

ARTICLE 1. PURPOSES AND GENERAL STATEMENTS

100 Authority

These Land Development and Subdivision Review Regulations, hereinafter referred to as “regulations,” or “local regulations,” are adopted by the Providence City Plan Commission pursuant to the authority contained in Title 45, Chapter 23, Sections 25 through 74 of the Rhode Island General Laws, known as the Rhode Island Land Development and Subdivision Review Enabling Act of 1992; Chapter 2, Article XV, Section 2-256 of the City Code of Ordinances; and the Zoning Ordinance of the City of Providence.

101 General Applicability

These regulations shall apply in all of the following instances.

- A. In all cases of subdivision of land.
- B. In all cases of land development projects.
- C. In all cases of development plan review.
- D. In all cases of unified development review.

102 Purposes

The purpose of these regulations is to establish procedural and substantive provisions for the development and subdivision of land that will, consistent with the provisions of Providence’s Comprehensive Plan, the Rhode Island Land Development and Subdivision Review Enabling Act of 1992 and the Zoning Ordinance, accomplish the following:

- A. Provide for the orderly, thorough and expeditious review and approval of land developments and subdivisions;
- B. Promote high quality and appropriate design and construction of land developments and subdivisions;
- C. Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- D. 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;
- E. Encourage 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;
- F. Promote thorough technical review of all proposed land developments and subdivisions by appropriate local officials;
- G. Encourage local requirements for dedications of public land, impact mitigation, and payment-in-lieu thereof, to be based on clear documentation of needs and to be fairly applied and administered; and

- H. Encourage the establishment and consistent application of procedures for local record-keeping on all matters of land development and subdivision review, approval and construction.

103 Intent

- A. These regulations are not intended to supersede, abrogate, or interfere with any provision of any ordinance of the City of Providence.
- B. These regulations are intended to be interpreted to be consistent with, and to further the implementation of, the Comprehensive Plan and the Zoning Ordinance of the City of Providence and the Rhode Island Land Development and Subdivision Review Enabling Act of 1992. Consistency with the Comprehensive Plan means in accordance with the goals, policies, procedures, maps and other policy statements in the plan.
- C. 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 and policies and applicable elements of the Comprehensive Plan. Furthermore, the local regulations shall be construed in a manner which is consistent with the legislative findings, intents, and purposes of the Rhode Island Land Development and Subdivision Review Enabling Act of 1992.

ARTICLE 2. DEFINITIONS

The following words and terms are hereby defined for their use in these regulations and are arranged in alphabetical order.

Administrative officer. The municipal official(s) designated by these regulations to administer the land development and subdivision regulations to review and approve qualified applications and/or coordinate with local boards and commissions, municipal staff and state agencies as set forth herein.

Board of appeal. The local review authority for appeals of actions of the administrative officer, which shall be the Providence Zoning Board of Review constituted as the Zoning Board of Appeal.

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 City Plan Commission, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations.

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

Comprehensive Plan. The comprehensive plan of the City of Providence, adopted pursuant to R.I.G.L § 45-22.2.

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.

Consistency with the Comprehensive Plan. A requirement of all local land use regulations which means that all these regulations and subsequent actions are in accordance with the public policies arrived at through detailed study and analysis and adopted by the municipality as the comprehensive community plan as specified in R.I.G.L § 45-22.2-3.

Day. A calendar day.

Dedication, fee-in-lieu-of. Payments of cash which are authorized in these regulations 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 to encourage development to comply with design and/or performance standards of the city under specific and objective guidelines. The Providence Zoning Ordinance defines the developments that are subject to Development Plan Review:

- A. Administrative Development Plan Review, as defined in Sections 1905 and 1907 of the Zoning Ordinance.
- B. Formal Development Plan Review, as defined in Sections 1906 and 1907 of the Zoning Ordinance.

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

Division of land. A subdivision.

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.

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 Commission and any accompanying material as described in the community's regulations and/or required by the City Plan Commission

Floor area, gross. See R.I. State Building Code and the Zoning Ordinance.

Governing body. The Providence City Council, or any other body of the City authorized to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.

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 a municipality to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the municipality as a condition of approval, will be completed in compliance with the approved plans and specifications of a development.

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. These regulations include all requirements, procedures and standards necessary for proper review and approval of land development projects to ensure consistency with the Rhode Island Land Development and Subdivision Review Enabling Act of 1992 and the Rhode Island Zoning Enabling Act.

- A. In accordance with Section 1904 of the Zoning Ordinance, any development that meets one or more of the following criteria is considered a land development project:
 1. New construction of 10,000 square feet or more in gross floor area.
 2. Additions or enlargements to structures where the new gross floor area of the addition or enlargement is 10,000 square feet or more.
 3. Construction of new gross floor area that creates 10 or more dwelling or rooming units.
 4. Development of 50 or more new parking spaces.
- B. *Minor land development project.* A land development project involving any one of the following:
 1. Between 10,000 and 20,000 square feet of new gross floor area of commercial, manufacturing, or industrial development; or

2. An expansion of between 10,000 and 20,000 square feet of new gross floor area of commercial, manufacturing, or industrial structures; or
3. Construction of new gross floor area that creates 10 or more dwelling or rooming units and between 0 and 2,500 gross square feet of commercial space; or
4. Development of 50 or more new parking spaces.

The process by which minor land development projects are reviewed is set forth in Article 4 of these regulations.

C. *Major land development project.* A land development project which exceeds the thresholds for a minor land development project:

1. More than 20,000 square feet of new gross floor area of commercial, manufacturing, or industrial development; or
2. An expansion of more than 20,000 square feet of new gross floor area of commercial, manufacturing or industrial structures; or
3. Construction of new gross floor area that creates 10 or more dwelling or rooming units and more than 2,500 gross square feet of commercial space.

The process by which major land development projects are reviewed is set forth in Article 5 of these regulations.

Local regulations. These land development and subdivision review regulations and all related ordinances and rules properly adopted pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act. Also referred to as “these regulations.”

Lot not for development. A parcel of land recorded in the Recorder of Deeds that is created or reserved for open space and conservation and has been or will be deeded to the City of Providence or the State Rhode Island, or any privately owned parcel that cannot be developed due to size, physical limitations or is lacking required frontage on a public right-of-way, with appropriate deed and plat restrictions forbidding any development thereon, in accordance with State law.

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

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.

Modification of requirements. See Article 10.

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.

Parking area or lot. All that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

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 sections subsequent to approval of a master plan for the entire site.

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

Planning board. The Providence City Plan Commission. Also referred to as the “City Plan Commission” or “the Commission.”

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.

Pre-application conference. An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.

Preliminary plan. A required stage of land development and subdivision review which generally requires detailed engineered drawings.

Public hearing. A hearing before the City Plan Commission which is duly noticed and which allows public comment. A public hearing is not required for an application or stage of approval unless otherwise stated in these regulations.

Public improvement. Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the local government or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.

Slope of land. The grade, pitch, rise or incline of the topographic landform or surface of the ground.

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

Storm water retention. A provision for storage of storm water 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, 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 the points and in the 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 does 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.

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 use the following as major categories:

- A) 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.
- B) Collector. A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
- C) Local. Streets whose primary function is to provide access to abutting properties.

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

Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts, or parcels or any adjustment to existing lot lines is considered a subdivision.

- A) *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.
- B) *Minor subdivision.* A subdivision creating nine (9) or fewer buildable lots.
- C) *Major subdivision.* A subdivision creating ten (10) or more buildable lots.

Technical Review Committee. The Downtown Design Review Committee, as constituted by the Zoning Ordinance for the purpose of reviewing and approving development projects under its jurisdiction as set forth in the Zoning Ordinance and these regulations.

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.

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.

Waiver of requirements. See Article 10.

Zoning Ordinance. The Zoning Ordinance of the City of Providence, as amended.

ARTICLE 3. ADMINISTRATIVE SUBDIVISIONS**301 Application, Review, and Approval Process**

- A. *Submission requirements.* Any applicant requesting approval of a proposed administrative subdivision shall submit to the administrative officer the items required by these regulations.
- B. *Certification.* The application shall be certified, in writing, as complete or incomplete by the administrative officer within a 15-day period from the date of its submission. The running of the 15-day 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 and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten days after its resubmission.
- C. *Review process.*
 - 1. Within 15 days of certification of completeness, the administrative officer shall review the application and approve, deny, or refer it to the City Plan Commission with recommendations. The administrative officer shall report his/her actions to the City Plan Commission at its next regular meeting, to be made part of the record.
 - 2. If no action is taken by the administrative officer within the 15-day period, the application shall be placed on the agenda of the next regular City Plan Commission meeting.
 - 3. Denial of an application by the administrative officer is not appealable and requires the plan to be submitted as a minor subdivision application.
- D. *Referral to City Plan Commission.* If referred to the City Plan Commission, the Commission shall consider the application and recommendations of the administrative officer and either approve, approve with conditions, or deny the application within 65 days of certification of completeness. Failure of the Commission to act within the prescribed period constitutes approval of the administrative subdivision and a certificate of the administrative officer as to the failure of the Commission to act within the required time and the resulting approval shall be issued on request of the applicant.
- E. *Written decision.* 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.
- F. *Expiration of approval.* Approval of an administrative subdivision expires 90 days from the date of approval unless within that period a plat in conformity with that approval is submitted for signature and recording as specified in Article 10.

302 Submission Requirements

The full list of submission requirements is contained in the appendix.

ARTICLE 4. MINOR SUBDIVISIONS AND MINOR LAND DEVELOPMENT PROJECTS**401 Application Types and Review Stages**

- A. *Applications requesting relief from the Zoning Ordinance.*
1. Applications under this article which require relief which qualifies only as an administrative modification under Section 1903 of the Zoning Ordinance shall proceed by filing an application under these regulations 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 officer pursuant to the applicable requirements of this article. If such modification is denied or an objection is received as set forth in the Zoning Ordinance, such application shall proceed under unified development review.
 2. Applications under this article which require adjustments of dimensional regulations or waiver from design standards when authorized by the Zoning Ordinance shall be reviewed by the City Plan Commission, and a request for review shall accompany the preliminary plan application.
 3. Applications under this article 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 City Plan Commission under unified development review, and a request for review shall accompany the preliminary plan application.
 4. Any application involving a street creation or extension shall be reviewed by the City Plan Commission and require a public hearing.
- B. *Other applications.* The administrative officer shall review and grant, grant with conditions, or deny all other applications under this article and may grant waivers of design standards when authorized by these regulations and Zoning Ordinance.
- C. *Review stages.* Following the preapplication meeting(s) specified in Article 10, minor plan review consists of two stages, preliminary and final; provided that if a street creation or extension is involved, or a request for variances and/or special-use permits are submitted, pursuant to unified development review, a public hearing is required before the City Plan Commission. The administrative officer may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officer.

402 Application, Review and Approval Process

- A. *Submission requirements.* Any applicant requesting approval of a proposed minor subdivision or minor land development project shall submit to the administrative officer the items required by these regulations, including completed checklists for all required items.
- B. *Certification.* For each applicable stage of review, the application shall be certified, in writing, complete or incomplete by the administrative officer within 25 days of the submission so long as a completed checklist of the requirements for submission are provided as part of the submission. 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 officer within 15 days. 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 and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten days after its resubmission.

- C. *Decision on preliminary plan.* If no street creation or extension is required, the City Plan Commission or administrative officer will approve, deny, or approve with conditions, the preliminary plan within 65 days of certification of completeness, or within any further time that is agreed to by the applicant and the Commission or administrative officer. If a street extension or creation is required or the application is reviewed under unified development review, the Commission will hold a public hearing prior to approval according to the requirements in Article 10 and will approve, deny, or approve with conditions the preliminary plan within 95 days of certification of completeness, or within any specified time that is agreed to by the applicant and the Commission.
- D. *Failure to act.* Failure of the City Plan Commission to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure of the Commission to act within the required time and the resulting approval will be issued on request of the applicant.
- E. *Re-assignment to major review.* The City Plan Commission may re-assign a proposed minor project to major review only when the Commission is unable to make the positive findings required in Article 10.
- F. *Final plan.* Final plans shall be reviewed and approved by the administrative officer. The officer will report his or her actions in writing to the City Plan Commission at its next regular meeting, to be made part of the record. The administrative officer shall approve, deny, approve with conditions, or refer the application to the Commission based upon the finding that there is a major change within 25 days of the certificate of completeness.
- G. *Changes to plans approved by the City Plan Commission.*
 - 1. Minor changes, as defined in Article 10, to the plans approved at any stage may be approved administratively by the administrative officer. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting a recommendation from the Commission. Denial of the proposed change(s) shall be referred to the Commission for review as a major change.
 - 2. Major changes, as defined in Article 10, to the plans approved at any stage may be approved only by the City Plan Commission 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.
 - 3. The administrative officer shall notify the applicant in writing within 14 days of submission of the final plan application if the administrative officer determines the change to be a major change of the approved plans.
- H. *Expiration of approvals.* Approvals of a minor land development or subdivision plan expire one year 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 Article 10. Validity may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the City Plan Commission.

