

CITY OF PROVIDENCE

Land Development and Subdivision Review Regulations



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ARTICLE 1. PURPOSES AND GENERAL STATEMENTS

101 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.

102 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.

103 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.

104 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 or a formal development plan review application.

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 categories which has not otherwise been specifically designated in Article 19 of the Zoning Ordinance for development plan review:
 - 1. Between 10,000 and 20,000 square feet of new gross floor area of commercial, institutional, manufacturing, or industrial development; or
 - 2. An expansion of between 10,000 and 20,000 square feet of new gross floor area of commercial, institutional, 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, institutional, manufacturing, or industrial development; or
 2. An expansion of more than 20,000 square feet of new gross floor area of commercial, institutional, 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 or fewer buildable lots and/or a subdivision creating 10 or more buildable lots on an existing improved public street, including but not limited to residentially zoned oversized lot subdivisions as defined in Chapter 23 of Title 45 of the General Laws.

An *Oversized Lot Subdivision* is a minor subdivision of an existing lot which (1) is located in a residential zone pursuant to the Zoning Ordinance, (2) results in the creation of a vacant lot or lots for residential use, (3) that is/are equal to or greater in lot area than the lot area of at least 50% of the developed residential lots within 200 feet of the lot proposed for subdivision as confirmed by a professional land surveyor based on a compilation plan, as such term is defined by the rules and regulations for professional land surveying, and (4) each of which is not less than 3,000 square feet in lot size. Oversized lot subdivisions shall not require zoning relief based solely on the reduced lot area of the newly created lot(s). The resulting subdivided lot(s) shall be treated as substandard lots of record under the Zoning Ordinance, and are eligible for administrative modification under Section 1903 of the Zoning Ordinance.

- C) *Major subdivision.* A subdivision creating 10 or more buildable lots where a street extension or creation is required.

Technical Review Committee. The Downtown Design Review Committee, as constituted by the

Zoning Ordinance for the purpose of reviewing and approving applications 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 to the administrative officer and, separately, 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 an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth in this article will not begin until the decision on the modification is made as set forth in Section 1903 of the Zoning Ordinance. 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, variance or special use permits are 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 administrative officer. If a street extension or creation is required or the application is reviewed under unified development review, or the application seeks waivers from design standards and/or requirements of these regulations that are beyond the authority of the administrative officer to grant, the City Plan 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 or administrative officer to act within the period prescribed constitutes approval of the pending stage of review and a certificate of the administrative officer as to the failure 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 an additional public hearing. 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 City Plan Commission. Denial of the proposed change(s) shall be referred to the City Plan 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 written request for a change 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, the final 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 these regulations to the administrative officer and, separately, 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. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth in this article will not begin until the decision on the modification is made as set forth in Section 1903 of the Zoning Ordinance.

3. 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.
4. 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. 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.
5. Prior to approval of the final plan, an applicant shall submit copies of all legal documents describing the property, proposed easements, and rights-of-way.
6. Prior to approval of the final 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.

- 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 two years 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 Approved 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 an additional City Plan Commission meeting. 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 City Plan Commission. Denial of the proposed change(s) shall be referred to the City Plan 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 written request for a change 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. Institutional Master Plan Formal Development Plan Review pursuant to Section 1910 of the Zoning Ordinance.
2. City Plan Commission Formal Development Plan Review pursuant to Section 1906 of the Zoning Ordinance.
3. D-1 District Formal Development Plan Review pursuant to Section 1907 of the Zoning Ordinance.
4. ES Overlay District Formal Development Plan Review pursuant to Section 1908 of the Zoning Ordinance.

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 as to completeness 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.
4. Applications under this article that 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 pursuant to Article 7, 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. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth in this article will not begin until the decision on the modification is made as set forth in Section 1903 of the Zoning Ordinance. 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 permitting authority 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 permitting authority.
 - b. *Final Plan.* The permitting authority shall delegate final plan review and approval to the administrative officer. The officer will report his or her actions in writing to the permitting authority at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within 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 permitting authority 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, the final 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. 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 permitting authority that conducted development plan review 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 written request for change 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. Development Plan Review

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 projects subject to development plan review shall be submitted as part of the application materials for the preliminary plan 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 project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the project.

B. 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.

C. 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.

D. 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.

804 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.

805 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.

806 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 may be held for all land development, subdivision, and development plan review applications at the request of the applicant. 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 first class mail, 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. Nothing herein shall be considered or construed to change or expand the definition of aggrieved party provided for in Chapters 23 and/or 24 of Title 45 of the General Laws.

- 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*. Except as set forth in this section, for all administrative, minor, and major land development and subdivision applications, the permitting authorities responsible for land development and subdivision review and approval shall 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 or has obtained relief from the same or from another provision of these regulations that exempts compliance with a specific provision or standard;
 - 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 physical and permanent physical access to a public street unless the Zoning Ordinance allows exception from this requirement or the applicant has obtained the required relief from this provision.

