning board which is duly noticed in accordance with § 45-23-42 and which allows public comment. A public hearing is not required for an application or stage of approval unless otherwise stated in this chapter.

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 or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.

~~Public informational meeting. A meeting of the Planning Board or governing body preceded by a notice, open to the public and at which the public shall be heard.~~

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Relative agricultural value (RAV): This value is used as part of the agricultural lands preservation commission (ALPC) scoring for applications to its program in accordance with Rule 9 of the "Rules and Regulations Governing the Procedures for the Operation of the Agricultural Lands Preservation Commission and the Purchase of Farmland Development Rights" as may be amended. During the scoring process, ALPC assigns a RAV number to each soil type on the property in accordance with the soil's capacity to produce the intended crops along with other criteria. RAV numbers provided by ALPC during the scoring process shall be the only RAV values acceptable to the city.

Residential development. Development consisting entirely of single-family or multiple-family dwelling units. A dwelling unit is a structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and containing a separate means of ingress and egress.

~~**Re-subdivision.** Any change of an approved or recorded subdivision plat or in a lot recorded in the city 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 the local land development and subdivision regulations. For the purposes of this act [appendix], any such action shall constitute a subdivision.~~

Roofline. The top covering of a building which may consist of a variety of styles including, but not limited to: gable roof, hip roof, shed roof, and gambrel roof.

Scale. The general feeling of mass and size of a building as it relates to that of other buildings along a street or block front.

Sketch plan overlay sheet. A scaled drawing that illustrates conceptual layouts of house lots, buildings, streets and conservation areas.

Soil Survey of Rhode Island. The maps and accompanying text of the soil survey conducted by the U.S. Department of Agriculture, Soil Conservation Service, for the state, including any amendments thereto.

Stepback. A condition in which the upper story or stories of a building are set back inward from the lower story.

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

Stormwater retention. A provision for storage of stormwater runoff.

Street. A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform. See "street classification."

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.

Street, alley. A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

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. Local classifications shall use the following as major categories:

Arterial. A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.

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.

Local. A street whose primary function is to provide access to abutting properties. 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. Street, limited access highway. A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway. Street, private. A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific, municipal improvement standards. This definition shall not apply to driveways.

Street, public. All public property reserved or dedicated for street traffic.

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

Structure. Anything constructed or erected, whether requiring location on the ground or attachment having a location on the ground. Among other things, structures shall include buildings, walls, fences, poster panels, satellite receiving dishes, and solar panels, but shall not include a trailer, mobile home, or any other like product.

Subdivider. Any person who: Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or 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 Engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.

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

(i) Administrative subdivision. Subdivision of existing lots which yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process by which an administrative officers or municipal planning board or commission reviews any subdivision qualifying for this review is set forth in § 45-23-37.

(ii) Minor subdivision. A subdivision creating nine (9) or fewer buildable lots. The process by which a municipal planning board, commission, staff review, and/or administrative officers reviews a minor subdivision is set forth in § 45-23-38.

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(iii) Major subdivision. A subdivision creating ten (10) or more buildable lots. The process by which a municipal planning board or commission reviews any subdivision qualifying for this review under § 45-23-39.

~~Technical review committee~~**Staff review.** A committee or committees appointed by the Planning Board City Council ~~with the concurrence of the city council~~ for the purpose of reviewing, commenting, ~~and approving and/or~~ making recommendations to the planning board Board or administrative officers, as set forth in this chapter. ~~with respect to approval of land development and subdivision applications.~~

Temporary improvement. Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.

Transparency. A street level design standard that defines a requirement for clear or lightly tinted glass in terms of a percentage of the facade area.

Unit. A part of the property intended for any type of independent use including one or more rooms or spaces located in one or more floors or parts of floors in a building.

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 the completion of the project.

Viewshed. The primary area which can be viewed from a defined observation point. To determine the extent of the viewshed, important vantage points and significant features should be identified. The area that can be seen from those points should be designated as the viewshed.

Waiver of requirements. See article 8.0, waivers and modifications.

Walkway. A path for walking that is generally not enclosed. It can be at ground level, or it can be elevated.

Yield plan. A plan of a conventional subdivision or land development project (as opposed to a conservation development) that depicts the maximum number of building lots or dwelling units that could reasonably be built on a parcel of land under current zoning, taking into account physical constraints to development, such as wetlands, steep slopes, etc. and not including land unsuitable for development towards the minimum lot area required in the appropriate zoning district.

ARTICLE 3.0. - GENERAL REQUIREMENTS

Sec. 3.1. - General requirements.

All subdivisions submitted to the city for approval shall be subject to the requirements contained herein unless otherwise specifically provided. In the instances where approval of any subdivision or land development by the Planning Board is required, the Board, prior to granting approval, shall make positive findings on all of the applicable standards listed below, as part of the record. If a negative finding for any of these standards is made, the Planning Board shall have grounds for denial of the

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project design. These standards are: Each subdivision shall be consistent with the requirements of the city comprehensive plan and/or shall satisfactorily address the issues where there may be inconsistencies. Each lot in the subdivision shall conform to the standards and provisions of the city zoning ordinance. Lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of the zoning ordinance provided that: A notation is shown on the recorded plat that the lot being created is not a buildable lot; and A conservation or preservation restriction pursuant to G.L. 1956, § 34-39-1 et seq., as amended, is granted to the City of Warwick prohibiting any such present or future development. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval. The subdivision, 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 impractical. 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. All proposed land developments 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 in compliance with this requirement. Each subdivision shall provide for safe circulation of pedestrian and vehicular traffic; for adequate surface water runoff; for suitable building sites; and for the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community. Except for administrative subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted.

ARTICLE 4.0. - SPECIAL REQUIREMENTS

Sec. 4.1. - Phasing of projects.

When phasing of a project is required in accordance with the provisions of article 14, section 14.1.2.15, entitled "Rate of development," the following provisions are applicable:

1. Approval of the entire site design first as a master plan. Thereafter, the development plans may be submitted for preliminary and/or final review and/or approval by phases.
2. In such review and approval of phased development, the Planning Board may, in its discretion, impose conditions for determining the physical limits of phases, completion schedules, and guarantees for allowing progression to additional phases, for allowing two or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by local conditions.
3. The master plan documents shall contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

The master plan for a phased development shall remain vested as long as it can be proved, to the satisfaction of the Planning Board, that work is proceeding on either the approval stages or on the construction of the development as shown in the approved master plan documents. Vesting shall extend to all information shown on the approved master plan documents.

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Sec. 4.2. – Unified Development Review.

- a) This section is provided in accordance with RIGL 45-24-46.4.
- b) Review of projects submitted herein shall follow the procedures, timelines, and standards of RIGL 45-23-36 in addition to the following:
 - 1. Minor subdivisions and land-development projects. Except for dimensional relief granted by modification as set forth in RIGL 45-23-38, requests for variances and/or for the issuance of special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of reviews. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (c) of this section shall be held prior to consideration of the preliminary plan by the planning board or commission. The planning board or commission shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.
 - 2. Development plan review. Except for dimensional relief granted by modification as set forth in RIGL 45-23-38, requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (c) of this section shall be held prior to consideration of the preliminary plan by the planning board or commission relevant permitting authority. The planning board or commission authorized permitting authority shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.
 - 3. Major subdivisions and land-development projects — Master plan. Except for dimensional relief granted by modification as set forth in RIGL 45-23-39, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (c) of this section, shall be held prior to consideration of the master plan by the planning board or commission. The planning board or commission shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.
 - 4. Major subdivisions and land-development projects — Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any

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variance(s) and/or special-use permit(s) granted by the planning board or commission during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of subsection (c) of this section, shall be held prior to consideration of the preliminary plan by the planning board or commission. The planning board or commission shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project. If the planning board or commission denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the planning board shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the planning board or commission denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the decision period mandated by RIGL 45-23-12 41(f) so that additional information can be provided and reviewed by the board or commission.

(c) Decision. The time periods by which the planning board or commission must approve or deny applications for variances and special-use permits under the unified development review provisions of the local regulations shall be the same as the time periods by which the board must make a decision on the applicable review stage of the category of project under review.

(d) Unless otherwise provided in this chapter all under this section shall require a single public hearing, held pursuant to subsection (b) of this section. The public hearing must meet the following requirements:

- (1) Public hearing notice shall adhere to the requirements found in RIGL 45-23-42(b).
- (2) The notice area for notice of the public hearing shall be two hundred feet (200') of the perimeter of the area included in the subdivision and/or land-development project. Notice of the public hearing shall be sent by the administrative officers to the administrative officers of an adjacent municipality if: (1) The notice area extends into the adjacent municipality; or (2) The development site extends into the adjacent municipality; or (3) There is a potential for significant negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in RIGL 45-23-53(b) and (c).
- (3) Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-use permit(s) are to be considered for the subdivision and/or land-development project.
- (4) The cost of all public notice is to be borne by the applicant.

(e) The time periods by which the permitting authority must approve, approve with conditions or deny requests for variances and special-use permits under the unified development review provisions of a zoning ordinance shall be the same as the time periods by which the board must make a decision on the applicable review stage of the underlying type of project under review.

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- (f) The expirations period of an approval of a variance or special use permit granted under this section shall be the same as those set forth in the statute for the underlying type of project under review.
- (g) Decisions under this section, including requests for the variance(s) and/or special-use permits that are denied by the permitting authority may be appealed pursuant to RIGL 45-23-71.
- (h) Review exemption. Administrative approval may be sought for projects within and surrounded by commercial areas that warrant no dimensional or use relief, bare little to no impact on the environment, traffic patterns or degradation in level of service, utilize dark sky complaint lighting, and offer landscape architecture and architect services with their application.

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ARTICLE 5.0. - REVIEW AND APPROVAL OF PLATS AND PLANS

Sec. 5.1. - General requirements.

- a) The Planning Board ~~may shall~~ consider ~~minor or major land developments, and minor or major subdivisions each application~~ for ~~subdivision~~ approval according to the procedures set forth in this section unless otherwise specifically provided. The Planning Board shall act as the review body in cases of Unified Development Review Applications unless an exemption is granted in accordance with Section 4.2 h.
- b) The ~~administrative officer~~administrative officers shall advise the applicant as to which approvals are required and the appropriate board or commission for hearing an application for land development or subdivision project.
- c) An applicant for subdivision approval who wishes the Planning Board to take some official action on his or her application shall submit all of the materials required by the applicable checklist in article 17.0 of these regulations to the ~~administrative officer~~administrative officers. If the requested action is not applicable under article 17.0, the applicant shall submit a written request to the ~~administrative officer~~administrative officers describing the requested action. The matter will be placed on the next available agenda of the Planning Board only if the ~~administrative officer~~administrative officers determines that all of the required material has been submitted and only after a certificate of completeness has been issued in accordance with these regulations.
- d) Any submission of materials to the ~~administrative officer~~administrative officers shall be accompanied by a cover letter or letter of transmittal indicating the date, the materials being submitted and the requested action. No materials shall be accepted by the ~~administrative officer~~administrative officers without said cover letter. Upon receipt of any materials, the ~~administrative officer~~administrative officers shall record the date of receipt upon them.
- e) If an application for subdivision approval is made by someone other than the owner of the land being subdivided, the application shall be signed by both the applicant and the landowner.
- f) To make application for subdivision and land development, the applicant shall submit to the ~~administrative officer~~administrative officers the following materials:
 - i. A completed and signed application form;
 - ii. The application checklist indicating that all required information is shown on the plans, or indicating where said information is either not applicable or has been waived by the Planning Board or the ~~administrative officer~~administrative officers;
 - iii. The required number of completed plans;

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- iv. Administrative and project review fees (if required). See article 11, section 11.4.
- g) The submission of significantly revised plans at the sole initiative of the applicant, such that the plans require review by the technical review committee~~staff review~~, shall require a new application, completed checklist, the required number of plans, and the full application fee.

Sec. 5.2. -- Authority and application for development and certification of a completeness

Authority. The City shall provide for the submission and approval of land development projects and subdivisions, as such terms are defined in the Rhode Island Zoning Enabling Act of 1991, and/or this chapter, and such are subject to the local regulations which shall be consistent with the requirements of this chapter. The local regulations must include all requirements, procedures and standards necessary for proper review and approval of applications made under this chapter to ensure consistency with the intent and purposes of this chapter and with § 45-24-47 of the Rhode Island Zoning Enabling Act of 1991.

application.

- a) An application shall be complete for purposes of commencing the applicable time period for action when so certified by the ~~administrative officer~~administrative officers. Certification of a complete application shall be made in writing by the ~~administrative officer~~administrative officers upon a form entitled "certificate of completeness." a copy of said certificate shall be provided to the applicant. In the event such certification of the application is not made within the time specified in these regulations for the type of plan being proposed, 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 article 17.0, and the ~~administrative officer~~administrative officers has notified the applicant, in writing, of the deficiencies in the application.
- b) The Planning Board may subsequently require the applicant to correct any information found to be in error and/or submit additional information specified in the regulations but not required by the ~~administrative officer~~administrative officers prior to certification, as is necessary to make an informed decision.
- c) Where 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~~administrative officers or Planning Board determines that the required application information is complete.
- d) For the purposes of calculating mandatory review periods as provided in these regulations, all days shall be considered to be calendar days.
- e) Application types and review stages.

(1) Applications requesting relief from the zoning ordinance.

(i) Applications under this section which require relief which qualifies only as a modification under § 45-24-46 and local ordinances shall proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officers pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in § 45-24-46, such application shall proceed under unified development plan review pursuant to § 45-23-50.1.

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(ii) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development plan review pursuant to § 45-23-50.1, and a request for review shall accompany the preliminary plan application.

(iii) Any application involving a street creation or extension shall be reviewed by the planning board and require a public hearing.

(2) Other applications.

The administrative officers shall review and grant, grant with conditions or deny all other applications under this section and may grant waivers of design standards as set forth in the local regulations and zoning ordinance. The administrative officers may utilize the staff review for initial review and recommendation. The local regulations shall specifically list what limited waivers an administrative officers is authorized to grant as part of their review.

(3) Review stages.

Minor plan review consists of two (2) stages, preliminary and final; provided, that unless otherwise set forth in this section, if a street creation or extension is involved, or a request for variances and/or special-use permits are submitted, pursuant to the regulation's unified development review provisions, a public hearing is required before the planning board. The administrative officers may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officers.

⇨f)

Sec. 5.3. - Procedure for approval.

Applications for subdivision approval shall be considered in accordance with the following procedures:

5.3.1. Staff conference.

- a) The applicant shall meet with the staff of the Planning Department to discuss the proposed project staff conference, the applicant and the planning staff shall determine if a pre-application meeting with the planning com required by these regulations or is desired by either the applicant or the city.
- b) The applicant shall then submit all the information required by the pre-application checklist in article 18.0. The ~~administrative officer~~ administrative officers shall review and comment on the checklist information, and if determined to be complete, shall issue a certificate of completeness and schedule the applicant to appear before the Planning Board.
- c) If no pre-application conference is required or requested, the ~~administrative officer~~ administrative officers will advise the applicant as to which category of approval is required for a project. An applicant shall not be required to obtain both a land development and development plan review, for the same project. The following categories of applications may be filed:

1. Subdivisions. Administrative subdivision, minor subdivision or major subdivision.

2. Land development projects. Minor land development project or major land development; and

⇨) 3. Development plan review, the requirements of these regulations and the procedure to be followed for subdivision approval.

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5.3.2. Pre-application conference and concept review.

- a) Pre-application conferences are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. The pre-application conference shall aim to encourage information sharing and discussion of project concepts among the participants, including 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, natural resources, and the provision of community services.
- ~~b) At the pre-application stage, the applicant shall submit a sketch plan as described in [article 13, section 13.5](#), and the Planning Board or the ~~technical review committee~~ staff review shall provide an informal concept plan review for the proposed development. ~~The purpose of the sketch plan is to provide the applicant with the opportunity to submit a diagrammatic plan for informal discussion with the Board regarding the design of the proposed development. It will also provide the applicant with Planning Board input in the formative stages of subdivision and land development concept design. Applicants seeking a pre-application meeting or an informal concept review shall submit general, conceptual materials as required by the pre-application checklist in [article 18.0](#).~~~~
- ~~c) The Board shall, as the result of this conference, provide a preliminary opinion as to the acceptability of the land for development and as to the proposed lot sizes, street layout, surface drainage, water supply, sanitary facilities, circulation pattern, and design. The applicant shall use the information obtained from this conference in preparing the plat for master plan or preliminary submission. The Board shall also determine whether a project review fee is required, due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the city lacks the necessary expertise to perform the review work related to the permit or approval, as further provided in [article 11, section 11.4.5](#).~~
- ~~d) One or more pre-application conferences shall be held before the Planning Board for all major and minor land development projects or subdivision applications, and for all conservation developments. Pre-application conference may be held for administrative subdivisions upon the request of either the administrative officer ~~administrative officers~~ or the applicant.~~
- ~~e) Pre-application meetings shall allow the applicant to meet with appropriate city officials, boards and/or commissions, planning staff, and state agencies for advice as to the required steps in the approval process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project.~~
- ~~f) At the pre-application meeting, the Planning Board shall discuss the initial basic maximum number of lots/dwelling units permitted in the development, as provided in [article 13, section 13.8](#). Upon review of the sketch plan(s) submitted by the applicant, the Board shall provide the applicant with its informal opinion regarding the number of lots/dwelling units that could reasonably be built upon the parcel under current zoning, taking into account the physical constraints to development. This number shall not be binding upon the Board or applicant. The final basic maximum number shall be determined in later stages of review, as provided in [article 13, section 13.8](#). At this meeting, the applicant working with the Board, shall also make the determination to allow a development to be submitted for review as a conventional subdivision, as a residential compound, or as a conservation development.~~
- ~~g) b) Provided that at least one pre-application meeting has been held for major land development or subdivision application or 60 days has elapsed from the filing of the pre-application submission~~

~~and no pre-application meeting has been scheduled to occur within those 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 in accordance with section 5.2 of this article.~~

5.3.3. Administrative subdivision.

- a) Any applicant requesting approval of a proposed administrative subdivision, as defined herein, shall submit to the ~~administrative officer~~administrative officers the items required by the checklist for administrative subdivisions in article 18.0.
- b) The application shall be certified as complete or incomplete by the ~~administrative officer~~administrative officers within 15 days from the date of submission according to the provision of section 5.2 of this article.
- c) Within 15 days of certification of completeness, the ~~administrative officer~~administrative officers shall review the application and approve, deny or refer it to the Planning Board with recommendations. The ~~administrative officer~~administrative officers may refer the application to the ~~technical review committee~~staff review for their [its] recommendation. The officer shall report the action to the Planning Board at its next regular meeting, to be made part of the record.
- d) If no action is taken by the ~~administrative officer~~administrative officers within the 15 days, the application shall be placed on the agenda of the next regular Planning Board meeting.
- e) If referred to the Planning Board, the Board shall consider the application and the recommendations of the ~~administrative officer~~administrative officers and/or the ~~technical review committee~~staff review and shall either approve, approve with conditions, or deny the application within 65 days of certification of completeness. 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~~administrative officers as to the failure of the Planning Board or committee to act within the required time, and the resulting approval shall be issued on request of the applicant.
- f) Denial of an application by the ~~administrative officer~~administrative officers and/or the ~~technical review committee~~staff review shall not be appealable and shall require the plan to be submitted as a minor subdivision application.
- g) Any approval of an administrative subdivision shall be evidenced by a written decision, which shall be filed and posted in the office of the city clerk.
- h) Approval of an administrative subdivision shall expire 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 article 6.0.

5.3.4. Minor land development and minor subdivision.

~~a) **Review stages.** Minor plan review shall consist of three stages, (1) pre-application; (2) preliminary, including a site visit; and (3) final, provided, that if a street creation or extension is involved, a public hearing is required at the preliminary stage of review. 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.~~

~~b)~~a) **Submission requirements.** Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in this article, shall submit to the ~~administrative officer~~administrative officers the items required by the pre-application checklist as provided in

article 18.0. Pre-application review shall follow the procedure specified in section 5.3.2. Following the pre-application meeting(s) the applicant shall submit the information required in the preliminary plat checklist for minor land developments and minor subdivisions.

~~e)b) Certification of preliminary plat. For each applicable stage of review, the The~~ application shall be certified complete or incomplete by the ~~administrative officer~~administrative officers within 25 days of submission so long as a completed checklist of the requirements for submission are provided as part of the submission. If or within 15 days if no street creation or extension is required, and/or unified development review is not requested, and a completed checklist of the requirements for submission are provided as part of the submission, such application shall be certified, in writing, complete or incomplete by the administrative officers within fifteen (15) days, according to the provisions of section 5.2 of this article. The running of the time period set forth in this article will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the ~~administrative officer~~administrative officers and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the ~~administrative officer~~administrative officers be required to certify a corrected submission as complete or incomplete less than ~~ten (10)~~14 days after its resubmission.

~~d) Site visit. After preparing the existing resources and site analysis map, and before the preliminary plan is approved, the Planning Board shall schedule a site visit of the property. In order to facilitate the inspection, the Planning Board may request that proposed roads, site features and improvements are staked in the field to indicate their general location. The existing resources and site analysis map shall be distributed at the site visit to those city officials in attendance, if it has not been distributed earlier. It is strongly encouraged that the site visit be attended by members of the Planning Board, city officials, the applicant and/or the applicant's representatives. Owners of property within the notice radius specified in section 5.3.5.t. shall also be notified and invited to attend. The site visit shall be considered a public meeting and shall be conducted in accordance with the city's normal procedures for compliance with the state open meetings law. Members of the public shall be permitted to attend the site visit.~~

~~The purpose of the visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designed open space lands, buildings and street alignments. Comments made by city officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendation can be offered, and no official decisions can be made at the site visit. Minutes of the site visit shall be kept in accordance with G.L. tit. 42, ch. 46, entitled "Open Meetings."~~

~~Lack of a quorum of the Planning Board in attendance at this visit shall not constitute a failure on the part of the applicant to satisfy the requirements of a site visit. In the event that the Planning Board does not schedule a site visit, or that a scheduled site visit is not conducted within the prescribed time period through no fault of the applicant, the applicant shall not be found to be deficient in the application process, and shall be allowed to proceed with the application.~~

~~e) Technical review committee~~Staff review. ~~The technical review committee~~staff review shall review the preliminary plan application and shall comment and make recommendations to the

~~Planning Board. When reviewed by the technical review committee staff review, the following shall apply:~~

- ~~1. If the land development or subdivision plan is approved by a majority vote of the committee members, the application shall be forwarded to the Planning Board with a recommendation for preliminary plan approval without further review; or~~
 - ~~2. If the plan is not approved by a majority vote of the committee members, the application shall be referred to the Planning Board for their [its] decision on the application;~~
 - ~~3. In either situation when the technical review committee staff review has approved or not approved a development application, the committee may forward the application to the Planning Board with recommended conditions for Planning Board consideration.~~
- ~~f) Reassignment to major review. The Planning Board may reassign a proposed minor project to major review only when the Board is unable to make the positive findings required in article 3.0, section 3.1.~~

~~g) Decision.~~

- ~~1. On a preliminary plan, if No street extension or creation. If no street extension or creation is required, the Planning Board or administrative officers shall approve, deny, or approve with conditions the preliminary plan within 65 days of the issuance of the certificate of completeness by the administrative officer administrative officers as provided in section 5.2.c. of this article, above. Provided, however, that if an extension of time is agreed to by the applicant and the Board as provided in section 5.2 of this article, this time period shall be stayed.~~
 - ~~2. Street extension or creation. If a street extension or creation is required, or the application is reviewed under the unified development plan review, the Planning Board shall hold a public hearing prior to approval according to the requirements in section 5.3.5.s. of this article. The Planning Board shall approve, deny, or approve with conditions the preliminary plan within 95 days of the issuance of the certificate of completeness by the administrative officer administrative officers as provided in subsection 5.2.c. of this article. Provided, however, that if an extension of time is agreed to by the applicant and the Board as provided in section 5.2 of this article, this time period shall be stayed.~~
- ~~d) 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 administrative officers 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.~~
- ~~h) e) Re-assignment to major review. The planning board may re-assign a proposed minor project to major review only when the planning board is unable to make positive findings required in RIGL 45-23-60.~~
- ~~f) Final plan. Final plans shall be reviewed and approved by either the administrative officers or staff review. The Planning Board shall delegate final plan review and approval to the administrative officer administrative officers unless it elects to review the final plan itself. When the review and approval of the final plan is delegated to the administrative officer administrative officers, the administrative officer administrative officers or committee shall report its actions to the Planning Board at its next regular meeting to be made part of the record. The~~

administrative officers or staff review shall approve, deny, approve with conditions, or refer the application to the planning board based upon a finding that there is a major change within twenty-five (25) days of the certificate of completeness.

g) Modifications and changes to plans.

Minor changes, as defined in the local regulations, to the plans approved at any stage may be approved administratively, by the administrative officers. The changes may be authorized without additional public hearings, at the discretion of the administrative officers. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officers from requesting recommendation from either the staff review or the permitting authority. Denial of the proposed change(s) shall be referred to the applicable permitting authority for review as a major change.

Major changes, as defined in the local regulations, to the plans approved at any stage may be approved only by the applicable permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing if originally required as part of the application.

The administrative officers shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officers determines the change to be a major change.

Appeal. Decisions under this section shall be considered an appealable decision pursuant RIGL 45-23-71.

i) _____

h) Expiration of approvals. Approvals of a minor land development or subdivision plan shall expire 90 days one year from the date of approval unless with [within] such period a plat or plan, in conformity with such approval, and as defined in article 2.0, is submitted for signature and recording as specified in article 6.0. Validity may be extended for a longer period for cause shown, if requested by the applicant in writing, and approved by the Planning Board.

5.3.5. Major land development and major subdivision.

a) Stages of Review stages.

Major land development and major subdivisions plan review shall be required of all applications for land development and subdivision approval unless classified as an administrative subdivision or as a minor land development or a minor subdivision. Major plan review shall consist of three four stages of review, master plan, preliminary plan and final plan, following the preapplication meetings(s). Also required is a public hearing at the master plan stage of review or, if combined at the first stage of review.

The administrative officers may combine review stages but only the planning board may waive the requirements specified in RIGL 45-23-62. Review stages may be combined only after the administrative officers determines that all necessary requirements have been met by the applicant or the planning board has waived any submission requirements not included by the applicant.

Master plan review submission requirements.

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a) The applicant shall first submit to the administrative officers the items required by the local regulations for master plans.

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b) Requirements for the master plan and supporting material for this phase of review include, but are not limited to: information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing; and potential neighborhood impacts.

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c) Initial comments will be solicited from:

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(i) Local agencies including, but not limited to, the planning department, the department of public works, fire and police departments, the conservation and recreation commissions;

(ii) Adjacent communities;

(iii) State agencies, as appropriate, including the departments of environmental management and transportation and the coastal resources management council; and

(iv) Federal agencies, as appropriate. The administrative officers shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

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d) Applications requesting relief from the zoning ordinance.

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(i) Applications under this chapter which require relief which qualifies only as a modification under RIGL 45-24-46 and local ordinances shall proceed by filing a master plan application under this section and a request for a modification to the zoning enforcement officer. If such modification is granted, the application shall then proceed to be reviewed by the planning board pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in RIGL 45-24-46, such application shall proceed under unified development plan review pursuant to RIGL 45-23-50.1.

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(ii) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development plan review pursuant to RIGL 45-23-50.1.

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Certification. The application must be certified, in writing, complete or incomplete by the administrative officers within twenty-five (25) days of the submission, according to the provisions of RIGL 45-23-36(b), so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officers and will recommence upon the resubmission of a corrected application by the applicant.

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However, in no event will the administrative officers be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

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Staff review. To the extent the community utilizes a staff review, it shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.

Public hearing.

a) A public hearing will be held prior to the planning board decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held during the combined stage of review.

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b) Notice for the public hearing is required and must be given at least fourteen (14) days prior to the date of the meeting in a newspaper of local circulation within the municipality. Notice must be mailed to the applicant and to all property owners within the notice area, as specified by local regulations.

c) At the public hearing, the applicant will present the proposed development project. The planning board must allow oral and written comments from the general public. All public comments are to be made part of the public record of the project application.

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Decision. The planning board shall, within ninety (90) days of certification of completeness, or within a further amount of time that may be consented to by the applicant through the submission of a written waiver, approve the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of RIGL's 45-23-60 and 45-26 23-63.

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Failure to act. Failure of the planning board to act within the prescribed period constitutes approval of the master plan, and a certificate of the administrative officers as to the failure of the planning board to act within the required time and the resulting approval will be issued on request of the applicant.

Vesting.

a) The approved master plan is vested for a period of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for the annual review. Thereafter, 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 includes the zoning requirements, conceptual layout, and all conditions shown on the approved master plan drawings and supporting materials.

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b) The initial four (4) year vesting for the approved master plan constitutes the vested rights for the development as required in RIGL 45-24-44.

i) Preliminary plan review submission requirements.

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a) The applicant shall first submit to the administrative officers the items required by the local regulations for preliminary plans.

b) Requirements for the preliminary plan and supporting materials for this phase of the review include, but are not limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, and a perimeter survey.

c) At the preliminary plan review phase, the administrative officers shall solicit final, written comments and/or approvals of the department of public works, the city or town engineer, the city or town solicitor, other local government departments, commissions, or authorities as appropriate.

d) Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements, and rights-of-way.

e) Prior to approval of the preliminary plan, an applicant must submit all permits required by state or federal agencies, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads. For a state permit from the Rhode Island department of transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and insurance is sufficient, but such actual permit shall be required prior to the issuance of a building permit.

f) If the applicant is requesting alteration of any variances and/or special-use permits granted by the planning board or commission at the master plan stage of review pursuant to adopted unified development review provisions, and/or any new variances and/or special-use permits, such requests and all supporting documentation shall be included as part of the preliminary plan application materials, pursuant to RIGL 45-23-50.1(b).

Certification. The application will be certified as complete or incomplete by the administrative officers within twenty-five (25) days, according to the provisions of RIGL 45-23-36(b) so long as a completed checklist of requirements are provided with the submission. The running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officers and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officers be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.

Staff review. To the extent the community utilizes a staff review, it shall review the application prior to the first planning board meeting and shall comment and make recommendations to the planning board.

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Public notice. Prior to the first planning board meeting on the preliminary plan, public notice shall be sent to abutters only at least fourteen (14) days before the hearing.

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 preliminary plan approval.

Decision. A complete application for a major subdivision or development plan shall be approved, approved with conditions, or denied, in accordance with the requirements of RIGL's 45-23-15 60 and 45-23-63, within ninety (90) days of the date when it is certified complete, or within a further amount of time that may be consented to by the developer through the submission of a written waiver. Provided that, the timeframe for decision is automatically extended if evidence of state permits has not been provided, or otherwise waived in accordance with this section.

Failure to act. Failure of the planning board to act within the prescribed period constitutes approval of the preliminary plan and a certificate of the administrative officers 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.

Vesting. The approved preliminary plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval includes all general and specific conditions shown on the approved preliminary plan drawings and supporting material.

(i) Final plan, submission requirements.

a) The applicant shall submit to the administrative officers the items required by the local regulations for the final plan, as well as all material required by the planning board when the application was given preliminary approval.

b) Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.

c) Certification by the tax collector that all property taxes are current.

d) For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

Certification. The application for final plan approval shall be certified complete or incomplete by the administrative officers in writing, within fifteen (15) days, according to the provisions of RIGL 45-23-36(b) so long as a completed checklist of requirements are provided with the submission. This time period may be extended to twenty-five (25) days by written notice from the

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administrative officers 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 officers and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officers be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officers certifies the application as complete and does not require submission to the planning board as per subsection (c) of this section, the final plan shall be considered approved.

Decision. The administrative officers, or, if referred to it, the planning board, shall review, grant, grant with conditions or deny final plan approval. A decision shall be issued within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, approve or deny the final plan as submitted.

a) Failure to act. Failure of the planning board to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officers 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.

b) Expiration of approval. The final approval of a major subdivision or land development project expires one year from the date of approval with the right to extend for one year upon written request by the applicant, who must appear before the planning board for the annual review, unless, within that period, the plat or plan has been submitted for signature and recording as specified in RIGL 31 45-23-64. Thereafter, the planning board may, for good cause shown, extend the period for recording.

Acceptance of public improvements. Signature and recording as specified in RIGL 45-23-34 constitute the acceptance by the municipality of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain or improve those dedicated areas until the governing body of the municipality accepts the completed public improvements as constructed in compliance with the final plans.

Validity of recorded plans. The approved final plan, once recorded, remains valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedure stated in RIGL 45-23-65, or a new plan is approved by the planning board.