403 Appeal

Decisions under this article shall be considered an appealable decision pursuant to Article 10.

404 Submission Requirements

The full list of submission requirements is contained in the appendix.

ARTICLE 5. MAJOR SUBDIVISIONS AND MAJOR LAND DEVELOPMENT PROJECTS**501 Stages of Review**

- A. Major land development project and major subdivision review consists of three stages of review, master plan, preliminary plan, and final plan, following the preapplication meeting(s) specified in Article 10. Also required is a public hearing at the master plan stage of review or, if stages are combined, at the first stage of review.
- B. The administrative officer may combine review stages and modify requirements, but only the City Plan Commission may waive requirements as specified in Article 10. Review stages may be combined only after the administrative officer determines that all necessary requirements have been met by the applicant or that the Commission has waived any submission requirements not included by the applicant.

502 Master Plan Review

- A. *Submission requirements.*
 1. The applicant shall first submit to the administrative officer the items required by these regulations for master plans, including completed checklists for all required items.
 2. The administrative officer shall solicit comments on the master plan by local officials, adjacent communities, and state and federal agencies.
 3. Applications requesting relief from the Zoning Ordinance.
 - a. Applications under this article which require relief which qualifies only as an administrative modification under Section 1903 of the Zoning Ordinance shall proceed by filing a master plan application under this article 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 City Plan Commission pursuant to the applicable requirements of this article. If such modification is denied or an objection is received as set forth in the Zoning Ordinance, such application shall proceed under unified development review.
 - b. Applications under this article which require dimensional adjustments or waiver of design standards when authorized by the Zoning Ordinance shall be reviewed by the City Plan Commission, and a request for review shall accompany the master plan application.
 - c. Applications under this article 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 City Plan Commission under unified development review.
- B. *Certification.*
 1. The application must be certified, in writing, complete or incomplete by the administrative officer within 25 days of the submission, according to the provisions of Article 10, so long as a completed checklist of requirements are provided with the submission.
 2. 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

officer and will recommence upon the resubmission of a corrected application by the applicant.

3. In no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten days after its resubmission.

C. *Public hearing.*

1. A public hearing will be held prior to the City Plan Commission decision on the master plan. If the master plan and preliminary plan review stages are being combined, a public hearing shall be held prior to decision on the combined stages of review.
2. Notice for the public hearing shall be made in accordance with Article 10.
3. At the public hearing, the applicant will present the proposed development project. The City Plan Commission 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.

D. *Decision.* The City Plan Commission shall, within 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 of the master plan as submitted, approve with changes and/or conditions, or deny the application, according to the requirements of Article 10.

E. *Failure to act.* Failure of the City Plan Commission to act within the prescribed period constitutes approval of the master plan, and a certificate of the administrative officer as to the failure of the Commission to act within the required time and the resulting approval will be issued on request of the applicant.

F. *Vesting.*

1. The approved master plan is vested for a period of two years, with the right to extend for two one-year extensions upon written request by the applicant, who must appear before the City Plan Commission for review of the request.
2. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested by the applicant, in writing, and approved by the City Plan Commission. Master plan vesting includes the zoning requirements, conceptual layout, and all conditions shown on the approved master plan drawings and supporting materials.
3. The initial four-year vesting for the approved master plan constitutes the vested rights for the development.

503 Preliminary plan review

A. *Submission requirements.*

1. The applicant shall first submit to the administrative officer the items required by these regulations for preliminary plans, including completed checklists for all required items.
2. 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.

3. At the preliminary plan review phase, the administrative officer shall solicit final, written comments and/or approvals of the department of public works, the city engineer, the city solicitor, other local government departments, commissions, or authorities as appropriate.
4. Prior to approval of the preliminary plan, an applicant shall submit copies of all legal documents describing the property, proposed easements, and rights-of-way.
5. 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.
6. If the applicant is requesting alteration of any variances and/or special-use permits granted by the City Plan Commission at the master plan stage of review pursuant to unified development review, 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.

B. Certification.

1. The application must be certified, in writing, as complete or incomplete by the administrative officer within 25 days, according to the provisions of Article 10, so long as a completed checklist of requirements are provided with the submission.
2. 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 officer and will recommence upon the resubmission of a corrected application by the applicant.
3. In no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten days after its resubmission.

C. Public notice. Prior to the first City Plan Commission meeting on the preliminary plan, the applicant shall send public notice to abutters only at least 14 days before the hearing.

D. Public improvement guarantees. Proposed arrangements for completion of any required public improvements, including construction schedule and/or financial guarantees, shall be reviewed and approved by the City Plan Commission at the preliminary plan stage.

E. Decision. A complete application for a major subdivision or land development project shall be approved, approved with conditions, or denied within 90 days of the date when it is certified complete, or within a further amount of time that may be consented to by the applicant through the submission of a written waiver. Provided, however, that the timeframe for decision is automatically extended if evidence of state permits has not been provided, or if otherwise waived in accordance with this article.

F. Failure to act. Failure of the City Plan Commission to act within the prescribed period constitutes approval of the preliminary plan, and a certificate of the administrative officer

as to the failure of the City Plan Commission to act within the required time and the resulting approval shall be issued on request of the applicant.

G. *Vesting.*

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

504 Final plan

A. *Submission requirements.*

1. The applicant shall submit to the administrative officer the items required by these regulations for the final plan, including completed checklists for all required items, as well as all materials required by the City Plan Commission when the application was given preliminary approval.
2. Arrangements for completion of any 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 copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

B. *Certification.* The application for final plan approval must be certified, in writing, complete or incomplete by the administrative officer within 15 days, according to the provisions of Article 10, so long as a completed checklist of requirements are provided with the submission. This time period may be extended to 25 days by written notice from the administrative officer to the applicant where the final plans contain changes to or elements not included in the preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate of incompleteness of the application by the administrative officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the administrative officer be required to certify a corrected submission as complete or incomplete less than ten days after its resubmission. If the administrative officer certifies the application as complete and does not require submission to the City Plan Commission, the final plan shall be considered approved.

C. *Decision.* The administrative officer, or, if referred to it, the City Plan Commission, shall review, grant, grant with conditions, or deny final plan approval. A decision shall be issued within 45 days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, approving or denying the final plan as submitted.

- D. *Failure to act.* Failure of the administrative officer or the City Plan Commission to act within the prescribed period constitutes approval of the final plan, and a certificate of the administrative officer as to the failure of the Commission to act within the required time and the resulting approval shall be issued on request of the applicant.
- E. *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 City Plan Commission with the request, unless, within that period, the plat or plan has been submitted for signature and recording as specified in Article 10. Thereafter, the Commission may, for good cause shown, extend the period for recording.
- F. *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 Article 10, or a new plan is approved by the City Plan Commission.

505 Modifications and changes to plans

- A. Minor changes, as defined in Article 10, to the plans approved at any stage may be approved administratively, by the administrative officer. The changes may be authorized without additional public hearings, to the extent applicable, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from the City Plan Commission. Denial of the proposed change(s) shall be referred to the Commission for review as a major change.
- B. Major changes, as defined in Article 10, to the plans approved at any stage may be approved only by the City Plan Commission and must include a public hearing.
- C. The administrative officer shall notify the applicant in writing within 14 days of submission of the final plan application if the administrative officer determines the change to be a major change of the approved plans.

506 Appeal

Decisions under this article shall be considered an appealable decision pursuant to Article 10.

507 Submission Requirements

The full list of submission requirements is contained in the appendix.

ARTICLE 6. DEVELOPMENT PLAN REVIEW

601 Development Plan Review Categories

The following categories of development plan review are established herein and in the Zoning Ordinance.

- A. *Administrative Development Plan Review.*
 - 1. All types of development listed in Section 1905.C of the Zoning Ordinance.
 - 2. All review in the D-1 District identified as administrative development plan review in Section 1907 of the Zoning Ordinance.
- B. *Formal Development Plan Review.*
 - 1. City Plan Commission and Institutional Master Plan Formal Development Plan Review
 - a. Educational Facilities – Primary and Secondary
 - b. Educational Facility – University or College and Healthcare Institution
 - c. Waivers from design standards in the C-1 and C-2 districts as required by the Zoning Ordinance.
 - 2. D-1 District Formal Development Plan Review
 - a. New construction of buildings or appurtenances in the DD Overlay District.
 - b. Major alterations and additions to existing buildings or appurtenances in the DD Overlay District.
 - c. Demolition and removal of buildings or appurtenances in the Downtown District.
 - d. Moving of structures in the Downtown District.

602 Design Waivers and Development Incentives

- A. *Design waivers.* In considering a development plan review application, the authorized permitting authority may grant waivers of design standards as set forth in Article 8 of these regulations and the Zoning Ordinance.
- B. *Development incentives.* In considering a development plan review application, the Technical Review Committee has the authority to grant development incentives in accordance with Section 603 of the Zoning Ordinance.

603 Review stages

Administrative development plan review consists of one stage of review, while formal development plan review consists of two stages of review, preliminary and final. The administrative officer may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officer.

- A. *Application requesting relief or demolition waiver from the Zoning Ordinance.*

1. Applications under this article which require relief which qualifies only as an administrative modification under Section 1903 of the Zoning Ordinance shall proceed by filing an application under this article 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 officer pursuant to the applicable requirements of this article. If such modification is denied or an objection is received as set forth in the Zoning Ordinance, such application shall proceed under unified development review.
2. Applications under this article which require development incentives shall be reviewed by the Technical Review Committee at a public hearing and a request for review shall accompany the preliminary plan application.
3. Applications under this article which require a demolition waiver shall be reviewed by the Technical Review Committee at a public hearing and a request for review shall accompany the preliminary plan application.

604 Application, Review and Approval Process

- A. *Submission requirements.* Any applicant requesting approval of a proposed development under this article shall submit to the administrative officer the items required by these regulations, including completed checklists for all required items.
- B. *Certification.* The application shall be certified, in writing, complete or incomplete by the administrative officer within 25 days or within fifteen 15 days if no street creation or extension is required, and/or if unified development review is not required. The running of the time period set forth in this article will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten days after its resubmission. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.
- C. *Decision on development plan review.*
 1. *Administrative development plan approval.* An application shall be approved, denied, or approved with conditions within 25 days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and administrative officer.
 2. *Formal development plan approval.*
 - a. *Preliminary plan.* Unless the application is reviewed under unified development review, the Technical Review Committee will approve, deny, or approve with conditions the preliminary plan within 65 days of certification of completeness, or within any further time that is agreed to by the applicant and the Technical Review Committee.
 - b. *Final Plan.* The Technical Review Committee shall delegate final plan review and approval to the administrative officer. The officer will report his or her actions in writing to the Technical Review Committee at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within 45 days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.

- D. *Failure to act.* Failure of the administrative officer or the Technical Review Committee to act within the period prescribed constitutes approval of the preliminary plan, and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the applicant.
- E. *Vesting.* Approval of development plan review shall expire two years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this article, is submitted for signature and recording as specified in Article 10. Validity may be extended for good cause shown, for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application.
- F. *Changes to plans approved through formal development plan review.*
 - 1. Minor changes, as defined in Article 10, to the plans approved at any stage may be approved by the administrative officer. The changes may be authorized without an additional meeting, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. Denial of the proposed change(s) shall be referred to the permitting authority for review as a major change.
 - 2. Major changes, as defined in Article 10, to the plans approved at any stage may be approved only by the Technical Review Committee and must follow the same review and hearing process required for approval of preliminary plans.
 - 3. The administrative officer shall notify the applicant in writing within 14 days of submission of the final plan application if the administrative officer determines that there has been a major change to the approved plans.

605 Additional Requirements for Downtown District Demolition Waivers

The following additional requirements apply to applications for Downtown District demolition waivers.