Notwithstanding, minor subdivisions subject to administrative review and approval only, as set forth in Section 401(B) of these regulations, shall only be subject to the provisions set forth in subsections (a)(1), (a)(2), and (a)(5) of this section. For any application where subsection (a)(4) of this provision is not a required finding, the applicant's submission shall constitute (i) an acceptance that the lot may not be buildable due to other regulations or building standards applicable to the lot, (ii) a waiver of any claims of taking

should a lot created by subdivision not be buildable because of pertinent federal, state, or local regulations, and (iii) a promise to defend and indemnify the City of Providence, including its boards, commissions, agencies, departments, instrumentalities, officers, and employees, against any such claims.

- 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 outside of the Downtown District.* For all requests for development plan review outside of the Downtown District, the permitting authority shall make positive written findings, prior to approval, that the development plan conforms to all provisions of the Zoning Ordinance or has obtained relief from the same, or from another provision of these regulations that exempts compliance with a specific provision or standard.
- D. *Findings for development plan review in the Downtown District.* For all requests for development plan review in the Downtown District, the permitting authority shall make positive written findings on all items below prior to approval.
 - 1. The architectural and historic significance of the property and its contribution to the architectural and historic significance of the Downtown District.
 - 2. The proposed plan meets the standards set forth in *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, promulgated by the National Park Service.
 - 3. The proposed plan conforms to all standards and provisions of the Zoning Ordinance or has obtained relief from the same, or from another provision of these regulations that exempts compliance with a specific provision or standard.
- E. *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.
- F. *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.

G. *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 use in 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 and contribute to preservation of the urban fabric of the Downtown District.

H. *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.
- I. *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 applicable 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.
- D. *Date of approval.* Unless otherwise specified in these regulations, the date of an approval for purposes of determining its vesting period and/or expiration date is the date that approval is recorded in land evidence or, if the approval need not be recorded

under these regulations, the date the written decision is issued.

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 that exceeds 20% to any of the following:
 - a. Building height.
 - b. Length of building frontage.
 - c. Gross floor area.
 - d. Number of dwelling units.

- e. Number of parking spaces.
- 4. There is no appreciable change to the shape of the building(s), the amount and size of windows and doors, and building materials.
- 5. There is no significant change to the traffic circulation for the project.
- 6. There is no change required to any public infrastructure.

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, the application shall be reviewed under unified development review.
- 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. For subdivision and land development applications in historic districts, the Historic District Commission may be utilized for information, assistance, and/or recommendations necessary for the administrative officer and/or City Plan Commission to perform its

duties.

- 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).
- C. 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. *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 administrative matters and determinations made with respect to the completeness of an application.

- 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 of these regulations.
 - 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 City Plan 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 permitting authority 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 board of appeal or permitting authority, as applicable, 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 board of appeal or permitting authority, as applicable, as to the weight of the evidence on questions of fact. The court may affirm the decision of the board of appeal or permitting authority, as applicable, 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 land development and subdivision 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 December 16, 2025.

APPENDIX

Appendix A: Administrative Subdivision Submission Requirements

Checklist for Administrative Subdivision		
1		Completed and factually accurate online application signed by the applicant.
2		A notarized letter stating that the property owner(s) have granted their permission and consent for applicant to proceed with the application. Not required if the owner is the applicant.
3		Application fee.
4		<p>Four paper copies of a land 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>Surveys must be Class I. 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> <p>For lot mergers only, a land survey is not required.</p>
5		<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, • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements. • 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, • Locations of all significant trees as defined by section 1503.B of the zoning ordinance, • Locations of all existing primary and accessory structures on the property, • Locations of all curb cuts, • Locations of all pervious and impervious surfaces,

		<ul style="list-style-type: none"> • Locations of all parking spaces, • Locations, names, and dimensions of public rights of way, easements, and rights of way within or adjacent to the subdivision parcel(s), • Any other items the administrative officer deems necessary to demonstrate zoning compliance.
6		Certified copies of deed(s) from the Recorder of Deeds for all parcels.
7		Counter bill or municipal lien certificate(s) from the Tax Collector showing zero balance due for the entire tax year for all parcels.
8		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. For lot mergers only, new legal descriptions are not required.
9		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
10		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