Modifications and changes to plans.

a) Minor changes, as defined in the local regulations, to the plans approved at any stage may be approved administratively, by the administrative officers. The changes may be authorized without an additional planning board meeting, to the extent applicable, at the discretion of the administrative officers. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the

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administrative officers from requesting recommendation from either the staff review or the permitting authority. Denial of the proposed change(s) shall be referred to the applicable permitting authority for review as a major change.

b) Major changes, as defined in the local regulations, to the plans approved at any stage may be approved only by the applicable permitting authority and must include a public hearing.

c) The administrative officers shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officers determines the change to be a major change of the approved plans.

Appeal. Decisions under this section shall be considered an appealable decision 22 pursuant to § 45-23-71.

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- ~~i. — Pre-application meeting(s);~~
- ~~ii. — Conceptual master plan; including a site visit;~~
- ~~iii. — Preliminary plan;~~
- ~~iv. — Final plan.~~

~~1. — Also required are a public informational meeting and a public hearing. The Planning Board may vote to combine review stages to modify and/or waive requirements as specified in article 8.0. Review stages may be combined only after the Planning Board determines that all necessary requirements have been met by the applicant.~~

~~b) — Pre-application submission requirements.~~

~~1. — Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these regulations, shall first submit to the administrative officer administrative officers the plans and supporting materials provided in the pre-application checklist for major land development and major subdivision as provided in article 18.0. The procedure and criteria for pre-application meetings and concept review as provided in section 5.3.2 of this article shall apply. At the conclusion of the pre-application meeting(s), the applicant may proceed to the conceptual master plan stage of review.~~

~~c) — Conceptual master plan submission requirements.~~

- ~~1. — Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these regulations, shall first submit to the administrative officer administrative officers the plans and supporting materials provided in the conceptual master plan checklist for major land development and major subdivision as provided in article 18.0, including but not limited to the information required on the existing resources and site analysis map.~~
- ~~2. — The purpose of the conceptual master plan stage of review 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 conceptual master plan~~

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describes the basic parameters of a major development proposal, rather than giving full engineering details.

3. ~~Initial comments on the conceptual master plan shall be solicited from local agencies, adjacent communities, state agencies, and federal agencies as required in the checklist for conceptual master plan, including but not limited to the Planning Department, the Department of Public Works, Fire and Police Departments, adjacent communities, the state departments of environmental management and transportation, and the coastal resources management council, as appropriate, and federal agencies, as appropriate. The administrative officeradministrative officers shall coordinate review and comments by participating agencies. If an agency fails to provide written comments prior to the date of a scheduled meeting at which an application is being discussed or heard, the applicant shall not be found to be deficient in the application process, and the application shall not be found to be incomplete due to the failure of an agency to provide comment.~~

~~d) Certification of the conceptual master plan application.~~

1. ~~The application shall be certified complete or incomplete by the administrative officeradministrative officers within 25 days of its receipt, according to the provisions of section 5.2 of this article. The running of the time period set forth in this subsection will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officeradministrative officers and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officeradministrative officers be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission.~~

~~e) Site visit.~~

1. ~~The Planning Board shall schedule a site visit in accordance with the procedure and requirements of section 5.3.4.d. of this article, entitled site visit, provided, however that the site visit shall be scheduled before the master plan is approved.~~

~~f) Technical review committeeStaff review.~~

1. ~~The technical review committeestaff review shall review the application for conceptual master plan approval and shall comment and make recommendations to the Planning Board within the time limits for Planning Board action as established by section 5.3.5.h. of this article.~~

~~g) Informational meeting.~~

1. ~~A public informational meeting shall be held prior to the Planning Board decision of the conceptual master plan, unless the conceptual master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based on Planning Board determination. The public informational meeting shall be held in accordance with the following requirements:
 - i. ~~Public notice for the informational meeting is required and shall be given at least seven days prior to the date of the meeting in a newspaper of general circulation within the municipality. Postcard notice shall be mailed by the applicant to all property owners within the notice area as stated in section 5.3.5.t. of this article.~~~~

ii. ~~The applicant shall also provide an on-site sign or signs notifying the public of the application pending before the Planning Board as specified in section 5.3.5.(c)5. of this article, below.~~

iii. ~~At the public informational meeting, the applicant or the applicant's representative(s) shall present the proposed development project. The Planning 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.~~

~~h) Decision.~~

~~1. The Planning Board shall, within 90 days of certification of completeness of the conceptual master plan application, or within such further time as may be consented to by the applicant, approve of the conceptual master plan as submitted, approve with changes and/or conditions, or deny the application according to the requirements of article 11.0, section 11.6.~~

~~i) Failure to act.~~

~~1. Failure of the Planning Board to act within the period prescribed in section 5.3.5.h. of this article shall constitute approval of the master plan and a certificate of the administrative officer administrative officers 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.~~

~~j) Vesting.~~

~~1. The approved master plan shall be vested for a period of two years, with two one-year extensions 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.~~

~~2. The initial four-year vesting for the approved conceptual master plan shall constitute the vested rights for the development as required in G.L. 1956, § 45-24-44 of the Rhode Island Zoning Enabling Act of 1991, as amended.~~

~~k) Preliminary plan submission requirements.~~

~~1. Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these regulations, shall first submit to the administrative officer administrative officers the plans and supporting materials provided in the preliminary plat checklist for major land developments and major subdivisions as provided in article 18.0, including but not limited to: engineering plans depicting the existing site conditions, engineering plans depicting the proposed development project, a perimeter survey, all permits required by state or federal agencies prior to commencement of construction, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems, public water systems, and connections to state roads.~~

~~2. The administrative officer administrative officers shall solicit final written comments and/or approvals of the departments and agencies specified in the checklist.~~

~~3.—Prior to approval of the preliminary plan, copies of all legal documents describing the property, proposed easements and rights of way shall be submitted to the administrative officeradministrative officers-~~

~~h) — Certification of preliminary plan application-~~

~~1.—The application shall be certified as complete or incomplete by the administrative officeradministrative officers within 25 days, according to the provisions of section 5.2 of this article. The running of the time period set forth in this subsection will be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officeradministrative officers and will recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officeradministrative officers be required to certify a corrected submission as complete or incomplete less than 10 days after its submission-~~

~~m) — Technical review committeeStaff review-~~

~~1.—The technical review committeestaff review shall review the application for preliminary plan approval and shall comment and make recommendations to the Planning Board within the time limits for Planning Board action as established by section 5.3.5.p. of this article-~~

~~n) — Public hearing-~~

~~1.—Prior to a Planning Board decision on the preliminary plan, a public hearing shall be held in accordance with the requirements of section 5.3.5.s. of this article-~~

~~o) — Public improvement guarantees-~~

~~1.—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 preliminary plan approval-~~

~~p) — Decision-~~

~~1.—The Planning Board shall, within 90 days of certification of completeness of the preliminary plan application as provided in section 5.2. of this article, or within such further time as may be consented to by the applicant as provided in section 5.2.c. of this article, approve of the preliminary plan as submitted, approve with changes and/or conditions, or deny the application according to the requirements of article 11.0, section 11.6-~~

~~q) — Failure to act-~~

~~1.—Failure of the Planning Board to act within the period prescribed in section 5.3.5.p. of this article shall constitute approval of the preliminary plan and a certificate of the administrative officeradministrative officers 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-~~

~~r) — Vesting-~~

~~1.—The approved preliminary plan shall be vested for a period of two years, and vesting may be extended for a two one year extensions, 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-~~

~~s)c) Public hearing and notice requirements-~~

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1. A public hearing shall be required for a major land development project or a major subdivision or where a street extension or creation requires a public hearing for a minor land development project or minor subdivision.
2. Public notice of the hearing shall be given at least 14 days prior to the date of the hearing in a newspaper of ~~local general~~ circulation within the city. Newspaper ads shall be printed in the legal section of the classifieds using a type size at least as large as the normal type size used by the newspaper in its news articles.
3. Written notice shall be ~~paid for and mailed sent~~ by the applicant, upon forms to be provided to the applicant by the city, to each owner of property within the notice areas as specified in section 5.3.5.t. of this article. The applicant shall receive a copy of the notice from the Planning Department. Notice shall be mailed by certified mail, return receipt requested, not less than 10 days prior to the date of the hearing. As proof of such mailing, a copy of all return receipts shall be provided to the Planning Department by the applicant prior to or at the time of the public hearing.
4. All mail and newspaper notices required by this subsection shall contain the following information:
 - i. The date, time, and place of the public hearing;
 - ii. The assessor's plat and lot number(s) of the subject property;
 - iii. The street address of the subject property, or if no street address is available, the name of the street(s) on which or near which the subject property is located and the distance and direction from the nearest existing street intersection in tenths of a mile;
 - iv. Advise interested parties where and when a copy of the plans of the proposed major subdivision or major land development project may be examined; and
 - v. Contain a statement that the proposed major subdivision or major land development project may be revised by Board as a result of further study or because of the views expressed at the public hearing.

~~5. On site sign. The applicant shall also provide an on site sign or signs notifying the public of the scheduled public hearing or informational meeting pending before the Planning Board. This sign(s) shall be considered to be supplemental notice and shall be of a weather resistant design, measuring a minimum 20 inches by 30 inches, erected in a location upon the site proposed for development which is visible from the nearest public or private street and fixed upon a support that is of sufficient height to make the sign visible from the nearest public or private street. The sign shall be placed on the site at least 14 days prior to the date of the hearing. Such sign shall contain a basic project description and notice of the public hearing or informational meeting, and shall be maintained on the site by the applicant until the public hearing or informational meeting is closed. The administrative officeradministrative officers shall determine if additional notification signs are required in order to provide sufficient public notice, up to a maximum of two signs. The administrative officeradministrative officers shall provide signage specifications and content to the applicant.~~

~~4d~~ Notice area.

1. The distance for notice of the public hearing shall be 200 feet from the perimeter of the parcel being subdivided in all zoning districts. ~~All abutting property owners to the~~

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~~proposed development's property boundary shall receive notice.~~ The applicant is responsible for determining the correct names and addresses of all property owners required to be notified ~~using, and shall, at a minimum, be as accurate as the most~~ current names and addresses listed by the tax assessor. For parcels within the notice area held in common ownership, such as open space owned by a condominium or home owners association, notice shall be send to all persons that share in the common ownership.

2. Additional mail notice for areas which fall within watersheds shall also be sent as required in G.L. § 45-23-53(B) and (C).
3. Notice of the public hearing shall be sent by the ~~administrative officer~~administrative officers to the ~~administrative officer~~administrative officers of an adjacent municipality if:
 - i. The notice area extends into the adjacent municipality; or
 - ii. The development site extends into the adjacent municipality; or
 - iii. There is a potential for significant negative impact on the adjacent municipality.

~~4. The cost of all such notice shall be borne by the applicant.~~

~~u) Final plan submission requirements.~~

- ~~1. Any applicant requesting final approval of a proposed major subdivision or major land development, as defined herein, shall first submit to the administrative officer~~administrative officers ~~the plans and supporting materials required by the final plat checklist for major land development and major subdivision as provided in article 18.0, in addition to any material required by the Planning Board when the application was given preliminary approval.~~
- ~~2. Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.~~
- ~~3. Certification by the tax collector that all property taxes are current.~~
- ~~4. For phased projects, the final plan for phases following the first phase shall be accompanied by a copy of as-built drawings not previously submitted of all existing public improvements for prior phases.~~

~~v) Certification.~~

- ~~1. The application for final plan approval shall be certified complete or incomplete by the administrative officer~~administrative officers ~~within 25 days, according to the provisions of section 5.2 of this article. This time period may be extended to 45 days by written notice from the administrative officer~~administrative officers ~~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 in this section 5.3.5.v.1. shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer~~administrative officers ~~and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer~~administrative officers ~~be required to certify a corrected submission as complete or incomplete less than 14 days after its resubmission.~~
- ~~2. If the administrative officer~~administrative officers ~~certifies the application as complete and does not require section 5.3.5.v.1. below, the final plan shall be considered approved.~~

~~w) Referral to the Planning Board.~~

- ~~1. If the administrative officer administrative officers determines that an application for final approval does not meet the requirements set by these regulations or by the Planning Board at preliminary approval, the administrative officer administrative officers shall refer the final plans to the Planning Board for review.~~
- ~~2. The Planning Board shall, within 45 days, after the certification of completeness, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.~~

~~x) Failure to act.~~

- ~~1. Failure of the Planning Board to act within the period prescribed in section 5.3.5.w. of this article shall constitute approval of the final plan and a certificate of the administrative officer administrative officers 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.~~

~~y) Recording.~~

- ~~1. The final approval of a major subdivision or land development project shall expire one year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in article 6.0. The Planning Board may, for good cause shown, extend the period for recording for an additional period, if requested by the applicant in writing.~~

~~z) Acceptance of public improvements.~~

- ~~1. Signature and recording as specified in article 6.0 of these regulations shall constitute the acceptance by the city of any street or other public improvement or other land intended for dedication. Final plan approval shall not impose any duty upon the city to maintain or improve those dedicated areas until the city council accepts the completed public improvements as constructed in compliance with the final plans.~~

~~aa) Validity of recorded plans.~~

- ~~1.4. 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 set forth in article 6.0 of these regulations, or a new plan is approved by the Planning Board.~~

5.3.6. Development plan review.

Any applicant requesting approval of a development plan, as defined in the zoning ordinance, shall submit to the ~~administrative officer~~ administrative officers the items required by the checklist for development plans in **article 18.0**. The ~~technical review committee~~ staff review shall review ~~all~~ development plans that warrant review by the Planning Board and make a recommendation to either the ~~administrative officer~~ administrative officers or Planning Board as applicable. The ~~administrative officer~~ administrative officers or Planning Board shall render a decision, which shall be evidenced by a written decision and shall be filed and posted in the office of the city clerk. Four copies of the final plan set shall be submitted by the applicant for signature by the ~~administrative officer~~ administrative officers.

- a) The authorized permitting authority may waive requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting authority finding that the use will not affect existing drainage, circulation, relationship of buildings to each other,

- landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements. The application for a waiver of development plan approval review shall include documentation, as required by the permitting authority, on prior use of the site, the proposed use, and its impact.
- b) The authorized permitting authority may grant waivers of design standards as set forth in the local regulations and zoning ordinance. The local regulations shall specifically list what limited waivers an administrative officers is authorized to grant as part of their review.
 - c) Review stages. Administrative development plan review consists of one stage of review, while formal development plan review consists of two (2) stages of review, preliminary and final. The administrative officers may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officers.

Application requesting relief from the zoning ordinance.

- a) Applications under this chapter which require relief which qualifies only as a modification under RIGL 45-24-46 and local ordinances shall proceed by filing an application under this chapter and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officers pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in RIGL 45-24-46, such application shall proceed under unified development plan review pursuant to RIGL 45-23-50.1.
- b) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning board under unified development plan review pursuant to RIGL 45-23-50.1, and a request for review shall accompany the preliminary plan application.
- (i) Submission requirements. Any applicant requesting approval of a proposed development under this chapter, shall submit to the administrative officers the items required by the local regulations. Requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits or use variances related to projects qualifying for development plan review shall be submitted and reviewed under unified development review pursuant to RIGL 45-23-50.1.
- (j) Certification. The application shall be certified, in writing, complete or incomplete by the administrative officers within twenty-five (25) days or within fifteen (15) days if no street creation or extension is required, and/or unified development review is not required, according to the provisions of RIGL 45-23-36(b). The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officers and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officers be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officers certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.
- (k) Timeframes for decision.
 - 1. Administrative development plan approval. An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness

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or within any further time that is agreed to in writing by the applicant and administrative officers.

Formal development plan approval.

- (a) Preliminary plan. Unless the application is reviewed under unified development review, the permitting authority will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.
- (b) Final Plan. For formal development plan approval, the permitting authority shall delegate final plan review and approval to the administrative officers. The officer will report its actions in writing to the permitting authority at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.
- (c) Failure to act. Failure of the administrative officers or the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officers as to the failure to act within the required time and the resulting approval shall be issued on request of the application.
- (d) Vested rights. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording as specified in RIGL 45-23-64. Validity may be extended for an additional period upon application to the administrative officers or permitting authority, whichever entity approved the application, upon a showing of good cause.

Modifications and changes to plans.

- (a) Minor changes, as defined in the local regulations, to the plans approved at any stage may be approved administratively, by the administrative officers, whereupon final plan approval may be issued. The changes may be authorized without an additional planning board meeting, at the discretion of the administrative officers. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officers from requesting recommendation from either the staff review or the permitting authority. Denial of the proposed change(s) shall be referred to the permitting authority for review as a major change.
- (b) Major changes, as defined in the local regulations, to the plans approved at any stage may be approved only by the permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing.
- (c) The administrative officers shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officers determines that there has been a major change to the approved plans.
- (d) Appeal. A decision under this section shall be considered an appealable decision pursuant to RIGL 45-23-71.

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ARTICLE 6.0. - RECORDING PLATS AND PLANS

Sec. 6.1. - Endorsement of plats and plans.

- a) All approved final plans and plats for land development and subdivision projects shall be endorsed (signed) by the appropriate Planning Board official, with the date of final approval. Plans and plats for major land developments and subdivisions and minor land developments and subdivisions shall be endorsed by the Planning Board chairperson or, in the absence of the chairperson, the secretary of the Planning Board attesting to the approval by the Planning Board. All administrative subdivision plats and plans shall be endorsed and dated with the date of approval by the ~~administrative officer~~administrative officers.
- b) Upon endorsement, all plans and plats shall be submitted to the ~~administrative officer~~administrative officers prior to recording and filing in the land evidence records of the city. 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 Planning Board. A formal written final plan decision letter, signed by the Planning Board chair or secretary for major land development projects and major subdivisions, or by the ~~administrative officer~~administrative officers for minor land development projects and minor subdivisions, to include all conditions of final approval, and referencing all approved plans and supporting material, shall also be recorded.
- c) Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the city departments responsible for implementation and enforcement. One copy shall be kept on file by the Planning Department.
- d) No endorsement of plans and plats shall be made until:
 1. The ~~administrative officer~~administrative officers has certified in writing that all of the required improvements have been made; or
 2. The finance director has certified in writing that acceptable improvement guarantees have been received in accordance with the provisions of article 7.0 of these regulations.
- e) The ~~administrative officer~~administrative officers shall notify the statewide "911" emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.
- f) *Digital parcel data*. The final record plans of minor subdivisions that are computer generated with computer aided drafting (CAD), automated mapping, or GIS software, shall be submitted with copies of digital files on magnetic or optical media. The final record plans and as-built drawings of major subdivisions that are computer generated shall be submitted with copies of digital .dwg files on magnetic or optical media. Registration points for each .dwg layer shall be in the RSPCS NAD'1983. A minimum of four such points spaced near the extremities of the drawing or map defining the spatial extent of the plan or drawing is required. The name and version number of the computer software used to generate the digital files shall be submitted.

Sec. 6.2. - Changes to recorded plats and plans.

- a) For all changes to the approved plans of land development projects or subdivisions subject to this appendix, an amendment of the final development plans shall be required prior to the issuance of any building permits for construction upon the subject property. 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 and plans as provided in section 6.1 of this article.
- b) Minor changes to a land development or subdivision plan shall be approved administratively by the ~~administrative officer~~ administrative officers, whereupon a permit may be issued. The ~~administrative officer~~ administrative officers may, at his/her discretion, authorize such changes without review and approval of the Planning Board and without a public hearing thereon. All such changes shall be made a part of the permanent record of the project application. This provision shall not prohibit the ~~administrative officer~~ administrative officers from requesting a recommendation from either the ~~technical review committee~~ staff review or the Planning Board.
- c) Denial of the proposed change(s) by the ~~administrative officer~~ administrative officers shall be referred to the Planning Board for review as a major change according to the procedures provided in section 6.2.(f), below.
- d) Upon written authorization of the approval of a minor change by the ~~administrative officer~~ administrative officers, the building official may issue a building permit for any proposed construction upon the subject property.
- e) For the purposes of these regulations, the term "minor changes" shall mean any change which, in the opinion of the ~~administrative officer~~ administrative officers, is consistent with the intent of the original approval. Such minor changes shall include, but are not necessarily limited to, the following:
 1. Amendments to the utility plans which are acceptable to the city engineer and the director of public works;
 2. Lot line revisions which can be reviewed and approved as an administrative subdivision according to the provisions of article 5.0;
 3. Amendments to grading plans or drainage plans which are acceptable to the city engineer and the director of public works and which do not require the approval of any state or federal reviewing authorities;
 4. Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided;
 5. Modifications to any construction plans for off-site improvements which are acceptable to the city engineer and the director of public works; or
 6. Modifications which are required by outside permitting agencies such as, but not limited to, the Department of Environmental Management, the coastal resources management council, and the Department of Transportation.
- f) Major changes to a land development or subdivision plan may be approved only by the Planning Board and shall follow the same review and public hearing process as required for preliminary approval to a major land development and major subdivision as provided in article 5.0.
- g) For the purpose of these regulations, the term "major changes" shall mean changes which, in the opinion of the ~~administrative officer~~ administrative officers, are clearly contrary to the intent

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of the original approval. Such major changes shall include, but are not necessarily limited to, the following:

1. Changes which would have the effect of creating additional lots or dwelling units for development;
2. Changes which would be contrary to any applicable provision of the zoning ordinance or which require a variance or special use permit from the zoning board of review; or
3. Changes which may have significant adverse impacts on abutting property or property in the vicinity of the proposed subdivision or land development project.

Sec. 6.3. - Rescission procedure.

- a) The Planning Board, only upon application by all landowners of the plat to be affected, may determine that the application for plat recession is not consistent with the comprehensive community plan and is not in compliance with the standards and provisions of the city's zoning ordinance and/or land development and subdivision review regulations and shall hold a public hearing in accordance with the provisions of article 5.0, section 5.3.5s.
- b) The Planning Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat in accordance with the requirements of article 11.0, section 11.6.
- c) If it is necessary to abandon any street covered under G.L. § 24-6-1 et seq., the Planning Board shall submit to the city council the documents necessary for the abandonment process.
- d) Once the required process for rescission or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified by article 6.0, section 6.1 of these regulations.

ARTICLE 7.0. - GUARANTEES OF IMPROVEMENTS

Sec. 7.1. - Purpose.

Improvement guarantees shall be provided to ensure the timely and proper installation and completion of the required street, utility and other physical improvements, including any approved improvements to any resulting open space, and to ensure compliance with other nonstructural conditions of final plat approval.

Sec. 7.2. - Procedures.

- a) Planning Board approval of agreements for the completion of all required improvements shall be required prior to final plan approval. Such agreements may, at the option of the Planning Board, be in the form of:
 1. Completion of actual construction of all improvements;
 2. Improvement guarantees, or
 3. A combination thereof.
- b) Where improvements are constructed without a financial guarantee, the work is to be completed prior to final approval and recording. All construction shall be inspected and approved under the direction of the ~~administrative officer~~ administrative officers in accordance with these regulations. Inspections shall be made by the Department of Public Works at all required stages during construction, and written inspection reports shall be prepared by the inspector(s) and maintained by public works. All inspection reports shall be submitted to the

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~~administrative officer~~administrative officers. In addition, "as built" drawings of the site which have been certified by a state licensed surveyor or engineer and which show that all the improvements, including any grading of the site, are in accordance with the approved construction plans shall be submitted to the engineering division for review and approval. The site design engineer must certify that, in his opinion, based on a reasonable degree of engineering certainty, all of the improvements, including grading, have been constructed in substantial compliance with approved construction plans.

Where improvements are proposed to be constructed without a financial guarantee, and the Planning Board has approved that proposal, the appropriate city official shall certify in writing that all information required by the appropriate checklist in article 16 has been submitted, and that the applicant may proceed with construction of the proposed development as shown on the final plans. This certification shall include the statement that the final plat shall not be recorded until all required improvements have been completed, and that the provisions of article 9, section 9.1 entitled violations will apply. This letter shall constitute conditional final approval and shall be recorded in the land evidence records of the city. The date of recording shall constitute the commencement of the appeal period provided in article 12, section 12.1.

- c) Upon completion of all required improvements constructed without a financial guarantee, the ~~administrative officer~~administrative officers shall certify in writing of such completion, and a copy of the certification shall be provided to the subdivider upon request. The final plat shall be endorsed by the Planning Board or the ~~administrative officer~~administrative officers and the plat shall be recorded as provided by these regulations, at which time the lots within the subdivision may be transferred or sold. The applicant shall be required to post a bond in the amount of ten percent of the construction estimate prior to the acceptance of all required improvements by the city. Such bond shall be held by the city for a period of one year, to be released upon the written request of the applicant, and following final inspection and acceptance of the required improvements by the city.
- d) If improvements are to be guaranteed, guarantees shall be in an amount and with all necessary conditions to secure for the city the actual construction and complete installation of all the required improvements, within the period specified by the Planning Board. The amount shall be based on actual cost estimates for all required public improvements.
- e) The recommended amount of the improvement guarantee shall be submitted in writing by the city engineer to the Planning Board for approval.
- f) Acceptable funds may include a cashier's check, cash, letter of credit, or other funds which the **director of finance** determines will be readily available to the city if the improvements are not completed within two years of approval of the final plat. Negotiable funds will be kept in a savings account under the supervision of the **director of finance**.
- g) The amount of the improvement guarantee approved by the Planning Board shall be submitted by the city clerk to the city council for approval.
- h) The applicant may apply to the Planning Department requesting from the Board a partial release of the improvement guarantee upon completion of a portion of the required improvements. The city engineer will notify the Board in writing as to the amount of reduction recommended, if any, based upon the completion of improvements according to required specifications. Such as application shall include "as built" drawings of the site which have been certified by a state licensed surveyor or engineer and which show that all improvements, including any grading of

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the site, are in accordance with the approved plans. The site design engineer must certify that, in his opinion, based upon a reasonable degree of engineering certainty, all of the improvements, including grading, have been constructed in substantial compliance with approved plans. The application will not be acted on until the submitted "as built" drawings have been approved by the engineering division.

- i) Upon completion of all required improvements, the applicant may apply to the Planning Department requesting from the Board the release of 90 percent of the improvement guarantee originally posted.
- j) One year following the date of completion of all of the required improvements as provisionally certified by the city engineer, the applicant may, by writing the Planning Department, request the Board to release the remaining improvement guarantee. The city engineer will notify the Board in writing as to whether defects in the design or construction of the required improvements have become evident since the release of 90 percent of the original improvement guarantee.
- k) Where no improvement guarantee is required, a certified copy of the vote of the Board stating that no improvement guarantee is required shall be filed with the recorded plat.
- l) Required improvements shall be completed within two years of the final approval of the subdivision by the Board. If additional time is required, the subdivider shall, by writing to the Planning Department, request from the Board such additional time as necessary. Any such extension request shall be accompanied by an improvement guarantee review, update, and posting of additional improvement guarantee, if so determined by the Board. If the improvements are not completed within two years or the time extension arranged with the Board, the improvement guarantee will be forfeited to the city. Upon forfeiture, the Board shall authorize the director of public works to use the forfeited performance guarantee to complete or cause to be completed as many of the required improvements as the improvement guarantee will cover.
- m) Where a development or subdivision is approved and constructed in phases, the Planning Board shall specify improvement guarantee requirements related to each particular phase.
- n) All public improvements, open space, streets, land, easements or other facilities, once inspected by the city engineer, approved by the director of public works, certified by the ~~administrative officer~~ administrative officers and approved by the Board, shall be conveyed by the subdivider with a written request to the ~~administrative officer~~ administrative officers. The request by the subdivider shall contain a description of all facilities to be accepted and shall be accompanied by an accurate description of all streets, easements, land or other facilities by metes and bounds and by reference to the final plat drawing(s) and by a warranty deed transferring ownership to the city and describing any special conditions or other requirements. Said improvements as conveyed to the city shall be accepted by the appropriate municipal agency for maintenance and/or as part of the municipal system.
- o) Private facilities, such as private roads, open space and privately maintained drainage systems, wastewater, and water systems and/or facilities shall not be conveyed to the city.
- p) The city has the authority to enforce the guarantees by all appropriate legal and equitable remedies, including but not limited to those as granted by G.L. § 45-23-46(l).

ARTICLE 8.0. - WAIVERS AND MODIFICATIONS

Sec. 8.1. - Modification or waiver of requirements.

The Planning Board shall have the power to grant such modifications or waivers from the requirements for land development and subdivision approval as may be reasonable and within the general purposes and intents of these regulations. The only grounds for such waivers or modifications shall be where the literal enforcement of one or more of the provisions of the regulations is impractical and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver or modification is in the best interest of good planning practice or design as evidenced by consistency with the comprehensive plan and the zoning ordinance.

Sec. 8.2. - Waiver of development plan approval.

- a) The Planning Board may waive requirements for development plan approval where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver shall be granted only by a decision of the Board that finds that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
- b) The application for a waiver of development plan approval review shall include such documentation as required by the Board on prior use of the site, the proposed use, and its impact.
- c) The Planning Board shall approve, approve with conditions, or deny the request for a waiver or modification.

Sec. 8.3. - Reinstatement of development applications.

8.3.1. Conditions.

Where the deadlines for particular actions are exceeded and the development application or approval is therefore rendered invalid, an application may be reinstated by the Planning Board under the following conditions:

- a) Within a period of one year after the expiration of the application, reinstatement may be granted to that point in the review which the application had reached prior to expiration.
- b) Where the expiration period is greater than one year but not more than two years, the application reinstatement may be granted to recommence at the previous highest level of review.
- c) Where the expiration period is greater than two years, the application process is required to restart.

8.3.2. Criteria.

Application for reinstatement of a previously approved subdivision shall be made to the Planning Board in writing by the subdivider. The Planning Board, in approving or denying the request for a reinstatement, shall make findings of fact which shall be made part of the record. Such findings shall be based on the following criteria:

- a) The subdivision is consistent with the comprehensive plan;

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- b) The subdivision regulations affecting the application are substantially the same as they were at the time of original approval;
- c) The zoning of the subdivision parcel affecting the application is substantially the same as it was at the time of original approval;
- d) Physical conditions on the subdivision parcel affecting the application are substantially the same as they were at the time of original approval; and
- e) Any applicable state or federal regulations affecting the application are substantially the same as they were at the time of original approval.

Sec. 8.4. - Decisions on waivers and modifications.

The Planning Board shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:

- a) The Planning Board's decision shall be made within 45 days of the date the request for the waiver or modification was first considered by the Planning Board, unless the applicant waives that deadline.
- b) The Planning Board's decision shall be in writing, and shall contain findings of fact addressing the conditions contained in article 8, section 8.1.

ARTICLE 9.0. - ENFORCEMENT AND PENALTIES

Sec. 9.1. - Violations.

- a) Any person who fails or refuses to adhere to all of the terms and conditions of any subdivision of land or development plan that has been approved by the Planning Board or the ~~administrative officer~~administrative officers shall be in violation of these regulations.
- b) 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 before the plat has been approved by the Planning Board and recorded in the land evidence records shall be in violation of these regulations.
- c) Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or development, or constructs any structure or improvement on the parcel, without having first received final approval from the Planning Board or the ~~administrative officer~~administrative officers, and without having first posted the required improvement guarantee, shall be in violation of these regulations.

Sec. 9.2. - Penalties.

Any person adjudged in violation of these regulations shall be liable for penalties not to exceed **\$500.00 per day**, and each day of existence of a violation shall be deemed a separate offense.

Sec. 9.3. - Injunctive relief.

- a) The city shall have the authority to bring suit in the county superior court to restrain the violation of, or compel compliance with, the provisions of these regulations.
- b) An action for injunctive relief brought by the city in the superior court may be consolidated with an action seeking penalties for violations of these regulations.

ARTICLE 10.0. - ADOPTION AND AMENDMENT OF REGULATIONS

Sec. 10.1. - Adoption and amendment procedures.

The Planning Board shall adopt and amend these subdivision and land development regulations according to the procedures set forth in this article.

10.1.1. Public hearing notice requirements.

- a) 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 which opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations.
- b) Notice of a public hearing on any proposed adoption or amendment shall be published in a newspaper of general circulation within the city at least once each week for three successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held.
- c) 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 articles, and shall:
 1. Specify the place of said hearing and the date and time of its commencement;
 2. Indicate that adoption, amendment or repeal of 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, provided that any such alteration or amendment must be presented for comment in the course of said hearing.
- d) Notice of the public hearing shall be sent to the following:
 1. The associate director of the division of planning of the state department of administration. Said notice, which may be a copy of the newspaper advertisement, shall be sent at least two weeks prior to the public hearing.
 2. The city or town planning board of any municipality where there is a public or quasipublic water source, or private water source that is used or is suitable for use as a public water source, located within 2,000 feet of the boundaries of the city. Said notice shall be sent first class mail.
 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 the city or within 2,000 feet of the city's boundaries, provided that the governing body of the state or municipal water department or agency, special water district, or private water company has filed with the city building official a map survey showing the areas of surface water resources and/or watersheds and parcels of land within 2,000 feet of the areas of surface water resources and/or watersheds, pursuant to G.L. § 45-24-53(E).

- e) The Planning Board shall conduct a public hearing at the date, time and place specified in the newspaper advertisement and notices.

Sec. 10.2. - Publication and availability.