- A. If the Technical Review Committee finds that the building is eligible for demolition and finds that the proposed new construction conforms to the standards of the Zoning Ordinance, the Technical Review Committee will give preliminary approval for the demolition of the structure and preliminary approval for new construction.
- B. The Technical Review Committee may, at the applicant's expense, hire experts to opine on the validity of evidence and testimony submitted as part of a demolition application. This may include, but not be limited to, an initial evaluation of the historic or architectural significance of the building, and for structures found by the Technical Review Committee to be historically or architecturally significant, an appraisal of the property, and/or structural analysis of the building.
- C. Subsequent to the Technical Review Committee granting preliminary approvals for demolition and new construction, the applicant shall present final plans for new construction to the Technical Review Committee. The Technical Review Committee shall review the plans pursuant to the guidelines and procedures of the Zoning Ordinance. Concurrent with the issuance of a certificate of design approval, the Technical Review Committee shall issue final approval for demolition.
- D. Subsequent to receiving a certificate of design approval and a final approval for demolition, the applicant shall apply to the Department of Inspection and Standards for building and demolition permits. Such applications shall be made concurrently. The Director of Inspection and Standards shall not issue a demolition permit before the

complete building permit for the new construction approved by the Technical Review Committee has been issued. For purposes of this section, foundation permits are not construed to be building permits.

606 Appeal

A decision under this article shall be considered an appealable decision pursuant to Article 10.

607 Submission Requirements

The full list of submission requirements is contained in the appendix.

ARTICLE 7. UNIFIED DEVELOPMENT REVIEW**701 Review under Unified Development Review**

Review of projects submitted under the unified development review provisions of these regulations shall adhere to the procedures, timeframes, and standards of the underlying category of the project, but shall also include the following procedures:

- A. *Minor subdivisions and land development projects.*
 - 1. Except for dimensional relief granted by administrative modification under Section 1903 of the Zoning Ordinance, 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 review.
 - 2. A public hearing on the application, including any variance and special-use permit requests, shall be held prior to consideration of the preliminary plan by the City Plan Commission.
 - 3. The City Plan 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.
- B. *Major subdivisions and land development projects — master plan.*
 - 1. Except for dimensional relief granted by administrative modification under Section 1903 of the Zoning Ordinance, 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.
 - 2. A public hearing on the application, including any variance and special-use permit requests, shall be held prior to consideration of the master plan by the City Plan Commission.
 - 3. The City Plan 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.
- C. *Major subdivisions and land development projects — Preliminary plan.*
 - 1. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the City Plan 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.

2. If the applicant requests new or additional zoning relief at this stage a public hearing on the application shall be held prior to consideration of the preliminary plan by the City Plan Commission.
3. The City Plan 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.
4. If the City Plan Commission denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the Commission shall have the option of remanding the application back to the master plan stage of review. Alternatively, the applicant may consent to an extension of the decision period mandated by Section 503 of these regulations so that additional information can be provided and reviewed by the Commission.

702 Public Hearing

All applications under this section shall require a single public hearing, held pursuant to Article 10.

703 Decision

The time periods by which the City Plan Commission must approve, approve with conditions, or deny requests for variances and special-use permits under these unified development review provisions shall be the same as the time periods by which the Commission on the applicable review stage of the underlying type of project under review.

704 Expiration of Approvals

The expirations period of an approval of a variance or special-use permit granted under this article shall be the same as those set forth in these regulations for the underlying type of project under review.

705 Appeal

Decisions under this article, including requests for the variance(s) and/or special-use permits that are denied by the City Plan Commission, may be appealed pursuant to Article 10.

ARTICLE 8. POWERS OF THE PERMITTING AUTHORITIES

801 Discretion to Grant Approvals

In the course of reviewing a land development project, subdivision, or project subject to formal development plan review, the relevant permitting authorities have the discretion to approve, approve with conditions, or deny requests for dimensional adjustments, development incentives, or design waivers. In reviewing these requests, the permitting authorities shall consider all aspects of a project, including, but not limited to, its impact on the natural and built environment. The relevant permitting authority shall make all required findings contained in these regulations and may place conditions on the granting of approvals that the permitting authority considers necessary to ensure compliance with the intent of the Zoning Ordinance, Comprehensive Plan, and these regulations.

802 Impact Statements

In order to make positive findings required by these regulations, the permitting authority may require impact statement(s) to be prepared at the expense of the applicant. The applicant may choose the person or company to prepare such statements. Impact statements may include, but are not limited to, the following:

- A. *Natural environment.* The permitting authority may require a statement of the impacts on the natural environment. This may include, but is not limited to, the impact of light, noise, air pollution, stormwater, the removal of pervious surfaces or plantings, and other impacts addressed in Section 1304 of the Zoning Ordinance.
- B. *Built environment.* The permitting authority may require a statement of the impacts on the built environment. This may include, but is not limited to, the visual impact of the size, scale, and massing of the building; shade impacts; and impacts to the pedestrian experience.
- C. *Traffic.* The permitting authority may require a statement of the impacts on vehicular, bicycle, and pedestrian movement in and around the subject site. All traffic studies shall be reviewed by the city's traffic engineer, who may identify requirements for mitigation of negative impacts.

803 Mitigation of Negative Impacts

In order to promote the general purposes of these regulations, the permitting authorities may impose conditions on approvals to mitigate negative impacts identified by the permitting authorities. Mitigation may require the applicant to pay for improvements on site, off site, or within the public right-of-way. The permitting authority may consider public access or dedication of land for public purposes offered by the applicant as mitigation measures. Any mitigating activity required as a condition of approval must be related in kind and degree to the identified impact. Mitigation measures include, but are not limited to:

- A. *Impacts to the natural environment.* The permitting authority may require modifications to the site or its vicinity to mitigate negative impacts to the natural environment. The permitting authority may consult with the city forester to develop mitigation measures. Mitigation measures may include, but are not limited to, the amount and location of landscaping, preservation of tree canopy, and modifications to stormwater systems.
- B. *Impacts to the built environment.* The permitting authority may require modifications to the plans to mitigate negative impacts to the built environment. Mitigation measures may include, but are not limited to:

1. Building design, including, but not limited to, overall scale, massing, and height; fenestration; building materials; and setback.
 2. Preservation of certain features on a site or building.
 3. Photographic records and detailed written descriptions documenting buildings proposed for demolition when the City Plan Commission finds that they are historically significant.
- C. *Impacts to vehicular, bicycle and pedestrian traffic.* The permitting authority may require modifications to vehicular, bicycle, or pedestrian circulation in and around the site to mitigate negative impacts. The permitting authority may consult with the city's traffic engineer and/or Green and Complete Streets Advisory Council to develop mitigation measures.

805 Design Waivers

- A. *Authority to grant waivers of design regulations.* Permitting authorities have the power to grant waivers from design regulations contained in the Zoning Ordinance. There are two categories of waivers: those granted by the City Plan Commission and Technical Review Committee are major waivers, and those granted by the administrative officer are minor waivers.
1. Major Waivers
 - a. The City Plan Commission shall review all waivers from ground-floor uses contained in Section 503.A.8 of the Zoning Ordinance. The Commission shall also review any waivers associated with a land development project or development plan review application under its purview.
 - b. The Technical Review Committee shall review all Downtown District demolition waivers subject to Section 1907.E.2 of the Zoning Ordinance and other waivers as required by the Zoning Ordinance and not considered minor waivers by paragraph 2.b below. The Technical Review Committee shall also review any waivers associated with a development plan review application under its purview.
 2. Minor Waivers
 - a. When reviewing minor land development projects or administrative development plan review applications, the administrative officer shall review all waivers of design standards contained in Sections 503, 803, and 903 of the Zoning Ordinance, with the exception of 503.A.8.
 - b. When reviewing administrative development plan review applications in the Downtown District, the administrative officer shall review all waivers of design standards where permitted by Sections 604 and 606 of the Zoning Ordinance.
- B. *Findings.* The required findings for the permitting authority to grant waivers are contained in Article 10.

806 Development Incentives

- A. *Authority to grant development incentives.*
1. *Dimensional adjustments for land development projects.* In accordance with Section 1904.E of the Zoning Ordinance, the City Plan Commission has the authority to make

adjustments to certain dimensional standards through land development project review.

2. *Development incentives in the Downtown District.* In accordance with Section 603 of the Zoning Ordinance, the Technical Review Committee has the authority to grant development incentives through formal development plan review.
- B. *Findings.* The required findings for the permitting authority to grant development incentives are contained in Article 10.

807 Acceptance of Public Improvements

Signature and recording as specified in Article 10 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.

807 Performance and Maintenance Guarantees for Public Improvements

For any project requiring public improvements, the applicant shall enter into an agreement with the city department responsible for owning and maintaining such improvements that sets forth performance and maintenance guarantees. Such agreement may include provisions for performance guarantees, inspections and reporting, and default. The permitting authority shall have the authority to revoke an approval if public improvements are not completed to the satisfaction of the city.

ARTICLE 9. ADMINISTRATION AND ENFORCEMENT OF REGULATIONS

901 The City Plan Commission

The City Plan Commission is authorized by these regulations and the Zoning Ordinance to conduct development plan review, to review land development projects and subdivisions, and to conduct unified development review.

902 Administrative Officer

- A. Local administration of these regulations is under the direction of the administrative officer, who is appointed by and reports to the City Plan Commission. More than one person may be the administrative officer simultaneously.
- B. The administrative officer is responsible for overseeing and coordinating the review, approval, recording, and enforcement provisions of these regulations. The chair of the Technical Review Committee shall be an administrative officer.
- C. The administrative officer shall have appropriate education, training, or experience in land use planning, site plan review, and/or design review.
- D. The administrative officer is responsible for coordinating reviews of proposed land development projects and subdivisions with adjacent municipalities as is necessary to be consistent with applicable federal, state, and local laws and as directed by the City Plan Commission.
- E. The administrative officer has the authority to issue approvals and all other authority where specifically set forth in these regulations.
- F. Enforcement of these regulations is under the direction of the administrative officer. The officer is responsible for coordinating the enforcement efforts of 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 these regulations, who may be one and the same as the administrative officer.

903 Technical Review Committee

- A. The Technical Review Committee is the Downtown Design Review Committee, as established in the Zoning Ordinance. The chairperson shall be an administrative officer.
- B. The Technical Review Committee has the authority to make findings and issue approvals as set forth in these regulations.

904 Plats Required

- A. All activity defined as a subdivision requires a new plat, drawn to the specifications of these regulations, and reviewed and approved by the City Plan Commission or administrative office, as provided in these regulations.
- B. Prior to recording, the approved plat shall be submitted for signature and recording as specified in Article 10.

905 Administrative Fees

- A. *Application fees.* The applicant shall be required to pay a fee at the time of application for all subdivisions and development projects. In addition, the applicant shall pay all costs, including but not necessarily limited to advertising and mail notice, and for a stenographer, when required. The fees are as follows:
1. Subdivisions and Land Development Projects
 - a. Administrative Subdivision: \$100
 - b. Minor Subdivision or Minor Land Development Project: \$200
 - c. Major Subdivision, Major Land Development Project: \$400
(\$200 due at master plan, \$200 due at preliminary plan)
 2. Administrative Development Plan Review
 - a. All projects subject to review by Section 1905.C.1 of the Zoning Ordinance: \$200
 - b. New construction of buildings or appurtenances outside of the DD Overlay District: \$400
 - c. Major alterations and additions to existing buildings or appurtenances outside of the DD Overlay District: \$300
 - d. Minor alterations and additions to existing buildings or appurtenances in the Downtown District: \$200
 - e. Site improvements in the Downtown District: \$200
 - f. Moving of structures in the Downtown District: \$400
 - g. Public art in the Downtown District: \$200
 - h. Temporary uses in the Downtown District: \$100
 3. Formal Development Plan Review
 - a. City Plan Commission and Institutional Master Plan Formal Development Plan Review
 - i. Educational Facilities – Primary and Secondary: \$400
 - ii. Educational Facility – University or College and Healthcare Institution: \$500
 - iii. Waivers from design standards in the C-1, C-2, C-3, M-MU, and W-2 districts: \$100
 - b. Technical Review Committee (Downtown Design Review Committee) Formal Development Plan Review
 - i. New construction of buildings or appurtenances in the DD Overlay District: \$400

- ii. Major alterations and additions to existing buildings or appurtenances in the DD Overlay District: \$400
 - iii. Demolition and removal of buildings or appurtenances in the Downtown District: \$400, in addition to any fees for new construction or alterations
 - iv. Waiver or Development Incentive: add \$100 to above categories
4. Unified Development Review: \$400 at each stage in addition to fees for underlying project review.
5. Changes to plans: minor changes: \$100, major changes: \$200

906 Violations and Penalties

- A. This section provides for a penalty for any violation of these regulations, or for a violation of any terms or conditions of any action imposed by any permitting authority or of any other agency or officer charged in these regulations with enforcement of any of the provisions.
- B. Violation of the regulations include any action related to the transfer or sale of land in unapproved subdivisions. 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 City Plan Commission and recorded in the municipal land evidence records, is in violation of these regulations and subject to the penalties described in this section.
- C. The penalty for violation shall reasonably relate to the seriousness of the offense, and shall not exceed \$500 for each violation, and each day of existence of any violation is deemed to be a separate offense. Any fine shall inure to the municipality.
- D. The city may also cause suit to be brought in the supreme or superior court, or any municipal court, including municipal housing court, to restrain the violation of, or to compel compliance with, the provisions of these regulations. The city may consolidate an action for injunctive relief and/or fines under these regulations in the superior court of Providence County.