Appendix B: Minor Subdivision Submission Requirements

Checklist for Minor Subdivision – Preliminary Plan		
1		Completed and factually accurate online application signed by the applicant.
2		A notarized letter stating that the property owner(s) have granted their permission and consent for applicant to proceed with the application. Not required if the owner is the applicant.
3		Application fee(s).
4		<p>Four paper copies of a land survey drawn to an appropriate scale such that all features are legible. Ten copies are required if the plan requires CPC review.</p> <p>Surveys must be Class I. 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>
5		<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, • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • 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, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance, • Locations of all existing primary and accessory structures on the property, • Locations of all curb cuts, • Locations of all pervious and impervious surfaces, • Locations of all parking spaces, • Locations, names, and dimensions of public rights of way, easements, and rights of way within or adjacent to the subdivision parcel(s),

		<ul style="list-style-type: none"> Any other items the administrative officer deems necessary to demonstrate zoning compliance
6		Certified copies of deed(s) from the Recorder of Deeds for all parcels.
7		Counter bill or municipal lien certificate(s) from the Tax Collector showing zero balance due for the entire tax year for all parcels.
8		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.
9		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
10		Any other documents required by the Administrative Officer to demonstrate zoning compliance.
		Items 11 – 14 are required for cases involving Unified Development Review (UDR) or street creation, which require a public hearing.
11		Completed Unified Development Review (UDR) form for items that require zoning relief.
12		The names and addresses of owners of all properties, agencies, or communities requiring notification as required by these Regulations.
13		The applicant shall notify owners of all properties, agencies, or communities requiring notification as required by these Regulations.
14		Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.

		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 a 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 administrative officer or the Commission at the Preliminary Plan stage.
3		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
4		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

Appendix C: Minor Land Development Project Submission Requirements

Checklist for Minor Land Development Project – Preliminary Plan		
1		Completed and factually accurate online application signed by the applicant.
2		A notarized letter stating that the property owner(s) have granted their permission and consent for applicant to proceed with the application. Not required if the owner is the applicant.
3		Application fee(s).
4		<p>Four paper copies of a land survey drawn to an appropriate scale such that all features are legible. Ten copies are required if the plan requires CPC review. A survey is not required if there are no changes to existing building footprints and no changes to the site where a survey is necessary to determine zoning compliance.</p> <p>Surveys must be Class I. Size of the plan sheets shall be no smaller than 11" x 17". Multiple sheets shall include a key map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).</p>
5		<p>If required, the survey shall include the following:</p> <ul style="list-style-type: none"> • Title of the 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 developed, • 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 developed; 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, • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • Perimeter boundary lines of the development parcel(s), 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, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance, • Locations of all existing primary and accessory structures on the property, • Locations of all curb cuts, • Locations of all pervious and impervious surfaces, • Locations of all parking spaces,

		<ul style="list-style-type: none"> Locations, names, and dimensions of public rights of way, easements, and rights of way within or adjacent to the development parcel(s), Any other items the administrative officer deems necessary to demonstrate zoning compliance.
6		Certified copies of deed(s) from the Recorder of Deeds for all parcels.
7		Narrative summarizing scope of the project and proposed changes.
8		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
9		Any other documents required by the Administrative Officer to demonstrate zoning compliance.
		All plan sets shall contain the following items in the order shown below. Plan sheets may be combined at the discretion of the administrative officer. All graphic representations and notes on plans shall be consistent with each other.
10		An existing conditions plan depicting existing development and lot configuration.
11		A site plan showing all proposed improvements including but not limited to <ul style="list-style-type: none"> The locations of proposed structures, The locations of parking areas, including aisle and stall dimensions, The locations of landscaped areas, The locations of streets, A table showing compliance with dimensional regulations of the subject zone as described in item 4, 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(s), Base flood elevation data, Location of National Register District parcels on or immediately adjacent to the development (if any), Proposed street names (if applicable).
12		A grading plan showing existing and proposed contours at two-foot intervals for the entire project.
13		A soil erosion and sediment control plan showing measures that will be taken to mitigate runoff during construction.
14		A landscape plan showing the location of plantings, tree species, and canopy coverage calculations.
15		A utility plan showing the locations and dimensions 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 the location and type of proposed poles and fixtures), stormwater drainage or other existing above or underground utilities.
16		For plans that involve building construction, a diagram depicting the calculation of average grade and building height calculated from the average grade.
17		Building elevations of all facades and appurtenant structures showing proposed exterior treatment and building materials and shall include fenestration, transparency calculations, and building height.
18		Proposed floor plans if necessary to show compliance with the zoning ordinance. Plans shall include a roof plan indicating the location of mechanical equipment with other structures and amenities, if applicable.