10.2.1. Printed copies of regulations.

Printed copies of these regulations, any exhibits, and all amendments shall be available to the general public. A reasonable charge may be made for copies. Upon publication of local regulations and any amendments thereto, the ~~administrative officer~~administrative officers shall send a copy to the state department of administration, division of planning and to the state law library.

Sec. 10.3. - Severability.

10.3.1. If any article, subsection, paragraph, sentence, clause or phrase in these regulations shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these regulations.

ARTICLE 11.0. - ADMINISTRATION OF REGULATIONS AND AMENDMENTS

Sec. 11.1. - ~~Administrative officer~~Administrative officers.

11.1.1. Administration.

These subdivision and land development regulations shall be administered by the ~~administrative officer~~administrative officers, who shall report to the Planning Board. For the purposes of these regulations, the ~~administrative officer~~administrative officers shall be the director of planning and development.

11.1.2. Appointment.

The appointment of the director of planning and development shall be the responsibility of the mayor.

11.1.3. Duties and responsibilities.

The duties and responsibilities of the ~~administrative officer~~administrative officers shall include but not be limited to:

- a) Oversee and coordinate the review, approval, recording, and enforcement of the provisions of these regulations;
- b) Serve as the ~~lead coordinator chair~~ of the ~~technical review committee~~staff review;
- c) Coordinate the reviews of proposed land development projects and subdivision with adjacent municipalities;
- d) Coordinate enforcement efforts of local regulations with the zoning enforcement officer, the building inspector, planning department staff, the city engineer, the department of public works, and other local officials responsible for the enforcement or carrying out of discrete elements of the regulations.

11.1.4. Qualifications.

The qualifications of the ~~administrative officer~~administrative officers shall be determined by the mayor as provided in the official job description for the director of planning and development.

Sec. 11.2. - ~~Technical review committee~~Staff review.

11.2.1. Establishment.

~~The administrative officers follow a policy There is hereby established a subcommittee of the Planning Board, to be known as the technical review committee~~staff review, to conduct technical reviews of applications subject to Planning Board jurisdiction. These technical reviews shall be for the purposes of making recommendations to the Board, with such recommendations being advisory in nature, and not binding upon the Board.

11.2.2. ~~Department Input~~Membership.

~~Departmental Membership of the technical review committee~~staff review shall include, but not be limited to:

- a) The director of planning and development;
- b) The director of public works;
- c) The directors of water and wastewater divisions;
- d) The fire chief, or designee;
- e) The chief of police, or designee;
- f) The city engineer; **and**

11.2.3. Records.

A written record of the ~~technical review committee~~staff review shall be maintained and made a permanent part of the documentation on the development application. ~~Reports of the technical review committee to the Planning Board shall be in writing and be kept as part of the permanent record.~~

Sec. 11.3. – Appeals of Planning Board Decisions.

~~Superior Court The zoning board of review is the board of appeals to hear~~ appeals of decisions of the Planning Board or the ~~administrative officer~~administrative officers on matters of review and approval of land development and subdivision projects.

Sec. 11.4. - Fee schedules.

11.4.1 Procedure.

This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board's rules governing the imposition of fees and its current fee schedules.

11.4.2 Purpose.

These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical, design and legal review of applications to the Planning Board; to establish a review procedure in the selection of consultants; to encourage better design of residential development; and to promote more informed decision-making by the Planning Board.

11.4.3 Fee Structures and Regulations.

- a) *General*. The Planning Board shall impose reasonable fees for the review of applications which come before it. The Planning Board may impose administrative fees and project review fees as may be applicable to the types of applications set forth below.

- b) *Approval by city council required.* No fee imposed by the Planning Board shall become effective until the city council shall have approved such fee by ordinance or resolution.
- c) *Method of payment.* The payment of administrative fees and project review fees shall be by check only or by such other method as approved by the **finance director**.

11.4.4 Administrative fees.

- a) *Applicability.* An administrative fee shall be assessed to offset the expense of review by the Planning Board and city departments with regard to all applications set forth in section 11.4.4.c., below.
- b) *Submittal.* Administrative fees shall be submitted at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work by the city shall commence until the fee has been paid in full.
- c) *Schedule of administrative fees.* The following schedule applies to the types of applications to the planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the zoning ordinance, the subdivision and land development regulations, and any checklists which may have been compiled from time to time for the benefit of applicants.

Type of Development	Pre-application Conference	Conceptual Master Plan	Preliminary Hearing	Final Hearing*
Administrative subdivision	NA	NA	NA	\$100.00
Conventional/Standard subdivision	\$450.00 + \$50.00/acre	\$450.00 + \$50.00/acre	\$450.00 + \$50.00/acre	\$700.00
Conservation development	\$450.00 + \$50.00/acre	\$450.00 + \$25.00/acre	\$450.00 + \$25.00/acre + \$300.00 legal review	700.00
Residential compound	\$450.00 + \$25.00/acre	\$450.00 + \$15.00/acre	\$450.00 + \$25.00/acre + \$300.00 legal review	\$450.00
Planned unit development	\$450.00 + \$25.00/acre	\$450.00 + \$25.00/acre	\$450.00 + \$50.00/acre + \$500 legal review	\$1,000.00
Minor subdivision	\$300.00 + \$25.00/acre	—	\$300.00 + \$25.00/acre	\$250.00
Minor subdivision w/street	\$300.00 + \$25.00/acre	—	\$300.00 + \$25.00/acre	\$450.00
Commercial/industrial development plan	As provided in chapter 9 of the City of Warwick Code of Ordinances			
Recording of subdivision plan	As provided in G.L. tit. 34, ch. 13			
Mailing and advertising	The cost of all mailing and advertising expenses shall be borne by the applicant			

*In accordance with article 5.0, section 5.3.5 (w) 1, if the ~~administrative officer~~administrative officers ~~determine~~ determines that an application for final approval does not meet the requirements set forth by these regulations or by the Planning Board at preliminary approval, the ~~administrative officer~~administrative officers shall refer the final plans to the Planning Board for review and the fee for preliminary hearing shall apply, or in the instance of a commercial/industrial development plan, the final plan fee shall be assessed, except as may be waived or modified by the Planning Board.

- d) *Fees for revised applications.* Where an administrative fee has been calculated by the number of lots or units proposed, and the application is revised after payment of said fee, the following rules shall apply:
 - 1. If the number of proposed lots or units increases after the initial submittal, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots or units. No review of these additional lots or units shall take place until this additional fee is paid to the city, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
 - 2. If the number of proposed lots or units decreases, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the Planning Board, no cost associated with the review of those lots or units has been yet incurred.
- e) *Fee waivers.* The Planning Board may, upon approval of the city council, waive or reduce any administrative fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.
- f) *Refund.* Once the review process has been commenced, the Planning Board shall not refund administrative fees, including the case of withdrawal of the application by the applicant, except as provided in section 11.4.4.d.2, above.

11.4.5 Project review fees

- a) *Applicability.* In addition to an administrative fee, for all subdivisions and land development projects, including conservation developments, but specifically excluding those types of subdivisions specified in article 13, section 13.2., the Planning Board shall impose a project review fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the city lacks the necessary expertise to perform the review work related to the permit or approval. The fee shall ultimately equal the actual cost to the city for such consultant. In hiring outside consultants, the city may engage engineers, planners, lawyers, landscape architects, architects, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, and regulations. Such assistance may include, but shall not be limited to, analyzing an application, design review of applications to determine consistency with the comprehensive plan; determining consistency with the purposes and design standards for conservation developments; assessing the economic, archaeological, traffic or environmental impact of a development proposal, review of unique site features including trees; or for monitoring a project or site for compliance with the Board's decisions or regulations. Project review fees are separate from, and in addition to, fees imposed by the city

for inspecting a project during construction or implementation as provided in article 11, section 11.5.

- b) *Submittal*. Initial project review fees shall be submitted at the time of the submittal of the master plan application (for major subdivisions or land development projects) and at the time of the submittal of the preliminary application (for minor subdivisions or land development projects). These fees shall be held in custody by the finance director (escrow account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.
- c) *Schedule of initial project review fees*. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the subdivision and land development regulations, and any checklists which may have been compiled from time to time for the benefit of applicants. Where more than one type of application has been submitted for Planning Board action, only the largest of the applicable initial project review fees shall be collected to be held in the escrow account, and not the sum of those fees.
\$500.00 for each lot or dwelling unit for the first five lots or dwelling units, (whichever is greater) including existing dwellings, if present; Plus \$250.00 for each lot or dwelling unit thereafter.
- d) *Replenishment*. When the balance in an applicant's escrow account falls below 25 percent of the initial project review fee, as imposed above, the Planning Board may consider whether to require a supplemental project review fee to cover the cost of the remaining project review.
- e) *Inspection phase*. As a condition of final plan approval, the Planning Board shall require inspection fees in accordance with article 11, section 11.5 for the purpose of ensuring the availability of funds during the inspection phase of the review process.
- f) *Handling of project review fees*. The project review fee is to be held in an escrow account as established by the **finance director**. No interest shall accrue on any funds held in this escrow account.
 1. Outside consultants retained by the city to assist in the review of an application shall be paid from this account.
 2. Project review fees may be used by the city for the purposes stated in article 11, section 11.4.5.a at any time during the review process.
 3. Project review fees shall be turned over to the finance director by the **administrative officer**~~administrative officers~~ to be held in an escrow account.
 4. The finance director shall prepare a report for the **administrative officer**~~administrative officers~~ on activity in the escrow account upon request.
 5. An accounting of an applicant's funds held in the escrow account may be requested by the applicant at any time. The finance director shall respond to the request in a timely fashion.
 6. An applicant may request the **administrative officer**~~administrative officers~~ to provide an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
 7. Excess fees in the escrow account shall be returned to the applicant or the applicant's successor in interest. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation

establishing such succession in interest. Excess fees shall be returned at the conclusion of the review process which is defined as either:

- i. With the disapproval of a subdivision or land development plan; or
 - ii. With the release of the performance bond or other financial guarantees at the end of construction of an approved final plan; or
 - iii. With the final inspection after approval on all other types of applications under the zoning ordinance or subdivision and land development regulations.
- g) *Disqualification*. The choice of a consultant hired by the city for the review of an application may be appealed as provided in article 12.0.
1. Three circumstances may disqualify the selected consultant. These conditions constitute the only grounds for an appeal.
 - i. Conflict of interest: A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process.
 - ii. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.
 - iii. Business relationship: The consultant has conducted business with an applicant within the past 18 months. The required time limits for action upon an application by the Planning Board shall be extended by duration of the appeal. Reinstatement/extensions. Applications for extension of approvals or deadlines established by these regulations shall pay a reinstatement/ extension fee equal to the administrative filing fee for the review stage of approval that expired. See article 8, section 8.3.

Section 11.5 – Dedication and Reservation of Open Space Land

11.5.1 Purpose

The Planning Board shall require all land development projects and subdivisions subject to the provisions of these Regulations, other than conservation developments to dedicate a portion of the land being subdivided or developed for the purpose of providing open space, conservation, park and recreational land and/or facilities to serve present and future residents of the proposed land development project or subdivision. Except for conservation developments, the Planning Board may, in its discretion, require the payment of a fee in-lieu-of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land. If payments in lieu of land dedication are required, they must be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and/or recreational facilities.

11.5.2 Minimum Open Space

A minimum of 50% of the open space to be dedicated shall be free of wetlands, slopes in excess of 20%, floodplains and easements. The Board reserves the right to decrease the minimum percentage dedicated to open space if the applicant proposes contiguous open space.

11.5.3 Relationship to Comprehensive Plan

No dedication of land to the public or payments-in-lieu of such dedications shall be required unless the need for such is documented in the adopted plans of the City, i.e., the Comprehensive Plan, the Conservation, Recreation and Open Space Plan or the Capital Improvement Program (CIP). The requirement for dedication of land for open space, conservation, park and recreation facilities shall be based upon the policies and standards set forth in the above plans and shall reflect the character defined by the Comprehensive Plan for the neighborhood or district in which the subdivision is located. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use.

11.5.4 Amount of Land to be dedicated

For conservation developments, the minimum amount of land to be dedicated shall be determined in accordance with **section 500 of the Zoning Ordinance**.

The land conveyed shall be so located and of such a nature as to be readily adaptable and usable for recreation purposes. For conventional subdivisions, the minimum amount of land to be dedicated shall be based upon the following formula:

$$\begin{array}{l} \text{Amount of} \\ \text{Dedicated Land} \\ \text{(acres)} \end{array} = \begin{array}{l} \text{Maximum number of dwelling} \\ \text{units within the subdivision}^1 \end{array} \times \begin{array}{l} \text{Persons per} \\ \text{dwelling unit}^2 \end{array} \times \begin{array}{l} \text{Land Need}^3 \end{array}$$

1. The maximum number of dwelling units in all phases of the land development project or subdivision.
2. The average number of persons expected to be living in the dwelling units to be constructed.
3. Land need shall mean the adopted Town standards for open space and outdoor recreation areas provided in the North Smithfield Comprehensive Plan.

The Board may, in its discretion, require that the applicant clear, grade and landscape the land to be dedicated in order to make it suitable for recreation purposes. If the Board requires such improvements then the amount of land may be reduced as to offset the cost of such improvements by the applicant. If a single applicant intends to subdivide an area consisting of more than one (1) contiguous subdivision or section, the land to be conveyed shall be computed and selected on the basis of the entire area to be subdivided and shall be delineated and approved by the Planning Board prior to preliminary approval of any component subdivision or section. In addition, the Board, in its discretion, may direct that final approval of such component subdivision or section be conditional upon conveyance of making the required improvement or furnishing the adequate access to the recreation land in question.

11.5.5 Ownership of Land

Land dedications required by this section may be made by transfer of fee simple ownership to any of the following:

- a. The City of Warwick
- b. The State of Rhode Island
- c. The United States Government

- d. A private Homeowner's Association
- e. A private non-profit conservation or recreation group

The Planning Board will determine to which organization the land will be dedicated.

11.5.6 Fees-in-Lieu of Land Dedication.

If the Board determines that a suitable park, playground or recreation area of an adequate size cannot be properly located in such subdivision plat, or is otherwise not practical, then the Board may require, as a condition to approval of any final submission, a payment of a monetary fee by the applicant to the City.

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 the amount of land, which would otherwise be required to be dedicated. The amount of such fee shall be determined by the following formula:

$$\text{Fee in lieu of dedication} = \text{Fair Market Value of Land}^1 \times \text{Maximum number of dwelling units}^2 \times \text{Persons per dwelling unit}^3 \times \text{Land Need}^4$$

1. Fair market value of land in the parcel being subdivided after subdivision approval has been granted, and which is suitable for use as open space, conservation, park and recreation facilities.
2. The maximum number of dwelling units to be constructed in the subdivision.
3. The average number of persons expected to be living in the dwelling units to be constructed.
4. Land need shall mean the adopted Town standards for open space and outdoor recreation area as provided in the Warwick Comprehensive Plan.

Such fee shall be deposited in an interest-bearing fund titled, "Recreation Capital Account". The Parks & Recreation Department, upon majority vote of the City Council, may expend up to 20 percent of the principal for capital acquisition of recreational facilities.

If the applicant questions the amount of said fee in lieu of land, he/she may request a hearing by the Board of Appeal. At this hearing, the Board of Appeal will take evidence and testimony, as it deems appropriate. Said hearing may be part of the final approval hearing if the Planning Board so stipulates.

11.5.7 Fair Market Value

Fair market value of the land, assuming subdivision approval has been granted, shall be determined prior to the time of filing of the final plan in accordance with one of the following:

1. As determined by the Warwick Tax Assessor from recorded sales within the last 24 months;
2. If the applicant objects to such amount of evaluation as determined in "a" above, he/she may, at his/her own expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal may be accepted by the Planning Board if found to be reasonable; or
3. The Planning Board and applicant may agree as to the fair market value.

11.5.8 Land Value

The actual need for open space land and conservation land is expressed in **acres per 1,000 of population based on the Comprehensive Plan**. The 2022 City-wide need is 10.0 acres per 1,000 residents.

11.5.8 Persons per Dwelling Unit

The applicant may provide an estimate of the projected number of persons per dwelling unit in the proposed land development project or subdivision and shall state the basis for such estimate. The Planning Board shall review and approve of such estimate. Otherwise, the figure of **2.61** persons per household from the **2000 Census** shall be used.

11.5.9 Time of Conveyance of Land or Payment of Fee in Lieu of Conveyance of Land

Unless otherwise directed by the Board, the deed for land to be conveyed (and/or the fee to be paid in lieu thereof) in accordance with the foregoing provisions of this article shall be delivered to the City prior to final approval of the applicable subdivision or section thereof.

The Planning Board fully realizes the financial hardship that may be placed on a developer of tracts of over 10 lots, and will allow prorated payments of 25 percent of the amount at the final approval and the remaining fee in two equal installments on the next two anniversary dates of the final approve with an interest payment of 8% (eight percent) annually. Said payments shall be secured by a promissory note and recorded as a mortgage on said lots.

Sec. 11.6. - Inspection fees.

Inspection fees shall be in the amount of two percent of the total amount of the original guarantee of all required improvements. In the absence of a guarantee, inspection fees in the amount of **two percent** of the total estimated cost of all required improvements as estimated in accordance with procedure established by article 7.0 of these regulations. Inspection fees shall be paid in full before construction begins of any improvements requiring inspection, or before recording, whichever is sooner.

Sec. 11.7. - Meetings, votes, decisions, and records.

- a) All records of the Planning Board proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed land development and subdivision projects under review by the Planning Board shall also be available for public review.
- b) Participation in a Planning 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.
- c) All final written comments to the Planning Board from the ~~administrative officer~~administrative officers, municipal departments, the ~~technical review committee~~staff review, state and federal agencies, and local boards or commissions shall be part of the permanent record of the development application.
- d) All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Board to approve any land development or subdivision application shall require a vote for approval by a majority of the current Planning Board membership.

Sec. 11.8. - Precedence of approvals between the Planning Board and other local permitting authorities.

- a) ~~With the exception of Unified Development Plan Review, Ww~~here an applicant requires both a variance from 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 conditional zoning board of review relief, and then return to the Planning Board for subsequent required approval(s).
- b) ~~With the exception of Unified Development Plan Review, Ww~~here 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 of review, and then return to the Planning Board for subsequent required approval(s).
- c) Where an applicant requires both Planning Board approval and city 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 city council, and then return to the Planning Board for subsequent required approval(s).

ARTICLE 12.0. - APPEALS

Sec. 12.1. - Procedure for appeals to the board of appeals.

Any party aggrieved by a decision of the Planning Board or the ~~administrative officer~~administrative officers shall have the right to appeal that decision, to the extent provided in G.L. § 45-23-66, to the board of appeals. 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 preliminary review stage, providing that a public hearing was held at that stage pursuant to G.L. § 45-23-42. Appeals shall be governed by the following procedure:

- a) The appeal must be taken within 20 days of the day the decision is recorded and posted in the office of city clerk.
- b) The appeal shall be in writing and shall state clearly and unambiguously the factual and legal issue(s) or decision that is being appealed, the reason for the appeal, and the relief sought.
- c) The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand delivered **to the clerk of the board of appeals.**
- d) Upon receipt of an appeal, the board of appeals shall require the Planning Board or ~~administrative officer~~administrative officers to transmit forthwith to the board of appeals all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.
- e) An appeal shall stay all proceedings in furtherance of the action being appealed.

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Sec. 12.2. - Public hearings on appeals to the board of appeals.

Appeals of the decision of the ~~administrative officer~~administrative officers and the Planning Board shall be given a public hearing set forth as follows:

- a) The board of appeals shall hold a public hearing on each appeal within 45 days of receipt of the appeal by the clerk of the board of appeals.
- b) The public hearing shall be conducted at a meeting called and advertised especially for that purpose, and shall be conducted separately from any zoning board of review meeting that may be advertised for that same date and place. The public hearing may be held on the same date and at the same place as a meeting of the zoning board of review.
- c) Notice of the public hearing shall be published in a newspaper of general circulation within the city at least 14 days prior to the date of the public hearing. Notice shall be sent by first class mail to the parties to the appeal and to those persons required to be notified by article 5.0 of these regulations. The cost of any notice required for the public hearing shall be borne by the appellant.
- d) At the public hearing, any party may appear in person, or may be represented by an agent or attorney.
- e) The board of appeals shall maintain a complete record of all its proceedings, including minutes of meetings and records of votes taken, which shall be separate from the minutes and records of the zoning board of review.
- f) The board of appeals shall render a decision within ten days of the close of the public hearing. The decision shall be in writing and shall include reasons for the decision.

Sec. 12.3. - Board of appeals standards of review.

The board of appeals shall render a decision on the appeal in the following manner:

- a) The board of appeals shall not substitute its own judgment for that of the Planning Board or the ~~administrative officer~~administrative officers, but shall consider the issue upon the findings and record of the Planning Board or ~~administrative officer~~administrative officers. The board of appeals shall not reverse a decision of the Planning Board or ~~administrative officer~~administrative officers except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
- b) The concurring vote of three of the five members of the board of appeals sitting at a hearing shall be necessary to reverse any decision of the Planning Board or ~~administrative officer~~administrative officers.
- c) In the instance where the board of appeals overturns a decision of the Planning Board or ~~administrative officer~~administrative officers, the proposed project application shall be remanded to the Planning Board or ~~administrative officer~~administrative officers, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Board or ~~administrative officer~~administrative officers and/or for the final disposition, which shall be consistent with the board of appeal's decision.

Sec. 12.4. - Appeals to the superior court.

12.4.1. Appeals of decisions of the board of appeals.

- a) An aggrieved party may appeal a decision of the board of appeals to the county superior court by filing a complaint setting forth the reasons of appeal within 20 days after the decision has been recorded and posted in the city clerk's office.
- b) When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the members of the Planning Board shall be made parties to the proceedings.
- c) The appeal to the superior court 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 appropriate orders as it deems necessary for an equitable disposition of the appeal.
- d) Within 30 days after being served with a copy of the complaint, the board of appeals 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.
- e) The court shall review the appeal pursuant to G.L. § 45-23-71.

12.4.2. Appeals of enactment or amendment of regulations.

- a) Any legal resident or landowner or any association of residents or landowners of the city may appeal an enactment or amendment of these regulations by the Planning Board.
- b) Said appeal shall be made by filing a complaint in the county superior court within 30 days after such enactment or amendment has become effective.
- c) The appeal shall not stay the enforcement of the local 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.
- d) The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the following:
 1. G.L. § 45-22.2-1 et seq., known as the Comprehensive Planning and Land Use Regulation Act;
 2. G.L. § 45-24-27 et seq., known as the Zoning Enabling Act of 1991;
 3. The city comprehensive plan; or
 4. The city zoning ordinance.
- e) The court shall review the complaint without a jury. The court shall consider whether the enactment or amendment of the local regulation is consistent with the referenced article or sections of 12.4.2.d.1 through 4 and if the court finds that the enactment or amendment is not consistent, 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.
- f) The court may in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth herein, including the municipality.

ARTICLE 13.0. - CONSERVATION DEVELOPMENT

Sec. 13.1. - Definition.

A conservation development is a type of land development project which utilizes prescribed site planning techniques to conserve open land, protect site features and provide flexibility in the siting of structures, services and infrastructure. In a conservation development, a percentage of the buildable land is set aside as open space in conformance with the comprehensive plan; buildings and developed areas are concentrated in specific areas on the site; and development plans are reviewed in accordance with procedures set forth within the subdivision and land development regulations. Under conservation development, there is no increase in the number of lots or dwelling units that would be permitted under conventional subdivision or development except where ordinance provisions include incentive bonuses for certain types or conditions of development.

Sec. 13.2. - Purpose.

Pursuant to and consistent with article IX of the zoning ordinance, the purposes of this article, conservation development, are:

- a) To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains, wetlands, aquifers and their recharge areas, and agricultural lands, by setting them aside from development
- b) To preserve historical and archaeological resources;
- c) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including sewage disposal systems and wells, and to reduce length of roads, utility runs, and the amount of paving required for residential development;
- d) To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the population diversity of the community may be maintained;
- e) To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally important resources as set forth in the comprehensive plan;
- f) To provide reasonable incentives for the creation of a greenway system within the city;
- g) To implement adopted land use, transportation and community service policies, as set forth in the comprehensive plan;
- h) To protect areas of the city with productive agricultural soils to encourage continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations;
- i) To create neighborhoods with direct visual and/or physical access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;
- j) To provide for the maintenance of open land set aside for active or passive recreational use, stormwater drainage or conservation lands;
- k) To conserve and create scenic views and preserve the historic character of the City;
- l) To provide a buffer between new development and existing streets, neighborhoods, active farmland and adjacent park or conservation land.

Sec. 13.3. - Applicability.

The Planning Board may allow conservation developments only in the zoning districts specified in article IX of the zoning ordinance, and in accordance with all requirements and standards specified in said article.

Sec. 13.5. - Procedures.

Applications for conservation development approval shall be made in accordance with the procedures for approval of a major or minor subdivision or land development project based on the number of lots or dwellings in the development as provided in article 5.0 of these regulations.

Sec. 13.5. - Design process.

The design of a conservation development shall follow the design process specified in the following steps. When the master plan is submitted for major land development projects or subdivisions, or preliminary plans for minor land development projects or subdivisions, applicants shall demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, building locations, and open space. Understanding the site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other and strategies for protection. This information shall be submitted in the form of an existing resources and site analysis map, as specified in section 13.17 of this article. Evaluating site context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., street and bicycle networks), and cultural (e.g., open spaces, recreational opportunities) connections to surrounding land uses and activities. This information shall be submitted in the form of a site context map, as specified in section 13.6 of this article. Designating the open space. The third step is to identify the open space to be preserved on the site. The open space shall include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks to/from surrounding property. The designation of open space shall reflect consistency with the comprehensive plan. Location of building sites. The fourth step is to locate building sites, using the proposed open space as a base map as well as other relevant data on the existing resources and site analysis map. The design shall take into account the potential negative impacts of residential development on nearby conservation areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences, with emphasis on consistency with the character of the neighborhood. Alignment of streets and trails. Upon designation of the building sites, a street plan shall be designed to provide vehicular access to each building, complying with the standards of article 14 herein and bearing a logical relationship to topographic conditions. Lot lines. Upon completion of the preceding 5 steps, the final step is simply to draw in the lot lines to delineate the boundaries of individual residential lots (if applicable).

Sec. 13.6. - Sketch plan overlay sheet.

The design process described above shall be documented by the applicant and presented to the Planning Board. To expedite this process, a conceptual sketch plan(s) for development shall be presented as overlay sheets to be superimposed on top of more detailed site surveys and environmental data (at the same scale). At the pre-application stage of review, the initial sketch plan may be presented as an overlay to survey plans, topographic maps or aerial photographs of the parcel(s) proposed for development. As an alternative, if detailed site information and surveys are not available, a separate

diagrammatic sketch plan may be presented. At the preliminary stage of review for minor land development projects and subdivisions, and at the master plan stage of review for major land development projects and subdivisions, the sketch plan of development shall be presented as an overlay to the existing resources and site analysis map.

Sec. 13.7. - Site context map.

A map showing the location of the proposed development within its neighborhood context shall be submitted. The site context map, which shall be superimposed on an aerial photograph, shall be drawn to a scale of one inch equals 400 feet or as necessary to show the area within one-half mile of the subdivision parcel. It shall show the locations of all streets, existing lot lines, and zoning district boundaries. Existing developed areas, open spaces, conservation areas, parks, wetlands, rivers and streams, agricultural areas, state natural heritage areas, flood plains or flood hazard areas, and significant public facilities shall be indicated on this map. If applicable, this map shall indicate coastal features and/or SAM plan guidelines as required by CRMC. Topography at 10-foot contour intervals (from USGS maps) shall be shown.

Sec. 13.8. - Lot dimensional requirements.

A conservation development may be developed with dwelling units on separate lots, a single lot, or a combination thereof. Where dwellings are proposed to be located on individual lots, the minimum dimensional regulations as provided in section 21-216 of the zoning ordinance shall be applicable to dwellings within a conservation development. Where dwellings are located on a single lot, the lot frontage and width, front yard depth, rear yard depth and side yard depth shall be as provided in section 21-216 of the zoning ordinance. The density and dimensional requirements for conservation developments in the planned village district shall be as provided in section 21-64 of the zoning ordinance.

Sec. 13.9. - Basic maximum number of dwelling units.

The basic maximum number of dwelling units allowed on a parcel of land proposed for development as a conservation development is defined as the maximum number of dwellings that could reasonably be expected to be developed as a conventional subdivision upon that parcel under a yield plan as defined herein. The applicant shall have the burden of proof with regard to the reasonableness and feasibility of the design and of the engineering specifications for such yield plan; provided, however, that the Planning Board's determination of the basic maximum number shall be conclusive. Yield plans shall be prepared by the applicant as conceptual layout plans in accordance with the pre-application checklist (checklist B). Yield plans shall show proposed streets, lots, rights-of-way, land unsuitable for development and other pertinent features. Although the yield plan must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of constraints to development as defined in article 2, existing easements or encumbrances and the suitability of soils for subsurface sewage disposal. The yield plan shall also reflect the dimensional standards for uses being proposed, as contained in article IV, dimensional regulations, and table 2A—2C, or other applicable dimensional requirement of the zoning ordinance. The yield plan must identify how conventional lots or uses could be developed having the required area, frontage and other dimensional requirements of the zoning ordinance. On sites served by onsite wastewater treatment systems (OWTS), density shall be further determined by evaluating the number of dwellings or other uses that could be supported by

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OWTS on lots in a conventional subdivision. Lots or dwelling units shown on a yield plan shall not include dwellings proposed to be serviced by an OWTS that requires the granting of a variance by the state Department of Environmental Management. The Planning Board shall determine the suitability of the parcel to be developed as a conventional subdivision, based on the soils information provided by the applicant, upon observations made during the site visit to the property, and/or upon other evidence available to the Board at any time during the development review process. At the pre-application stage of review, the Planning Board shall discuss the basic maximum number of lots/dwelling units permitted in a development. This initial determination shall not be binding upon the Board or applicant, but shall provide guidance and direction to the applicant regarding the maximum number of lots or dwelling units that appear to be feasible, taking into account the physical constraints to development present on the site. The applicant shall use this initial determination as the basis for submission of more detailed information during subsequent stages of review. Upon further investigation and upon receipt of more detailed soils and environmental information as may be provided in subsequent stages of review, the Planning Board may increase or reduce the number of lots/dwelling units contained in the initial basic maximum number. For all developments, the final basic maximum number shall be made at the final stage of review. In developments that require alterations to be made to freshwater wetlands, the Board may establish an initial basic maximum number contingent upon confirmation by the state Department of Environmental Management that such alterations are permitted under the provisions of the Freshwater Wetlands Act.

Sec. 13.10. - Types and location of buildings.

A conservation development may consist of any combination of uses as permitted in section 21-213 of the zoning ordinance. The Planning Board may require the development plan to show the location of building footprints, and their relation to driveways and streets, and may approve, approve with modification, or deny such locations. For all two-, three- and four-unit dwellings, the applicant shall be required by the Planning Board to submit exterior building elevations and schematic architectural plans for its review and approval. The Board shall review these drawings for conformity with the design guidelines set forth herein and in the comprehensive plan. The Board may permit specific written or graphic architectural standards or codes for building appearance to be submitted by the applicant for review and approval. For the purposes of determining the basic maximum number, a single-family dwelling shall be counted as one dwelling, a twofamily dwelling shall be counted as two dwellings, a three-family dwelling shall be counted as three dwellings and a four-family dwelling shall be counted as four dwellings. Accessory family dwelling units shall not be permitted within a conservation development. Lots having reduced area or frontage shall not have frontage on a street other than on a street created by the conservation development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

Sec. 13.11. - Stormwater management.

The stormwater management system for a conservation development shall conform to the city's subdivision and land development regulations, with particular regard for the need to encourage infiltration and groundwater recharge as opposed to detention or retention basins. See article 14, section 14.1.2.3.

Sec. 13.12. - Parking.

Each dwelling unit shall be served by off-street parking as provided in section 21-272 of the zoning ordinance.

Sec. 13.13. - Open space.