ARTICLE 10. PROCEDURES OF THE PERMITTING AUTHORITIES**1001 Pre-Application Meetings and Concept Review**

- A. One or more pre-application meetings shall be held for all land development, subdivision, and development plan review applications. Pre-application meetings allow the applicant to meet with appropriate officials, boards and/or commissions, planning staff, and, where appropriate, state agencies, for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules, procedures, and standards which may bear upon the proposed development project.
- B. At the pre-application stage the applicant may request the City Plan Commission or the Technical Review Committee for an informal concept plan review for a development. The purpose of the concept plan review is also to provide Commission or Technical Review Committee input in the formative stages of subdivision, development plan review, and land development concept design.
- C. Applicants seeking a pre-application meeting or an informal concept review shall submit general, conceptual materials in advance of the meeting(s) as requested by municipal officials. Materials submitted for review are not considered to be the project submission and shall not begin the time period for review of completeness.
- D. Pre-application meetings aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the applicant and are not considered approval of a project or its elements.
- E. 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 60 days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development project or subdivision.

1002 Application and Certification of Completeness

- A. *Classification.* In accordance with these regulations, the administrative officer shall advise the applicant as to which category of approval is required for a project. An applicant shall not be required to obtain both land development and development plan review for the same project. The following categories of applications, as defined in these regulations, may be filed:
 - 1. Subdivisions: Administrative subdivision, minor subdivision, or major subdivision.
 - 2. Land development projects: Minor land development or major land development.
 - 3. Development plan review.
 - 4. Unified development review.
- B. *Certification of a complete application.* An application shall be complete for purposes of commencing the applicable time period for action when so certified by the administrative officer. Every certification of completeness required by this chapter shall be in writing. In the event the certification of the application is not made within the time specified in these regulations for the underlying type of project, the application is deemed complete for purposes of commencing the review period unless the application lacks the information

required as specified in these regulations and the administrative officer has notified the applicant, in writing, of the deficiencies in the application.

- C. *Corrections.* Notwithstanding other provisions of this article, the permitting authority may subsequently require correction of any information found to be in error and submission of additional information specified in these regulations but not required by the administrative officer prior to certification, as is necessary to make an informed decision.
- D. *Time Period.* Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review is stayed and resumes when the administrative officer or the permitting authority determines that the required application information is complete.

1003 Votes

All votes of the permitting authorities shall be made part of the permanent record and show the members present and their votes. A decision by the City Plan Commission or Technical Review Committee to approve any land development, subdivision, or development plan review application requires a vote for approval by a majority of Commission or Technical Review Committee members present at the time of the vote. A decision by the Commission to approve a variance or special-use permit pursuant to any unified development review requires a vote for approval by a majority of the Commission members that were present at the public hearing at which the request was heard. A denial of an application shall require a separate vote.

1004 Public Hearing

Where a public hearing is required by these regulations for a subdivision, land development project, development plan review, or unified development review, the applicant shall be responsible for placing advertisements and mailing notice. For all notice, the following requirements shall apply:

- A. *Notice requirements.* Public notice of the hearing shall be given at least 14 days prior to the date of the hearing in a newspaper of general circulation within the city as a legal advertisement. Notice shall be sent to the applicant and to each owner within the notice area, by certified mail, return receipt requested, for subdivisions, land development projects, and unified development review, and by first-class mail for development plan review, of the time and place of the hearing not less than ten days prior to the date of the hearing.
- B. *Content.* The notice shall clearly indicate what type of review is being conducted and what approvals the permitting authority will consider.
- C. *Notice to holders of restrictions.* Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application.
- D. *Property location.* The notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths of a mile.
- E. *Notice area.* The distance(s) for notice of the public hearing shall include all property located in or within not less than 200 feet of the perimeter of the area included in the subdivision and/or land-development project.
- F. *Watersheds.* Notice of the public hearing shall be sent by first-class mail to the city or town planning board of any municipality where there is a public or quasi-public water

source, or private water source that is used, or is suitable for use, as a public water source, located within 2,000 feet of the municipal boundaries.

- G. *Adjacent municipalities.* Notice of the public hearing shall be sent by the administrative officer to the administrative officer 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.
- H. *Notice cost.* The cost of all notice shall be borne by the applicant.
- I. *Stenographer.* The applicant shall be responsible for procuring a stenographer to produce a transcript for all proceedings that involve unified development review.

1005 Required Findings

- A. *Findings for land development projects and subdivisions.* For all administrative, minor, and major land development and subdivision applications, the permitting authorities responsible for land development and subdivision review and approval shall address each of the general purposes stated in Article 1 and make positive written findings on each of the following standards as part of the proposed project's record prior to approval. The requirement to address the purposes stated in Article 1 and make written findings on each of the following standards also shall apply in the case of a denial of an application.
 - 1. *Consistency with the Comprehensive Plan.* The proposed development is consistent with the Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies;
 - 2. *Compliance with the Zoning Ordinance.* The proposed development is in compliance with the standards and provisions of the Zoning Ordinance;
 - 3. *Environmental impact.* There will be no significant negative impacts on the natural and built environment from the proposed development as shown on the final plan, with all required conditions for approval;
 - 4. *Buildable lot.* The subdivision, as proposed, will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. (See definition of Buildable lot). Lots with physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
 - 5. *Street access.* All proposed development projects and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.
- B. *Findings for dimensional adjustments for land development projects.* For all requests for dimensional adjustments for land development projects, the City Plan Commission shall make positive written findings on all items below as part of the proposed project's record prior to approval.
 - 1. The application is eligible for a dimensional adjustment because it meets one or more of the eligibility criteria of Section 1904.E.1 of the Zoning Ordinance.

2. The requested or approved dimensional adjustment is within the allowable adjustments listed in Section 1904.E.2 of the Zoning Ordinance.
 3. The extent of the dimensional adjustment is reasonably related to the condition that makes the project eligible for the dimensional adjustment.
- C. *Findings for development plan review.* For all requests for development plan review, the permitting authority shall make positive written findings that the development plan conforms to all provisions of the Zoning Ordinance, including whether the project has been granted administrative modifications, design waivers, and/or zoning variances.
- D. *Findings for development incentives in the Downtown District.* For all requests for development incentives in the Downtown District, the Technical Review Committee shall make positive written findings on all items below as part of the proposed project's record prior to approval.
1. The design or development condition resulting from the development incentive has no adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation.
 2. Granting of the development incentive is in the best interest of good planning, urban design and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.
- E. *Findings for waivers of design standards.* For all requests for waivers of design standards contained in the Zoning Ordinance, the permitting authority shall make positive written findings on all items below.
1. Literal enforcement of the provision for which a waiver is sought is impracticable.
 2. The design or development condition resulting from the waiver has no significant adverse impact on the surrounding natural environment, built environment, or pedestrian and traffic circulation.
 3. Granting of the waiver is in the best interest of good planning, urban design, and/or architecture practice, as evidenced by consistency with the Comprehensive Plan and Zoning Ordinance.
- F. *Findings for Downtown District demolition waivers.* For all requests for demolition waiver in the Downtown District, the Technical Review Committee shall make positive written findings on both items 1 and 2 below as part of the proposed project's record prior to approval.
1. The proposed reuse of the site is a permitted in for the Downtown District and is in conformance with the regulations of the Downtown District.
 2. One of the criteria listed below exists:
 - a. The building is not architecturally or historically significant.
 - b. If the building is architecturally or historically significant but one of the following applies:
 - i. Retention of such building constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner, including

sale of the building on its present site to any purchaser willing to preserve such building.

- ii. Preservation of such building would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including sale of the building to any purchaser willing to preserve such building.
- iii. The merits of the proposal for new construction far outweigh the merits of preserving the building.

G. *Findings for unified development review.*

1. *Special-use permits.* Requests for special-use permits shall be considered based on conformance with the criteria for special-use permits outlined in Section 1901 of the Zoning Ordinance, and written findings shall be included as part of the proposed project's record prior to approval.
2. *Variances.* Requests for use and dimensional variances shall be considered based on conformance with the criteria outlined in Section 1902 of the Zoning Ordinance, and written findings shall be included as part of the proposed project's record prior to approval.

H. *Legally competent evidence.* 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.

1006 Waiver and/or Modification of Submission Requirements, Reinstatement, and Extension

- A. *Waiver and/or modification of submission requirements.* The City Plan Commission and Technical Review Committee have the power to grant waivers and/or modifications from the submission requirements for land development, subdivision, and development plan review approval as may be reasonable and within the general purposes and intents of the provisions for these regulations. The only grounds for waivers and/or modifications are where the literal enforcement of one or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the Comprehensive Plan and the Zoning Ordinance.
- B. *Expiration and reinstatement.* When the deadlines set in these regulations or in conditions of approval are exceeded, the subdivision or development project approval is deemed to have expired and shall be rendered invalid. The approval may be reinstated by the permitting authority, upon written application, under the following conditions:
1. *Good cause.* The Applicant shall have no guarantee of reinstatement and shall bear the burden of proof to show that said applicant has proceeded with due diligence and that:
 - a. The subdivision or development is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this subdivision or development.

- b. These regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of original application, as they would apply to this subdivision or development project.
 - c. The zoning map designation for the subdivision or development project has not changed substantially since the time of original application.
 - d. No substantial change to the physical conditions of the subdivision or development project or the abutting properties has occurred since the time of original application.
2. *Procedure and Stage of Review.* The request for reinstatement shall be in writing and the applicant shall be required to appear before the permitting authority. The permitting authority shall make written findings of fact in approving or denying such request. If reinstated, the applicant shall proceed from the stage previous to where expiration occurred. For example, if preliminary approval had been granted and then expired, then the applicant shall reapply for reinstatement of preliminary approval. If, and only if, reinstatement is granted for a stage of approval, then all previous stages of approval shall automatically be reinstated.
3. *Vesting.* There shall be no vesting for any subdivision or development the deadline for which has expired, unless reinstatement is granted, in which case the date of reinstatement shall mark the beginning of any vesting time period.
- C. *Extension.* Prior to expiration of any deadline set forth in these regulations or in any approval of the City Plan Commission, an applicant may request an extension thereof in writing. The applicant shall demonstrate good cause to the permitting authority as set forth in this section. No extension shall be granted for a period of more than one year.

1007 Signing and Recording of Plats and Plans

- A. *Signing.* All approved final plans and plats for land development projects and subdivisions are signed by the appropriate City Plan Commission official with the date of approval. Plans and plats for major land developments and subdivisions are signed by the Commission chairperson or the secretary of the Commission attesting to the approval by the Commission. All minor land development or subdivision plans and plats and administrative plats are signed by the Commission chairperson or secretary or the administrative officer.
- B. *Recording.* Upon signature, all plans and plats shall be submitted to the administrative officer prior to recording and filing with the City Clerk and Recorder of Deeds. 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 or subdivision by the City, permits and agreements with state and federal reviewing agencies, and other information as required by the City Plan Commission.
- C. *Permanent records.* Other parts of the application record for subdivisions and development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, legal agreements, if any, records of the public hearing, and the entire final approval set of drawings shall be kept permanently by the offices of the Department of Planning and Development.
- D. *Emergency services notification.* The administrative officer shall notify the statewide "911" emergency authority, the Department of Communications, and Providence Police and Fire Departments with the information required by each of the authorities.

1008 Changes to Approved Plans

- A. *Amendment required for all changes.* For all changes to the approved plans of land development projects, subdivisions, or projects approved through development plan review, an amendment of the final plan is required prior to the issuance of any building permits. Any changes approved in the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats in this article.
- B. *Minor changes.* The administrative officer shall determine whether a change to an approved plan is classified as a minor or major change. Minor changes are any changes that meets all of the following criteria:
1. The revised plan complies with the Zoning Ordinance.
 2. For a subdivision, there is no increase in the number of lots.
 3. There is no change in the height of the building(s) exceeding 20%.
 4. There is no change in the width of building frontage exceeding 20%.
 5. There is no appreciable change to the shape of the building(s), the amount and size of windows and doors, and building materials.
 6. There is no significant change to the traffic circulation for the project.
 7. There is no change required to any public infrastructure.
 8. Any change that reduces building gross floor area, number of dwelling units, or parking spaces below what was approved.