19		Development rendering(s) indicating overall massing and views from public streets.
20		A signage plan showing locations and dimensions of all proposed signage with table showing conformance with signage dimension regulations.
21		A lighting plan showing the locations and heights of all light poles, light fixtures and light emitting devices. Cut sheets of all light fixtures shall be included with the lighting plan.
22		A drainage plan showing provisions for controlling stormwater runoff. The plan shall include drainage calculations if required by the City's Post-Construction Stormwater Control Ordinance or other public or quasi-public body.
23		Traffic study if required by the administrative officer, the Commission, or the City Traffic Engineer.
24		If a street is proposed, a proposed street plan with profiles and cross-sections.
		Items 25 – 28 are required for cases involving Unified Development Review (UDR) or street creation, which require a public hearing
25		Completed Unified Development Review (UDR) form for items that require zoning relief.
26		The names and addresses of owners of all properties, agencies, or communities requiring notification.
27		The applicant shall notify owners of all properties, agencies, or communities requiring notification as required by these Regulations.
28		Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.

		Checklist for Minor Land Development Project – Final Plan
1		A photometric plan showing light levels measured in footcandles.
2		Approval of the stormwater management plan from the Department of Public Works and any other public or quasi-public agency, including but not limited to the Narragansett Bay Commission, the Rhode Island Coastal Resources Management Council, or the Rhode Island Department of Environmental Management.
3		A Physical Alteration Permit issued by the Rhode Island Department of Transportation for any connection to or construction work within a state highway or other right-of-way. For such Physical Alteration Permit, 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.
4		Any changes required by the administrative officer or the Commission at the Preliminary Plan stage.
5		Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.
6		Payment of required fees if applicable.
7		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
8		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

Appendix D: Major Subdivision Submission Requirements

		Checklist for Major Subdivision – Master and Preliminary Plan
1		Completed and factually accurate online application signed by the applicant.
2		A notarized letter stating that the property owner(s) have granted their permission and consent for applicant to proceed with the application. Not required if the owner is the applicant.
3		Application fee(s).
4		<p>Ten paper copies of a land survey drawn to an appropriate scale such that all features are legible.</p> <p>Surveys must be Class I. Size of the plan sheets shall be no smaller than 11" x 17". Multiple sheets shall include a key map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).</p>
5		<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, • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • 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, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance, • Locations of all existing primary and accessory structures on the property, • Locations of all curb cuts, • Locations of all pervious and impervious surfaces, • Locations of all parking spaces, • Locations, names, and dimensions of public rights of way, easements, and rights of way within or adjacent to the subdivision parcel(s), • Any other items the administrative officer deems necessary to

		demonstrate zoning compliance.
6		Certified copies of deed(s) from the Recorder of Deeds for all parcels.
7		Counter bill or municipal lien certificate(s) from the Tax Collector showing zero balance due for the entire tax year for all parcels.
8		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.
9		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
10		Any other documents required by the Administrative Officer to demonstrate zoning compliance.
11		All items and documents submitted with application are internally consistent.
		Items 12 – 14 are required for the public hearing (master plan stage only)
12		The names and addresses of owners of all properties, agencies, or communities requiring notification as required by these Regulations.
13		The applicant shall notify owners of all properties, agencies, or communities requiring notification as required by these Regulations.
14		Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.
		Item 15 is required for cases involving Unified Development Review.
15		Completed Unified Development Review (UDR) form for items that require zoning relief.

		Checklist for Major Subdivision – Final Plan
1		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" Multiple sheets shall include a key map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).
2		Any changes or requirements from the administrative officer or the Commission at the Master/Preliminary Plan stage.
3		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
4		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

Appendix E: Major Land Development Project Submission Requirements

Checklist for Major Land Development Project – Master Plan		
1		Completed and factually accurate online application signed by the applicant.
2		A notarized letter stating that the property owner(s) have granted their permission and consent for applicant to proceed with the application. Not required if the owner is the applicant.
3		Application fee(s).
4		<p>Ten paper copies of a land survey drawn to an appropriate scale such that all features are legible.</p> <p>Surveys must be Class I. Size of the plan sheets shall be no smaller than 11" x 17". Multiple sheets shall include a key map and shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).</p>
5		<p>The survey shall include the following:</p> <ul style="list-style-type: none"> • Title of the 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 developed, • 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 developed; 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, • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • Perimeter boundary lines of the development parcel(s), 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, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance, • Locations of all existing primary and accessory structures on the property, • Locations of all curb cuts, • Locations of all pervious and impervious surfaces, • Locations of all parking spaces, • Locations, names, and dimensions of public rights of way, easements, and rights of way within or adjacent to the development parcel(s),