Every conservation development shall provide protected open space in accordance with the standards set forth below, and in section 21-218 of the zoning ordinance. The Planning Board shall specifically authorize plans for the use, management and maintenance of all open space areas within any conservation development. Areas proposed to fulfill the minimum open space requirement within a conservation development shall not be excavated or regraded, except as permitted by the Planning Board. Disturbance to the natural contours of the land shall be minimized to the greatest extent possible. Existing natural vegetation and any significant natural or man-made features shall be preserved except as permitted by the Planning Board to create or enhance areas of landscaping, parks, recreation, conservation, forestry or wildlife habitat. These disturbances shall be specifically shown on the open space use plan. At the time of master plan review by the Planning Board for major subdivisions or land development projects, or preliminary review for minor subdivisions or land development projects, the applicant shall submit a separate open space use plan containing: The general location and area of all proposed open space; The general proposed use(s) of the open space; Existing topography and existing ground cover of open space areas; The location and nature of any existing buildings, structures, stone walls or other unique natural and/or historic features; Areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be otherwise graded, excavated or altered from their existing natural state; Generalized proposals for the regrading, revegetating and/or landscaping of proposed disturbed areas; The location and nature of any proposed buildings, structures, parking areas or roadways, impervious areas, recreation areas; and Areas proposed to be left in their existing natural states without any disturbance. At the time of preliminary review by the Planning Board, a more detailed management plan that specifies the use and management of the open space shall be submitted for review and approval, which may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans required for preliminary approval. The Planning Board shall require final construction plans to show proposed open space use(s) and alterations required as a condition of final approval. Clearing and excavation of open space areas may be permitted only for the installation of stormwater retention or detention facilities, other drainage facilities, water supply wells, or for permitted park, open space, recreational or agricultural uses in accordance with a plan approved by the Planning Board. In addition, no commercial earth removal, even if permitted by the zoning ordinance in the zoning district in which the development is proposed, shall be permitted within any open space areas. In approving an open space use plan, the Board may permit grading that includes removal of earth materials. The Board shall, however, clearly indicate, as a condition of preliminary approval, the approximate quantities of material and the general areas from which earth removal is authorized, and shall only authorize the minimal amount of earth removal required to grade the land for the intended purpose. Where OWTS and/or wells are proposed to be located within the open space area of a conservation development, the Planning Board may, as a condition of approval, require that a capital fund to be established to cover future maintenance of these utilities. The Board shall set the requirements for this capital fund to be administered by a home owners' association, by individual lot or dwelling unit owners, or other organization approved by the Board.

Sec. 13.14. - Open space design review standards.

List of resources to be conserved. The design of open space lands in any conservation development shall reflect the standards set forth in this section and, to the fullest extent possible, incorporate any of the following resources if they occur on the parcel (not listed in order of significance): Stream channels, floodplains, wet soils, swales, springs, and other freshwater wetland areas, including adjacent buffer areas that may be required to ensure their protection; Special aquatic sites, vernal pools and significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the statewide natural heritage inventory; Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality; Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats; Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation; Hedgerows, groups of trees, location and species of large individual trees of botanic significance, and other vegetation features representing the site's rural past; Active agricultural uses, pastures, croplands; Prime farmland soils and farmland soils of statewide importance; Historic structures and sites; Visually prominent topographic features such as knolls, hilltops and ridges; Geologic features such as eskers or kettle holes; Scenic viewsheds as seen from public roads (particularly those with historic features); Existing trails connecting the parcel to other locations in the city; Other design considerations. The configuration of proposed open space lands set aside for common use in a conservation development shall comply with the following standards: They shall be free of all structures except historic buildings or structures, stone walls, and structures related to open space uses. The Planning Board may grant approval of structures and improvements required for storm drainage and privately owned and maintained water supply within the open space provided that such facilities would not be detrimental to the purpose for which the open space is proposed. Placement of onsite wastewater treatment systems (OWTS) within the open space shall be permitted only by the granting of a waiver by the Board, as provided in section 21-217 of the zoning ordinance. They shall be directly accessible to the largest practicable number of lots or dwellings within the development. Nonadjoining lots shall be provided with safe and convenient pedestrian access to open space land; They shall be suitable for active or passive recreational uses to the extent deemed necessary by the Planning Board, without interfering with adjacent dwelling units, parking, driveways, and roads; They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision; They shall provide buffers to adjoining parks, preserves or other protected lands; They shall provide for pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the city or region. Provisions should be made for access to the open space lands, as required for land management and emergency purposes; Whenever possible, they shall be undivided by public or private streets, except where necessary for proper traffic circulation; They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources; They shall be consistent with the comprehensive community plan. Uses permitted within open space areas. The open space in a conservation development shall be devoted only to conservation purposes or for park, recreation and agricultural purposes. Stormwater drainage areas and well placement may also be allowed if permitted by the Planning Board in accordance with sections 13.12—13.13. Placement of onsite wastewater treatment systems (OWTS) within the open space shall be permitted only by the granting of a waiver by

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the Board, in accordance with the provisions of article 8.0. Specific uses permitted within open space areas shall be as provided in section 21-217 of the zoning ordinance.

Sec. 13.15. - Buffer areas.

The Planning Board may require a vegetated buffer between new development and existing streets, neighborhoods, active farmland, adjacent park or conservation land, or other surrounding uses or areas as provided in section 21-219 of the zoning ordinance.

Sec. 13.16. - Streets.

Streets within a conservation development may be publicly or privately owned and maintained and shall conform to the standards of section 14.1.2, required improvements of these regulations. Streets shall be designed to conform to the standards of the city where the street is or may be ultimately intended for dedication and acceptance by the city. Private streets shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means or entity as may be approved by the Planning Board.

Sec. 13.17. - Decision.

The Planning Board may approve, approve with conditions, or deny an application for a subdivision. .

Sec. 13.18. - Existing resources and site analysis map.

All subdivisions and land development projects, whether or not proposed to be developed as a conservation development, shall be required to prepare an existing resources and site analysis map. Provided, however that administrative subdivisions and subdivisions that create lots which are not for the purpose of present or future development shall not be required to provide such map. The purpose of this map is to provide the Planning Board with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs. The Planning Board shall review the map to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Board, such plans shall generally be prepared at the scale of one inch equals 100 feet or one inch equals 200 feet, whichever would fit best on a single standard size sheet (24 inches by 36 inches). Where necessary for clarity, and subject to the approval of the ~~administrative officer~~administrative officers, the map may be submitted as a series of more than one map. The following information shall be included in this map: Topography, the contour lines of which shall be at two-foot intervals, determined by photogrammetry (although tenfoot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the ~~administrative officer~~administrative officers, who may require greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated.

Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks. The location and delineation of ponds, streams, ditches, drains, special aquatic sites, vernal pools, natural drainage swales, 100-year floodplains and freshwater wetlands, as defined in the zoning ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the

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presence of wetland vegetation. All wetland locations shall be verified by RIDEM. Vegetative cover conditions on the property according to general cover type including cultivated land, agricultural land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland. Trees with a caliper in excess of 18 inches DBH, if located within an area proposed for disturbance or alteration shall also be indicated. Vegetative types shall be described by plant community, relative age and condition. Specimen vegetation as defined in article 2 shall be identified. Soil series, types and map units, as mapped by the U.S. Department of Agriculture, Soil Conservation Service in the latest published soil survey for the state, and accompanying data published for each soil relating to its suitability for construct septic suitability. Soils shall be mapped so as to highlight soils having development limitations as described in article 14 14.1.1. The area of each soil series, in acres or square feet, shall also be provided. Ridge lines of existing hills and watershed boundaries shall be identified. A watershed analysis showing the location and extent of views both from and within the proposed development parcel as well as views into the property from adjacent public or private streets and properties. See definition, article 2.0. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, kettle holes, eskers, etc. based on available published information or more detailed data obtained by the applicant. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, excavated areas, utilities, and storm and sanitary sewers. Location of all historically significant sites or structures on the tract, including but not limited to cemeteries, stone walls, cellar holes and foundations, and known archaeological resources. Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.). Location of all easements and other encumbrances of property which are or have been filed of record with the land evidence records of the city.

Sec. 13.19. - Incentives.

The Planning Board may award a zoning incentive so as to increase the number of dwelling units beyond the basic maximum number; as provided, in section 21-215 of the zoning ordinance.

ARTICLE 14.0. - DESIGN AND IMPROVEMENT STANDARDS

Sec. 14.1. - Required improvements and design standards.

All developments approved by the Board must meet the required minimum standards for design, improvements, and construction as specified in these regulations.

14.1.1. General requirements. All developments shall be designed and constructed with consideration given to the topography of the land and other natural characteristics of the site. All developments shall be designed to promote harmonious relationships with surrounding land uses. In all developments, the effects of prevailing winds, seasonal temperatures, and hours of sunlight on the physical layout, proposed land use, and proposed building sites shall be taken into account. Land to be subdivided must be suitable for such purposes. The Board will not approve the subdivisions on unsuitable land. Suitability of land will be dependent on the following: Water supply (public or private) must be adequate to service the proposed subdivision. Topography of the site and its natural and manmade drainage must be suitable for the proposed subdivision. Development limitations districts, (DLD), as described below shall contain lots of no less than 80,000 square feet of land, or in the case of a conservation development or residential compound, the overall density shall not exceed one dwelling unit for every two acres of land. Land with development limitations is subject to the following requirements: High water table limitations

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districts. Designations: These apply to all lands designated with the following symbols on the maps in the soil survey of R.I.: Aa, Co, Sb, Ma, Mc (9, 19, 31, 34X, 34). Characteristics: Soils designated by these symbols have a high water table within one foot of the surface during most of the year. Permitted uses: Any use permitted in the zoning district which does not require a basement or a subsurface sewage disposal system. Flood hazard limitations districts. Designation: These apply to all lands designated with the following symbols on the maps in the soil survey of R.I.: Pp, Ru (23, 39). Characteristics: Soils designated by these symbols are subject to periodic flooding due to streams overtopping their banks. Permitted uses: Any use permitted in the zoning district which does not require a basement or a subsurface sewage disposal system. Minimum restrictions: Streets shall be located, elevated and constructed in such a manner as to minimize or eliminate damage by flooding. Proposed lots shall not be approved without a suitable building site of sufficient elevation to permit construction having a first floor elevation above the level of the 100-year flood. All house lots shall have continuous access to roads above the level of the 100-year flood. Coastal flood hazard limitations districts. Designation: These apply to all lands designated with the following symbols on the maps in the soil survey of R.I.: Ba, Mk (21, 20). Characteristics: Soils designated by these symbols consist of tidal marsh or coastal beaches. They are subject to tidal flooding during severe storms. Permitted uses: Any use permitted in the zoning district which does not require a basement or a subsurface sewage disposal system. Minimum restrictions: Streets shall be located, elevated and constructed in such a manner as to minimize or eliminate damage by flooding. Proposed lots shall not be approved without a suitable building site of sufficient elevation to permit construction having a first floor elevation above the level of the 100-year flood. All house lots shall have continuous access to roads above the level of the 100-year flood. Seasonal water table limitations districts. Designation: These apply to all lands designated with the following symbols on the maps in the soil survey of R.I.: PmA, PmB, PnB, Rf, Bc, Wa, SdB, Ss, StA, StB, SuB, SvB, Dc, WbA, WbB, WcB, WdB, Se, Sf, Rc, ScA, Tb, WhA, WhB, WrB, RaA, RaB (5A, 5B, 5XB, 7M, 12, 30, 32, 42A, 42B, 42XB, 42MB, 45, 47A, 47B, 47XB, 47MB, 48, 48X, 53, 54, 61, 64A, 64B, 64MB, 69A, 69B). Characteristics: Soils designated by these symbols have a seasonal water table within 3.5 feet of the ground surface for significant periods of time. Permitted uses: Any use permitted by the zoning district. Minimum restrictions: No lot shall be recorded as a building lot in the land evidence records with [within] any portion in the seasonal water table district unless: 1) public sewers are available or 2) approval for an on-site sewage disposal system has been granted by the R.I. Department of Environmental Management. In addition, the applicant must present a satisfactory plan showing how the effects of the seasonal water table are to be mitigated for construction of structures with basements, driveways [and] parking lots. Slowly permeable soils limitations districts. Designation: These apply to all lands designated with the following symbols on the maps in the soil survey of R.I.: PmA, PmB, PnB, NeA, NeB, NeC, NfB, NoC, PbB, PsA, PsB, Se, Sf, WhA, WrB, BrA, BrB, RaA, RaB (5A, 5B, 5XB, 10A, 10B, 10C, 10XB, 10MC, 67XB, 29A, 29B, 48, 48X, 64A, 64MB, 68A, 68B, 69A, 69B). Characteristics: Soils designated by these symbols have firmly compacted substrata, with resulting slow permeability. Permitted uses: Any use which is permitted by the zoning district. Minimum restrictions: No lot in this district shall be recorded as a building lot in the land evidence records unless: 1) public sewers are available, or 2) approval for an on-site sewage disposal system has been received from the R.I. Department of Environmental Management. Extremely stony soils limitations districts. Designation: These apply to all lands designated with the following symbols on the maps in the soil survey of R.I.: BoC, CkC, NcC, Rf, SvB, WrB (49MC, 40MC, 24MC, 7M, 42MB, 64MB). Characteristics: These soils have numerous stones and boulders exposed at the ground's surface. These stones pose problems in construction and site preparation.

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These soils have little natural topsoil due to the high volume of stones. Permitted uses: Any use permitted by the primary district provided: Areas to be eventually landscaped have a minimum of three inches of topsoil before planting, and On-site sewage disposal systems are to be carefully designed and installed where stones and boulders hinder the installation and operation of such systems. Frost heave limitations districts. Designation: These apply to all lands designated by the following symbols in the soil survey of R.I.: BhA, BhB, BmA, BmB, BnB, BnC, BoC, Ma, Mc, RaA, RaB, Rc, PmA, PmB, PnB, Rf, Ru, ScA, SdB, Se, Sf, Tb, Wa, WbA, WbB (16A, 16B, 49A, 49B, 49XB, 49XC, 49MC, 34, 34X, 69A, 53, 5A, 5B, 5XB, 7M, 39, 54, 54XB, 48, 48X, 61, 30, 47A, 47B, 69B). Characteristics: The soils designated by these symbols have a high frost heave potential in the soil survey of R.I. These soils contain sufficient moisture during the winter months to promote the formation of ice lenses. Permitted uses: Any use which is permitted by the zoning district. Unless included in other development limitation districts (DLD's) of the subdivision and development regulations, soils designated as being within a frost heave limitation district are not subject to the minimum lot size requirement of the DLD provision. (Note: the following soils: BhA, BhB, BmA, BmB, BnB, and BnC, are not included in any other DLD). Minimum restrictions: Proposed roads, streets, sidewalks, paved driveways, patios and similar structures susceptible to frost heave damage must have footings or subgrade materials installed in such a manner as will significantly minimize the potential for frost damage. Subgrade materials for roads and streets must meet, or exceed, the standards in section VI(A) of "State of Rhode Island-Standard Specifications for Road and Bridge Construction." Test borings at 50-foot intervals shall be taken along the approximate centerline of all roads in this district to determine whether additional roadway design requirements are necessary. Steep slope limitations districts. Designation: These apply to all lands designated by the following symbols on the soil survey of R.I.: CaD, ChD, HkD (37MD, 40MD, 27D). Characteristics: These soils have slopes in excess of 15 percent and pose building construction and soil erosion problems. On-site sewage disposal systems must be carefully designed and installed if located on such steep slopes. Permitted uses: Any use permitted by the zoning district. Minimum restrictions: Proposed structures shall be of sound engineering design with such footings, retaining walls, benches, etc., as needed to stabilize the soil. On-site septic filter beds or trenches must be laid with careful consideration of the slope and contours. Site plan: All applications must include a site plan which shows in detail how the applicant intends to minimize soil erosion on these soils. Utilities limitations districts. Areas served by neither public water nor public sewers shall have a minimum lot size of 80,000 square feet, or in the case of conservation developments or residential compounds, the average density shall not exceed one dwelling unit for every two acres of land. Areas served by public water but which do not have public sewers shall have a minimum lot size of 20,000 square feet, or in the case of conservation developments or residential compounds, the average density shall not exceed one dwelling unit for every 20,000 square feet. No land shall be developed without certification from the Department of Public Works that there is an adequate supply of public water or adequate groundwater to serve the proposed development. Exceptions: Recognizing that the standards employed in making the soil survey of R.I. allow for inclusion of small areas of contrasting soils, the soil survey map may be superseded provided the applicant supplies adequate soil descriptive information to the Board. Such detailed soils information should be prepared by a qualified soil scientist and be presented using the descriptive terminology defined in the National Cooperative Soil Survey. Under a memorandum of understanding, the Board may ask the Southern R.I. Conservation District to review and comment on the supplemental soils data provided by the applicant. To obtain exceptions to the permitted uses and minimum restrictions, the applicant must show to the satisfaction of the Board that the soil in the subject area has characteristics warranting the

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requested change. Other conditions which the Planning Board determines affect health and/or safety may be considered limitations under this section. In the event that the percolation rate for any proposed building lot is slower than 20 minutes per inch and/or the water table level is four feet or less, the Board may require verification of said perc and/or water table tests by the city in addition to any state approvals, prior to the granting of final subdivision approval. Lots. Lot fragments are not permitted. No lot, regardless of size, which is rendered useless for building due to utility easements, rights-of-way, watercourses or topography shall be shown as a building lot on any subdivision. Such property shall be included in adjoining lots. Side lines of lots shall, insofar as practicable, be either at right angles or radial to street lines. Departures from this rule will be allowed only where it is impractical to do otherwise. The Board shall require a larger lot size where soil conditions warrant such an increase in the lot size and if percolation tests indicate the need for additional area for the safe and efficient installation of individual sewage disposal systems.

14.1.2. Required improvements. The following minimum required improvements shall be constructed or provided in all subdivisions: Streets; Pedestrian and bicycle ways and access; Stormwater drainage systems; Water supply; Sewage disposal; Street lights; Street signs; Boundary markers; Street trees, plantings and screenings; Erosion and sediment controls; Regrading; Reserved; Communication lines; Repair of damages; Rate of development; Off-street parking; Open space (if applicable); Stump dumps; Stone walls; Off-site improvements. These improvements shall be constructed or provided in accordance with the following requirements: Streets. Streets must be designed with regard to topography, natural features, function, clarity of movement and economy of street length. The arrangement of streets shall be considered in relation to the existing street system, and to conform to existing topographic and natural terrain as much as possible. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical circulation pattern; to respect natural features and topography by minimizing cuts and fills; and to create an attractive streetscape. In the design of any street system, the following criteria must be taken into consideration: The street system must be integrated with the existing network of streets so that there are at least two points of access, whenever possible. Lots fronting on more than one street must be avoided except at street intersections or in cases where proximity to expressways or major highways warrant it. Where necessary, the lot should front on the minor road and be screened from the major road by suitable planting. In designing street layout, consideration shall be given to creation of a new parallel street separated from the existing public street by a foreground meadow (see figure 11 at the end of this appendix). The pattern of circulation must be obvious to the motorist, with local streets clearly subordinate to collector 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 local and collector roads. Streets shall be interconnected as far as practicable, employing cul-de-sacs only where essential. An interconnected system of through streets is encouraged, both within the parcel being developed as well as to surrounding streets or adjacent property which may be developed in the future. Where cul-de-sacs are deemed by the Planning Board to be desirable, continuous pedestrian circulation shall be provided for by connecting footpaths, sidewalks and/or bicycle paths that link the end of the cul-de-sac with the next street or adjoining open space. Street design shall consider opportunities to achieve design objectives, such as creating or preserving vistas, parks or village greens. The design and layout of streets shall encourage reduced traffic speed, traffic calming and pedestrian-friendly residential neighborhoods. As part of the design

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process provided in article 13, section 13.4, street layout shall be considered in relation to the location of open space, building sites and pedestrian circulation. Cut and fill operations shall be minimized. Steep slopes, sheer drops or other conditions which cause erosion shall be avoided. Roads shall be designed and located to fit the natural topography. Collector and local streets shall be designed in a manner to reflect the topography, to slow traffic speeds, and provide good sites for development. Street layout in long straight segments shall be avoided. Where large trees or interesting natural features are found to be in a proposed right-of-way, the right-of-way and the street pavement shall be designed to avoid said feature wherever possible and practical. Rights-of-way shall not be stripped of trees or vegetation except where grading is necessary or safety requirements dictate. All slopes shall be adequately stabilized. Street systems and parking areas shall be designed and located to avoid channeling excessive runoff water onto lower streets, lots, or directly into bodies of water. Cul-de-sacs, P-loops and other forms of street layout may be utilized, where suitable, in accordance with the following standards: All dead end streets shall be provided with a cul-de-sac or turnaround of an acceptable design sufficient to provide for safe movement and turning of vehicles. Acceptable designs are illustrated in Figures 7-8. The use of central planted islands which collect stormwater and provide for groundwater infiltration is encouraged. Center islands shall have at least 25-foot radius unless waived by the Planning Board for topographic reasons, steep slopes, or environmental constraints. Larger center islands are encouraged where necessary to create additional open space, landscaped drainage areas or part of a design feature developed as required in article 13, section 13.4. Figures 11A & 11B also show alternative designs for cul-desacs, including the "loop lane." Dead end streets shall serve no more than 25 lots or dwelling units. Streets serving more than 25 lots or dwelling units shall be provided with a secondary access, which may be an "emergency" access of a design and location approved by the Planning Board. The Board may also permit more than 25 lots or dwelling units to be located on a dead end street if, in the opinion of the Board, there is a likelihood of a future street connection to adjoining streets or properties that would provide secondary access. Dead end streets less than 800 feet in length shall be encouraged to be designed similar to boulevards, as one-way loop roads separated by a landscaped area at least 50 feet in width (see figure 11A). The use of "hammerhead turnarounds" as illustrated in figure 9 shall be limited to short dead end streets serving no more than three dwelling units. Streets having this type of turnaround shall be privately owned and maintained. P-loops are here defined as loop streets from a single access point. The entrance leg may not exceed 600 feet and the loop of a P-loop may not exceed 2,200 feet. The Board may require that utility easements essential to the city be provided by the developer. Dedication of reserved strips for future street connections to adjoining undeveloped property may be required by the Board. These strips shall have the necessary radial intersections. The developer of the adjoining property will be required by the Board to connect to and build the street over the reserved strip, if the reserved strip is selected as a future access. Reserved strips that are not to be used shall be deeded to abutting landowners in a predetermined manner at such time as the adjoining property is developed. The following major categories of street classification are established: Arterial. A major public street that serves as an avenue for the circulation of traffic into, out of, or around the city and carries high volumes of traffic and provides for high levels of mobility. Parking is not allowed on arterial streets. Access should be strictly limited to intersecting streets or major driveways. Access should not be provided to residential lots. Collector. A public street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. These streets provide a balance between land access and mobility, and may provide frontage to residential lots. Parking may be allowed on collector streets. Local. Streets whose primary function is

to provide access to abutting properties. There are three types of local streets: Local access (Double-Loaded). Public streets whose primary function is to provide access to abutting properties on both sides of the street. Parking may be allowed on these streets. Local access (single-loaded). Public streets whose primary function is to provide access to abutting properties on one side of the street only. Parking should be discouraged on these streets. Local private. Private streets whose primary function is to provide access to abutting properties. Streets within residential compounds serving up to seven residential dwellings on a private street fall within this classification. Street dimensions shall conform to table 1 below and as illustrated in figures 1—8, which can be found in exhibit B. Figure 1 illustrates the cross-section for an arterial street, designed as a boulevard with a planted center median. Figures 2 and 3 illustrate collector streets, which may provide access to residential lots, and will vary in pavement width depending if parking is permitted or not. Parking may be permitted on one side of the street as shown in Figure 2. Figure 3 illustrates a collector street on which parking is not allowed. Figure 4 illustrates a local access street where lot frontage is permitted on both sides of the street (double loaded). Parking may be allowed on one or both sides of the street. Figure 5 illustrates a local access street where lot frontage is permitted on only one side of the street (single loaded). Two optional cross-sections are shown for configurations with a sidewalk and without a sidewalk. Figure 6 illustrates a local private street used in a residential compound and a private common driveway. A gravel roadway surface is allowed except on steep slopes. Figure 7 illustrates typical turnaround details for a teardrop-shaped cul-de-sac. This configuration should be use streets (single loaded and double loaded), and where required on collector streets. Figure 8 illustrates hammerhead turnaround details. Figure 9 illustrates various configurations for private common driveways. Figure 10 illustrates methods of buffering new dwellings in a subdivision or land development project from existing public streets. Figures 11A and 11B provide alternative designs for cul-de-sacs, including the "loop lane." Figure 12 typical roadway section. Figures 13A and 13B provide typical street light details.

TABLE 1 MINIMUM STREET DIMENSIONAL REGULATIONS

Type of Road	R.O.W.	Width	Pavement	Width	Cul-de-Sac	Dimensions	Hammerhead	R.O.W.	Radius
Arterial	70	2—20 lanes	N/A	N/A	N/A	25 35	Collector	50 22	No parking
Collector	50	22	No parking	26	Parking	See figures 7 and 8	N/A	N/A	25 35
Local access (double loaded)	50	22	See figures 7 and 8	35	49	25 35	Local access (single loaded)	45—50	20
Local access (single loaded)	45—50	20	See figures 7 and 8	30	34—36	15 25	Local private (residential compound)	30	18—22
Local private (residential compound)	30	18—22	See figures 7 and 8	30	34—36	15 25	Notes: All dimensions in feet. Center islands in culs-de-sac are encouraged. See article 14, section 14.1.2.1.i(1) Curves and sight distance. Horizontal curve: Where there is a change in the alignment of a street along the centerline, a curve with a radius to ensure safe sight distance shall be made. The minimum centerline radii of curves shall be as follows: Arterial and collector street - 250 feet; local street - 150 feet. Sight distance: A minimum sight distance of 200 feet shall be provided between reverse curves for local streets, and 275 feet for collector streets. Reverse curves: Normally a tangent of at least 100 feet shall be provided between reverse curves for local streets and 200 feet for collector streets. Street intersections. Intersections of more than two streets shall be avoided where possible. Streets forming an intersection shall meet one another at an angle of 90 degrees plus or minus a tolerance of 10 degrees. Within 100 feet of an intersection, horizontal and vertical street alignment shall be maintained. Intersections where a driver's vision is likely to be obstructed shall be avoided. Steep gradients must be reduced to a minimum and avoided at road intersections. The grade within 100 feet of an intersection shall not exceed three percent. Intersections		

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of local and collector streets shall be spaced a minimum of 250 feet apart (centerline to centerline). Where two streets intersect a third, their intersections shall coincide precisely or their centerlines shall be separated by a minimum of 250 feet. Where a proposed street in the proposed subdivision intersects a state highway, the subdivision plan shall be submitted to the R.I. Department of Transportation by the subdivider. A physical alteration permit issued by the Department of Transportation shall be given in writing to the Board before preliminary subdivision approval will be granted for major subdivisions and land development projects, and before final approval will be granted for minor subdivisions and land development projects. Street grades shall be no less than one percent and no greater than eight percent.

Street names. The name of a new street shall not duplicate existing or platted street names in the city or approximate such names in spelling, sound, pronunciation, or by the use of alternate suffixes such as "lane," "way," "drive," "court," "avenue," or "street." New streets shall bear the same name of any continuance of, or when in alignment with, an existing or platted street. All street names shall be approved by the **Fire Department** before approval of the final plat.

Frontage. The area to be subdivided shall have frontage on or access to an existing improved public street. If such an existing street has not been improved to the standards and specifications as required in these regulations, the Board may require the subdivider to make certain improvements on his [or her] frontage where necessary for drainage, safety, traffic, or other reasons as deemed proper by the Board. See article 14, section 14.1.2.20. entitled "Off-site improvements." Frontage on a state or federal highway. When a tract fronting on a state or federal highway for a distance of 500 feet or more with an average depth of more than 350 feet is to be subdivided into more than five residential lots, the Board will require that residential lots adjoining the highway be provided with frontage on a secondary or interior street, and that access to the highway be restricted to a single access road or driveway. See figure 9, private common driveway.

Alleyways. Alleyways shall be provided in commercial or residential developments where required by the Planning Board or Planning Department. Alleys shall be used to provide service access and they shall be treated as private streets. Where alleyways are permitted by the Planning Board to provide rear access to lots or dwellings that have frontage on an improved street, but physical access is not provided to the street, the Planning Board shall make the required finding provided in article 3, section 3.1(a)(5). If an existing public or private street(s) which is proposed to be incorporated into a new subdivision or land development project has not been improved to the standards and specifications as required by these regulations, the Board shall require the subdivider to make those improvements as a condition of approval. Pedestrian and bicycle ways and access. Provision for pedestrian and bicycle ways and access (sidewalks, pathways, bikepaths, etc.) shall be made in all subdivisions to public areas and neighboring commercial facilities. Pedestrian and bicycle ways and access must meet city specifications. Unless expressly relieved from this requirement by a resolution of the Planning Board, the rights-of-way shall be deeded to the city. The Board may require a public crosswalk in blocks longer than 600 feet. All rights-of-way or easements shall be 15 feet wide, and shall be clearly marked and landscaped to protect abutting landowners. On any road which the Board deems necessary for the safety of future inhabitants of the subdivision or abutting lands, the Board may require a paved sidewalk designed to the standards of the city engineer. Curbs, berms, sidewalks and curb ramps for the handicapped may also be required.

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Sidewalk requirements. All subdivisions and land development projects shall be required to provide sidewalks, in addition to trails or footpaths to provide pedestrian access within the proposed development as well as to adjoining or nearby neighborhoods, open spaces or major public or private facilities. At the time of submission of the sketch plan overlay sheet and site context map, the applicant shall provide an analysis of the pedestrian circulation anticipated within and adjacent to the proposed development. The Planning Board shall determine the location and type of pedestrian facilities to be incorporated into the proposed development as early as possible in the review process, but no later than at master plan review for major subdivisions or land development projects and at preliminary review for minor subdivisions or land development projects. Trails and walking paths will not be required if an active farm. Sidewalks shall be required to be installed on one side of all proposed new public streets in all subdivisions and land development projects where dwellings are proposed to be located, except for short cul-de-sac streets serving five or fewer lots or dwellings or less than 400 feet in length. Sidewalks may be required to be installed in other areas if the Planning Board finds any of the following: The subdivision is located within an area one mile from a public or private school; The subdivision is located in reasonable proximity to major public or private facilities such as churches, playgrounds or shopping areas or where there is a reasonable likelihood that pedestrian traffic to/from/within the proposed subdivision would result; or The subdivision is located within an area with high vehicular traffic volumes and where there would be a likelihood of danger to pedestrians.

Commercial development. In all commercial developments, there must be at least one clearly designated route for pedestrians between the street, the parking area and the main entrance of each building. A raised sidewalk is preferred with crosswalks designated by pavers or scored concrete across vehicular lanes. Trees and other plantings shall be provided along the walkway in accordance with landscaping requirements of these regulations.

Construction requirements. The type of sidewalk construction shall be "Portland cement" concrete and designed and installed in accordance with RIDOT standards. Curb ramps in compliance with the standards of the Americans with Disabilities Act (ADA) may also be required. The Planning Board shall have the option of establishing responsibility for care, maintenance and repair of sidewalks to the homeowners' association in conservation developments.

Bicycle access. Bicycle paths, lanes or routes shall be incorporated in a subdivision or development plan as appropriate to extend an existing bicycle facility; to intersect with proposed state or city bicycle facilities; to connect adjacent subdivisions where vehicular connections would be impractical; or where adjacent to a nearby public or private school, recreation areas or other similar facilities which would be likely to generate significant bicycle traffic.

Reservations of land. Dedication of reserved strips for future bicycle path and sidewalk connections to adjoining undeveloped property may be required by the Planning Board. Where required, land reservations for bicycle and pedestrian access shall be provided on a separate strip of land dedicated to the city or on an easement having a minimum width of 15 feet.

Stormwater drainage systems. Stormwater management within a proposed development shall be designed to minimize the volume and rate of runoff and to encourage infiltration into the ground. Wherever possible, grass swales and sheet flow of stormwater over unpaved areas shall be employed instead of curbs and gutters and closed or piped drainage systems. Where practical, in lieu of a single large detention or retention area, a series of smaller basins shall be employed. Drainage systems may be

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located within designated open space areas with the permission of the Planning Board. Drainage detention or retention basins shall be suitably landscaped and integrated into the overall site design as provided in article 13, section 13.4.

Site preparation: Natural drainage patterns shall be maintained wherever possible. New grades shall be established in proper relation to the need to fulfill drainage requirements. Adequate provision shall be made for the disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed development.

Street grading: The grading of the roadway where required or necessary shall extend the full width of the right-of-way only as necessary to achieve proper drainage, utilities and sidewalks. Wherever possible, grading within the right of way shall preserve significant trees, stone walls or other natural features. Where drainage swales directed away from the roadway pavement are impractical, planting strips shall be graded at a gradient of not less than two percent upward from the curb or edge of pavement to the property line.

Blocks: Each block shall be adequately drained, either through the streets or by the use of a ditch or other approved methods within the block.

Lots: Lots shall be graded so that water drains away from each building at a minimum grade of three (3) percent.