Minor changes may be approved by the administrative officer. Such changes may be authorized without additional public hearings at the discretion of the administrative officer. All such changes and the approval thereof shall be made part of the permanent record of the project application. This provision shall not prohibit the administrative officer from requesting a recommendation from the permitting authority. Denial of the proposed change(s) shall be referred to the permitting authority for review as a major change. The administrative officer shall notify the applicant in writing within 14 days of submission of the final plan application if the administrative officer determines those plans include a major change.

- C. *Major changes.* Major changes are any changes other than minor changes, as defined above, to a development project or subdivision plan.
1. *Minor land development projects, subdivisions, and development plan review.* Major changes of the plans approved at any stage for a minor land development project, subdivision, or project approved through development plan review must be approved by the applicable permitting authority and must follow the same review and hearing process required for preliminary plans, which shall include a public hearing if originally required as part of the application.
 2. *Major land development projects and subdivisions.* Major changes of the plans approved at any stage for a major land development project or subdivision must be approved by the City Plan Commission and must include a public hearing.

- D. *Rescission procedure.* The City Plan Commission, only upon application by all landowners of the plat to be affected, may determine that the application for plat rescission is not consistent with the comprehensive plan and is not in compliance with the standards and provisions of the city's zoning ordinance and/or these regulations and shall hold a public hearing, which adheres to the requirements for notice described in this article. The Commission shall approve, approve with conditions or modifications, or deny the application for rescission of the plat according to the requirements of this article. If it is necessary to abandon any street covered under chapter 6 of title 24 of the Rhode Island General Laws, the Commission shall submit to the City Council the documents necessary for the abandonment process. Once the required process for rescission or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified in this article.

1009 Precedence of Approvals with Other Permitting Authorities

- A. *Zoning Board of Review.* Where an applicant requires both a variance and/or special-use permit from the Zoning Ordinance and approval under these regulations, and the application is not undergoing unified development review, the applicant shall first obtain an advisory recommendation from the permitting authority, as well as conditional permitting authority approval for the first approval stage for the proposed project, which may be simultaneous, then obtain conditional Zoning Board relief, and then return to the permitting authority for subsequent required approval(s).
- B. *Historic District Commission.* Where an applicant requires both Historic District Commission approval and approval under these regulations, the administrative officer shall determine the order of precedence of the approval processes.
- C. *City Council.* Where an applicant requires both approval under these regulations and City Council approval for a Zoning Ordinance text or map change, the applicant shall first obtain an advisory recommendation on the zoning change from the City Plan Commission, as well as conditional 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 permitting authority for subsequent required approval(s).

1010 Phasing of Projects.

- A. Preliminary and final review stages, and the construction of major land development projects and subdivisions, may be divided into reasonable phases.
- B. Development phasing requires the following:
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 phase(s).
 2. 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.
- C. *Vesting.* The master plan remains vested as long as it can be proved, to the satisfaction of the City Plan Commission, 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 extends to all information shown on the approved master plan documents.

1011 Appeal from Decision of Administrative Officer

The Zoning Board of Review shall be the Board of Appeal to hear appeals of decisions of the administrative officer on matters of review and approval of land development projects, subdivisions, and projects subject to development plan review.

A. Process and timing.

1. An appeal from any decision of the administrative officer charged in these regulations with enforcement of any provisions, except as provided in this article, may be taken to the board of appeal by an aggrieved party as set forth in this article. Decisions by the administrative officer approving or denying minor land development projects, minor subdivisions, and projects subject to development plan review shall not be subject to this article and shall proceed directly to Superior Court as set forth in Section 1012.
2. The appeal must be taken within 20 days after the decision has been recorded in the city's land evidence records and posted in the office of the city clerk.
3. The appeal shall be in writing and state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought.
4. The appeal shall either be sent by certified mail, with a return receipt requested, or be hand-delivered to the board of appeal. The secretary to the board of appeal shall accept delivery of an appeal on behalf of the board of appeal.
5. Upon receipt of an appeal, the board of appeal shall require the administrative officer to immediately transmit to the board of appeal all papers, documents, and plans constituting the record of the action which is being appealed.

B. Stay. An appeal stays all proceedings in furtherance of the action being appealed.**C. Hearing.**

1. The board of appeal shall hold a hearing on the appeal within 45 days of the receipt of the appeal, give public notice of the hearing, as well as due notice to the parties of interest. At the hearing the parties may appear in person, or be represented by an agent or attorney. The board shall render a decision within ten days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the applicant.
2. The board of appeal shall only hear appeals of the actions of an administrative officer at a meeting called especially for the purpose of hearing the appeals and which has been so advertised.
3. The hearing, which may be held on the same date and at the same place as a meeting of the zoning board of review, must be held as a separate meeting from any zoning board of review meeting. Separate minutes and records of votes shall be maintained by the board of appeal.

D. Standards of review.

1. The board of appeal shall not substitute its own judgment for that of the administrative officer but must consider the issue upon the findings and record of the administrative officer. The board of appeal shall not reverse a decision of the

- administrative officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
2. The concurring vote of three of the five members of the board of appeal sitting at a hearing is necessary to reverse any decision of the administrative officer.
 3. In the instance where the board of appeal overturns a decision of the administrative officer, the proposed project application is remanded to the administrative officer, at the stage of processing from which the appeal was taken, for further proceedings before the administrative officer and/or for the final disposition, which shall be consistent with the board of appeal's decision.
 4. The board of appeal shall keep complete records of all proceedings, including a record of all votes taken, and shall put all decisions on appeals in writing. The board of appeal shall include in the written record the reasons for each decision.

1012 Appeals to the Superior Court

- A. *Procedure.* An aggrieved party may appeal a decision of the board of appeal, a decision of an administrative officer made pursuant to Article 4 or Article 6 where authorized to approve or deny an application, a decision of the Technical Review Committee, where authorized to approve or deny an application, or a decision of the Commission, to the Superior Court for Providence County by filing a complaint stating the reasons for the appeal within 20 days after the decision has been recorded and posted in the office of the city clerk. Recommendations by any public body or officer under this chapter are not appealable under this article. The authorized permitting authority shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies of the original documents, together with any other facts that may be pertinent, with the clerk of the court within 30 days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the City Plan Commission shall be made parties to the proceedings. No responsive pleading is required for an appeal filed pursuant to this article. The appeal does not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make any other orders that it deems necessary for an equitable disposition of the appeal.
- B. *Review.*
 1. Appeals from a decision granting or denying approval of a final plan shall be limited to elements of the approval or disapproval not contained in the decision reached by the permitting authority at the preliminary stage; providing that, a public hearing has been held on the plan, if required pursuant to these regulations.
 2. The review shall be conducted by the superior court without a jury. The court shall consider the record of the permitting authority and, if it shall appear to the court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to the appeal to present evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the court shall be made.
 3. The court shall not substitute its judgment for that of the permitting authority as to the weight of the evidence on questions of fact. The court may affirm the decision of the permitting authority or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:

- a. In violation of constitutional, statutory, ordinance or City Plan Commission regulations provisions;
- b. In excess of the authority granted to the City Plan Commission by statute or ordinance;
- c. Made upon unlawful procedure;
- d. Affected by other error of law;
- e. Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
- f. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

1013 Appeals to the superior court — Priority in judicial proceedings.

For any case or proceeding brought under the provisions of these regulations, either party may request that the court advance the case, so that the matter is afforded precedence on the calendar and be heard and determined with as little delay as possible.

ARTICLE 11 - ADOPTION, AMENDMENT AND APPEAL OF REGULATIONS

1101 Authority to Adopt

Pursuant to the Rhode Island Land Development and Subdivision Review Act of 1992 (Chapter 23 of Title 45 of the General Laws of Rhode Island, as amended) and Article XV, Sec. 2-256 of the City Code of Ordinances, as amended, the City Plan Commission is authorized to adopt, amend, and repeal these regulations.

1102 Procedure for Adoption and Amendment

- A. *City Plan Commission.* The City Plan Commission shall adopt, amend or repeal, and provide for the administration, interpretation, and enforcement of these regulations. These regulations, and all the amendments thereto, shall be consistent with all provisions of the Rhode Island Land Development and Subdivision Review Act of 1992 (Chapter 23 of Title 45 of the General Laws of Rhode Island, as amended), the Rhode Island Zoning Enabling Act of 1991 (Chapter 24 of Title 45 of the General Law of Rhode Island, as amended), as well as Providence's Comprehensive Plan and Zoning Ordinance.
- B. *Proposal Submission.* Other than for proposals originated by the administrative officer or City Plan Commission, any proposal for amendment to these regulations shall be submitted to the administrative officer. Upon receipt of such proposal, the administrative officer shall refer such proposal to the Commission for study.

1103 Public Hearing and Notice Requirements

- A. *Public hearing.* No local regulations shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the City Plan Commission. At this hearing, opportunity shall be given to all persons interested on being heard upon the matter of the proposed regulations.
- B. *Newspaper notice.* The City Plan Commission shall first give notice of the public hearing by publication of notice as a legal advertisement in a newspaper of local 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 but shall not include the day of the hearing.
- C. *Posted notice.* The same notice shall be posted in the city clerk's office and one other municipal building in the City, and the City must make the notice accessible on the municipal home page of its website at least 14 days prior to the hearing.
- D. *Mail notice.* Notice of the public hearing, which may be a copy of the newspaper notice, shall also be sent, at least two weeks prior to the hearing, by first-class mail to:
 - 1. The city or town planning board of any municipality where there is a public or quasi-public water source, or private water source that is used, or is suitable for use, as a public water source, located within 2,000 feet of the City's boundaries.
 - 2. The governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used, or is suitable for use, as a public water source, located within either the municipality or 2,000 feet of the municipal boundaries; provided, that a map survey has been filed with the building inspector.

- E. *Notice contents.* All notices, whether newspaper, posted, or mailed, shall:
1. Specify the place of the 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 as long as the intent and effect of the proposed regulation is expressly written in that notice;
 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 on the notice may be altered or amended prior to the close of the public hearing without further advertising as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment during the hearing.
- B. *Costs.* The cost of newspaper notice and mailings shall be borne by the applicant.
- C. *Defects.* No defect in the form of any notice under this article renders any regulations invalid, unless the defect is found to be intentional or misleading.

1104 Appeals to Superior Court - Enactment of or Amendment of Local Regulations

- A. *Time period, standing and stay.* An appeal of an enactment of or an amendment to these regulations may be taken to the Superior Court for Providence County by filing a complaint, as set forth herein, within 30 days after such enactment or amendment has become effective. The appeal may be taken by any legal resident or landowner of the City or by any association of residents or landowners of the City. The appeal shall not stay the enforcement of these regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal. Either party may request that the court advance the case, so that the matter shall be afforded precedence on the calendar and shall thereupon be heard and determined with as little delay as possible.
- B. *Grounds for appeal.* The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the Comprehensive Planning Act, § 45-22.2-1 *et. seq.*; the Zoning Enabling Act of 1991, § 45-24-27 *et. seq.*; the Comprehensive Plan; or the Zoning Ordinance.
- C. *Review by court.* The review shall be conducted by the court without a jury. The court shall consider whether the enactment or amendment of the local regulations is consistent with the Comprehensive Planning Act, the Zoning Enabling Act of 1991, the Development Review Act of 1992, the Comprehensive Plan, and the Zoning Ordinance. If the enactment or amendment is not consistent, then the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment which are not consistent. The court shall not revise the local regulations to be consistent but may suggest appropriate language as part of the court decision.

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

1105 Severability

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

1106 Effective Date

These Regulations shall become effective on January 1, 2024.

APPENDIX

Appendix A: Administrative Subdivision Submission Requirements

Checklist for Administrative Subdivision	
1	Completed Application Form signed by all owners.
2	\$100 application fee payable by check made out to "City of Providence" per section 18 of the zoning ordinance.
3	Four paper copies of the survey drawn to an appropriate scale such that all features are legible. Size of the plan sheets shall be no smaller than 11" x 17". If no new lot lines are being created, a Class IV survey is acceptable. Otherwise, surveys must be Class I. Applicant may submit the plan for review by DPD staff prior to submission.
4	<p>The survey shall include the following:</p> <ul style="list-style-type: none"> • Title of the subdivision plan that accurately reflects the property and proposed changes. • Date of plan preparation, with revision date(s), if any. • Plat and lot number(s) of the parcel(s) being subdivided. • Graphic scale and true north arrow. • Deed book and page number from the Recorder of Deeds for all lots. • Surveyor's stamp and certification. • Zoning district(s) and overlay district(s) of the parcel(s) being subdivided; if more than one district, zoning boundary lines must be shown on the plan. • Table listing dimensional requirements of the subject zone(s) in one column and indication of compliance with said regulations in a second column. At a minimum, the table shall include the following requirements: <ul style="list-style-type: none"> • Lot size • Lot width • Maximum building coverage • Maximum impervious coverage • Minimum pervious coverage • Front, side, and rear setback • Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. Existing and proposed property lines shall show interior angles and distances, curves shall include radius, arc length, central angle, and tangent and chord length. • Location of all significant trees as defined by section 1503.B of the zoning ordinance. • Location of all existing primary and accessory structures on the property. • Location of all curb cuts. • Location of all pervious and impervious spaces. • Location of all parking spaces. • Location, names and dimensions of public rights of way, easements, and rights of way; within or adjacent to the subdivision parcel. • Any other items the Administrative Officer deems necessary to demonstrate zoning compliance.
5	Certified copies of deed(s) from the Recorder of Deeds for all parcels.