		<ul style="list-style-type: none"> Any other items the administrative officer deems necessary to demonstrate zoning compliance.
6		Certified copies of deed(s) from the Recorder of Deeds for all parcels.
7		Narrative summarizing scope of the project and proposed changes.
8		The names and addresses of owners of all properties, agencies, or communities requiring notification.
9		The applicant shall notify owners of all properties, agencies, or communities 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		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
12		Any other documents required by the Administrative Officer to demonstrate zoning compliance.
		All plan sets shall contain the following items in the order shown below. Plan sheets may be combined at the discretion of the administrative officer.
13		An existing conditions plan depicting existing development and lot configuration.
14		A site plan showing all proposed improvements including but not limited to <ul style="list-style-type: none"> The locations of proposed structures, The locations of parking areas, including aisle and stall dimensions, The locations of landscaped areas, The locations of streets, A table showing compliance with dimensional regulations of the subject zone as described in item 3, 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).
15		A conceptual landscape plan showing the locations and types of plantings.
16		A diagram depicting the calculation of average grade and building height calculated from the average grade.
17		Building elevations of all facades and appurtenant structures showing proposed exterior treatment and building materials and shall include fenestration, transparency calculations, and building height.
18		Development rendering(s) indicating overall massing and views from public streets.
		Items 19 – 21 are required for the public hearing
19		The names and addresses of owners of all properties, agencies, or communities requiring notification.
20		The applicant shall notify owners of all properties, agencies, or communities requiring notification as required by these Regulations.
21		Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.
		Item 22 is required for cases involving Unified Development Review.
22		Completed Unified Development Review (UDR) form for items that require zoning relief.

Checklist for Major Land Development Project – Preliminary Plan		
1		Completed and factually accurate online application signed by the applicant. If Unified Development Review (UDR) is required and the master and preliminary stages have been combined, the applicant shall submit a completed UDR form provided by the DPD.
2		A notarized letter stating that the property owner(s) have granted their permission and consent for applicant to proceed with the application. Not required if the owner is the applicant.
3		Application fee(s).
4		Ten paper copies of a land survey and plan set are required. Surveys must be Class I. 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.).
5		<p>The survey shall include the following:</p> <ul style="list-style-type: none"> • Title of the 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 developed, • 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 developed; 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, • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • Perimeter boundary lines of the development parcel(s), 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, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance, • Locations of all existing primary and accessory structures on the property, • Locations of all curb cuts, • Locations of all pervious and impervious surfaces, • Locations of all parking spaces, • Locations, names, and dimensions of public rights of way, easements, and rights of way within or adjacent to the development parcel(s), • Any other items the administrative officer deems necessary to

		demonstrate zoning compliance.
6		Certified copies of deed(s) from the Recorder of Deeds for all parcels.
7		Narrative summarizing scope of the project and proposed changes.
8		Approval of the stormwater management plan from the Department of Public Works and any other public or quasi-public agency, including but not limited to the Narragansett Bay Commission, the Rhode Island Coastal Resources Management Council, or the Rhode Island Department of Environmental Management.
9		Traffic study if required by the administrative officer, the Commission, or the City Traffic Engineer.
10		If a street is proposed, a proposed street plan with profiles and cross-sections.
11		The applicant shall notify abutters as required by these Regulations.
12		Any changes required by the administrative officer or the Commission at the Master Plan stage.
13		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
14		Any other documents required by the Administrative Officer to demonstrate zoning compliance.
		All plan sets shall contain the following items in the order shown below:
15		An existing conditions plan depicting existing development and lot configuration.
16		A site plan showing all proposed improvements including but not limited to <ul style="list-style-type: none"> • The locations of proposed structures, • The locations of parking areas, including aisle and stall dimensions, • The locations of landscaped areas, • The locations of streets, • A table showing compliance with dimensional regulations of the subject zone as described in item 3, • 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).
17		A grading plan showing existing and proposed contours at two-foot intervals for the entire project.
18		A soil erosion and sediment control plan showing measures that will be taken to mitigate runoff during construction.
19		A detailed landscape plan showing the locations of plantings, tree species, and canopy coverage calculations.
20		A utility plan showing the locations and dimensions 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 the location and type of proposed poles and fixtures), stormwater drainage or other existing above or underground utilities.
21		A diagram depicting the calculation of average grade and building height calculated from the average grade.

22		Building elevations of all facades and appurtenant structures showing proposed exterior treatment and building materials and shall include fenestration, transparency calculations, and building height.
23		Proposed floor plans if necessary to show compliance with the zoning ordinance. Plans shall include a roof plan indicating the location of mechanical equipment with other structures and amenities, if applicable.
24		Development rendering(s) indicating overall massing and views from public streets.
25		A signage plan showing locations and dimensions of all proposed signage with table showing conformance with signage dimension regulations
26		A lighting plan showing the locations and heights of all light poles, light fixtures and light emitting devices. Cut sheets of all light fixtures shall be included with the lighting plan.
27		A drainage plan showing provisions for controlling stormwater runoff. The plan shall include drainage calculations if required by the City's Post-Construction Stormwater Control Ordinance or other public or quasi-public body.