Drainage systems: Drainage systems shall be designed in accordance with all city ordinances and with the following manuals and/or methods where applicable: Urban Hydrology for Small Watersheds, U.S. Dept. of Agriculture, Soil Conservation Service, Technical Releases 55 (TR-55) and/or Technical Release 20 (TR-20), latest revisions. These manuals shall generally be used for comparing pre- and post-development peak flows, holding basin design and flow routing. Rational Method ($Q=CIA$). This shall generally be used for design of catch basin spacing and pipe sizing. State of Rhode Island Stormwater Design and Installation Standards Manual, RI Department of Environmental Management and RI Coastal Resources Management Council, September 1, 1993, or latest revision. Rhode Island Soil Erosion and Sediment Control Handbook, RI Department of Environmental Management, USDA Soil Conservation Service, RI State Conservation Committee, 1989, or latest revision. Manuals and/or methods, in addition to the above, used in the drainage system design shall be noted, along with the reason for their use. Construction details and materials specifications shall be obtained from the City Engineer. Design criteria shall be as follows: Type III storm distribution 24 hour storm duration 10 year storm frequency for catch basin spacing 25 year storm frequency for pipe sizing 100 year storm frequency for holding basin (detention or retention or combination) sizing. Holding basins must be designed to accommodate up to and including the 100-year frequency storm. Zero (0) net increase in storm water runoff from the site when comparing pre- and post-development peak flows for the 2, 10, 25 and 100-year frequency storms. This shall apply to each subcatchment as well as the site as a whole. Manning formula for pipe sizing: $n = 0.015$ for 12" and 15" RC pipe $n = 0.012$ for 18" and larger RC pipe Complete drainage system computations, stamped by a Rhode Island Registered professional engineer, based on the above criteria, shall be submitted and shall contain, but not be limited to the following: A narrative discussing the proposed development A plan of existing and proposed subcatchment areas A comparison of pre- and post-development peak flows from the site Methodology and design criteria used Complete computations, including supporting data, charts, graphs, computer printouts, etc. Summary and conclusions The above design criteria and contents of the computations for the drainage system design

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shall be construed as a minimum. Additional detail and information may be required depending on the proposed impact of the development. Off road drainage systems shall be extended to a watercourse, ditch, swale or other approved area of adequate size to receive the stormwater drainage. The subdivider shall dedicate to the city an easement of adequate size for future maintenance if and when it becomes necessary to locate the drainage outside of the street right of way. Off-road drainage systems shall be designed with adequate filtering devices, including swales, overland flow or vegetated buffer zones before any water is discharged into existing waterways or wetlands. Watercourses shall be left open unless approval to enclose a ditch is granted by the Board. Before the Board can give any approval to stormwater drainage systems involving freshwater wetlands or coastal features, the approval of the state Department of Environmental Management and the state Coastal Resources Management Council must be granted. Ditches shall be adequately protected from erosion. The use of shallow grassy swales is encouraged in lieu of steep ditches. Where used, swales, ditches and open channels shall be seeded, sodded, ripped or paved, depending on slopes, quantity of runoff and soil types. In no case shall the depth of a basin exceed six feet, with side slopes not to exceed 20 percent (5:1). The use of fences to surround a basin shall be avoided, and the Board shall require a fence only if it finds that there is no practical alternative to protect public safety. The drainage system may be comprised of natural and man-made elements. These include grass swales, retention and detention basins, curbs, catch basins, culverts, and stormwater pipes. The subdivider is encouraged to incorporate natural elements into the drainage design whenever possible. These elements (i.e. grass swales, wet basins) not only collect and transport stormwater, but also mitigate pollution, reduce sedimentation, provide visual amenities and provide potential wildlife habitat. (Reference: R.I. Stormwater Manual) Existing roads (private, or city accepted) incorporated into new subdivisions shall be provided with a drainage system along that road, as required by the city engineer and the Board. Connection to state drainage systems is allowed only with written approval from the state Department of Transportation.

Water supply. Water mains shall be installed when the public water system is adjacent and connection is possible. Installations shall conform to the specifications of the Warwick Water Division. Proof of adequate water supply to service the subdivision must be provided to the Board. Due to seasonal water supply shortages, homeowner's associations shall be prohibited from requiring mandatory lawn watering in subdivisions created subsequent to July 3, 2008. Automatic sprinklers shall also be prohibited in newly created subdivisions for this same reason.

Sewage disposal. Sanitary sewers must be installed in all subdivisions constructed in areas planned to be serviced by a publicly approved sewer system. The applicant shall be required to cap the installed sanitary sewer system in order to render it unusable until such time as a connection is possible. On-site sewage disposal systems must be approved by the state Department of Environmental Management. No subdivision will be accepted until each proposed lot has an approved suitability determination from the state Department of Environmental Management or has obtained permission to tie into an acceptable sewage disposal system. Buffer zone: No part of a septic system shall be located within 150 feet of any river, stream, water body or wetland, unless a waiver from this regulation is allowed by the Board.

Future connection: In areas likely to be served by future public sewers, on-site systems shall be located to facilitate future connection with a sewer system, unless health, drainage and topographic considerations make an alternate location desirable. Alternative: As an alternative to the installation of individual lot septic systems, the applicant may request the permission of the Board to connect the required subdivision sanitary sewer system to an alternative sewage treatment system. Such treatment

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system must be approved by the state Department of Environmental Management and the Board. Such sewage treatment system shall not be construed to mean a communal septic tank. All required sanitary sewers shall be installed and constructed in accordance with the requirements of the state Department of Environmental Management and the city.

Street lights. Street lights may be required by the Planning Board if it determines that lighting is necessary to ensure public safety in areas anticipated to have significant vehicular or pedestrian volume, or where necessary to address potentially dangerous conditions. The applicant shall pay the costs of installation of streetlights required by the Board, which shall meet the standards provided by the city Department of Public Works.

Street signs. Street name signs, regulatory signs, warning signs, and development signs with supports shall be provided and erected by the subdivider in accordance with city standards.

Boundary markers. Permanent stone boundary markers shall be placed along one side of the street right of way at all points of curvature (P.C.) and points of tangency (P.T.), and at such other locations as the Board may designate.

Street trees, plantings and screening. The Planning Board shall require the applicant to plant deciduous shade street trees appropriate for the native landscape, terrain, soil and climatic conditions encountered on the site. A list of suggested street trees is provided in exhibit A. Where feasible, existing natural tree coverage and other desirable natural vegetation shall be preserved within the street right-of-way and on all development sites to the maximum extent possible. New or relocated street trees shall be planted in accordance with the following conditions.

Location. Street trees shall be located within the street right-of-way as shown in the typical street cross-sections. Where the Planning Board determines this to be infeasible, street trees may be located on the portion of building lots within ten feet of the street right-of-way line. No street trees shall be located that interfere with overhead or underground utility lines. When planted closer than seven feet from the edge of any pavement, vertical barriers shall be installed underground to prevent roots from damaging pavement. Alternative tree planting methods such as the use of "CU-structural soil " to prevent damage to pavements and enhance tree growth is encouraged.

Spacing. Trees shall be planted approximately 30 to 40 feet on center, depending on anticipated ultimate size. Trees shall not be located within 30 feet of intersecting rights-of-way lines. The species and size of such trees must be approved by the Planning Board at the time of preliminary approval. The Board or ~~administrative officer~~ administrative officers may consult with the city tree warden on recommendations for proposed street trees.

Size. Minimum sizes for approved species shall be two to three inches caliper, measured at breast height (DBH) and at least eight feet of height in place. Street trees shall be of licensed nursery stock. Street trees shall be balled and burlaped with good root development and branching characteristics. No bare root stock shall be permitted.

Planting. Street trees shall be planted in holes at least six inches deeper and 1½ times as wide as the root ball. Larger excavation may be required in gravel or sandy soils. Street trees shall be planted at their previous depth in good quality topsoil (not yellow dirt) conditioned with organic matters such as peat

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moss and a balanced time release fertilizer. Street trees shall be securely triple-staked with stakes of a minimum size of two inches by two inches by six feet. See exhibit A.

Inspection. The city shall inspect all street tree plantings and report to the director of public works whether the proper planting techniques and maintenance have been followed. Maintenance. Street trees shall be maintained by the subdivider until accepted by the city. At the time of acceptance, the tree warden shall certify in writing to the director of public works that all street trees are acceptable. Dead or diseased trees shall be replaced by the subdivider prior to acceptance.

Species. Sustainable plant species are preferred for their tolerance of resistance to drought and dry soils, resistance to wind damage, and tolerance of ocean, roadside or aerial salt. Deciduous shade trees shall be planted in inland areas or areas that are not subject to salt, wind or sandy soil conditions. Coniferous trees or shrubs shall be used only in exposed areas where such conditions are anticipated. See exhibit A for a list of recommended street tree species.

Storage. All outdoor storage areas or facilities for materials, refuse collection, incineration, or similar such uses shall be enclosed by a wall or fence of solid appearance or tightly spaced evergreen hedge not less than six feet high where necessary to conceal such areas or facilities from nearby residences.

Erosion controls. Erosion controls shall be consistent with the most recent guidelines of the U.S. Department of Agriculture, Soil Conservation Service.

Regrading. Finished contours shall direct surface drainage around structures rather than directly against them, using swales or other approved means. No grading or siting of structures shall be performed which creates insufficiently drained areas. Where slopes are steep, terracing should be employed using properly stabilized slopes or retaining walls. Such terracing should be placed carefully in relation to structures, open portions of the site, and lot lines so that the terraces help create usable open spaces rather than dividing open spaces into less usable areas.

Reserved. Communication lines (electric, telephone, and cable TV). All electric, communication (telephone, fire alarm and cable TV) and street lighting lines shall be required to be installed underground. In cases where underground installation is not feasible due to physical conditions of the site or other limitation, an alternative location for these utility lines shall be approved by the Planning Board, if prior approval thereof has been obtained by the utility company involved. All underground utility work shall be completed prior to paving streets.

Repair of damages. The subdivider shall repair any environmental damage caused by development or construction. Repairs shall be as extensive as the damage warrants to restore the environment at least to its presubdivision state and shall be in accordance with the required improvements, design standards, site design criteria and construction specifications of these regulations.

Rate of development. When any development can be expected to result in more than 25 school-age children, such developments will only be approved in stages. Each stage shall have 25 or fewer predicated school-age children. Not more than one stage will be approved during any 12-month period. For the purpose of promoting orderly and progressive development, at least 50 percent of the required improvements as shown on any final plan must be installed to the satisfaction of the city engineer and the Board before final approval shall be given on any subsequent enlargement. The Board shall not approve subdivisions which will allow dwelling units to be constructed in sufficient numbers to exceed

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any population growth rates which are adopted as part of the city comprehensive plan, as amended from time to time.

Off-street parking. Where off-street parking is required, parking areas shall conform to the requirements of the zoning ordinance. Site plans for parking shall be approved by the director of planning and development or the city engineer as specified in the zoning ordinance. Descriptions of the parking lot design criteria are available from the Planning Department.

Open space. See article 13, section 13.12.

Stump dumps. All dumping and landfilling of tree stumps must be approved as a site plan review by the Planning Department if the stump dump is not part of a subdivision approved by the Planning Board. Rules and regulations for stump dumps: Only stumps and boulders native to the site may be buried. Brush, slash, saw logs, tree trunks or any other fill material or refuse shall not be disposed of in the dump. The stump dump must be shown on the record plans. Where the dump is located on a building lot, deed restrictions must be recorded for the site. The bottom elevation of the dump must be indicated on the plan and must be at least two feet above the wet seasonal high ground water table. A restoration plan must be shown on the plan. The restoration plan should include a minimum of one to 1½ feet of subgrade material and four inches of loam and seed. A landscaping plan may be required. The dump shall be backfilled with soil in approximately five-foot lifts. Each lift shall be compacted thoroughly with the use of heavy equipment. The finished grade shall be sloped away from the stump dump to avoid puddling over the dump. A performance guarantee for the stump dump shall be required. The surety will be based on the construction es dump as prepared by the city engineer. Engineering inspection fees shall be required and will be assessed at tw construction estimate. While the dump is open, there must be a means to control access. The barriers used must be maintained until the area is restored. The Planning Board, or the Planning Department in the case of a commercial site plan review, shall determine the means for controlling access prior to the excavation of the dump. The use of acids used for the excavation of stumps to kill off the root system is prohibited. The use of herbicides to prevent root growth in the stump pile prior to burial is prohibited. Inspection by the city engineer is required. Inspections are required when the dump is excavated, at the time of compaction of each lift and at the time of closure. As required for any engineering inspection at least 48 hour notice shall be given to the engineering inspectors prior to the start of construction. All applications for a tree stump dump must be accompanied by plans prepared by a state registered engineer or land surveyor showing the following:

1. Proposed site for the stump dump.
2. The depth, width, length and final grading plan of the excavation of the excavation/fill area.
3. A cross section through the area must also be provided.
4. Restoration plan and regrading plan as specified by the Planning Board or planning department in the case of a commercial site plan review.
5. Access control measures as determined by the Planning Board or planning department in the case of a commercial site plan review.
6. A copy of the deed restrictions.
7. Certified seasonal high groundwater table elevation in the excavation area.
8. Limits of disturbance.

9. A landscaping plan may be required at the discretion of the Planning Board or Planning Department in the case of a commercial site plan review.
10. The location of the temporary stump pile.

Stone walls. Existing stone walls shall be preserved to the maximum extent possible. Stone walls shall be retained on site and designed to be incorporated into the overall site design. Where possible, they shall be used as property lines for proposed new interior lots, perimeter property lines, or to delineate open space areas from development areas. If existing stone walls are to be moved or destroyed, and the Planning Board determines that preservation of the walls in their existing location is impractical, the Board may require existing stone walls to be reconstructed on another location within the proposed development parcel.

Off-site improvements. The Planning Board may require off-site improvements to be made by a developer or subdivider as provided in *RIGL § 45-23-47*.

Sec. 14.2. - Nonresidential subdivisions. These regulations shall be applicable to all subdivisions of land for industrial or commercial uses or purposes. These regulations shall be in addition to all other applicable requirements.

Layout. Subdivisions shall be designed in such a manner so as to provide safe access, harmonious arrangements of land uses, separation of differing modes of transportation, areas for drainage runoff and possible retention, areas for solid waste and sewage disposal, buffers, parking, landscaping and other utilities.

Location of buildings. No building shall be located closer than the minimum setback required by the zoning ordinance. Where no setback is specified, a minimum of ten feet shall separate all structures and paving from the lot line.

Access. A paved road shall be provided to ensure adequate frontage for each lot. Such road shall be constructed in conformance with standards established by the city engineer. If access will be required for unusually heavy or bulky loads, the city engineer may increase the construction and design requirements. Roads serving primarily nonresidential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent land zoned for residential use or in residential use; nor shall primarily residential roads be used for access to industrial subdivisions. No portion of any lot shall be paved unless in accordance with an approved site plan. All subdivisions which are over five acres in size shall provide adequate bus pickup and dropoff areas. Said areas shall be marked with signs and pavement markings specifically designed for use in bus loading/unloading areas. Loading docks, truck parking, and/or truck turnaround areas shall be designated by the use of signs and pavement markings. These areas shall be completely separated from parking and access areas used by automobiles or pedestrian traffic. Roadways shall not be used for truck parking, standing or backing areas. The owner and/or occupant of the structure shall be responsible for the maintenance and enforcement of these requirements. All pedestrian bridges, underpasses, and grade crossings shall be indicated on the plans. The Planning Department and/or the city engineer may require additional crossings. Fire lanes shall be required at all entrances and exits to structures and to storage facilities and at all locations of hydrants, siamese connections, shaftways, sprinkler controls, and in any other location indicated by the fire chief. Fire lanes shall be marked by signs and by yellow pavement striping in accordance with acceptable

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current standards and specifications. The owner and/or occupant of the structure shall be responsible for compliance with these requirements.

Parking. All parking shall be designed in conformance with the provisions of the zoning ordinance and of the subdivision regulations of the city. Parking lots shall be designated with signs and pavement markings. The owner and/or occupant of the structure shall be responsible for the maintenance of these requirements.

Railroad construction. All construction of rail lines, sidings, or switching facilities shall be indicated on the plans. All construction shall be in accordance with American Railroad Association and Federal Railroad Administration specifications. The Planning Department and/or the city engineer may require additional vehicular and/or pedestrian crossings. Rail crossings shall be signed and pavement markings shall be provided in accordance with current standards as established in the Manual on Uniform Traffic Control Devices.

Buffers. All development which abuts land zoned residential or used for residential purposes shall be adequately buffered from nonresidential subdivisions. The buffer shall consist of one or a combination of the following: fences, berms, or plantings which are a minimum of six feet high and form a solid barrier. The designer of such barriers shall strive to be innovative on the architectural elements of the barriers, i.e., they shall be aesthetically pleasing yet functional. Where, in the opinion of the director of planning and development or of the city engineer, the proposed development may produce noise, traffic, dust, glare or odor, a planted greenbelt up to 100 feet in depth shall be provided. This greenbelt shall be planted in accordance with the U.S. Soil Conservation Service specifications for windbreak plantings. Species and quantities of plant material shall be shown on the plans. All areas for the outdoor storage of materials, waste, and finished products shall be indicated on the plans. The plans shall state the chemical composition and form of the materials, type of storage, length of storage, and height of the materials. All outdoor storage areas of facilities for fuel, materials, refuse collection, incineration, products, excepting auto merchandizing lots or similar such uses in which visibility from the street of items in parking areas is a necessary part of the business, shall be enclosed by a wall or fence of solid appearance or tightly spaced evergreen hedge not less than six feet high where necessary to conceal such areas or facilities (where visible) from nearby residences. The location and design of storage areas must be approved by the city engineer and by the fire chief. At the request of the city engineer and/or the fire chief, hydrants, fire lanes, security fences, dikes, sumps, alarm systems and any other safety facilities may be required. Bulkheads, piers, wharves, jetties, seawalls and riprap construction. Specifications for such construction shall be obtained from the office of the city engineer. All such construction shall conform to the regulations of the state Department of Environmental Management, the Army Corps of Engineers, the coastal resources management council and the U.S. Coast Guard. Ponds and lagoons. All ponds and/or lagoons for the storage of any liquids shall be indicated on the plans. The design of same shall be submitted with the drainage calculations to the city engineer for review and approval. Waste management. All applicants shall file a waste disposal plan with the Planning Department. The plan shall indicate the amounts, types, chemical composition, and method of disposal of all waste anticipated to be produced. All use, storage, and transportation of hazardous waste shall be in accordance with the laws, rules and regulations of the state Department of Environmental Management. The applicant shall indicate on the subdivision plans materials which will be used, stored, transported, or generated which will be controlled by these regulations. The applicant shall indicate the

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location, amount, and chemical composition of all such wastes. No open storage of hazardous waste will be allowed.

Environmental protection. Where deemed necessary by the city engineer, permanent groundwater monitoring wells shall be installed with a right-of-way provided to the city for sampling purposes. All discharges of wastewater shall be in accordance with the laws, rules, and regulation of the state department of environmental management. All industrial and commercial developments shall be in conformance with federal, state and local air pollution control laws, rules and regulations. In off-peak hours, all outdoor illumination shall be reduced to minimum levels necessary for security purposes. If necessary, automatic timers shall be employed to carry out this function. Shielding from glare shall be required if necessary in the design and/or building phase of this project. All septic systems shall meet the standards established by the state Department of Environmental Management. In addition, the city engineer may impose such additional requirements as deemed necessary for the long-term proper functioning of the system. Plans must show the proposed septic systems, design and location, composition and quantities of waste and the method of disposal. All internal and external drainage systems, including but not limited to storm drains, subdrains, roof drains, floor drains, sumps, emergency sumps, toilet and kitchen drains shall be indicated on the plans. A drainage plan shall be submitted with all computations and backup data describing the storm drainage system. The system shall be designed in such a manner so as to minimize the disposal of stormwater off-site. The applicant shall make maximum use of on-site holding basins so as to minimize the downstream impact of the drainage from paved areas and roofs. The drainage system shall be designed to allow the separation of stormwater which may become contaminated by hazardous materials.

Water system. Plans shall indicate the complete water system with estimated daily water consumption. The plan shall indicate wells, pumping facilities, water tanks, cisterns, water lines, hydrants, fire control siamese connections, and sprinkler systems. If private wells or other private water supply is to be used, proof shall be provided as to the quality and quantity of water available. The water supply system shall meet the standards set by the state Department of Health, the fire chief, and the city engineer. If the water supply is deemed to be inadequate in quantity or quality, the developer will be required to find an alternative source of supply. If private wells are used, proof shall be supplied to the city that the proposed drawdowns will not adversely impact any existing wells. If the municipal water system is incorporated in the subdivision design, the developer/contractor shall provide the city engineer with accurate as-built drawings showing the water line extensions.

Snow storage. Developments which have paved parking, loading, and driveway areas in excess of 40,000 square feet shall provide snow storage areas. These areas shall be designed in such a manner so as to allow for the return of melt water to the ground rather than allowing the melt water to drain into the storm drainage system. Site engineering and construction specifications. All site construction shall be in accordance with the Rhode Island Standard Details and Rhode Island Standard Specifications, as amended, issued by the state Department of Transportation, division of public works, and with criteria set forth by the city engineer.

Sec. 14.3. - Post Road district design standards and guidelines.

14.3.1. Purposes. In the Post Road District (PRD), the following architectural standards and guidelines are provided to establish and eventually maintain the PRD as a vibrant pedestrian-friendly mixed use corridor. The standards and guidelines recognize the importance of consistency in building materials,

massing, scale and articulation, design elements and motifs that represent the region's architectural heritage and shall be used to shape development that is consistent with the Comprehensive Plan and the Post Road Corridor Plan. It is not the intent of these standards and guidelines to create a homogenous district in which all buildings closely resemble one another in a unified design concept. Rather, these standards and guidelines provide a framework for development that will ensure a high quality of design that is consistent with the most appealing aspects of Warwick's community character. To allow for thoughtful and appealing deviation from these standards, the Director of Planning or the Planning Board, as applicable, may provide waivers for each of these standards in the event that: Existing site conditions provide significant hardship and preclude the implementation of any design standard; or An applicant provides an alternative design that achieves the goals of the Comprehensive Plan and the Post Road Corridor Plan; or Proposed architectural features represent a motif that is consistent with traditional New England design or other desirable motifs traditional to Warwick.

14.3.2. Site design (see figure 1). The location of buildings, parking areas, walkways, outdoor gathering places, landscaping, utilities, loading areas, dumpsters, automobile access, travel lanes, and signs shall reflect a thoughtful approach that focuses primarily on providing optimal access and mobility for pedestrians on and between sites; Parking areas shall allow for easy access between lots for automobiles and pedestrians. Where feasible, parking lots shall be connected by a travel lane within the rear yard to provide an opportunity for pedestrians and motorists to pass from one site to another without using established rights of way; Within the front yard setback, clear pedestrian pathways shall be provided between buildings and across automobile travel lanes in the form of raised or distinct surfaces such as stamped concrete or grid pavers, arcades, colonnades or other similar features; In complexes with multiple principal buildings, landscaped areas with walkways, courtyards or arcades shall be used in conjunction with compact site design to bring buildings closer together and enhance connectivity between them for residents and customers.

14.3.3. Building placement (see figures 1 and 2). Building setbacks shall comply with the applicable provisions in Zoning Ordinance. Street corridors entering Post Road shall be framed at their terminus with buildings of at least two stories at approximately equal setbacks. On sites with multiple principal buildings, site design shall be as compact as is feasible. To the greatest extent practicable, pedestrians shall not need to cross parking areas to move from one building to another.

14.3.4. Loading, garages and driveways (see figures 1 and 2). Loading docks, service areas and trash disposal facilities shall not face a public gathering space or a public street. Drive-through service windows shall only be located on the side or in the rear of properties which are internal to the block or accessible from an alley. Garages shall be subordinate in size, height and location to the overall building and shall be located with entrances behind the principal building(s); Common or shared driveways and parking lots are encouraged to reduce curb cuts and enhance pedestrian circulation.

14.3.5. Building size, height and scale (see figures 3 and 4). In order to modulate their scale, multi-story buildings shall clearly articulate the base, middle and top of the building through the use of cornices, stepbacks, borders of distinct material or other articulating features. Larger buildings with long facades shall articulate the facade with varied rooflines, distinct signage for multiple tenants, awnings, arcades, pilasters, columns, recessed spaces and/or entrances and any other features that serve to add texture to these longer facades. Unbroken facades in excess of fifty (50) feet shall not be allowed. Large, flat, unadorned, blank walls shall be avoided for any side or rear walls of buildings. Where windows are not

feasible, raised or recessed vertical surfaces may be used in conjunction with awnings, window-shaped depressions and decorative lighting to make these surfaces more attractive. Awnings shall be made of canvas and/or weather-coated materials or glass. Each awning should be distinct from its neighbor and continuous awnings over several stores are discouraged.

14.3.6. Entranceways (see figure 3). All buildings shall have a principal facade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal facade and/or entry. Primary entrances not facing a street shall open onto sidewalks or other pedestrian features at least ten feet in width. Main entrances shall incorporate architectural features that draw attention to the entrance. These features may include covered porches, porticos, recessed doorways and awnings. Street level frontage shall be primarily devoted to entrances, shop windows or other displays.

14.3.7. Fenestration (see figures 3 and 5). The width-to-height ratio of bays in facades above street level shall have a minimum width to height ratio of 1:2. Multiple bays may be placed immediately adjacent to one another in order to create larger window areas. Windows on the ground floor shall begin no lower than two feet from street level and shall extend at a minimum height feet from street level. Mullion pattern and thickness shall reflect traditional New England design with broad decorative surfaces between windows. Any mullion finishes that would be highly reflective or industrial in nature shall be discouraged. Clear, non-reflective glass with minimal tinting shall be used at street level to allow maximum visual interaction between pedestrians and the interior of the building. Street level facades shall have a transparency of at least 60 percent. All windows (except storefront windows) shall be operable.

14.3.8. Dormers (see figures 3 and 5). On pitched rooflines, dormers shall be used to break up roof surfaces and shall be provided at a minimum frequency of one per 30 feet or fraction thereof. Dormer styles may include doghouse, eyebrow or shed dormers. Windows shall fill the face wall of the dormer to the maximum extent practicable and match the windows in the rest of the building.

14.3.9. Roofline articulation (see figures 3 and 6). The roof design shall provide a variety of building heights and varied roofline articulation. Local models reflecting traditional New England architecture shall be considered in the selection of roof forms. These models include gables, gambrels, flat roofs, mansards and any jointed configuration of these styles. Decorative spires or towers may also be used to articulate rooflines and to provide focal points within a complex of principal buildings; Industrial style metal roofing visible from the street shall not be permitted. Metal roofing that uses decorative finishes and textures may be allowed. Where proposed, flat roofs shall have decorative cornices or parapets that shield all views of any mechanical systems located on the roof from the street or from windows at a lower elevation in adjacent buildings. Downspouts shall match gutters in material and finish. Utilities and protuberances through or on the front of roofs are highly discouraged and should generally be shielded from view.

14.3.10. Building materials (see figure 3). Materials and building treatments shall be used that reduce the visibility of buildings from distant vantage points and shall be consistent and compatible with traditional New England design. Where more than one material is used, traditionally heavier materials (stone, brick, concrete with stucco, etc.) shall be located below lighter materials (wood, fiber cement board, siding, etc). The change in material shall occur along a horizontal line, preferably at the floor level. Natural materials, such as brick, stone, wood/concrete clapboards and shingles, and slate shall be

used in contrast with industrial materials such as unfinished concrete, sheet metal, asphalt shingles, vinyl and plastic synthetic siding and windows and insulated steel doors; especially those that can be seen at the pedestrian level.

14.3.11. Landscaping. Requirement for landscaping and landscaping plans in the PRD shall be consistent with those listed in 21- 276 and 21-277 of the zoning ordinance and the regulations for development plan review.

14.3.12. Lighting. Requirement for lighting and lighting plans in the PRD shall be consistent with those listed in 21-278 of the Zoning Ordinance, the regulations for development plan review with the exceptions or additions listed below (see figure 7): Light standards shall not exceed 15 feet in height; and Light posts and fixtures shall be decorative in nature and shall not use standard industrial-finish poles or shades.

14.3.13. Signage (see figure 8). Wall mounted or projected signs should typically be located above the ground floor storefront and just below the second floor windows. Signs should not obscure architectural features or windows and should be integrated with the design of the building. Sign materials should be of high quality, such as wood, glass, sandblasted metal, corrugated iron, high-density polyurethane and shall be compatible with the design of the building and facade on which they are placed. Materials not specified within should be reviewed administratively for approval to ensure the material is of a high quality. Externally illuminated signs should have downward-directed, wall mounted lights with fully-shielded decorative lamps that do not obscure the graphics of the sign. Where internal illumination or back-lighting is proposed, solid letters (reverse channel) or halo lighted channel letters are preferred. Cabinet (can) signs are discouraged but may be considered with the administrative design approval of the Planning Department. Where internally lit cabinet style signs are proposed the design shall consist of an internally illuminated opaque sign face with translucent push through letters or graphics or stencil cut letters or graphics. Signage on awnings is permitted only on the apron portion of the awning for business identification or to advertise particular goods and/or services. Free-standing single pole (lollipop) signs are not allowed. Free-standing monument or structured signs are preferred. Where single pole signs are proposed these should consist of a decorative cover for the pole and or the sign base. Alternative designs for freestanding signs can be proposed. These will be reviewed and approved administratively by the Planning Department if considered an acceptable alternative. All free-standing signs should incorporate design details and materials of the associated buildings. The base or support elements of freestanding signs should be integrated with the surrounding environment and should incorporate ornamental landscaping where possible. For guideline B2, this image illustrates the type of travel lane connection that will facilitate travel between properties without the use of established rights-of-way. For guidelines B1, B4 and C3, these images illustrate how building and parking placement can affect the ability of pedestrians to easily access multiple buildings. For guideline C2, this image illustrates how new or existing side streets can enter Post Road with appropriately scaled buildings framing the entrance way. For guideline D2, this image illustrates how a drive through operation might fully screen this activity with the appropriate circulation pattern. For guideline E3, this image illustrates how unadorned side walls can detract from an otherwise attractive facade. For guidelines G1, G3 and G6, these windows illustrate potential styles that meet the dimensional, material and functional recommendations. For guideline H3, these images illustrate how window faces should be sized appropriately to the face of dormers to provide attractive roof level features. For guideline category "I. Roofline Articulation" this image illustrates the interplay between dormers and jointed roofs. In this

case, a jointed gable configuration along with "doghouse" dormers reflects typical New England architecture. For guideline category "L. Lighting", these images illustrate how human-scale decorative lighting creates a more inviting environment for pedestrians. For guidelines M1 and M6, the poor placement of signs in this illustration shows how signage can detract from the architectural appeal of well designed buildings. The same buildings shown above are provided here with better signage scale and placement. (Am. of 7-15-2008; Am. No. 2020-1, § 1, 6-2-2020)

ARTICLE 15.0 - CONSTRUCTION SPECIFICATIONS AND METHODS

Sec. 15.1. - Required minimum construction specifications.

Construction of required improvements in developments undertaken in accordance with all city ordinances and with these regulations shall comply with the standards contained in the following publications: Rhode Island Standard Specifications for Road & Bridge Construction, latest edition, with all corrections addenda. Rhode Island Standard Details, latest edition, with all corrections and addenda. Rhode Island Soil Erosion and Sediment Control Handbook, latest edition, with all corrections and addenda. Rhode Island Stormwater Design and Installation Standards Manual, latest edition, with all corrections and addenda. American Water Works Association (AWWA) Standards, latest edition, with all corrections and addenda. City of Warwick standard specifications and details contained in this appendix. In residential compounds and in the Pojac Point fire district, the Board may waive the requirement that streets be paved, and the Board may reduce the travel surface and right-of-way widths otherwise required by these regulations. See article 8. Such private roads shall be designed and constructed in relation to the volume of traffic which will use the roads and in relation to surrounding development and safety at intersections with other roads. Typical roadway sections, plans and details. See figures 1—12 in exhibit B. All required improvements shall be inspected by the city engineer to ensure satisfactory completion. In no case shall the installation of any improvement be started until prior notification is given to the city engineer. At least a 48-hour notice shall be given to the city engineer prior to any such start of construction. A final inspection of all required improvements, utilities and grading will be made to determine whether the work is satisfactory and in substantial agreement with the approved plan and the city's specifications. The general condition of the site shall also be considered. Such final inspection shall be required prior to any application to the city for street acceptance. The subdivider shall furnish to the ~~administrative officer~~ administrative officers as-built drawings of the completed improvements. The as-built drawings must be received for review and approval by the city engineer prior to the release of 90 percent of the improvement guarantee as provided in article 7, section 7.2(i). A mylar sepia copy of the approved subdivision plans shall comprise the base plans for the as-built drawings. Any additions, deletions or modifications to the proposed improvements shall be shown by lining through the proposed information and inserting the as-built information. A state registered professional engineer and state registered land surveyor shall be responsible for the preparation of the as-built drawings and shall attest to it by stamping, signing and dating the cover sheet and all other pertinent sheets of the set of drawings. Generally, all information indicated as proposed on the original approved plans will be subject to verification as as-built. If no change has been indicated, then the original proposed information will be considered to be as-built. Exceptions to these criteria will be at the discretion of the ~~administrative officer~~ administrative officers, after consultation with the city engineer. Any issues should be discussed with the city engineer prior to or during the preparation of the as-built drawings.