6	Counter Bill or Municipal Lien Certificate(s) from the Tax Collectors Office showing zero balance due for the entire tax year for all parcels.
7	New legal description(s)/metes and bounds description(s) of all proposed lots. It is recommended to submit the description as an exhibit in draft confirmatory deed(s) for all new parcel(s). Leave blank areas for the insertion of new lot numbers and addresses.

Appendix B: Minor Subdivision Submission Requirements

Checklist for Minor Subdivision – Preliminary Plan		
1		Completed Application Form signed by all owners. Completed Unified Development Review (UDR) form for items that require zoning relief.
2		\$200 application fee payable by check made out to “City of Providence” per section 18 of the zoning ordinance. \$650 UDR application fee payable by check made out to “City of Providence” per section 18 of the zoning ordinance.
3		Four paper copies of the survey drawn to an appropriate scale such that all features are legible. Ten copies are required if the plan requires CPC review. Surveys must be Class I. Applicant may submit the plan for review by DPD staff prior to submission. Size of the plan sheets shall be no smaller than 11” x 17”. Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc).
4		The survey shall include the following: <ul style="list-style-type: none"> • Title of the subdivision plan that accurately reflects the property and proposed changes. • Date of plan preparation, with revision date(s), if any. • Plat and lot number(s) of the parcel(s) being subdivided. • Graphic scale and true north arrow. • Deed book and page number from the Recorder of Deeds for all lots. • Surveyor’s stamp and certification. • Zoning district(s) and overlay district(s) of the parcel(s) being subdivided; if more than one district, zoning boundary lines must be shown on the plan. • Table listing dimensional requirements of the subject zone(s) in one column and indication of compliance with said regulations in a second column. At a minimum, the table shall include the following requirements: <ul style="list-style-type: none"> • Lot size • Lot width • Maximum building coverage • Maximum impervious coverage • Minimum pervious coverage • Front, side, and rear setback • Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. Existing and proposed property lines shall show interior angles and distances, curves shall include radius, arc length, central angle, and tangent and chord length. • Location of all significant trees as defined by section 1503.B of the zoning ordinance. • Location of all existing primary and accessory structures on the property. • Location of all curb cuts. • Location of all pervious and impervious spaces. • Location of all parking spaces.

	<ul style="list-style-type: none"> • Location, names and dimensions of public rights of way, easements, and rights of way; within or adjacent to the subdivision parcel. • Any other items the Administrative Officer deems necessary to demonstrate zoning compliance.
5	Certified copies of deed(s) from the Recorder of Deeds for all parcels.
6	Counter Bill or Municipal Lien Certificate(s) from the Tax Collectors Office showing zero balance due for the entire tax year for all parcels.
7	New legal description(s)/metes and bounds description(s) of all proposed lots. It is recommended to submit the description as an exhibit in draft confirmatory deed(s) for all new parcel(s). Leave blank areas for the insertion of new lot numbers and addresses.
Items 8 - 10 are required for cases involving UDR and street creation, which require a public hearing.	
8	The names and addresses of owners of all properties, agencies or communities requiring notification as required by these Regulations.
9	The Applicant shall notify owners of all properties, abutters, agencies or communities requiring notification as required by these Regulations.
10	Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.
11	<p>Payment of Required Fees</p> <p>a. Application Filing Fee - \$200.</p> <p>b. Inspection Fee - See Section 703.2 if applicable.</p> <p>c. Unified Development Review - \$ if applicable.</p>

Checklist for Minor Subdivision – Final Plan	
1	<p>Four paper copies of the survey drawn to an appropriate scale such that all features are legible. Size of the plan sheets shall be no smaller than 11" x 17"</p> <p>Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).</p>
2	Any changes or requirements from the DPD or any changes voted upon by the Commission at the Preliminary Plan stage for subdivisions that require CPC review.
3	Finalized metes and bounds description or confirmatory deed(s) for new parcel(s) which include the of the lots to be conveyed with new lot number(s) and/or address(es) for recordation

Appendix C: Minor Land Development Project Submission Requirements

Checklist for Minor Land Development Project – Preliminary Plan	
1	Completed Application Form signed by all owners. If Unified Development Review (UDR) is required, the applicant shall submit a completed UDR form provided by the DPD.
2	\$500 application fee payable by check made out to “City of Providence” per section 18 of the ordinance. \$650 UDR application fee payable by check made out to “City of Providence” per section 18 of the ordinance.
3	Four paper copies of the survey drawn to an appropriate scale such that all features are legible. Ten copies are required if the plan requires CPC review. Surveys must be Class I. Applicant may submit the plan for review by DPD staff prior to submission. Size of the plan sheets shall be no smaller than 11” x 17”. Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc).
4	The survey shall include the following: <ul style="list-style-type: none"> • Title of the subdivision plan that accurately reflects the property and proposed changes. • Date of plan preparation, with revision date(s), if any. • Plat and lot number(s) of the parcel(s) being subdivided. • Graphic scale and true north arrow. • Deed book and page number from the Recorder of Deeds for all lots. • Surveyor’s stamp and certification. • Zoning district(s) and overlay district(s) of the parcel(s) being subdivided; if more than one district, zoning boundary lines must be shown on the plan. • Table listing dimensional requirements of the subject zone(s) in one column and indication of compliance with said regulations in a second column. At a minimum, the table shall include the following requirements: <ul style="list-style-type: none"> • Lot size • Lot width • Maximum building coverage • Maximum impervious coverage • Minimum pervious coverage • Front, side, and rear setback • Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. Existing and proposed property lines shall show interior angles and distances, curves shall include radius, arc length, central angle, and tangent and chord length. • Location of all significant trees as defined by section 1503.B of the zoning ordinance. • Location of all existing primary and accessory structures on the property. • Location of all curb cuts. • Location of all pervious and impervious spaces. • Location of all parking spaces.

		<ul style="list-style-type: none"> • Location, names and dimensions of public rights of way, easements, and rights of way; within or adjacent to the subdivision parcel. • Any other items the Administrative Officer deems necessary to demonstrate zoning compliance.
5		Certified copies of deed(s) from the Recorder of Deeds for all parcels.
6		Narrative summarizing scope of the project and proposed changes.
		All plan sets shall contain the following items in the order shown below:
7		An existing conditions plan depicting existing development and lot configuration.
8		<p>A site plan showing all proposed improvements including but not limited to the locations of proposed structures, parking areas, landscaped areas, and streets. The site plan shall include a table showing compliance with dimensional regulations of the subject zone as described in item 3. The plan shall also include the following:</p> <ul style="list-style-type: none"> • The location of transformer(s) and HVAC units • Location of wetlands, watercourses or coastal features, if present, on or within 200 feet of the development parcel. • Base flood elevation data. • Location of National Register District parcels on or immediately adjacent to the development (if any). • Proposed street names (if applicable).
9		A grading plan showing existing and proposed contours at two-foot intervals for the entire project.
10		A soil erosion and sediment control plan showing measures that will be taken to mitigate runoff during construction.
11		A landscape plan showing the location of plantings, tree species, and canopy coverage calculations.
12		A utility plan showing the location and dimension of all existing and proposed utilities within and immediately adjacent to the development, including sewer, water, gas, electric, telephone, cable TV, fire alarm, hydrants, existing utility poles, (including location and type of proposed poles and fixtures), stormwater drainage or other existing above or underground utilities.
13		A diagram depicting building height calculated from the average grade.
14		Building elevations of all facades and appurtenant structures showing proposed exterior treatment and building materials and shall include fenestration, transparency calculations, and building height.
15		Proposed floor plans if necessary to show compliance with the zoning ordinance. Plans shall include a roof plan indicating location of mechanical equipment with other structures and amenities, if applicable.
16		Development rendering(s) indicating overall massing and views from public streets.

17	A signage plan showing location and dimensions of all proposed signage with table showing conformance with signage dimension regulations
18	A lighting plan showing the locations and heights of all light poles, light fixtures and light emitting devices with light levels measured in foot candles. Cut sheets of all light fixtures shall be included with the lighting plan.
19	A drainage plan showing provisions for controlling stormwater runoff. The plan shall include drainage calculations if required by the City's Stormwater Ordinance or other state regulation.
20	Traffic study if required by staff, the Commission or the City Traffic Engineer.
21	If a street is proposed, a proposed street plan, with profiles and cross-sections.
	Items 22 – 24 are required for cases involving UDR and street creation, which require a public hearing
22	The names and addresses of owners of all properties, agencies or communities requiring notification.
23	The Applicant shall notify owners of all properties, abutters, agencies or communities requiring notification as required by these Regulations.
24	Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.
25	Payment of Required Fees a. Application Filing Fee - \$500 b. Inspection Fee – See Section 703.2, if applicable. c. Unified Development Review - \$650

Checklist for Minor Land Development Project – Final Plan	
1	Written approval of the proposed development from pertinent state agencies, including but not limited to the Narragansett Bay Commission (NBC), Rhode Island Department of Transportation (RIDOT) Coastal Resources Management Council or the Rhode Island Department of Environmental Management (RIDEM) Freshwater Wetlands Act.
2	Any changes required by the DPD or voted upon by the Commission at the Preliminary Plan stage.
3	A Physical Alteration Permit issued by the RIDOT for any connection to or construction work within a State highway or other right-of-way.
4	Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.
5	Payment of Required Fees a. Inspection Fee - See Section 703.2, if applicable b. Recording Fee to be paid to the recorder of deeds
6	Either of the following (if applicable): a. A letter stating it is the intent of the applicant to complete the required improvements; or, b. A letter requesting that security be set by the Commission sufficient to cover the cost of required improvements:

7		Performance bond or other financial guarantees (Initial amount and date set by Commission) .
8		Maintenance bond for acceptance of public improvements (optional).

Appendix D: Major Subdivision Submission Requirements

Checklist for Major Subdivision – Master and Preliminary Plan	
1	Completed Application Form signed by all owners. Completed Unified Development Review (UDR) form for items that require zoning relief.
2	\$500 application fee payable by check made out to “City of Providence” per section 18 of the zoning ordinance. \$650 UDR application fee payable by check made out to “City of Providence” per section 18 of the zoning ordinance.
3	Ten paper copies of the survey and plan set are required. Surveys must be Class I. Applicant may submit the plan for review by DPD staff prior to submission. Size of the plan sheets shall be no smaller than 11” x 17”. Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc).
4	The survey shall include the following: <ul style="list-style-type: none"> • Title of the subdivision plan that accurately reflects the property and proposed changes. • Date of plan preparation, with revision date(s), if any. • Plat and lot number(s) of the parcel(s) being subdivided. • Graphic scale and true north arrow. • Deed book and page number from the Recorder of Deeds for all lots. • Surveyor’s stamp and certification. • Zoning district(s) and overlay district(s) of the parcel(s) being subdivided; if more than one district, zoning boundary lines must be shown on the plan. • Table listing dimensional requirements of the subject zone(s) in one column and indication of compliance with said regulations in a second column. At a minimum, the table shall include the following requirements: <ul style="list-style-type: none"> • Lot size • Lot width • Maximum building coverage • Maximum impervious coverage • Minimum pervious coverage • Front, side, and rear setback • Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. Existing and proposed property lines shall show interior angles and distances, curves shall include radius, arc length, central angle, and tangent and chord length. • Location of all significant trees as defined by section 1503.B of the zoning ordinance. • Location of all existing primary and accessory structures on the property. • Location of all curb cuts. • Location of all pervious and impervious spaces. • Location of all parking spaces. • Location, names and dimensions of public rights of way, easements, and rights of way; within or adjacent to the subdivision parcel.