		Checklist for Major Land Development Project – Final Plan
1		A photometric plan showing light levels measured in footcandles.
2		Counter bill or municipal lien certificate(s) from the Tax Collectors Office indicating that all property taxes are current.
3		Any changes required by the administrative officer or the Commission at the Preliminary Plan stage.
4		Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.
5		Permits required by state or federal agencies, including permits related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual septic disposal systems and public water systems, as applicable.
6		A Physical Alteration Permit issued by the Rhode Island Department of Transportation for any connection to or construction work within a state highway or other right-of-way. For such Physical Alteration Permit, 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.
7		Payment of Required Fees.
8		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
9		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

Appendix F: Administrative Development Plan Review and City Plan Commission Formal Development Plan Review Submission Requirements

		Checklist for Administrative Development Plan Review
1		Completed and factually accurate online application signed by the applicant.
2		Application fee.
3		<p>One paper copy and a PDF of the survey and plan set are required (a PDF is to be emailed to the Administrative Officer).</p> <p>If required to determine zoning compliance, surveys must be Class I. 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 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. • Surveyor's stamp and certification. • Zoning district(s) and overlay district(s) of the development parcel(s); 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. • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance. • Locations of all existing primary and accessory structures on the property. • Locations of all curb cuts. • Locations of all pervious and impervious surfaces. • Locations of all parking spaces. • Locations, widths, and names of existing streets within and adjacent to development parcels(s) • Any other items the Administrative Officer deems necessary to determine zoning compliance
5		An existing conditions plan depicting existing development and lot configuration.

6		<p>A site plan showing all proposed improvements including but not limited to:</p> <ul style="list-style-type: none"> • The locations of proposed structures, • The locations of parking areas, including aisle and stall dimensions, • The locations of landscaped areas, • The locations of streets, • A table showing compliance with dimensional regulations of the subject zone, • The location of transformer(s) and HVAC units, • The location of refuse and recycling containers, • 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),
7		A detailed landscape plan showing the locations of plantings, tree species, and canopy coverage calculations.
8		A diagram depicting the calculation of average grade and building height calculated from the average grade.
9		Building elevations of all facades and appurtenant structures showing proposed exterior treatment and building materials and shall include fenestration, transparency calculations, and building height.
10		Proposed floor plans if necessary to show compliance with the zoning ordinance. Plans shall include a roof plan indicating the location of mechanical equipment with other structures and amenities, if applicable.
11		A signage plan showing locations and dimensions of all proposed signage with table showing conformance with signage dimension regulations.
12		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.
13		Drainage, traffic, and grading plans (if required).
14		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
15		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

		Checklist for City Plan Commission Formal Development Plan Review – Preliminary Plan
1		Completed and factually accurate online application signed by the applicant.
2		Application fee.
3		<p>Ten paper copies of a land survey drawn to an appropriate scale such that all features are legible. A survey is not required if there are no changes to existing building footprints and no changes to the site where a survey is necessary to determine zoning compliance.</p> <p>If required to determine zoning compliance, surveys must be Class I. 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 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. • Surveyor's stamp and certification. • Zoning district(s) and overlay district(s) of the development parcel(s); 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. • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance. • Locations of all existing primary and accessory structures on the property. • Locations of all curb cuts. • Locations of all pervious and impervious surfaces. • Locations of all parking spaces. • Locations, widths, and names of existing streets within and adjacent to development parcels(s) • Any other items the Administrative Officer deems necessary to determine zoning compliance
5		An existing conditions plan depicting existing development and lot configuration.

6		<p>A site plan showing all proposed improvements including but not limited to:</p> <ul style="list-style-type: none"> • The locations of proposed structures, • The locations of parking areas, including aisle and stall dimensions, • The locations of landscaped areas, • The locations of streets, • A table showing compliance with dimensional regulations of the subject zone, • The location of transformer(s) and HVAC units, • The location of refuse and recycling containers, • 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),
7		A detailed landscape plan showing the locations of plantings, tree species, and canopy coverage calculations.
8		A diagram depicting the calculation of average grade and building height calculated from the average grade.
9		Building elevations of all facades and appurtenant structures showing proposed exterior treatment and building materials and shall include fenestration, transparency calculations, and building height.
10		Proposed floor plans if necessary to show compliance with the zoning ordinance. Plans shall include a roof plan indicating the location of mechanical equipment with other structures and amenities, if applicable.
11		A signage plan showing locations and dimensions of all proposed signage with table showing conformance with signage dimension regulations.
12		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.
13		Drainage, traffic, and grading plans (if required).
14		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
15		Any other documents required by the Administrative Officer to demonstrate zoning compliance.
		Items 16 – 19 are required for cases involving Unified Development Review (UDR) or street creation, which require a public hearing
16		Completed Unified Development Review (UDR) form for items that require zoning relief.
17		The names and addresses of owners of all properties, agencies, or communities requiring notification.
18		The applicant shall notify owners of all properties, agencies, or communities requiring notification as required by these Regulations.
19		Affidavit of mailings with proof of newspaper notice shall be required prior to issuance of a certificate of completeness.