ARTICLE 16.0 - WIND ENERGY SYSTEMS (WES) DESIGN AND PERFORMANCE STANDARDS

Sec. 16.1. - General. Wind Energy Systems. Wind energy systems are devices that convert wind energy into electrical energy. WES are permitted subject to all provisions within articles 21-22 and 21-322 of the zoning ordinance, applicable provisions within these regulations, and any other applicable city, state and federal regulations.

16.1.2. Purpose. It is the purpose of this section to promote the safe, effective and efficient use of wind energy systems. The design and performance standards for WES recognize the importance of the community character of Warwick and are intended to address any offsite impacts that could be caused by a WES. These standards shall be used to permit development that is consistent with the comprehensive plan. The standards and guidelines provide a framework for development that are intended to ensure a high quality of design and placement of WES that is consistent with the most appealing aspects of Warwick's community character while not unreasonably impacting surrounding uses.

16.1.3. Findings. The city finds that wind energy is a renewable and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources.

16.1.4. Authority. The city zoning ordinance has established specific areas where WES systems are allowed, as well as the definitions in relation to WES. (Amd. of 10-26-2010)

Sec. 16.2. - Design and performance standards.

16.2.1. Design and Performance Standards for Building Mounted Wind Energy System (BMWES) A BMWES shall be permitted in all zoning districts as provided for in the Zoning Ordinance, except the Historic District, subject to the following requirements and the appropriate permits and approvals: The highest point of the system shall extend no more than 15 feet above the highest point of the building at the point of mounting, excluding spires, chimneys, flagpoles and other like features. A plan shall be submitted with a description of the method of attachment to the building. If the building is a pre-existing nonconforming building in regards to building setbacks, the BMWES shall not be placed or attached within the area that is nonconforming to the required setbacks for a parcel of land of the minimum parcel size for that zoning district. The BMWES shall satisfy the requirements of the building official. For residential applications, there shall only be one BMWES per residential lot. There shall be no limitation as to the number of BMWES allowed on commercial parcels or buildings. Noise. The sound level generated by a BMWES shall not exceed 50 dB(A) measured at the property lines. Shadow flicker. BMWES shall not cast significant shadow flicker on other uses. BMWES shall be sited in a manner that does not result in significant shadow flicker impacts assuming the statistical average of New England weather based upon reliable published data. Shadow flicker shall be significant if it falls for more than 30 hours per year on occupied buildings and other appurtenant features/uses. Applicants shall address insignificant shadow flicker through siting and/or mitigation measures. The applicant has the burden of proving that shadow flicker does not have significant adverse impacts.

Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and m of the BMWES and as otherwise prescribed by applicable laws, regulations, and ordinances.

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Lighting. There shall be no lighting of the BMWES unless required by the Federal Aviation Administration.

Signs. The BMWES shall not display any permanent or temporary signs, writing, symbols, logos, or any graphic representation. Warning signs and manufacturer's signs not to exceed one square foot may be permitted.

Ancillary structures. No ancillary structures shall be attached to the BMWES tower that are not incidental to its primary use.

Wiring. Where applicable, wiring shall be installed underground. **Color.** The BMWES shall have a non-reflective, neutral color, except the blades may be black.

Removal of defective or unsafe BMWES. Any BMWES found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards or removed within six months. In the event that the building official determines that an existing condition poses an imminent threat to public safety, the BMWES shall be removed immediately. The Planning Department or Building Official may require that all BMWES have a device or mechanism that will automatically shut off the BMWES if an imbalance in the BMWES occurs. Additional items that the Planning Department or building official may require the applicant to address: Procedures for potential impacts to wildlife; Ice throw; and Maintenance and monitoring.

16.2.2. Design and performance standards for met towers Met towers shall be permitted in all zoning districts as provided for in the zoning ordinance, except the historic district, subject to the following requirements and appropriate permits and approvals: Met towers that receive a building permit shall be permitted on a temporary basis not to exceed 18 months from the date the building permit was issued. The owner of the property where a met tower is located shall be required to obtain a demolition permit and remove and properly dispose of the structure within 18 months of its installation. Within that time period the applicant/owner can request a six-month extension from the Planning Board. Met towers shall conform to the setback as defined in section 21-322 of the Warwick Zoning Ordinance from: a) Property lines; b) Any overhead utility lines, not including utility lines directly connected to the structure that will contain the met tower, unless written permission is granted by the affected utility. **Noise.** The sound level generated by a met tower shall not exceed 50 dB(A) measured at the property lines.

Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the met tower and as otherwise prescribed by applicable laws, regulations, and ordinances.

Lighting. There shall be no lighting of the met tower unless required by the Federal Aviation Administration.

Signs. The met tower shall not display any permanent or temporary signs, writing, symbols, logos, or any graphic representation. Warning signs and manufacturers signs not to exceed one square foot may be permitted.

Ancillary structures. No ancillary structures shall be attached to the met tower that are not incidental to its primary use. A plan for maintenance and monitoring shall be submitted. Proof of certification of the met tower by the manufacturer or by the design professional shall be submitted. Proof of liability

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insurance shall be submitted at the time of application or at the time of a request for a building permit as determined by the Planning Board.

Removal of defective or unsafe met towers. Any met tower found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards or removed within three months. In the event that the building official determines that an existing condition poses an imminent threat to public safety, the met tower shall be removed immediately.

16.2.3. Design and performance standards for a small wind energy system (SWES). A SWES shall be permitted in all zoning districts as provided for in the zoning ordinance, except the historic district, subject to the following requirements and appropriate permits and approvals:

Setbacks. A SWES shall conform to the setback as defined in section 21-322 of the zoning ordinance from: Property lines; Any public roads unless written permission is granted by the governmental entity with jurisdiction over the road; and Any overhead utility lines, unless written permission is granted by the affected utility.

Tower height. The maximum tower height is defined in section 21-22 of the zoning ordinance. The tip of the rotor cannot be closer than 25 feet from the ground.

Noise. The sound level generated by a SWES shall not exceed 50 dB(A) measured at the property lines. The applicant or owner of the WES shall complete one year of monitoring the noise decibel data from the date of the certificate of occupancy of the WES and submit said data to the ~~administrative officer~~ administrative officers upon completion.

Shadow flicker. SWES shall not cast significant shadow flicker on other uses. SWES shall be sited in a manner that does not result in significant shadow flicker impacts assuming the statistical average of New England weather based upon reliable published data. Shadow flicker shall be significant if it falls for more than thirty (30) hours per year on occupied buildings and other appurtenant features. The applicant shall address insignificant shadow flicker through siting and/or mitigation measures. The applicant has the burden of proving that shadow flicker does not have significant adverse impacts.

Access. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 12 feet above the ground. All ground mounted electrical and control equipment shall be labeled and secured against unauthorized access.

Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SWES and as otherwise prescribed by applicable laws, regulations and ordinances.

Lighting. There shall be no lighting unless otherwise required by the Federal Aviation Administration.

Signs. There shall be no permanent or temporary signs, writing, symbols, logos, or any graphic representations attached to the unit. Warning signs and manufacturers signs not exceeding one square foot may be permitted.

Ancillary structures. No ancillary structures shall be attached to the tower that are not incidental to its primary use.

Wiring. Wiring shall be installed underground.

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Color. The structure shall have a non-reflective, neutral color, except the blades may be black.

Automatic shutdown. The SWES shall have the capability to automatically shut off if an imbalance occurs.
Removal of defective, unsafe or abandoned units. Any SWES found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards or removed within six months. In the event that the building official determines that an existing condition poses an imminent threat to public safety, the SWES shall be removed immediately. Any SWES that is inoperable for a period of three years shall be considered abandoned, and shall thereafter be removed within six months unless the owner for cause shown obtains an extension of time from the Planning Board.

Financial surety. The Planning Board shall require the applicant to provide surety, either through escrow account, bond, performance bond, or otherwise to cover the cost of removal in the event the city must remove the WES. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount of surety shall be based on the estimated cost of removal at the end of the useful life of the facility. The amount and form of surety shall be determined by the body requiring the surety, but in no event shall the amount exceed 125 percent of the estimated future cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant and approved by the city. Such surety shall not be required for municipally or state-owned WES.

Additional items that the Planning Board may require the applicant to address: Procedures to minimize potential impacts on wildlife; Procedures for addressing separation between towers; Requirements for addressing public inquiries; Landscaping; Ice throw; Alarms and security procedures; Viewscape; Maintenance and monitoring; Certification of wind energy systems; Liability; and Insurance, financial responsibility and demolition bonds.

16.2.4. Design and performance standards for medium wind energy (MWES) or large wind energy system (LWES). MWES and LWES shall be permitted in all zoning districts as provided for in the zoning ordinance, except the historic district, subject to the following requirements and the appropriate permits and approvals: Setbacks. MWES and LWES shall conform to the setback as defined in section 21-322 of the zoning ordinance from: Property lines; Any public roads unless written permission is granted by the governmental entity with jurisdiction over the road; and Any overhead utility lines, unless written permission is granted by the affected utility.

16.2.4.1. Design and aesthetic standards.

Color and finish. All components of the units shall have a neutral, non-reflective color, except the blades may be black.

Lighting. The units shall be illuminated only if required by the Federal Aviation Administration (FAA). Lighting of other WES components, such as appurtenant structures, shall be limited to that required for safety, security, and operational purposes and shall be reasonably shielded from abutting properties. Lighting shall be designed to minimize glare on abutting properties and except as required by the FAA, shall be directed downward with full cutoff fixtures to reduce light pollution. Consideration should be given to lighting that does not attract birds or bats.

Signs. No permanent or temporary signs, writing, symbols, logos, or any graphic representation shall be affixed to the unit except there shall be signs necessary to identify the owner, provide a 24-hour

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emergency contact phone number, and warn of any danger. Signs shall not exceed three square feet in size and shall be placed lower than 12 feet from the ground.

Advertising. WESs shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility not to exceed two square feet. Such reasonable identification shall be located within eight feet of the ground.

Utility connections. Utility connections from the WES shall be installed underground.

Appurtenant structures. All appurtenant structures to WES shall be subject to regulations of this ordinance concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage. All appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations shall be architecturally compatible with each other and shall be contained within the turbine tower or other existing structures on the property whenever technically and economically feasible. Whenever reasonable, appurtenant structures shall be hidden or buffered from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts. Support towers monopole towers are required.

Ancillary structures. No visible telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached externally to the WES without prior approval of the Planning Board. Internal locations for such devices are allowed.

Distance between WES. The applicant shall prove to the satisfaction of the Planning Board that the proposed WES shall not have any negative impacts on other existing or proposed WES applications that have been submitted as of the date of the application that are consistent with and meet the requirements of these regulations.

Certification of system. All systems shall be installed by a designated and recognized authority acceptable to the Planning Board.

16.2.4.2. Safety and environmental standards.

Emergency services. The applicant shall provide a copy of the project summary and site plan to the fire and police departments. Upon request of the fire department and/or police department, the applicant shall cooperate with local emergency services in developing an emergency response plan.

Minimum rotor height from ground. The minimum rotor height for the tip of the rotor blade shall be no less than fifty (50) feet from the ground.

Access. WES, towers, and appurtenant structures shall be designed to prevent unauthorized access. WES shall not have climbable fixtures located within 15 feet of the ground. WES shall be equipped with appropriate security or alarms devices to prevent unauthorized access and to alert the owners of any unauthorized access.

Shadow flicker. The WES shall not cast significant shadow flicker on other uses. The WES shall be sited in a manner that does not result in significant shadow flicker impacts assuming the statistical average of New England weather based upon reliable published data. Shadow flicker shall be significant if it falls for more than 30 hours per year on occupied buildings and other appurtenant features. Applicants shall

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address insignificant shadow flicker through siting and/or mitigation measures. The applicant has the burden of proving that shadow flicker does not have significant adverse impacts.

Noise. The sound level generated by a WES shall not exceed 50 dB(A) measured at the property lines.

Land clearing and soil erosion. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the WES and as otherwise prescribed by applicable laws, regulations, and ordinances. Design and construction of the WES shall provide for control of site runoff and storm water management as provided for in the applicable sections of these regulations, specifically section 14.0, as well as appropriate sections of the zoning ordinance and Code of Ordinances, as amended.

Wildlife and habitat impacts. Potential adverse impacts to wildlife and habitats must be identified by the applicant and shall be minimized through appropriate facility siting and design. The best available mitigation techniques shall be utilized to address bat mortalities and other known wildlife impacts.

Waiver of development standards for setbacks and shadow flicker provisions. The Planning Board, in its discretion, is authorized to waive the development standards of this section to the extent these provisions affect a non-participating property, provided the applicant submits the waiver request in writing, and if the applicant is not the property owner, the property owner's written consent to the waiver shall also be submitted. Setback waivers shall only be for waivers of section 17.2.4(1)(c). The waiver request shall contain (a) the non-participating property owner's acknowledgement of the setback or shadow flicker requirements of this chapter and what is proposed in lieu thereof, and (b) an affidavit of the non-participating property owner evidencing support for the applicant's waiver request, and shall describe the impact on the non-participating property owner. The non-participating property owner's affidavit shall be made part of the permit approval and shall be separately recorded with the city clerk's office in the land evidence records at the same time that the permit approval is recorded to provide notice to all subsequent purchasers of the non-participating property. All agreements between non-participating parties or abutter's and WES owners shall be in the form of a deed restriction or easement that shall be recorded in the land evidence records of the city.

Public inquiries and complaints. The WES owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project. The WES owner/operator shall post an emergency telephone number that is clearly visible on a permanent structure(s) or post(s) within a reasonable distance from the WES to allow contact should any WES need immediate attention.

Ice throw. Controls to eliminate ice throw are required and shall be addressed at the time of application.

Electromagnetic interference. Electromagnetic interference shall be addressed if required by the Planning Board after discussion at the preapplication meeting.

16.2.4.3. Monitoring and maintenance.

Facility conditions. The owner shall maintain the WES in good condition. Maintenance shall include but not be limited to landscaping, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the fire and police departments. The owner shall be responsible for the cost of maintaining the WES and any access road and the cost of repairing any damage to the WES occurring as a result of operation and construction.

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Modifications. All material modifications to a WES made after the issuance of all required permits and approvals shall require the applicant to return to the appropriate authority for additional approvals.

Operation. If noise, electronic interference, or other adverse impacts resulting from the operation of the WES have exceeded allowable limits, the building/zoning official shall notify the owner in writing of the violation. If the violation is not remedied within 30 days the facility shall be shut down or be made inactive until the violation is remedied.

16.2.4.4. Abandonment and/or decommissioning.

Removal requirements. A WES that reaches the end of its useful life or is abandoned shall be removed. When the WES is scheduled for decommissioning, the applicant shall notify the Planning Department and Building Department by certified mail at least 30 days prior to the proposed date of discontinued operations and plans for removal. The owner/operator shall physically remove the WES no more than six months after the date of discontinued operations. Upon removal, the WES site shall be restored to its preconstruction condition. More specifically, decommissioning shall consist of: Physical removal of all WES, structures, equipment, security barriers, and transmission lines to no less than three feet below grade of the site. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption of vegetation. Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations

Removal of defective, unsafe or abandoned units. Any WES found to be unsafe by the building official shall be repaired landowner to meet federal, state and local safety standards or removed within six months, provided, however, in the event that the building official determines that an existing condition poses an imminent threat to public safety, the WES shall removed immediately. Any WES that is inoperable for a period of one year shall be considered abandoned, and shall the removed within six months unless the owner obtains an extension of time for cause shown from the planning Board. If the owner fails to remove the WES in accordance with the requirements of this section, the city shall have the authority to property and physically remove the WES. The costs incurred by the city shall constitute a lien on property in favor of the and shall be recoverable from such parties in an action of contract. The city shall render an account to the MWES or LW operator and the landowner, as applicable. Financial surety. The Planning Board shall require the applicant to provide surety, either through escrow account, bond, performance bond, or otherwise to cover the cost of removal in the event the city must remove the WES. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount of surety shall be based on the estimated cost of removal at the end of the useful life of the facility. The amount and form of surety is to be determined by the body requiring the surety, but in no event shall the amount exceed 125 percent of the estimated future cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant and approved by the city. Such surety shall not be required for municipally or state-owned WES. (Amd. of 10-26-2010)

Sec. 16.3. - Waivers of standards. The Planning Board for good cause shown may provide waivers from each of these standards in the event that: Existing site conditions create significant hardship that substantially impedes implementation of any of the design standards; or Proposed mitigation actions allow for the effective siting of WES that address offsite impacts and do not diminish the community

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character of Warwick; and The applicant provides a design that achieves the goals of the comprehensive plan. (Amd. of 10-26-2010)

ARTICLE 17.0 - APPLICATION CHECKLISTS

The following checklists can be found in exhibit C:

- a) Administrative subdivision
- b) Pre-application meetings and concept review—Minor or major land development projects and minor or major subdivisions
- c) Minor preliminary plan checklist—Minor land development projects and minor subdivisions
- d) Minor final plan checklist—Minor land development projects and minor subdivisions
- e) Major master plan checklist—Major land development projects and major subdivisions
- f) Major preliminary plan checklist—Major land development projects and major subdivisions
- g) Major final plan checklist—Major land development projects and major subdivisions
- h) Checklist for planned unit development
- i) Development plan review checklist
- j) Conservation Land Score Checklist.

EXHIBIT A. - ROAD DESIGN

Figure 1. Arterial Street - No Parking

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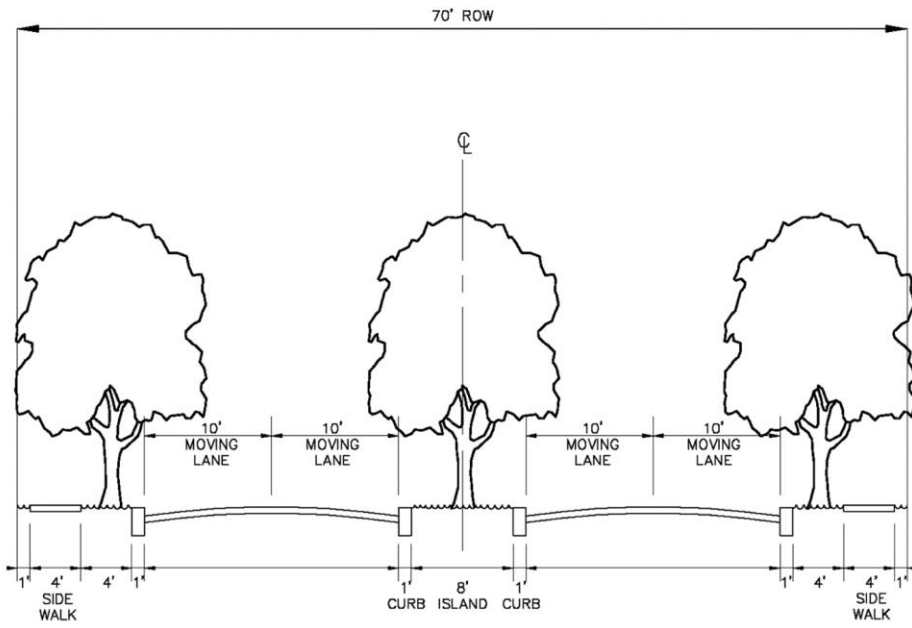
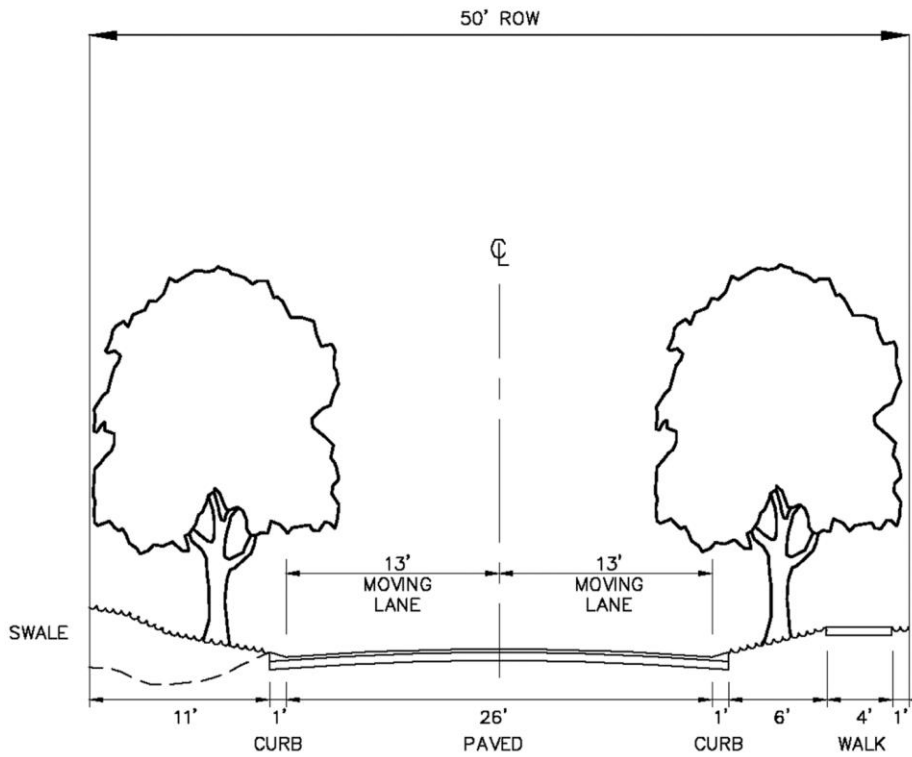


Figure 2. Collector Street Parking Allowed

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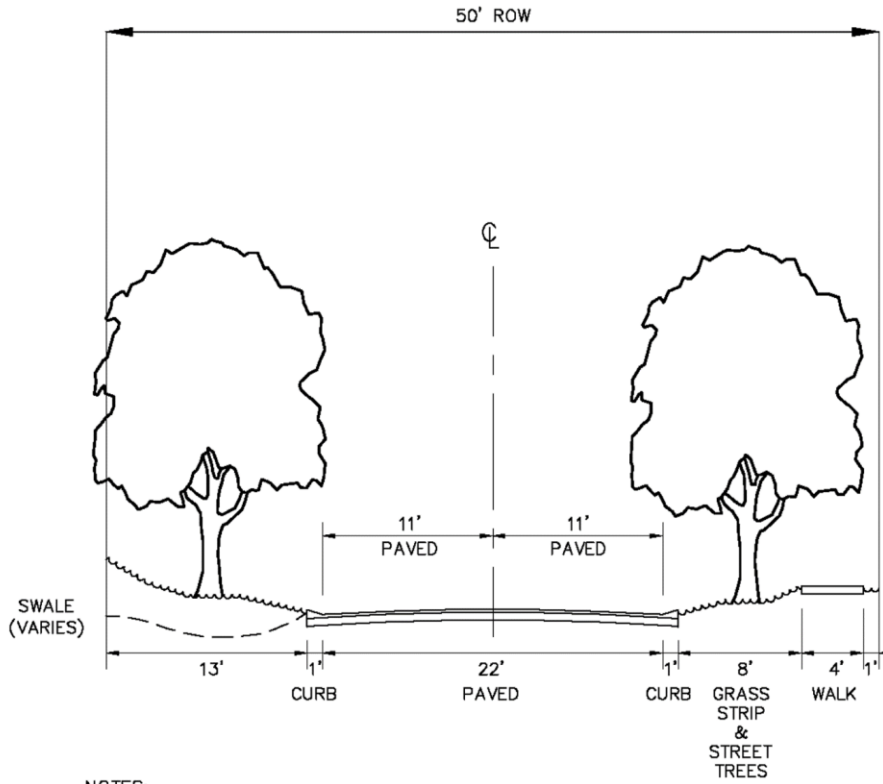


NOTES:

- PARKING ON ONE SIDE ONLY = 2-9' TRAVEL LANES + 1-8' PARKING LANE
- ROADWAY CROSS SECTION AND MATERIALS SHALL CONFORM TO TOWN STANDARDS FOR ROAD CONSTRUCTION AND UTILITY LOCATION.

Figure 3. Collector Street - No Parking Allowed

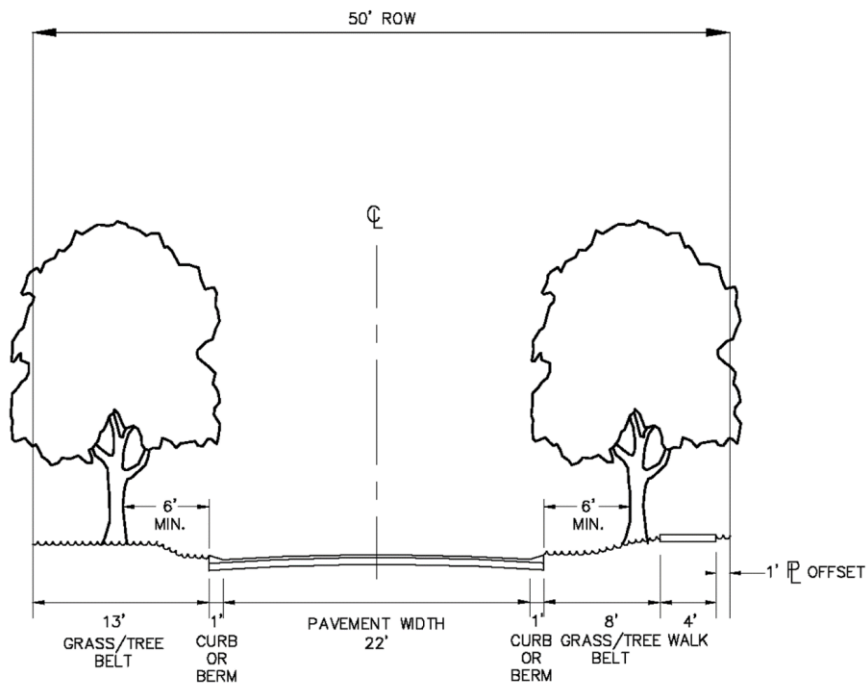
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NOTES:
-ROADWAY CROSS SECTIONS AND MATERIALS SHALL CONFORM TO TOWN STANDARDS FOR ROAD CONSTRUCTION AND UTILITY LOCATION.

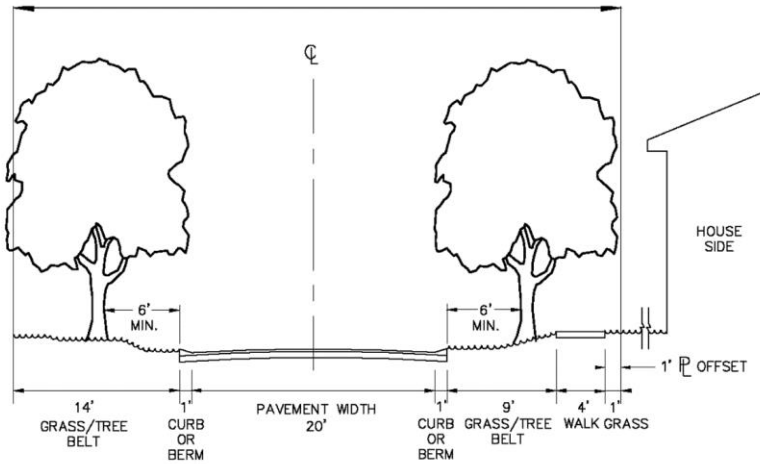
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Figure 4. Local Access - Parking Allowed (Double Loaded)

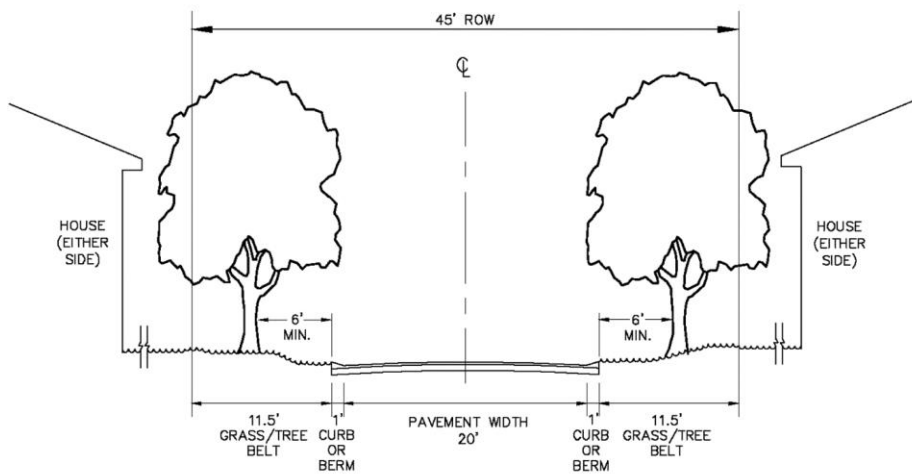


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Figure 5. Local Access Street - No Parking Allowed (Single Loaded)



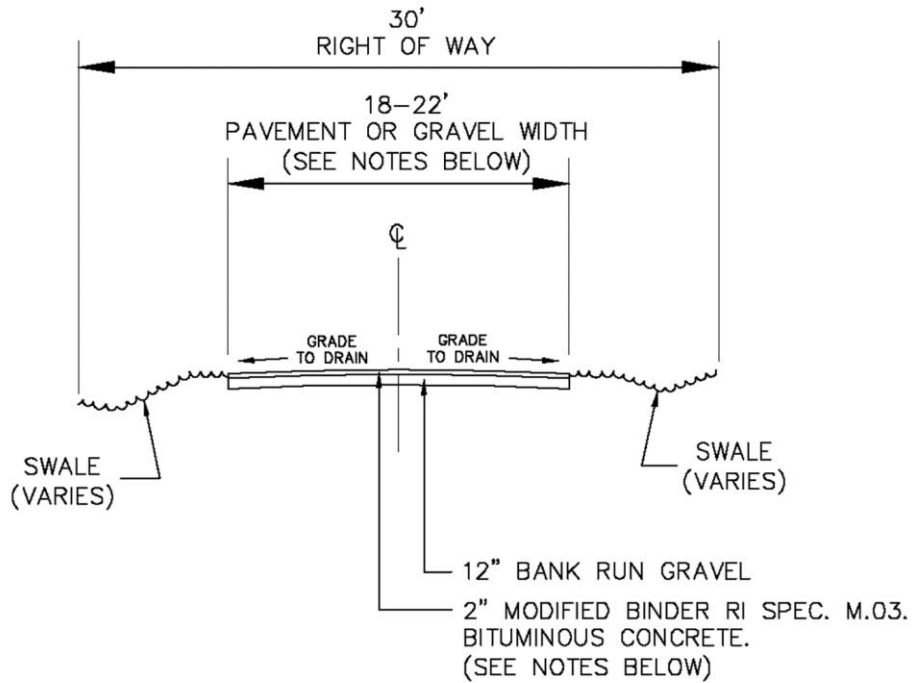
Option A - With Sidewalk



Option B - No Sidewalk

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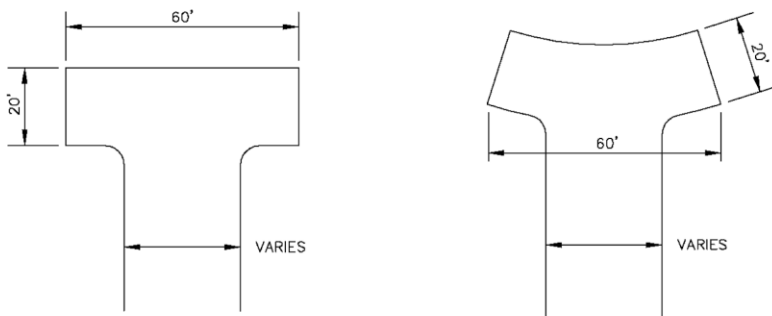
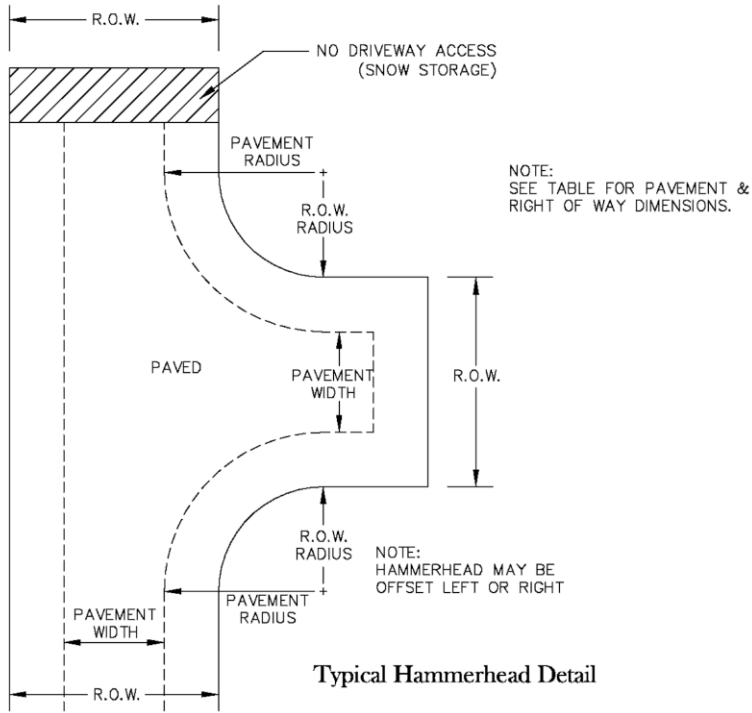
Figure 6. Local Private Street Typical Cross Section



NOTES:

1. GRAVEL SURFACE PERMITTED ON SLOPES NOT EXCEEDING 4%.
2. 2" MODIFIED BINDER R.I. SPEC. M.03. BITUMINOUS CONCRETE SURFACE (ON 12" GRAVEL) REQUIRED ON SLOPES EXCEEDING 4% & WITHIN 50 FT. OF INTERSECTION WITH A PUBLIC ROAD.