		<ul style="list-style-type: none"> Any other items the Administrative Officer deems necessary to demonstrate zoning compliance.
5		Certified copies of deed(s) from the Recorder of Deeds for all parcels.
6		Counter Bill or Municipal Lien Certificate(s) from the Tax Collectors Office showing zero balance due for the entire tax year for all parcels.
7		New legal description(s)/metes and bounds description(s) of all proposed lots. It is recommended to submit the description as an exhibit in draft confirmatory deed(s) for all new parcel(s). Leave blank areas for the insertion of new lot numbers and addresses.
Items 8 - 10 are required for the public hearing.		
8		The names and addresses of owners of all properties, agencies or communities requiring notification as required by these Regulations.
9		The Applicant shall notify owners of all properties, abutters, agencies or communities requiring notification as required by these Regulations.
10		Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.
11		<p>Payment of Required Fees</p> <ul style="list-style-type: none"> a. Application Filing Fee - \$500. b. Inspection Fee - See Section 703.2 if applicable. c. Unified Development Review - \$ if applicable.

Checklist for Major Subdivision – Final Plan		
1		<p>Four paper copies of the survey drawn to an appropriate scale such that all features are legible. Size of the plan sheets shall be no smaller than 11" x 17"</p> <p>Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).</p>
2		Any changes or requirements from the DPD or any changes voted upon by the Commission at the Master/Preliminary Plan stage.
3		Finalized metes and bounds description or confirmatory deed(s) for new parcel(s) which include the of the lots to be conveyed with new lot number(s) and/or address(es) for recordation

Appendix E: Major Land Development Project Submission Requirements

	M	Checklist for Major Land Development Project – Master Plan
1		Completed Application Form signed by all owners. If Unified Development Review (UDR) is required, the applicant shall submit a completed UDR form provided by the DPD.
2		\$500 application fee payable by check made out to “City of Providence” per section 18 of the ordinance. \$650 UDR application fee payable by check made out to “City of Providence” per section 18 of the ordinance.
3		Ten paper copies of the survey and plan set are required. Surveys must be Class I. Applicant may submit the plan for review by DPD staff prior to submission. Size of the plan sheets shall be no smaller than 11” x 17”. Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc).
4		The survey shall include the following: <ul style="list-style-type: none"> • Title of the subdivision plan that accurately reflects the property and proposed changes. • Date of plan preparation, with revision date(s), if any. • Plat and lot number(s) of the parcel(s) being subdivided. • Graphic scale and true north arrow. • Deed book and page number from the Recorder of Deeds for all lots. • Surveyor’s stamp and certification. • Zoning district(s) and overlay district(s) of the parcel(s) being subdivided; if more than one district, zoning boundary lines must be shown on the plan. • Table listing dimensional requirements of the subject zone(s) in one column and indication of compliance with said regulations in a second column. At a minimum, the table shall include the following requirements: <ul style="list-style-type: none"> • Lot size • Lot width • Maximum building coverage • Maximum impervious coverage • Minimum pervious coverage • Front, side, and rear setback • Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. Existing and proposed property lines shall show interior angles and distances, curves shall include radius, arc length, central angle, and tangent and chord length. • Location of all significant trees as defined by section 1503.B of the zoning ordinance. • Location of all existing primary and accessory structures on the property. • Location of all curb cuts. • Location of all pervious and impervious spaces. • Location of all parking spaces. • Location, names and dimensions of public rights of way, easements, and rights of way; within or adjacent to the subdivision parcel.

	<ul style="list-style-type: none"> Any other items the Administrative Officer deems necessary to demonstrate zoning compliance.
5	Certified copies of deed(s) from the Recorder of Deeds for all parcels.
6	Narrative summarizing scope of the project and proposed changes.
	All plan sets shall contain the following items in the order shown below:
7	An existing conditions plan depicting existing development and lot configuration.
8	<p>A site plan showing all proposed improvements including but not limited to the locations of proposed structures, parking areas, landscaped areas, and streets. The site plan shall include a table showing compliance with dimensional regulations of the subject zone as described in item 3. The plan shall also include the following:</p> <ul style="list-style-type: none"> The location of transformer(s) and HVAC units Location of wetlands, watercourses or coastal features, if present, on or within 200 feet of the development parcel. Base flood elevation data. Location of National Register District parcels on or immediately adjacent to the development (if any). Proposed street names (if applicable).
9	A conceptual landscape plan showing the location of plantings.
10	A diagram depicting building height calculated from the average grade.
11	Building elevations of all facades and appurtenant structures showing proposed exterior treatment and building materials and shall include fenestration, transparency calculations, and building height.
12	Development rendering(s) indicating overall massing and views from public streets.
	Items 13– 15 are required for cases involving UDR and street creation, which require a public hearing
13	The names and addresses of owners of all properties, agencies or communities requiring notification.
14	The Applicant shall notify owners of all properties, abutters, agencies or communities requiring notification as required by these Regulations.
15	Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.
16	<p>Payment of Required Fees</p> <ol style="list-style-type: none"> Application Filing Fee - \$500 Inspection Fee – See Section 703.2, if applicable. Unified Development Review - \$650

P	Checklist for Major Land Development Project – Preliminary Plan
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1	<p>Completed Application Form signed by all owners. If Unified Development Review (UDR) is required, the applicant shall submit a completed UDR form provided by the DPD.</p>
2	<p>\$500 application fee payable by check made out to "City of Providence" per section 18 of the ordinance. \$650 UDR application fee payable by check made out to "City of Providence" per section 18 of the ordinance.</p>
3	<p>Ten paper copies of the survey and plan set are required.</p> <p>Surveys must be Class I. Applicant may submit the plan for review by DPD staff prior to submission. Size of the plan sheets shall be no smaller than 11" x 17". Multiple sheets shall include Key Map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc).</p>
4	<p>The survey shall include the following:</p> <ul style="list-style-type: none"> • Title of the subdivision plan that accurately reflects the property and proposed changes. • Date of plan preparation, with revision date(s), if any. • Plat and lot number(s) of the parcel(s) being subdivided. • Graphic scale and true north arrow. • Deed book and page number from the Recorder of Deeds for all lots. • Surveyor's stamp and certification. • Zoning district(s) and overlay district(s) of the parcel(s) being subdivided; if more than one district, zoning boundary lines must be shown on the plan. • Table listing dimensional requirements of the subject zone(s) in one column and indication of compliance with said regulations in a second column. At a minimum, the table shall include the following requirements: <ul style="list-style-type: none"> • Lot size • Lot width • Maximum building coverage • Maximum impervious coverage • Minimum pervious coverage • Front, side, and rear setback • Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines. Existing and proposed property lines shall show interior angles and distances, curves shall include radius, arc length, central angle, and tangent and chord length. • Location of all significant trees as defined by section 1503.B of the zoning ordinance. • Location of all existing primary and accessory structures on the property. • Location of all curb cuts. • Location of all pervious and impervious spaces. • Location of all parking spaces. • Location, names and dimensions of public rights of way, easements, and rights of way; within or adjacent to the subdivision parcel. • Any other items the Administrative Officer deems necessary to demonstrate zoning compliance.
5	<p>Certified copies of deed(s) from the Recorder of Deeds for all parcels.</p>

6		Narrative summarizing scope of the project and proposed changes.
		All plan sets shall contain the following items in the order shown below:
7		An existing conditions plan depicting existing development and lot configuration.
8		<p>A site plan showing all proposed improvements including but not limited to the locations of proposed structures, parking areas, landscaped areas, and streets. The site plan shall include a table showing compliance with dimensional regulations of the subject zone as described in item 3. The plan shall also include the following:</p> <ul style="list-style-type: none"> • The location of transformer(s) and HVAC units • Location of wetlands, watercourses or coastal features, if present, on or within 200 feet of the development parcel. • Base flood elevation data. • Location of National Register District parcels on or immediately adjacent to the development (if any). • Proposed street names (if applicable).
9		A grading plan showing existing and proposed contours at two-foot intervals for the entire project.
10		A soil erosion and sediment control plan showing measures that will be taken to mitigate runoff during construction.
11		A detailed landscape plan showing the location of plantings, tree species, and canopy coverage calculations.
12		A utility plan showing the location and dimension of all existing and proposed utilities within and immediately adjacent to the development, including sewer, water, gas, electric, telephone, cable TV, fire alarm, hydrants, existing utility poles, (including location and type of proposed poles and fixtures), stormwater drainage or other existing above or underground utilities.
13		A diagram depicting building height calculated from the average grade.
14		Building elevations of all facades and appurtenant structures showing proposed exterior treatment and building materials and shall include fenestration, transparency calculations, and building height.
15		Proposed floor plans if necessary to show compliance with the zoning ordinance. Plans shall include a roof plan indicating location of mechanical equipment with other structures and amenities, if applicable.
16		Development rendering(s) indicating overall massing and views from public streets.
17		A signage plan showing location and dimensions of all proposed signage with table showing conformance with signage dimension regulations
18		A lighting plan showing the locations and heights of all light poles, light fixtures and light emitting devices with light levels measured in foot candles. Cut sheets of all light fixtures shall be included with the lighting plan.

19	A drainage plan showing provisions for controlling stormwater runoff. The plan shall include drainage calculations if required by the City's Stormwater Ordinance or other state regulation.
20	Written approval of the proposed development from pertinent state agencies, including but not limited to the Narragansett Bay Commission (NBC), Rhode Island Department of Transportation (RIDOT) Coastal Resources Management Council or the Rhode Island Department of Environmental Management (RIDEM) Freshwater Wetlands Act.
21	Traffic study if required by staff, the Commission or the City Traffic Engineer.
22	If a street is proposed, a proposed street plan, with profiles and cross-sections.
23	Public notice shall be sent to abutters only at the preliminary plan stage per ____ of these regulations.
Items 24 – 26 are required if a public hearing is necessary	
24	The names and addresses of owners of all properties, agencies or communities requiring notification. Only direct abutters are require
25	The Applicant shall notify owners of all properties, abutters, agencies or communities requiring notification as required by these Regulations.
26	Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.
27	<p>Payment of Required Fees</p> <ul style="list-style-type: none"> a. Application Filing Fee - \$500 b. Inspection Fee – See Section 703.2, if applicable. c. Unified Development Review - \$650

Checklist for Major Land Development Project – Final Plan	
1	Counter Bill or Municipal Lien Certificate(s) from the Tax Collectors Office indicating that all property taxes are current.
2	Any changes required by the DPD or voted upon by the Commission at the Preliminary Plan stage.
3	Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.
4	<p>Payment of Required Fees</p> <ul style="list-style-type: none"> a. Inspection Fee - See Section 703.2, if applicable b. Recording Fee to be paid to the recorder of deeds
5	<p>Either of the following (if applicable):</p> <ul style="list-style-type: none"> a. A letter stating it is the intent of the applicant to complete the required improvements; or, b. A letter requesting that security be set by the Commission sufficient to cover the cost of required improvements:
6	Performance bond or other financial guarantees (Initial amount and date set by Commission) .
7	Maintenance bond for acceptance of public improvements (optional).

Appendix F: Administrative Development Plan Review Submission Requirements

	Checklist for Development Plan Review
1	Completed application form
2	\$100 application fee payable by check made out to "City Collector "
3	Date of plan preparation, with revision date(s) (if any).
4	Graphic scale and true north arrow.
5	A PDF of the set of plans emailed to the Administrative Officer.
6	Plat and lot number(s) of the parcel or parcels being developed or subdivided.
7	Zoning district(s), including overlay zones, of the parcel(s) in question. If more than one district, zoning boundary lines must be shown.
7	Location, width and names of existing streets within and adjacent to development parcel
9	Site plan drawn to scale depicting in sufficient detail, existing and proposed layouts of buildings, parking areas, hardscape and softscape feature.
10	Floor plans and elevations are required for projects that include new construction and/or additions to existing buildings.
11	Landscape plan depicting existing and proposed trees, and a canopy coverage calculation per Article 15 of the Zoning Ordinance.
12	Drainage, traffic and grading plans (if required
13	Any additional requirements determined in Step 1.

Appendix G: Downtown District Formal and Administrative Development Plan Review Submission Requirements

Applications must be accompanied by photographs, drawings and other information to illustrate a proposal and its impact on an individual structure or site and the district at large. Documentation requirements vary depending on the scope of work. If your project is not listed below, contact staff for advice about supplying adequate documentation. Incomplete applications cannot be reviewed and cause delays in the review process.

Repairs, Replacement, and Restoration of Missing Features

Includes any work intended to remedy damage or deterioration which will result in a change in the existing type of materials, dimensions, design, configuration, detailing, texture and visual appearance; examples include masonry patching, repainting, cleaning, sealing and painting; and replacement windows and doors. Also, reconstruction of altered or missing features to their appearance at a previous point in time, using physical, pictorial, documentary or historical evidence.