		Checklist for City Plan Commission Formal Development Plan Review – Final Plan
1		A photometric plan showing light levels measured in footcandles.
2		Approval of the stormwater management plan from the Department of Public Works and any other public or quasi-public agency, including but not limited to the Narragansett Bay Commission, the Rhode Island Coastal Resources Management Council, or the Rhode Island Department of Environmental Management.
3		A Physical Alteration Permit issued by the Rhode Island Department of Transportation for any connection to or construction work within a state highway or other right-of-way. For such Physical Alteration Permit, 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.
4		Any changes required by the administrative officer or the Commission at the Preliminary Plan stage.
5		Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.
6		Payment of required fees if applicable.
7		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
8		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

Appendix G: Institutional Master Plan Submission Requirements

		Checklist for Institutional Master Plan contents
1		Completed application form signed by the applicant.
2		Application fee.
3		Mission statement of the institution including its relationship with the neighborhood and community in which it is physically situated.
4		Description of existing conditions that include a list of all properties owned or leased by the institution, arranged by assessors plat and lot and street address, existing uses by general land use category, including street level and all upper story uses, condition of structures, parking lots, open space, and other relevant existing conditions of the campus or grounds.
5		A list of properties on the National Register of Historic Places or designations of a local historic district, and proposed exterior changes to these properties.
6		Statement of ten year goals and five year objectives, and means and approaches through which such goals and objectives may be reached.
7		Proposed changes in land holdings of the institution including newly acquired property and property to be sold.
8		Proposed streets to be abandoned and new streets to be established, including private rights-of-ways.
9		Major repairs or renovations of a building involving more than 10,000 square feet of gross floor area that would result in a change of general land use category of such building.
10		New structures, additions to existing structures of more than 25% of gross floor area or 10,000 square feet of gross floor area, whichever is less, new or reconfigured parking facilities, new outdoor facilities, and any action that would result in the rerouting of traffic in the public right-of-way for a period of two weeks or longer.
11		Proposed demolition of any structure, parking garage, parking lot, park, or any other campus facility. In the event of demolition, the plan shall contain a tenant relocation program that contains, at a minimum, provisions relative to institutionally-owned residential structures intended for demolition. The relocation shall contain alternatives to demolition that will accommodate the interests of said tenants, the neighborhood, and the institutions, and provide for tenant relocation assistance.
12		A parking plan that shows the location of all institutional parking facilities on and off the campus. The plan shall identify the existing number of parking spaces, the location of new spaces required as a result of any proposed development, any proposed shuttle system between lots and campus facilities, and other information deemed appropriate.
13		Any proposed activity that would require an action by the Zoning Board of Review or City Council to implement. Any proposal for a special use permit to locate an institutional use in a Commercial or Downtown District shall be accompanied by a plan for the development of the lot or lots in question that demonstrates to the satisfaction of the City Plan Commission that the proposal is consistent with the mixed-use goals set forth in the Ordinance and in the plan for such district.
14		In addition to the above, any hospital subject to regulation by the Department of Health pursuant to the Rhode Island General Laws §23-15, as amended, and to the rules and regulations promulgated by the Director of Health for the State of Rhode Island pursuant thereto, which are required thereby to obtain a certificate of need as a precondition to licensure of any new or additional premises, shall file said certificate of need as an appendix to its plan.

15		A study of traffic conditions that analyzes existing traffic generation, and the impacts of traffic generation predicted from proposed projects. The study shall include actions that the institution will take to reduce the negative impacts of increased traffic. The institution shall establish the scope of the traffic study through consultation with the Director of the Department of Planning and Development and Traffic Engineer.
16		The plan shall include an implementation element that defines and schedules for a period of five years or more the specific public actions to be undertaken in order to achieve the goals and objectives of the plan.
17		A description of the public participation process that was followed in the creation of the plan.
18		An inventory of tree canopy and landscaping on the property, and provisions for coming into conformance or maintaining conformance with this Ordinance.
19		A statement regarding public access to the institution's campus and grounds.
20		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
21		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

Appendix H: Downtown District and East Side Overlay District Formal and Administrative Development Plan Review Submission Requirements

		Checklist for 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 includes reconstruction of altered or missing features to their appearance at a previous point in time, using physical, pictorial, documentary, or historical evidence.
1		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, describing the proposed scope of work.
2		Digital photographs of the property, showing the entire building elevation(s) and close-ups of the area(s) where 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 missing features will be reconstructed, drawings should include plans, elevations, and section views showing the new features in context with the rest of the building or site. Indicate all dimensions.
5		Test patches, material, or color samples if requested by staff.
6		Historic photographs, plans, or digital photographs illustrating physical evidence of a feature to be reconstructed or restored.
7		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
8		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