Figure 8. Typical Turnaround Details



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Figure 9. Private Common Driveway

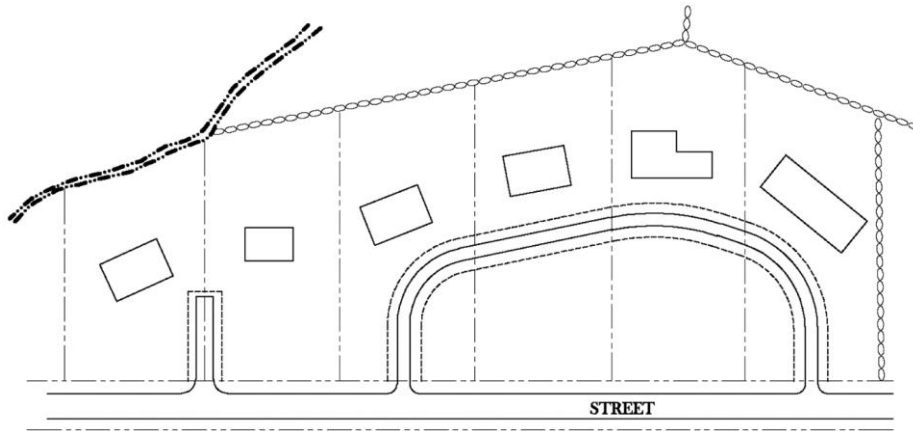
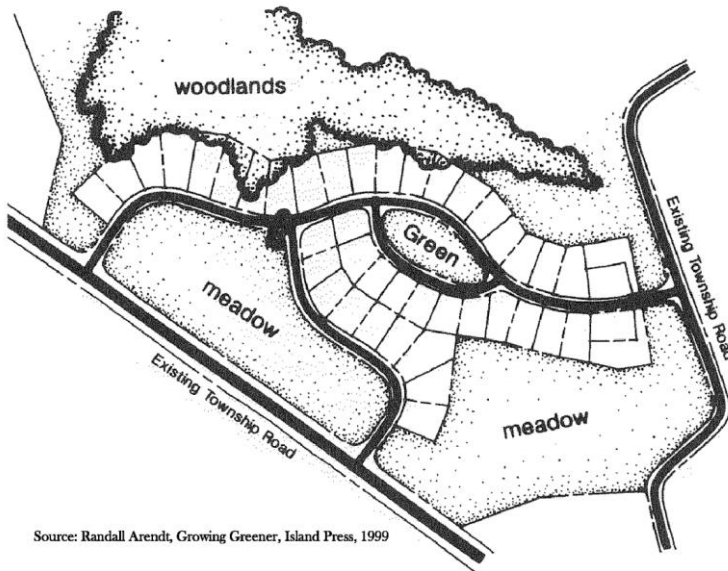


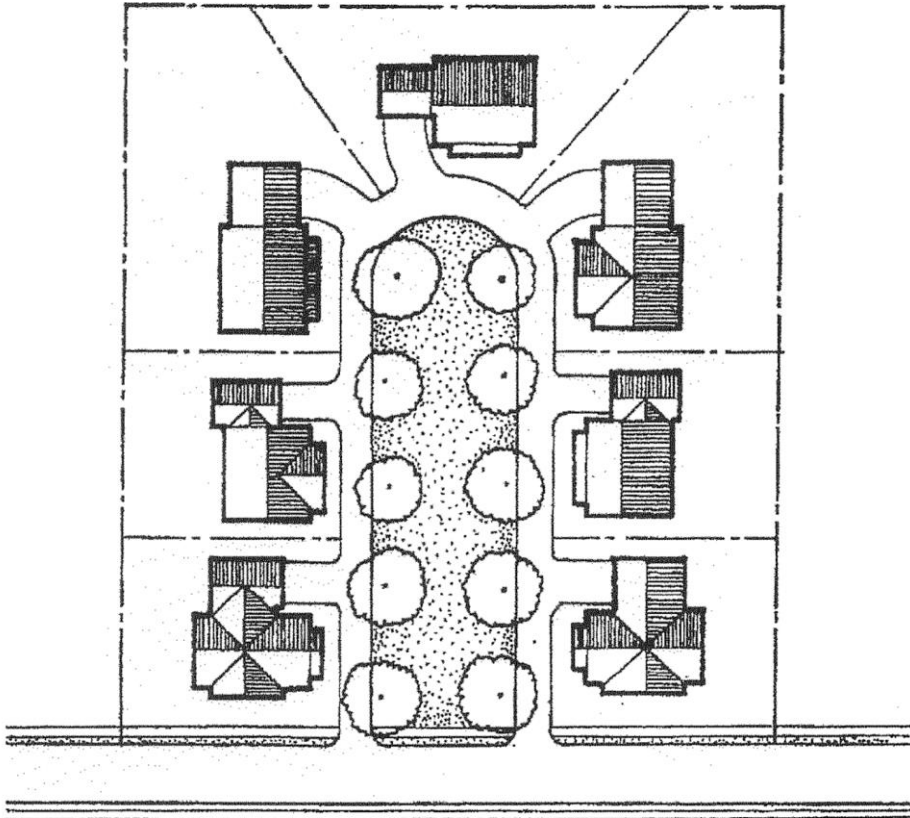
Figure 10. Buffer Along Street



Source: Randall Arendt, Growing Greener, Island Press, 1999

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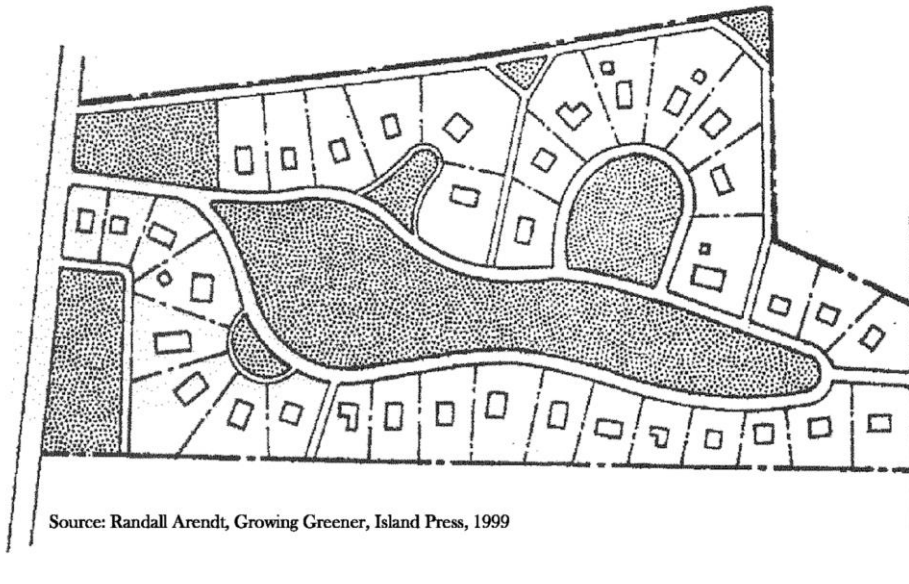
Figure 11A. Cul-de-Sac Design Loop Lanes



Source: Randall Arendt, *Growing Greener*, Island Press, 1999

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Figure 11B. Cul-de-Sac Design Loop Lanes



Source: Randall Arendt, Growing Greener, Island Press, 1999

Figure 13A. Street Light Details

BASE MOUNTED 14 FOOT FIBERGLASS POLE Installation

1. APPLICATION - Base mounted, 14 foot, fiberglass poles are used for street lighting applications using post top mounted luminaires.

2. POLE INSTALLATION - See Figure 1.

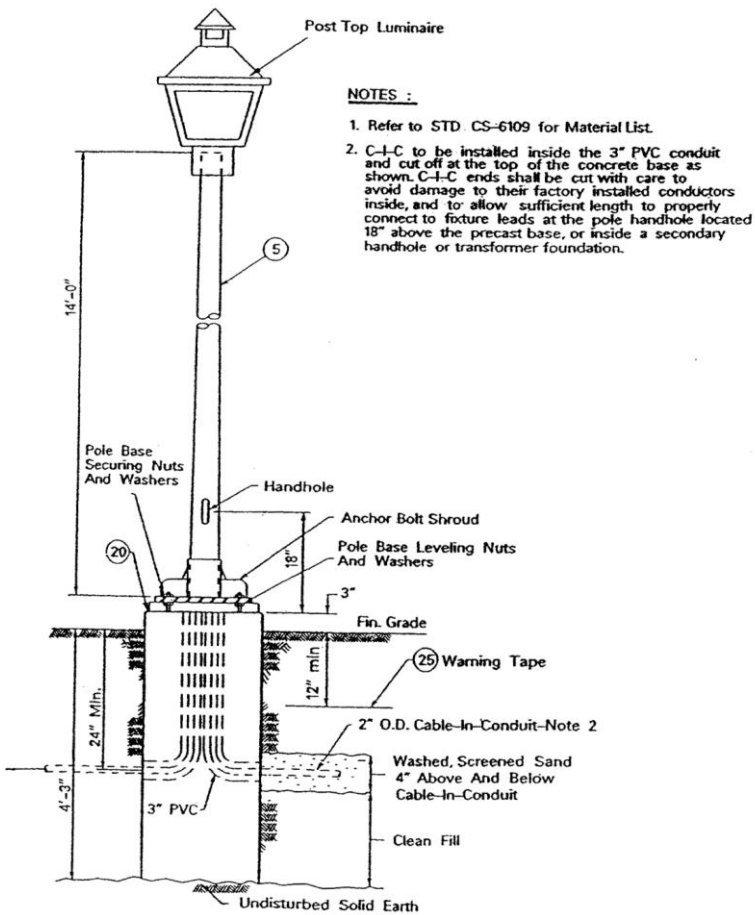
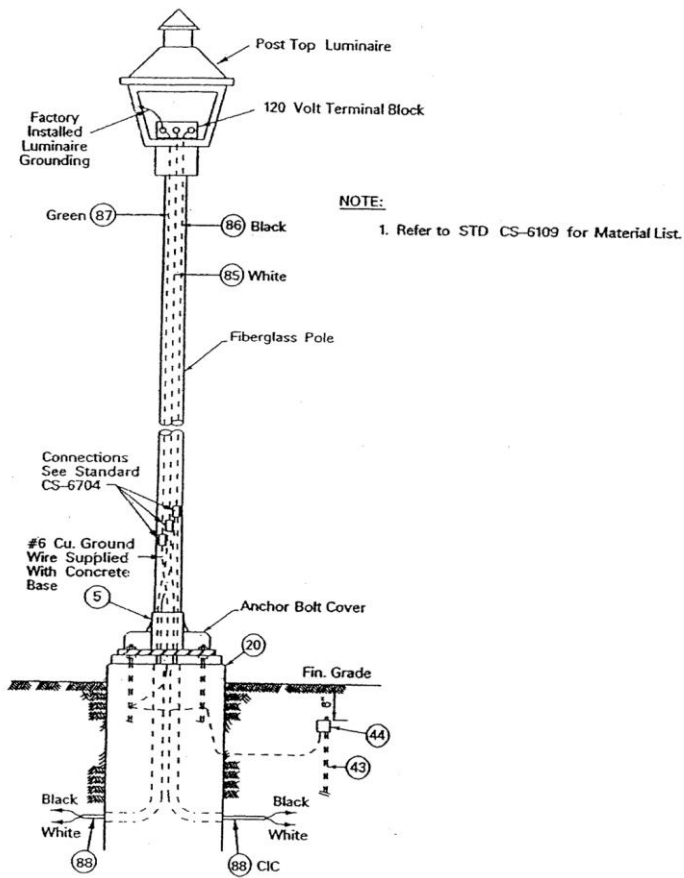


Figure 13B. Street Light Details

**BASE MOUNTED 14 FOOT FIBERGLASS POLE
Installation**

3. WIRING DETAILS - See Figure 2.



4. STORES CODE - 100003 - 14 foot base mounted fiberglass pole.

EXHIBIT B - APPLICATION CHECKLISTS

A. CHECKLIST – ADMINISTRATIVE SUBDIVISION.

The applicant shall submit to the ~~administrative officer~~administrative officers four "check prints" of the proposed plat for review. Plans shall include a certification that all plans and improvements conform to all standards of the State of Rhode Island and Providence Plantations, Board of Registration for Land Surveyors. The following materials must be delivered in plan format to the ~~administrative officer~~administrative officers for review:

1. Three review blue or black line prints prepared by a professional land surveyor at a scale no smaller than 1" = 40' with a sheet size of 24" x 36". The scale may be modified with the permission of the ~~administrative officer~~administrative officers.
2. Name and address of the property owner(s) and applicant(s).
3. Date of plan preparation, with revision date(s), if any.
4. Graphic scale and true north arrow.
5. Plat and lot numbers of the parcel being re-subdivided.
6. Zoning district(s) of the parcel being re-subdivided.
7. Existing property lines, easements and rights-of-way.
8. Proposed property lines, drawn to distinguish them from existing property lines.
9. Existing and proposed area(s) and dimensions of lot(s) being re-subdivided.
10. Location of wooded areas, stone walls, notable natural features, wetlands and coastal features.
11. Location and size of existing and proposed buildings, structures, utilities, wells, individual sewage disposal systems, and improvements.
12. Location, width and names of existing public and private streets within or immediately adjacent to the parcel being re-subdivided.
13. Certification (stamp) of a Rhode Island registered professional land surveyor that the plan and survey are correct according to the standards of class I survey.
14. Completed application form signed by the applicant(s) and the property owner(s).
15. Administrative fee. See [article 11, section 11.4.4.c](#)
16. Certificate of the tax collector that all taxes due on the land have been paid for a period of five years prior to the filing of the application for the administrative subdivision.
17. Such other information as may be requested by the Planning Department or the Planning Board.
18. Following completion of staff review and approval of the check print, the applicant shall submit a Mylar and four prints, at the same scale as the approved check print, for signature by the ~~administrative officer~~administrative officers and one print at a scale of one inch equals 200 feet.
19. One copy of all plans shall be submitted on CD in AutoCAD .dwg, GIS shapefile or .dxf file format and as a PDF.

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CHECKLIST - PRE-APPLICATION MEETINGS AND CONCEPT REVIEW FOR MINOR OR MAJOR LAND DEVELOPMENT PROJECTS AND MINOR OR MAJOR SUBDIVISIONS.

The applicant shall submit to the ~~administrative officer~~ administrative officers at least eight blue or blackline copies of pre-application maps required below. In addition, 12 reduced set of all plans on 11" x 17" sheets shall be submitted. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the ~~administrative officer~~ administrative officers. The plans must bear the stamp of the professional land surveyor and professional engineer who prepared them. Plans shall also be submitted on CD in AutoCAD .dwg, GIS shapefile or .dxf file format and as a PDF.

At a minimum, the following information shall be provided:

- a) Existing features. A map or plan(s) of the parcel proposed for development, showing the following information:
 1. ___ Name of the proposed subdivision.
 2. ___ Name and address of property owner and applicant.
 3. ___ Name, address and telephone number of person or firm preparing pre-application plan.
 4. ___ Date of plan preparation, with revision date(s) (if any).
 5. ___ Graphic scale and true north arrow.
 6. ___ Plat and lot number(s) of the land being subdivided.
 7. ___ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown.
 8. ___ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines.
 9. ___ Location of existing property lines, easements, and rights-of-way within and immediately adjacent to the parcel(s) being developed.
 10. ___ Area of the subdivision parcel and proposed number of buildable lots, dwellings or other proposed improvements.
 11. ___ Location, and names of existing streets within and immediately adjacent to the subdivision parcel.
 12. ___ Location of wooded areas and notation of existing ground cover.
 13. ___ Estimated location of land unsuitable for development/land with development limitations on or within 200 feet of the property being subdivided, as available from existing information.
 14. ___ Areas of agricultural use.
 15. ___ Existing topography (from available information) and showing all areas of slopes greater than 25 percent.
 16. ___ Location and approximate size of existing buildings or significant aboveground structures on or immediately adjacent to the subdivision.
 17. ___ Proposals, if any, for connection with existing water supply and sanitary sewer systems.
 18. ___ Location of historic cemeteries on or immediately adjacent to the subdivision (if any).

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19. ___ General location of any unique natural and/or archeological and historic features, including stone walls.
- b) Proposed development. A diagrammatic sketch plan overlay sheet shall be provided. This sheet shall be prepared to overlay a base map of existing information and features described in A., above. As an alternative, if surveys of the property proposed for development have not been prepared, a separate sketch plan may be submitted.
1. ___ Conceptual layout, on a separate drawing or overlay, if necessary to clearly portray areas proposed for development, areas proposed for open space and preliminary street layout.
 2. ___ Initial yield plan.
 3. ___ Aerial photograph at a scale not less than 1" = 400' showing areas within a radius of one-half mile of the propose Supporting materials.
- c) The applicant shall submit to the ~~administrative officer~~administrative officers copies of a narrative report (actual number of copies to be determined by the ~~administrative officer~~administrative officers) 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. The narrative report shall include reduced copies (11" × 17") of all plans required in A and B., above plus items 2—3, below:
1. ___ Administrative filing fee: See article 11, section 11.4.4.c.
 2. ___ A site context map, as described in article 13, section 13.6.
 3. ___ Completed application form signed by the applicant and the property owner
 4. ___ Certificate of tax collector that all taxes due on the land have been paid prior to filling the preapplication.
 5. ___ Such other information as may be requested by the Planning Department or by the Planning Board.

MINOR PRELIMINARY PLAN CHECKLIST—MINOR LAND DEVELOPMENT PROJECTS AND MINOR SUBDIVISIONS.

The applicant shall submit to the ~~administrative officer~~administrative officers at least eight blue or blackline copies of the preliminary site plans required below. In addition, 12 reduced sets of all plans on 11" × 17" sheets shall be submitted. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the ~~administrative officer~~administrative officers. Plans shall also be submitted on CD in AutoCAD .dwg, GIS shapefile or .dxf file format and as a PDF.

At a minimum, the following information shall be provided:

Drafting standards

Unless otherwise indicated, plans shall be drawn at the following scales: Record plan, not smaller than 1" = 100'; Site plan, not smaller than 1" = 100'; construction plans at a scale not smaller than 1" = 50' with street plan and profile, not smaller than horizontal 1" = 50' and vertical 1" = 5'. The scale may be modified with the permission of the ~~administrative officer~~administrative officers. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

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All sheets must contain the following basic information:

1. ___ Plan title block with proposed name of the development; name(s) and address(es) of applicant(s); owner(s), and designer(s) of the plan; date prepared; revision box to identify all changes from previous submissions; plat and lot number(s) of the land being subdivided or developed.

___ Graphic scale and true north arrow.

___ Inset locus map at 1" = 2000'.

___ Zoning district(s) of the land being subdivided or developed. If more than one district, zoning boundary lines must be shown.

___ Perimeter boundary lines of the subdivision or development, drawn so as to distinguish them from other property lines.

___ Area of the parcel(s) being developed, and proposed number of buildable lots, dwellings or other proposed improvements.

___ Location and dimensions of existing property lines within or adjacent to the parcel(s) being subdivided or developed.

___ Easements and rights-of-way within or adjacent to the parcel(s).

___ Location, width and names of existing streets within and immediately adjacent to the parcel(s) being developed.

___ Names of abutting property owners and property owners immediately across any adjacent streets, with plat and lot numbers also indicated.

___ Notation on plan if the parcel(s) being developed are located within any of the following areas: Natural Heritage Areas (RIDEM).

Zoning Overlay Districts.

Groundwater Recharge Areas.

Wellhead protection Areas.

FEMA Flood Plain.

Preliminary plan application checklist.

___ Site context map. See article 13, section 13.6.

___ Existing resources and site analysis map. See article 13, section 13.17.

___ Sketch plan overlay sheet. As an overlay to the existing resources and site analysis map, the following features shall be shown so as to demonstrate to the Planning Board that the design process provided in article 13, section 13.4 was followed: Schematic layout indicating a general concept for land conservation and development. Proposed open space areas. Proposed location of buildings and major structures, parking areas, and recreational facilities. (Not required of developments involving only single household dwellings). Proposed general street layout. Proposed lot lines, with approximate lot areas

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and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. General description of proposed method of water supply, sewage disposal, and stormwater management. Description of pedestrian facilities (sidewalks, footpaths, trails). Land proposed for dedication to the city. ___ Supplementary information. ___ Yield plan, modified from pre-application review (if necessary). ___ Preliminary grading plan in sufficient detail to show proposed contours for all grading proposed for on and offsite street construction, drainage facilities and grading upon individual lots if part of proposed subdivision improvements (if applicable). ___ Proposed drainage plan and drainage calculations prepared by a registered professional engineer, if required. ___ Proposed utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other proposed above or underground utilities, as applicable. ___ Location, dimension and area of any land proposed to be set aside as open space. ___ Statement identifying any waivers from development standards, zoning variances or special use permits required or requested. ___ Base flood elevation data. ___ Certification by a Professional Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a class I survey. ___ Open space use and management plan. See article 13, section 13.12.a. ___ Density calculation based on land suitable for development. ___ Supporting materials. ___ Administrative fee. See article 11, section 11.4.4.c. ___ Project review fee. See article 11, section 11.4.5. ___ Written statement from the city Water Department that city water is available to the development with sufficient volume and pressure to meet fire flow requirements, based on water system model if required by the Water Department and that the city council has granted permission for water line extension. ___ If individual sewage disposal systems are proposed, confirmation from the state Department of Environmental Management that the soils are adequate for the use of OWTS. Either of the following: ___ Preliminary subdivision suitability report No. _____/(3–5 lots). ___ Water table verification No. _____/(2 lots). ___ The names and addresses of all property owners, agencies or communities requiring notification as required by these regulations (required only if a street extension or creation is involved). ___ Notification required ___ Notification not required ___ Copies of return receipts for certified mail notices (if required in No. 5, above). ___ Proposed arrangements for completion of the required public improvements, including construction schedule and financial guarantees. See article 7.0. ___ Completed application form signed by the applicant and the property owner. ___ Certificate of the tax collector that all taxes due on the land were paid for a period of five years prior to filing of the application. ___ Such other information as may be required by the Planning Department or by the Planning Board.

FINAL PLAN CHECKLIST—MINOR LAND DEVELOPMENT PROJECTS AND MINOR SUBDIVISIONS. The applicant shall submit to the ~~administrative officer~~ administrative officers copies of final site plans and supporting materials as indicated below: Plat plans to be recorded. One Mylar and four blue or black line prints at a sheet size of 24" × 36". One Mylar and one blue or black line copy of the record plan will be recorded by the applicant with the city clerk following final approval and signature. Record plan scale not to be smaller than 1" = 100'. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The following information shall be shown on the plans: ___ Plan title block with proposed name of the development; name(s) and address(es) of applicant(s); owner(s), and engineer or land surveyor who prepared the plan; date prepared; with revision box to identify all changes from previous submissions; plat and lot number(s) of the land being subdivided or developed. ___ Notation that the subdivision is located in the city. ___ Graphic scale and true north arrow. ___ Inset locus map at 1"=2000'. ___ Zoning district(s) of the parcel(s) being developed. If more than one district, zoning boundary lines must be shown. ___ Perimeter boundary lines of the subdivision or land development project, drawn so as to

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distinguish them from other property lines. ___ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent being subdivided. ___ Location, width and names of proposed and existing streets within and immediately adjacent to the parcel being developed. ___ Names of abutting property owners and property owners immediately across any adjacent streets, with plat and lot numbers indicated. ___ Location of proposed permanent stone boundary markers. ___ Location of all interior lot lines and street lines with accurate dimensions and bearings (or angles) indicated, including data for all horizontal curves. ___ Location and number of all proposed lots, with accurate areas indicated. ___ Proposed house numbers as provided by the city engineer. ___ Developers lot number. ___ Location and notation of type of easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated. ___ Location and notation of type of proposed open space areas. ___ Notation of any special conditions of approval imposed by the Planning Board. ___ Notation of any permits and agreements with state and federal reviewing agencies. ___ Phasing schedule (if any). ___ Certification by a state professional land surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to a minimum of a class I survey, including the location of all proposed permanent monuments. ___ Stamped and signed approval (endorsement) from the Planning Board or ~~administrative officer~~administrative officers. See article 6.0. Construction drawings. Four blue or blackline copies of construction plans drawn to a scale not smaller than 1" = 50' with street plan and profile not smaller than horizontal 1" = 50' and vertical 1" = 5'. The scale may be modified with the permission of the ~~administrative officer~~administrative officers. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). Plans shall also be submitted on CD in AutoCAD .dwg, GIS shapefile or .dxf file format and as a PDF. ___ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the Planning Board as a condition of approval, to include the following (if required or applicable). All plans shall bear the stamp of the Rhode Island Registered professional engineer who prepared them. Proposed street plan and profiles. Proposed utility plans and profiles for water and sewer systems on a separate plan. Street cross-sections. Final detailed drainage plans and computations. Final detailed grading plans and computations. Soil erosion and sediment control plan. ___ Proposed landscaping plan bearing the stamp of a landscape architect registered in the state (if required by the Planning Board). ___ For phased projects, as-built drawings for the previous phase (if applicable). ___ Proposed street trees. ___ At least one bench mark indicating that datum is mean sea level (MSL). ___ Certification by a registered professional engineer that the plan is correct. ___ One copy of all plans shall be submitted on CD in AutoCAD .dwg, GIS shapefile or .dxf file format and as a PDF. Supporting materials. ___ Administrative fee. See article 11, section 11.4.4.c. ___ Certificate of the Tax Collector showing that all taxes due on the parcel being subdivided have been paid for a period of five years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel. ___ Written confirmation from the state Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed 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. ___ In lieu of item 3 above, an affidavit signed by a qualified wetlands biologist stating that there are no freshwater wetlands present on or within 200 feet of the property being subdivided. ___ A physical alteration permit (PAP) issued by the state Department of Transportation for any connection to or

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construction work within a state highway or other right-of-way (if necessary). ___ Final approval from the coastal resources management council (if applicable). ___ Approval from the US Army Corps of Engineers (if applicable). ___ All other state and federal agency approvals (as applicable). ___ One original signed copy of all legal documents describing the property, creating a Homeowners' Association, proposed easements and rights-of-way, dedications, restrictions or other required legal documents. One copy of the approved legal documents will be recorded by the applicant with the city clerk following final plan approval and signature. Specify: _____ One original signed copy of an irrevocable offer to convey to the City all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas. ___ Deed transferring land proposed for dedication to the city or other qualified group or agency for open space purposes. ___ Letter of approval of all legal documents from the city solicitor. ___ Open space use and management plan. See article 13, section 13.12.a. ___ 911 emergency numbers. Proof of notification to the fire marshal with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling. To be shown on plans with a square box. ___ Completed application form signed by the applicant and the property owner. ___ Such other information as may be required by the Planning Board as a condition of preliminary approval. ___ Letters of approval from the city council or appropriate state or federal agency for the construction of any off-s improvements (if required). Payment of required fees. Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the Planning Board and recording of final plans: ___ Administrative fee: See article 11, section 11.4.4.c. ___ Final plat recording fee - Amount _____. ___ Financial guarantees in a form approved by the finance director. Initial amount _____. Date set by Planning Board _____. Date of expiration of surety _____. ___ Inspection fee - Amount _____. ___ Maintenance bond for acceptance of public improvements (if applicable). Amount _____. Date of Council Acceptance _____. Description _____. Date of Expiration of Maintenance Bond _____.

CONCEPTUAL MASTER PLAN CHECKLIST—MAJOR LAND DEVELOPMENT PROJECTS AND MAJOR SUBDIVISIONS.

The applicant shall submit to the ~~administrative officer~~ administrative officers at least eight blue or blackline copies of conceptual master plan maps required below. In addition, 12 reduced sets of all plans on 11" x 17" sheets shall be submitted. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the ~~administrative officer~~ administrative officers. Plans shall bear the stamp of the professional land surveyor and professional engineer who prepared them. Plans shall also be submitted on CD in AutoCAD .dwg, GIS shapefile or .dxf file format and as a PDF. At a minimum, the following information shall be provided: Master plan application submission requirements. The submission requirements for master plan applications for major land developments and major subdivisions shall consist of the following five elements and shall be prepared in accordance with the drafting standards and plan requirements set forth below. Site context map. Existing resources and site analysis map. Sketch plan overlay sheet. Supplementary information as set forth in other parts of this ordinance. Supporting materials. Drafting standards. Unless otherwise indicated, plans shall be drawn to a scale of either 1 inch = 100 feet or 1 inch = 200 feet, whichever would best fit on a standard size sheet (24" x 36"), unless otherwise approved by the ~~administrative officer~~ administrative officers. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). All sheets must contain the following basic information (if applicable): ___ Plan title block with proposed name of the development; name(s) and address(es) of applicant(s); owner(s), and desi the plan; date

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prepared; revision box to identify all changes from previous submissions; plat and lot number(s) of the land subdivided or developed. ___ Graphic scale and true north arrow. ___ Inset locus map at 1" = 2000'. ___ Zoning district(s) of the land being subdivided or developed. If more than one district, zoning boundary lines must be shown. ___ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. ___ Area of the parcel(s) being developed and proposed number of buildable lots, dwellings or other proposed improvements. ___ Location of existing property lines, easements and rights-of-way within or adjacent to the parcel(s) being developed. ___ Location, width and names of existing streets within and immediately adjacent to the parcel(s) being developed. ___ Names of abutting property owners and property owners immediately across any adjacent street, with plat and lot numbers also indicated. Master plan application checklist. ___ Site context map. See article 13, section 13.6. ___ Existing resources and site analysis map. See article 13, section 13.17. ___ Sketch plan overlay sheet. As an overlay to the existing resources and site analysis map, the following information shall be shown so as to demonstrate to the Planning Board that the design process provided in article 13, section 13.4 was followed: ___ Schematic layout indicating a general concept for land conservation and development. ___ Proposed open space areas. ___ Proposed location of buildings and major structures, parking areas, and recreational facilities. (Not required of developments involving only single household dwellings). ___ Proposed general street layout. ___ Proposed lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines. ___ Description of pedestrian facilities (sidewalks, footpaths, trails). ___ Land unsuitable for development. ___ Supplementary information. The following information shall be presented in the form of a written narrative report, supplemented as necessary with drawings, sketches or plans to convey intent. The narrative report shall include reduced copies of all plans required in No. 1 above plus items 1-14, below. The number of copies shall be determined by the ~~Administrative Officer~~Administrative officers, based upon the required distribution to the Planning Board, and other agencies listed in E.4, below. ___ Proposals, if any, for connection with existing water supply and sanitary sewer systems. If wells and OWTS are proposed, a general description of their location shall be provided. ___ Provisions for collecting and discharging stormwater. ___ Density calculation based on exclusion of land unsuitable for development. ___ Notation and description if the property being developed is located within any of the following areas: ___ Natural heritage areas (RIDEM). ___ FEMA flood plain. ___ Zoning overlay districts. ___ Groundwater recharge areas. ___ Wellhead protection areas. ___ Narrow river special area management plan. ___ Base flood elevation data, from FEMA maps. ___ Location of water table test holes and soil percolation tests in areas proposed for development, with test hole data. Depth to groundwater shall be shown in locations of proposed OWTS, foundations, roadways, and stump dumps as determined by a registered professional engineer or land surveyor. ___ An estimate of the approximate population of the proposed subdivision. ___ An estimate of the number of school-aged children to be housed in the proposed subdivision. ___ Fiscal impact statement. ___ Proposed phasing, if any. ___ Open space use plan. ___ Yield plan, if modified from the pre-application stage of review. ___ Architectural schematic drawings (if two-, three- or four-unit dwellings are proposed). ___ Preliminary determination from CRMC. ___ Written statement from the city Water Department that city water is available to the development with sufficient volume and pressure to meet fire flow requirements, based on water system model if required by the water department. ___ Certificate of the tax collector that all taxes due on the land have been paid prior to conceptual master plan application. ___ Such other information as may be requested by the Planning Department or the Planning Board. ___ Supporting materials. ___ Administrative fee. See section article 11, 11.4.4.c (plus required mailing and advertising

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expenses). ___ Project review fee. See article 11, section 11.4.5. ___ Completed application signed by both the applicant and the property owner. ___ The names and addresses of owners of all properties, agencies or communities requiring notification as required by these regulations. ___ Initial written comments on the master plan from the following agencies: (Provided by the ~~administrative officer~~administrative officers) Local agencies A. ___ Planning Department Date: ___ B. ___ Public works Date: ___ C. ___ Building inspector Date: ___ D. ___ Solicitor Date: ___ E. ___ Conservation comm. Date: ___ F. ___ Recreation dept. Date: ___ G. ___ Police dept. Date: ___ H. ___ Fire district Date: ___ I. ___ School dept. Date: ___ J. ___ Water dept. Date: ___ K. ___ Land trust Date: ___ L. ___ Narrow River land trust Date: ___ M. Other (specify) ___ Date: ___ Adjacent communities (specify) A. ___ Date: ___ B. ___ Date: ___ C. ___ Date: ___ D. ___ Date: ___ E. ___ Date: ___ State agencies A. ___ Environmental Management Date: ___ B. ___ Transportation Date: ___ C. ___ Other (specify) Date: ___. Federal agencies A. ___ U.S. Army Corps Engineers Date: ___ B. ___ FEMA Date: ___

PRELIMINARY PLAN CHECKLIST—MAJOR LAND DEVELOPMENT PROJECTS AND MAJOR SUBDIVISIONS.