1. A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
2. Digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.
3. Written specifications for the repair or replacement of masonry, wood, architectural metals, roofing, etc., including specifications for repainting, cleaning, and sealing or waterproofing. Describe materials and techniques to be used, and location on the property where the work will be done.
4. One copy of scaled drawings and/or manufacturer's literature for all replacement elements. Where a missing feature is being reconstructed, drawings should include plan, elevation and section views showing the new feature in context with the rest of the building or site. All dimensions are to be indicated.
5. Test patches, material or color samples, if requested by staff.
6. Historic photographs or drawings, or photographs (digital preferred) illustrating physical evidence, of a feature to be reconstructed or restored.

Minor Alterations and Additions

Includes reversible changes such as awnings, canopies, signs, storm windows and doors, skylights, rooftop telecommunication equipment, rooftop HVAC systems, mechanical equipment and screening, headhouses, and roof decks. Also, small volumetric additions to an existing structure.

1. A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
2. Application fee.
3. Digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.

- Awnings and canopies: One copy or PDF of scaled elevation, section, and site plan drawings of the building, showing front and side views of the awning or canopy in place on the building, its relationship to other facade and site elements, the method of attachment, and all dimensions. Indicate the location, dimensions, colors and typefaces of all lettering and graphics; and method of illumination (if any).
- Signs: One copy or PDF of a scaled elevation drawing (include side views if proposing a projecting sign, and a site plan for a freestanding sign), showing the proposed sign(s) in place on the building or site and in relationship to the building and other site features, including the property line. Also, three (3) copies of a scaled drawing of the sign itself, indicating its type, dimensions, materials, colors, graphics and lettering, method of attachment and any illumination. Material and color samples may be requested by staff.
- Storm windows and doors: Manufacturer's specifications and product information, including proposed dimensions and colors.
- Rooftop installations: One copy or PDF of a scaled roof plan showing the new element in context with other rooftop elements such as chimneys, headhouses, and parapet walls; a scaled section drawing indicating sightlines within 500 feet of the property, and scaled front and side elevation drawing of any structure, railing or screening showing its design, materials and height. Also, manufacturer's literature for skylights, antennae and electrical or mechanical equipment, specifically noting dimensions, design, and finish colors.
- Grade level installations (small additions, mechanical/electrical equipment): One copy or PDF of a scaled site plan showing the new element in context with the primary structure and other site elements such as fences, retaining walls, and property lines; and scaled front and side elevation of any structure or screening showing its design, materials and height. Also, manufacturer's literature for the equipment, specifically noting dimensions, design, and finish colors.
- Exterior ductwork: One copy or PDF of a scaled elevation drawing showing the proposed location and method of attachment, in relation to other building elements. Also, manufacturer's literature for the equipment, specifically noting dimensions, design, and finish colors.

Major Alterations and Additions

Includes changes in materials, design, dimensions, configuration, texture, and visual appearance, which will permanently affect the integrity or character of a structure. Also, adding a large volume to an existing structure. Examples include changes to rooflines and rooftop structures; changes to window and door openings and configurations; creating new openings or blocking up existing ones; installing through-wall vents and air conditioners; installing or removing bays, oriels and balconies; changes to storefronts, steps and entryways; cladding exterior walls in a new material; barrier-free access improvements; and fire escapes.

1. A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
2. Application fee.

3. Digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur. Photos must be labeled with the street address, compass direction, and date.
4. One set or PDF of scaled plan, elevation and section drawings as necessary, illustrating existing conditions and proposed changes. All drawings should show proposed changes in relationship to major architectural features: e.g., a new door should be shown in context with the entire elevation. Drawings should be titled, indicate the scale, labeled with the street address and dated. Examples of the drawings needed for varying types of projects are listed below: *this is not an exhaustive list*, check with staff about documenting your particular project.
 - Site Plan: for projections and recesses, wheelchair ramps, stairs, ground-level porches and decks, changes in grade, underground parking garages, major volumetric additions, etc. Show the entire building, adjacent buildings, and property lines. Indicate north arrow.
 - Floor Plans: for projections and recesses, new window and door openings, upper floor porches and balconies, fire escapes, barrier-free access, storefronts, major volumetric additions, etc. For fire escapes, show interior room layouts and location of proposed fire doors or fire escapes; indicate whether an internal second means of egress is possible. Indicate north arrow.
 - Roof Plan: for dormers, chimneys, monitors, cupolas, skylights, railings and balustrades, and changes to the roofline, including major volumetric additions. Indicate north arrow.
 - Elevations: for changes in wall materials and surfaces, fenestration, ornamentation, roof forms and elements, porches, stairs, entryways, grade levels, foundations, storefronts, fire escapes (including supports) and egress doors or windows, barrier-free access, through-wall vents and air conditioners, major volumetric additions, etc. Show front and side views of three-dimensional Elements.
 - Sections: for projections and recesses, major volumetric additions, changes in roof form, porches and stairs, underground parking garages, details such as railings, trim and ornamentation.
5. Ten (10) complete sets of drawings reduced to 11x17 inches (required for formal development plan review).
6. Written approval from the fire department for the design and location of any proposed fire escape.
7. Copy of any required zoning, building, or access code variances obtained for the project.
8. Manufacturer's specifications or literature for elements such as windows and doors, vents, wheelchair lifts, etc. indicating all dimensions, details and finishes.
9. List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters.

Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form).

New Construction

Review of proposed new primary or secondary structures usually follows a two-phase review process: preliminary review by the Downtown Design Review Committee and final review by the Administrative Officer.

1. A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
2. Application fee.
3. Digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.
4. One (1) full-size set and a PDF of scaled architectural drawings of the proposed new construction. Drawings should be titled, indicate the scale, and labeled with the property address and date. The scale should be sufficient to indicate clearly all aspects of the project. Drawings should include:
 - Site Plan: illustrating the location of all new construction in relationship to all other site elements, the property lines, and structures on abutting properties. Site plan should be based upon data provided by a registered land surveyor, and shall clearly indicate the location of all design features of the proposed construction, including: building setbacks, landscape features, paved areas, parking areas, walls, fences, mechanical equipment, and other planned improvements. Indicate north arrow.
 - Conceptual Floor Plans, Roof Plan and Exterior Elevations: showing the design concept for all four elevations, all interior floors, and the roof. Drawings should illustrate the relationship of the proposed structure to abutting buildings, and shall clearly indicate all design features of the proposed construction, including: building materials, and colors of all permanent exterior finish materials; location, configuration and type of doors and windows; overall dimensions; general details of roofing, siding, ornament and trim; location and type of any proposed signs; exterior mechanical equipment; and other building or site features.
 - Axonometric or Perspective Drawings (and/or Model): illustrating in three dimensions the proposed construction in context with the surrounding area and abutting buildings.
 - Exterior material and color samples, if requested by staff.
5. Ten (10) complete sets of the above drawings, reduced to 11x17 inches for mailing purposes (required for formal development plan review).
6. List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form).

Site Improvements

Includes paving, fencing, streetwalls, retaining walls and landscaping.

1. A completed application form for a Certificate of Design Approval or Waiver signed by the applicant and the property owner, describing the proposed scope of work.
2. The applicable application fee

Digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.

3. A scaled site plan or PDF illustrating the proposed changes in context with the building, other existing site elements, and the property lines. Indicate north arrow.
4. For retaining walls, fences, terraces and site improvements other than paving, scaled elevation and section drawings showing the height, materials and design of the element and its relationship to surrounding site or building elements. An engineer or other qualified professional should design structural retaining walls.
5. Material samples, if requested by staff.

Moving of Structures

1. A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work,
2. Application fee.
3. Digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.
4. A certified report from an engineer or the moving company describing the method of moving, expected loss of historic fabric, timetable, etc.
5. Ten (10) complete sets of the drawings noted below, as applicable, reduced to 11x17 inches for mailing purposes (required for formal development plan review).

If the structure is to be **moved to a site** within the Downcity District:

6. A scaled site plan of the proposed location of the structure, indicating its relationship to the new site and the surrounding neighborhood. Drawings should be titled, indicate the scale and north arrow, and note the street address and date.
7. Scaled elevation drawings of the building in its proposed new site in the district, showing its relationship to abutting buildings on all sides; and a scaled foundation plan. Drawings should be titled, indicate the scale, and note the street address and date.

If the structure is to be **moved from a site** within the Downcity District:

8. Written description of the reason for the move, the proposed new location for the structure, and the proposed treatment of the site on which the structure is currently located.

9. Scaled elevation drawings and site plans (10 sets) showing the proposed new construction or site treatment once the building is moved, and the relationship of new construction to abutting properties on all sides. Drawings should be titled, indicate the scale, and note the street address and date. (See also New Construction and Site Improvements documentation requirements.)
10. List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form)

Public Art (Permanent art only)

Includes installation of sculptures, monuments, and murals.

1. A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
2. Application fee.
3. Photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.
4. Manufacturer's specifications showing materials, dimensions and finish colors of all equipment, planters, furniture, and signs.
 - For projects on public or private property: One (1) full-size scaled site plan or PDF showing the proposed improvements or amenities in relation to other existing structures and site features. Indicate north arrow.
 - For murals: One (1) full-size scaled elevation drawing or PDF showing the location and dimensions of the mural; a written description of its purpose and the length of time it will be exhibited; and a description of the materials and method of attachment. A colored rendering or digital photographs of the mural's design may also be submitted for informational purposes.
5. Ten (10) complete set of the above drawings, reduced to 11x17 inches for mailing purposes (required for formal development plan review).
6. List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form).

Development Incentives

The DRC is authorized to grant development incentives in the form of height bonuses. Where an incentive is sought for a project subject to design review, see the applicable category above for additional documentation requirements.

1. A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
2. Application fee.
3. Written description of the project's eligibility for a height bonus, and the bonus amount requested, consistent with the provisions of Section 603 of the Providence Zoning Ordinance.
4. Where the project will provide certain uses in exchange for a bonus, one (1) set of scaled floor plans of the structure showing the floor area dedicated to active ground-floor uses and/or publicly accessible open space. Projects are eligible for a height bonus with the inclusion of a parking garage. Also, ten (10) sets of drawings reduced to 11x17 inches for mailing purposes.
5. List of the names and mailing addresses of all owners of abutting property within 200 feet of the subject property, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form). The applicant is to provide printed mailing labels.

Requests for Waivers

The DRC may grant waivers to certain of its regulations. Since most waivers will be requested in the context of an application for Certificate of Design Approval, applicants should refer to the appropriate category for additional documentation requirements.

1. A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
2. Application fee.
3. Photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.
4. Written description of the specific reasons for the waiver.
5. List of the names and mailing addresses of all owners of abutting property within 200 feet of the subject property, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form). The applicant is to provide printed mailing labels.

Demolition

Includes partial or whole demolition of a structure.

1. A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
2. Application fee.
3. Photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.
4. List of the names and mailing addresses of all owners of abutting property within 200 feet of the subject property, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form). The applicant is to provide printed mailing labels.
5. Written description of the architectural and historic significance of the building.
6. Written evaluation of the structural condition of the building and its adaptability for rehabilitation, by the building inspector or professional structural engineer licensed in Rhode Island. All dangerous conditions should be identified. Include a copy of any outstanding building code violations cited on the property.
7. An itemized breakdown of the feasibility of all possible alternatives to demolition that were considered, and reasons why such alternatives were rejected. Alternatives may include rehabilitation, adaptive reuse, relocation, or sale of the property to another owner willing to preserve it. Include financial data comparing the costs of all alternatives.
8. One (1) full-size site plan, to scale, showing the location of the structure proposed to be demolished in relationship to other structures on the property, and to the property lines. Also, ten (10) additional sets of drawings reduced to 11x17 inches for mailing purposes.
9. One (1) full-size set of scaled plans, elevations, and sections illustrating the new structure to be built on site (see New Construction requirements, above). Also, ten (10) additional sets of drawings reduced to 11x17 inches for mailing purposes.
10. Form of ownership of the property, including the names and addresses of the owners. If the owner is an organization, governmental entity, or corporation. Include the name, address and telephone number of a contact person.
11. The fair market value of the property as determined by a qualified professional expert.
12. The amount paid for the property, the date of purchase, and the name of the seller, including the relationship between the applicant or owner of record and the party from whom the property was purchased.
13. The price asked for the property and any offers received in the previous three years.
14. If the property is commercial or income-producing: the gross annual income from the property for the past three years, the itemized operating and maintenance expenses for the previous three years, the depreciation deduction and annual cash flow before and after debt service for the previous three years.

15. The remaining balance on any mortgage or other financing secured by the property and the annual debt service for the past three years.
16. Three bids for the cost of the proposed demolition compared to the cost of stabilizing or "mothballing" the structure and compared to the cost of rehabilitating the structure.
17. A list of all economic incentives for preserving the structure available to the applicant through federal, state, city or private programs, including tax incentives, grants and loans.