Preliminary plat application submission requirements. The applicant shall submit to the ~~administrative officer~~administrative officers at least eight blue or blackline copies of the preliminary site plans required below. In addition, 12 reduced set of all plans on 11" x 17" sheets shall be submitted. Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors. Plans shall also be submitted on CD in AutoCAD .dwg, GIS shapefile or .dxf file format and as a PDF. Drafting standards. Unless otherwise indicated, plans shall be drawn at the following scales: Record plan, not smaller than 1" = 100'; Site plan, not smaller than 1" = 100'; construction plans at a scale not smaller than 1" = 50' with street plan and profile, not smaller than horizontal 1" = 50' and vertical 1" = 5'. The scale may be modified with the permission of the ~~administrative officer~~administrative officers. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). All sheets must contain the following basic information (if applicable): ___ Plan title block with proposed name of the development; name(s) and address(es) of applicant(s); owner(s), and designer(s) of the plan; date prepared; revision box to identify all changes from previous submissions; plat and lot number(s) of the land being subdivided or developed. ___ Name, address and telephone number of engineer or land surveyor. ___ Graphic scale and true north arrow. ___ Inset locus map at 1" = 2,000'. ___ Zoning district(s) of the land being subdivided or developed. If more than one district, zoning boundary lines must be shown. ___ Perimeter boundary lines of the subdivision or phase, drawn so as to distinguish them from other property lines. ___ Area of the parcel(s) being developed and proposed number of buildable lots, dwellings or other proposed improvements. ___ Approximate area and dimensions of all lots proposed for development. ___ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided. ___ Location, width and names of existing streets within and immediately adjacent to the parcel being subdivided. ___ Names of abutting property owners and property owners immediately across any adjacent streets; with plat and lot numbers also indicated. ___ Certification by a Professional Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements to a minimum of a class I survey. Preliminary plat application checklist. A proposed conditions map(s) to show the

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following: ___ Proposed improvements including streets, lots, lot lines, with approximate lot areas and dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing lot lines. ___ Location of permanent stone boundary markers, including markers sufficient to delineate the location of open space areas. ___ Location and dimension of all proposed utilities within and immediately adjacent to the subdivision, including gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or other proposed above or underground utilities. ___ Preliminary utility plans and profiles for water and sewer systems on a separate plan. ___ Land unsuitable for development and land with development limitations. See article 14, section 14.1.1. ___ Grading plan to show existing and proposed contours at no greater than two-foot intervals showing limits of disturbance, location of proposed houses and/or nonresidential buildings and other structures, on-site sewage disposal systems, streets, entrances and exits, bicycle facilities, sidewalks and pedestrian walkways, public transportation, parking areas and driveways. ___ Cross sections of all areas of cuts and fills showing existing and proposed surface elevations and verified wet season maximum ground water elevation. ___ Calculations of volume in cubic yards of net requirement of soil materials (loam, sand, gravel) to be removed from the site or brought to the site as borrow material. ___ Maintenance plan and program for drainage detention/retention systems and swales, with proposed erosion and sediment controls. ___ Landscaping plan with specifications for landscaping of drainage detention/retention basins, restoration and revegetation for erosion and sediment controls, and restoration of existing disturbed open space. ___ Soil erosion and sediment control plan. ___ Proposed street plan and profiles drawn at a scale no smaller than 1"= 50' horizontal and 1" = 5' vertical. ___ Street cross-sections, with location of utilities indicated. ___ Construction notes and details. ___ Proposed street names. ___ Proposed sidewalks or bike paths. ___ Boundaries of land proposed for dedication to the city. ___ Street lighting plan (if required). ___ Proposed street trees, with planting plan and specifications for proposed species, size and planting details. ___ Proposed drainage plan showing surface and subsurface drainage facilities, lengths, slope, types and sizes of storm sewers and mathematical computations prepared by a registered professional engineer certifying that the proposed drainage system is adequate to service the drainage area in which the subdivision is located. See article 14. ___ Location, dimension and area of any land proposed to be set aside as open space. ___ Location of proposed stump dumps with depth to groundwater. ___ Location of temporary access roads and other temporary construction activities. ___ Open space use and management plan. See article 13, section 13.12.a. ___ Yield plan, if modified from the master plan stage of review Supporting materials. ___ Administrative fee. See article 11, section 11.4.4.c. ___ Written confirmation from the state Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, 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. ___ Written statement from the city Water Department that city water is available to the development with sufficient volume and pressure to meet fire flow requirements, based on water system model if required by Water Department. ___ A physical alteration permit (PAP) issued by the state department of transportation for any connection to or construction work within a state highway or other right-of-way (if necessary. ___ Preliminary subdivision suitability determination by the Department of Environmental Management for the use of individual sewage disposal systems (if proposed). ___ Final approval from the coastal resources management council (if applicable). ___ Approval from the US Army Corps of Engineers (if applicable). ___ All other state and federal agency approvals (as applicable). ___ The names

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and addresses of owners of all properties, agencies or communities requiring notification as required by these regulations. ___ Copies of return receipts for certified mail notices (No. 9, above). ___ Two draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents. Specify: _____ Proposed arrangements for completion of the required public improvements, including construction schedule and financial guarantees. See article 7.0. ___ Statement identifying any waivers from development standards, zoning variances or special use permits required or requested. ___ Final written comments on the preliminary plan by the following: (Provided by the ~~administrative officer~~administrative officers)

A. ___ Planning Department Date: ___ B. ___ Public works Date: ___ C. ___ Building inspector Date: ___ D. ___ Solicitor Date: E. ___ Conservation comm. Date: ___ F. ___ Other (specify) Date: ___

___ Completed application signed by the applicant and the property owner. ___ Letters of approval from utility companies (as applicable). ___ Letters of approval from the city council or appropriate state or federal agency for the construction of any offsite improvements (if required). ___ Density calculation based on land suitable for development. ___ Aerial photograph at a scale not less than 1" = 400' showing the areas within a radius of one-half mile of the proposed project site. ___ Certificate of the tax collector that all taxes due on the land have been paid prior to conceptual master plan application. ___ Such other information as may be requested by the Planning Department or the Planning Board.

FINAL PLAN CHECKLIST—MAJOR LAND DEVELOPMENT PROJECTS AND MAJOR SUBDIVISIONS.

The applicant shall submit to the ~~administrative officer~~administrative officers copies of final site plans and supporting materials as indicated below: Plat plans to be recorded. One Mylar and four blue or black line prints at a sheet size of 24" × 36". One Mylar and one blue or black line copy of the record plan will be recorded by the applicant with the city clerk following final approval and signature. Record plan scale not to be smaller than 1" = 100'. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). Plans shall also be submitted on CD in AutoCAD .dwg, GIS shapefile or .dxf file format and as a PDF. The following information shall be shown on the plans: ___ Plan title block with proposed name of the development; name(s) and address(es) of applicant(s); owner(s), and engineer or land surveyor who prepared the plan; date prepared; with revision box to identify all changes from previous submissions; plat and lot number(s) of the land being subdivided or developed. ___ Notation that the subdivision is located in the city. ___ Graphic scale and true north arrow. ___ Inset locus map at 1"=2,000'. ___ Zoning district(s) of the parcel(s) being developed. If more than one district, zoning boundary lines must be shown. ___ Perimeter boundary lines of the subdivision or land development project, drawn so as to distinguish them from other property lines. ___ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided. ___ Location, width and names of proposed and existing streets within and immediately adjacent to the parcel being developed. ___ Names of abutting property owners and property owners immediately across any adjacent streets, with plat and lot numbers indicated. ___ Location of proposed permanent stone boundary markers.. ___ Location of all interior lot lines and street lines with accurate dimensions and bearings (or angles) indicated, including all horizontal curves. ___ Location and number of all proposed lots, with accurate areas indicated. ___ Proposed house numbers as provided by the city engineer. ___ Developers lot numbers. ___ Location and notation of type of easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated. ___ Location and notation of type of proposed open space areas. ___ Notation of any special conditions of approval imposed by the Planning Board. ___ Notation of any permits and agreements w/state and federal reviewing

agencies. ___ Phasing schedule (if any). ___ Certification by a state professional land surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to a minimum of a class I survey, including the location of all proposed permanent monuments.

___ Stamped and signed approval (endorsement) from the Planning Board or ~~administrative officer~~administrative officers. See article 6.0. Construction drawings. Four blue or black line copies of construction plans drawn to a scale not smaller than 1" = 50' with street plan and profile not smaller than horizontal 1" = 50' and vertical 1" = 5'. The scale may be modified with the permission of the ~~administrative officer~~administrative officers. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). ___ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the Planning Board as a condition of approval, to include the following (if required or applicable). All plans shall bear the stamp of the state registered professional engineer who prepared them. Proposed street plan and profiles. Proposed utility plans and profiles for water and sewer systems. Street cross-sections. Final detailed drainage plans and computations. Final detailed grading plans and computations. Soil erosion and sediment control plan. ___ Proposed landscaping plan bearing the stamp of a landscape architect registered in the state (if required by the Planning Board). ___ For phased projects, as-built drawings for the previous phase (if applicable). ___ Proposed street trees. ___ At least one bench mark indicating that datum is mean sea level (MSL). ___ Certification by a registered professional engineer that the plan is correct. Supporting materials. ___ Administrative fee. See article 11, section 11.4.4.c. ___ Certificate of the tax collector showing that all taxes due on the parcel being subdivided have been paid for a period of five years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel. ___ One original signed copy of all legal documents describing the property, creating a homeowners' association, pro easements and rights-of-way, dedications, restrictions or other required legal documents. One copy of the approved documents will be recorded by the applicant with the city clerk following final plan approval and signature. Specify: _____ One original signed copy of an irrevocable offer to convey to the city all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas. ___ Deed transferring land proposed for dedication to the city or other qualified group or agency for open space purposes. ___ Letter of approval of all legal documents from the city solicitor. ___ Open space use and management plan. See article 13, section 13.12.a. ___ 911 emergency numbers. Proof of notification to the fire marshal with proposed new road names, if any, and all new house numbers assigned to each building lot or dwelling. To be shown on plans with a square box. ___ Completed application form signed by the applicant and the property owner. ___ Such other information as may be required by the Planning Board as a condition of preliminary approval. Payment of required fees. Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the Planning Board and recording of final plans: ___ Administrative fee. See article 11, section 11.4.4.c. ___ Final plat recording fee - Amount _____ Financial guarantees in a form approved by the finance director. Initial amount _____ Date set by Planning Board _____ Date of expiration of surety _____ Inspection fee - Amount _____ Maintenance bond for acceptance of public improvements (if applicable). Amount _____ Date of Council Acceptance _____ Description _____ Date of Expiration of Maintenance Bond _____

CHECKLIST FOR POJAC POINT ROAD.

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The applicant shall submit the following materials to the ~~administrative officer~~administrative officers for Pojac Point Road plan review. Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Boards of Registration for Professional Engineers, Landscape Architects, and Land Surveyors. ___ Certification that the legal owner of the proposed road is requesting the approval. ___ One Mylar and three blue or black line copies of all plans for the proposed road at a scale no smaller than 1" = 100' or not to exceed 24" x 36". For recordation with the city clerk, one Mylar and one print will be utilized. ___ Stamp of the registered professional engineer and/or land surveyor and who prepared the plans. ___ Road construction specifications, finished grades, elevations, drainage improvements, and materials to be used. ___ Plans for control of erosion and sedimentation. ___ Documents showing the legal ownership of that part of the proposed road. ___ Documents conveying or to convey to the present and future owners of each lot for which the frontage required by section 21-37(b) of the zoning ordinance could be measured along said road a right to pass over said road and roads connected thereto from said lot to a public road as a primary means of access to and egress from said lot to such public road. ___ Drainage plan showing surface and subsurface drainage facilities, lengths, slope, types and sizes of storm sewers and mathematical computations prepared by a registered professional engineer establishing that the proposed drainage system is adequate to service the drainage area in which the subdivision is located. The drainage system shall be designed in accordance with articles 14.0 and 15.0 of the subdivisions and land development regulations, and the latest revision of the U.S. Department of Agriculture Soil Conservation Service, Technical Release 55 (TR-55). ___ Materials for recordation with the city clerk shall include assessor's lot numbers, house numbers as provided by the city engineer, developer's lot number and stamped approval from the Planning Board or ~~administrative officer~~administrative officers. ___ A preliminary determination report from CRMC and RIDEM wetlands permit, where applicable.

CHECKLIST FOR PLANNED UNIT DEVELOPMENT.

For each stage of approval, the applicant shall submit 11 copies of all materials on sheets not to exceed 30" x 40" at a scale to be determined by the Planning Department unless otherwise specified. Required materials for staff conference and pre-application review. For the purposes of the staff conference and pre-application review, the applicant is encouraged to use existing data such as that available from USGS, and RIGIS. ___ Proposed name of the development; names and addresses of applicant, owners, and designers of the plan; and north arrow. ___ Site boundary; plat and lot numbers, zoning districts as available from the city assessor records. ___ Existing land use of site and surrounding area within one-half mile of the perimeter of the site. ___ Existing roadway networks designating limited access highways, arterials, collectors and local roads. ___ Soil classifications and drainage patterns. ___ Topography at ten-foot contours, slopes, vistas, kettle holes, and bedrock outcrops. ___ Drainage swales, wetlands, streams, ponds, groundwater recharge areas, groundwater reservoirs, and wellhead areas. ___ Calculation of approximate area with development limitations as described in article 14, section 14.1.1.4.c. and based upon the submittal of the above items. ___ Certification from the tax collector that all taxes due on the land have been paid prior to the filing of the application. ___ The applicant shall provide a concept plan and report showing the following information regarding the development: Delineation of residential and nonresidential use areas. The approximate number of residential units and nonresidential units. Delineation of open space. Plans shall show both open space areas retained for passive recreation and wildlife habitat and those anticipated for active recreation. A list of the proposed uses. Demonstration that there are 100 acres of land suitable for development.

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Information on existing water and sewer system, capacity if any, and how it compares to the project's estimated requirements. ___ Fees as set forth in article 11, section 11.4 of these regulations. Required materials for zoning map amendment. The application shall be filed with the city clerk and shall be signed by the property owner(s) and/or applicant(s) and shall include: ___ Fees as set forth in section 9-4 of the Warwick Revised Ordinances, licenses, permits and miscellaneous regulations. ___ Notwithstanding any other requirements stated elsewhere in the zoning ordinance, the names and mailing addresses of all persons owning property within 500 feet of the proposed development according to the most recent list of the tax assessor. The list shall include the plat map and lot designations as listed on the tax records. ___ The applicant shall provide a concept plan and report showing the following information regarding the development: Delineation of residential and nonresidential use areas. The approximate number of residential units and nonresidential units. Delineation of open space, including open space areas retained for passive recreation and wildlife habitat and those anticipated for active recreation use. A list of the proposed uses. Demonstration that there are 100 acres of suitable land for development. Information on existing water and sewer capacity if any and how it compares to the project's estimated requirements. Required materials for master plan approval. All applications for master plan approval to establish a planned unit development district shall be accompanied by the following: ___ Fees as adopted by the city council. ___ Maps and plans at a scale of 1" = 200', which shall include: A description and map of the soils on the site based upon the soil conservation service soils map. Flood hazard areas, including base flood elevations. Topographic contours at a minimum of ten-foot intervals showing existing grades. Existing vegetation, landforms and water bodies. Proposed circulation patterns, including roadway plans for primary and secondary traffic, pedestrian and bicycle pathways showing proposed and existing rights-of-way and easements. Utility plans. Delineation and timeframe for development phases and acreage of each phase. Delineation of residential and nonresidential use areas. Delineation of required and proposed bonus open space. Each sheet shall show: north arrow, engineering scale, title of development, date of plan, name and address of owner/developer, and name of persons/firms preparing the plan. Land use and land use plan. Half-mile land use and zoning map at a scale of 1" = 400'. ___ Land use analysis including: Calculation of acreage for residential and nonresidential density and information demonstrating how the calculations were derived. Number and types of residential units. Number, types, and floor areas of nonresidential structures. Acreage of open space and the percentage of open space to total acreage. Density provided and proposed density bonuses. Summary table of residential uses, nonresidential uses, and open space planned for each development phase and for the entire development. Certification from the tax collector that all taxes due on the land have been paid prior to the filing of the application. ___ Environmental and community inventory and impact analysis. Generally. The application for a planned unit development shall be accompanied by an environmental and community inventory and impact analysis. The analysis shall clearly and methodically assess the relationship of the proposed development to the natural and built environment of the city. This report shall be prepared by an interdisciplinary team of professionals qualified, experienced, and, where applicable, licensed, in their fields. Such team may typically consist of civil engineers, traffic engineers, architects, landscape architects, land-use planners, hydrogeologists, hydrologists, biologists and other environmental professionals. The applicant shall bear the cost of this analysis. The applicant is encouraged to utilize existing available city, state, and federal reports to assist in this analysis such as the comprehensive plan, City of Warwick Water Supply Systems: System Hydraulic Model, Capital Improvement Program. Use of ECIIA. The environmental and community inventory and impact analysis report will serve as a guide to

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the Planning Board in its deliberations and its decision-making process. Mitigation program. For the components of the environmental and community inventory and impact analysis, each of the following concerns must be separately addressed and contain a proposed mitigation program: The environmental and community impacts of the proposed development, environmental and community impacts, both beneficial and adverse, anticipated as a result of the proposed development shall be assessed. This section shall include impacts resulting from the construction phase as well as those resulting after the project's completion. The report shall describe the kinds and magnitudes of adverse impacts which cannot be reduced in severity or which can be reduced in severity, but not eliminated. Measures to be used to mitigate adverse environmental and community impacts. Corrective and protective measures which will be taken, as part of the project, to minimize adverse impacts shall be described in detail. Phasing program. If the project is to proceed in phases, the report should be organized to present the various impacts for each phase. See section 21-487(p). Natural environment. Stormwater impact. The impact of stormwater runoff on adjacent and downstream surface water bodies and subsurface groundwater shall be evaluated. Dangers of flooding as a result of increased downstream runoff, especially peak runoff, shall be determined. The impact of the proposed project on water table levels shall also be analyzed. Soils. Compatibility of the proposed development with existing soils; the impact of any soils or other materials to the site; and the potential dangers and impacts of erosion and sedimentation caused by the proposed development assessed. Plants and wildlife. The impact that the proposed project may have on wildlife habitat and on any rare or endangered plant or animal species known to exist in the area shall be determined. Water supply. The average and peak daily demand and the impact of such demands upon the municipal water system shall be determined. In determining the demand and impacts, the applicant shall use the City of Warwick Water Supply System: System Hydraulic Model. The applicant shall bear the cost of the use of the model. Sewage disposal. The average and peak daily disposal and the impact of such disposal on groundwater shall be assessed. Public services. Schools. The following shall be determined: expected impact on the school system both elementary and secondary levels; the number of students; number of students anticipated; age distribution of anticipated students and the standards used in deriving the number of students; and projections of future school building needs resulting from the proposed project. All impacts shall be based upon standards set forth by the comprehensive plan, services and facilities element. Police. The expected impact on police services, time and manpower needed to protect the proposed development and service improvements and costs necessitated by the proposed development. Fire. Expected fire protection needs; on-site firefighting capabilities; on-site alarm or other warning devices; fire-flow water needs, source and delivery system and other needs shall be presented. Fire Department service improvements and costs necessitated as a result of the proposed project shall also be discussed based upon consultation with the Fire Department. Recreation. On-site recreation provisions shall be detailed and off-site recreation demands shall be estimated. Provision for public open space, either dedicated to the city or available to its residents, shall be described. Open space available primarily or exclusively for PUD residents or employees shall also be described. Solid waste disposal. Analysis of the projected volume and type of solid waste to be generated by the proposed development and methods of removal, as well as costs to the city. Traffic. See subsection h. Highway. Protected need, responsibility and costs to the city of roadway maintenance shall be analyzed. Impacts of construction equipment on area roadways shall also be discussed. Aesthetics. Architecture. The general architectural design scheme shall be described, in particular, with reference to how massing, scale and design type(s) of buildings will be compatible with traditional New England building styles in the city. Sketch drawings of typical building

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elevations will be included. Landscaping. Provisions for landscaping shall be described including type, location and function of all plantings and materials. Canopy trees shall be deciduous shade trees planted at three inches in caliper with a mature height of at least 35 feet. Understory trees shall be deciduous shade, evergreen or fruit trees planted at two inches in caliper with a mature height of at least 12 feet. Screening may also consist of any existing growth of trees or shrubs. It is preferable that existing growth be left instead of replacement with other growth. Existing growth may be augmented as set forth above. The Planning Board may, in order to protect an important view along a road, decrease the buffer requirement Visual. Views into the site and from the site shall be described. Included shall be long-distance views as well as views to and from adjacent properties. Minimum setbacks. The Planning Board shall determine the minimum setback requirements and/or building envelopes for each phase in order to ensure continuity of building location and to be in keeping with the design considerations of each phase. Planning. Analyze the compatibility of the proposed development and its alternatives with the goals and objectives of the most recent city comprehensive plan. Market analysis justifying proposed uses. A description of proposed business uses and their local and regional service areas. Traffic impacts. Roadway network. Describe the traffic circulation network, which at a minimum shall consist of all roadways and intersections that are located within one mile of the closest boundary of the site and are projected to receive at least five percent of the anticipated average daily or peak-hour traffic generated by the proposed development. The description shall document all existing and proposed roadway links, intersections, traffic signals and other control devices, and public transportation services and facilities. Describe the proposed site access to the planned unit development. Existing traffic volumes. Describe current traffic volumes for all roadways, streets and intersections that are part of the traffic circulation network as defined above. Roadways links. Existing weekday volumes shall be based on automatic recorder traffic counts for three 24-hour weekday periods. Indicate average annual weekday and a.m./p.m. peak-hour volumes for all links. Intersections. Peak-hour turning movements shall be based on manual counts taken over two-hour periods (e.g., 7:00 a.m. - 9:00 a.m., 4:00 p.m. - 6:00 p.m.) broken into 15-minute segments. Data shall be presented for weekday morning and afternoon peak hours. General. Make peak seasonal adjustments when applicable. Volume data that are factored to base year levels should be no more than two years old. Identify and provide citations for any adjustment factors or growth rates used in the analysis. Saturday peak-hour conditions shall be included (in addition to weekday a.m. and p.m. peak hours) for projects with significant retail components. Present existing condition on a traffic flow map covering the study area. Capacity and level of service analysis: Analyze existing capacities and levels of service for the study area roadway network and present the results in tabular form. Include delay, volume-to-capacity (v/c) ratios, and queue lengths. Methodologies shall be in accordance with the Highway Capacity Manual, 1985 edition (Special Report 209 of the Transportation Research Board). Trip generation: Present an analysis of traffic projections for the proposed development, indicating total average weekday and peak-hour trips allocated to proposed phases and uses. ITE rates: Whether or not it is accompanied by an analysis using other trip generation rates, an analysis should be presented that uses unadjusted trip generation rates for the appropriate land use code(s), as listed in Trip Generation, fourth edition (Institute of Transportation Engineers, 1987). Rates should be developed from "fitted curve" equations and used according to the methods outlined. Alternative rates: An analysis using other rates may be presented for comparative purposes, if appropriate. In such case, capacity analyses of baseline and future conditions should be provided for both the ITE rate and any alternative trip generation analysis. Trip distribution: Document all vehicle trips to or from the site through all access points. Future conditions: Analyze projected traffic impacts

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from the planned unit development together with projected impacts of other developments approved for development and affecting the same elements of the traffic circulation network. Traffic volumes: Generate trip tables for the planned unit development, and add to the existing volumes to generate build out volumes. Capacity analysis: Compute future conditions capacity and LOS for no-build and build, the latter both with and without mitigation measures in place. The performance indicators tabulated for existing conditions should be tabulated in a corresponding manner for future conditions. Summary: Provide a tabular summary comparing the base case to the future no-build and build scenarios. Mitigative measures: Describe recommended traffic circulation network improvements and traffic control devices. Present capacity analyses as outlined above for existing conditions for all mitigative measures. The effects of all mitigative measures should be quantified, and the analytical basis documented. The city encourages the use of commuter and mass transit alternatives to mitigate traffic impacts. Evaluation of traffic impacts: Unless the applicant demonstrates that other standards are appropriate given the nature of the proposed project or applicable road systems, the Planning Board shall evaluate the traffic impacts from the planned unit development on the basis of "level of service" (LOS). LOS is a qualitative measure of traffic flow and congestion, which relates traffic volumes to a theoretical roadway or intersection capacity. Cost/benefit analysis. The Planning Board shall require a cost/benefit analysis. This municipal cost/benefit analysis should follow standard and usual procedures for measuring both the benefits to be derived and costs to be incurred by the city as a result of the proposed development. This element should also estimate net benefits or costs of nonquantifiable environmental impacts. Phasing. A determination of the phasing of the project will be established as part of the master plan approval. Required materials for subdivision/site plan approval—Preliminary and final. The following materials shall be required for submission of the PUD for subdivision/site plan approval and are in addition to the materials required under article 16.0, checklists, of the subdivision and development regulations sections B and C. The PUD must conform with all requirements, standards, and specifications as required in articles 14.0 and 15.0 of the city subdivision and land development regulations. Fees as set forth in article 11, section 11.4. of the subdivision and land development regulations shall be submitted with each application. Preliminary subdivision/site plan submittal requirements: For preliminary subdivision/site plan, the submission requirements are set forth in checklist I of the subdivision and development regulations. In addition, for nonresidential uses the submission requirements set forth in article 14, section 14.2 of the subdivision and development regulations constitute additional requirements. Final subdivision/site plan submittal requirements: For final subdivision/site plan, the required submission as set forth in checklist G of the subdivision and land development regulations must be met and where nonresidential uses are proposed, the submission requirements as set forth in article 14, section 14.2 of the subdivision and land development regulations must be submitted. In addition, the following additional materials will be required of all final subdivision/site plan submittals: ___ Erosion and sedimentation control plans. A plan for erosion and sedimentation control covering all proposed excavation, filling and grade work for improvements shall be required. Said plan shall be prepared and certified by a registered engineer, a landscape architect or a Soil and Water Conservation Society certified erosion and sedimentation control specialist. Such plans shall show proper measures to control erosion and reduce sedimentation. Contents of the plan shall include: Location of areas in roadways, open space and within 100 feet of any wetlands, to be stripped of vegetation and any other exposed or unprotected areas. Seeding, sodding, or revegetation plans and specifications for all unprotected or unvegetated areas. See 3. Landscaping Plan, below. Location and design of structural sediment control measures, such as diversions, waterways, grade stabilization

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structures, debris basins, etc. General information relating to the implementation and maintenance of the sediment control measures. ___ Lighting. The type, design, location, function and intensity of all exterior lighting facilities shall be described. Attention will be given to safety, privacy, security, and daytime and nighttime appearance shall be detailed. All utility lines shall be underground. ___ Landscaping plan. A plan for landscaping and plantings shall be required. Said plan shall be prepared and certified by a qualified landscape designer. Such landscaping plan shall consist of: Locations, species (common and scientific names) and size (at planting and at maturity) of all trees and shrubs to be planted. Methods to be used to plant such trees and shrubs and for supporting such materials. Specifications and imposition of grass seed to be used in unpaved right-of-way areas. Location of all sidewalks. Maintenance plan for landscaping for areas which are to be dedicated to the city. ___ Delineation of residential, nonresidential and mixed use areas.

DEVELOPMENT PLAN REVIEW CHECKLIST.

CITY OF WARWICK

Development Plan Review Checklist

The applicant shall submit eight (8) copies of a plan drawn to scale, not smaller than 1"=100', by a registered architect, landscape architect, engineer or land surveyor, as applicable and the City may require multiple drawings, including maps, plans, elevations, sections, and narrative documents along with a development plan review application available in the Planning Department. Plans shall include as much of the following information as the Planning Department deems necessary to evaluate the proposed project. The project will not be scheduled for review unless the Planning Department is satisfied as to the content of the submission based upon the following checklist.

___ Name of proposed project, name and address of property owner, applicant, and designer(s), date prepared, revision box to identify all changes from previous submissions, plat(s) and lot(s) for the proposed development.

___ Site boundary, north arrow, lot(s) area, soil area calculations, street names, zoning district(s), zoning district boundaries, building envelopes, plat and lot numbers of abutting lots, and the scale of drawings, including graphic scale. ___ Existing and proposed dwellings, non-residential buildings, or other improvements,

___ Itemized requested zoning variances or special use permits required.

___ Location and dimensions of existing property lines, easements and rights-of-way within or adjacent to the development.

___ Two-foot contours on the site and best available contours within a one hundred (100) foot perimeter of the site.

___ Drainage plan prepared by a registered engineer showing all drainage facilities, establishing that the proposed drainage system is adequate to service the drainage area in which the development is located. The drainage system shall be designed in accordance with Article 14.0 of the Subdivision and Land Development Regulations.

___ Preliminary plans and profiles for water and sewage systems on a separate plan.

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- Plan and profiles and cross-sections of all proposed streets and utilities.
- Construction notes and details.
- Limits of existing tree cover and physical features of special interest (e.g. existing historic buildings, large trees, stone walls, historic cemeteries).
- Location and surveyed boundaries of any coastal or freshwater wetlands, water bodies, coastal features, or flood zones.
- Existence of any overlay district, as defined in the zoning ordinance that the proposed development falls within.
- Traffic impact analysis prepared by a registered professional engineer demonstrating existing conditions and future conditions with the proposed development if it may generate 100 or more additional peak hour trips, based on the Institute of Traffic Engineers (ITE) Trip Generation Handbook, or if the Planning Department reasonably believes that cause exists to request an analysis.
- Nitrate loading analysis, water supply analysis (domestic and fire) and/or municipal service impact analysis.
- Fire Department review of proposed street names and hydrant locations.
- Maintenance plan and program for drainage systems and swales, and erosion and sedimentation controls.
- Landscape plan prepared by a registered landscape architect, which complies with the Zoning Ordinance, with planting plan and specifications for street trees, landscaping of drainage structures, restoration and revegetation for erosion and sedimentation controls, and restoration of existing disturbed open space.
- Location of temporary access roads and other temporary construction activities.
- Cross-sections, at one acre intervals, of all areas of cuts and fills showing existing and proposed surface elevations and verified wet season maximum groundwater elevation.
- Calculations of volume of material (cy) of soil (loam, sand, gravel) to be removed from the site or brought to the site.
- Completed application signed by the applicant and property owner.
- Application fee.
- Final approval from the Rhode Island Department of Environmental Management, Division of Freshwater Wetlands.
- RIDEM OWTS approval or System Suitability Determination.
- Zoning Board of Review approval.
- All other state and federal agency approvals, as applicable.

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___ A map showing the proposed development to the areas within a radius of one-half ($\frac{1}{2}$) mile using a United States Geological Survey (USGS) quadrangle map or a GIS map. Said location map shall identify the location of all brooks, streams, ponds, lakes, wetland areas, public drinking water reservoirs, groundwater reservoirs, groundwater recharge areas, and public wells, wellhead protection areas, and other public facilities, within 1,000-feet of the proposed development.

___ Aerial photograph at a scale not less than 1" = 400' showing the same area covered by the one-half ($\frac{1}{2}$) mile radius map. The aerial shall be of the most recent flight available.

___ Soil classification map showing location of soil types on the development site, classifications and descriptions, soils limitation districts, and area calculations of soils.

___ Such other information as may be required by the Planning Department or the Planning Board.