		Checklist for 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 includes small volumetric additions to an existing structure.
1		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, 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(s) where work will occur.
4		<ul style="list-style-type: none"> • <u>For awnings and canopies</u>: One copy or PDF of scaled elevations, sections, and site plans 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, as well as the method of illumination (if any). • <u>For signs</u>: One copy or PDF of a scaled elevation plan (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 relative to the building and other site features, including the property line. Also, three copies of a scaled plan 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. • <u>For storm windows and doors</u>: Manufacturer's specifications and product information, including proposed dimensions and colors. • <u>For rooftop installations (e.g. headhouses, mechanical/electrical equipment)</u>: 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 plan indicating sightlines within 500 feet of the property plus scaled front and side elevations 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. • <u>For grade level installations (small additions, mechanical/electrical equipment)</u>: 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 plus 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. A survey may be required. • <u>For exterior ductwork</u>: One copy or PDF of a scaled elevation 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.

5		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
6		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

		Checklist for Major Alterations and Additions <p>Includes changes in materials, design, dimensions, configuration, texture, and visual appearance which will permanently affect the integrity or character of a structure. Also includes addition of 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.</p>
1		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, 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(s) where work will occur.
4		One set or PDF of scaled site, floor, roof, elevation, and section plans as necessary, illustrating existing conditions and proposed changes. All plans must show proposed changes in relationship to major architectural features: e.g., a new door should be shown in context with the entire elevation. Plans must indicate the scale and must be titled, dated, and labeled with the street address.
5		Plan set(s) shall include the following: <ul style="list-style-type: none"> • <u>Site Plan</u>: 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. Include a north arrow. • <u>Floor Plans</u>: 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 a second internal means of egress is possible. Include a north arrow. • <u>Roof Plan</u>: for dormers, chimneys, monitors, cupolas, skylights, railings and balustrades, and changes to the roofline, including major volumetric additions. Include a north arrow. • <u>Elevations</u>: 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. • <u>Sections</u>: for projections and recesses, major volumetric additions, changes in roof form, porches and stairs, underground parking garages, details such as railings, trim, and ornamentation.

6	<p>For grade level additions, a survey shall be required. The survey shall include the following:</p> <ul style="list-style-type: none"> • Title of the 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. • Surveyor's stamp and certification. • Zoning district(s) and overlay district(s) of the development parcel(s); 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. • Front, side, and rear setback. • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance. • Locations of all existing primary and accessory structures on the property. • Locations of all curb cuts. • Locations of all parking spaces. • Locations, widths, and names of existing streets within and adjacent to development parcels(s) <p>Any other items the Administrative Officer deems necessary to determine zoning compliance</p>
7	Ten complete sets of the items 5 and 6 requirements sized 11" x 17" for mailing purposes (required only for formal development plan review).
8	Written approval from the fire department for the design and location of any proposed fire escape.
9	Copy of any required zoning, building, or access code variances obtained for the project.
10	Manufacturer's specifications or literature for elements such as windows and doors, vents, wheelchair lifts, etc. indicating all dimensions, details, and finishes.
11	List of the names and mailing addresses of all abutting property owners, derived from the most current records of the 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 page two of the application form).
12	Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
13	Any other documents required by the Administrative Officer to demonstrate zoning compliance.

		Checklist for New Construction
		Review of proposed new primary or secondary structures.
1		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, 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(s) where work will occur.
4		One full-size set and a PDF of scaled architectural plans of the proposed new construction. Plans must indicate the scale and must be titled, dated, and labeled with the street address. The scale should be sufficient to clearly indicate all aspects of the project.
5		<p>The plans shall include the following:</p> <ul style="list-style-type: none"> • <u>Site Plan</u>: 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. Include a north arrow. • <u>Floor Plans, Roof Plan and Exterior Elevations</u>: showing the design concept for all four elevations, all interior floors, and the roof. Plans 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. Include a north arrow. • <u>Axonometric or Perspective Plans (and/or Model)</u>: 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.

6	<p>A land survey is required. The survey shall include the following:</p> <ul style="list-style-type: none"> • Title of the 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. • Surveyor's stamp and certification. • Zoning district(s) and overlay district(s) of the development parcel(s); 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. • Front, side, and rear setback. • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance. • Locations of all existing primary and accessory structures on the property. • Locations of all curb cuts. • Locations of all parking spaces. • Locations, widths, and names of existing streets within and adjacent to development parcels(s) <p>Any other items the Administrative Officer deems necessary to determine zoning compliance</p>
7	Ten complete sets of the items 5 and 6 requirements sized 11" x 17" for mailing purposes (required only for formal development plan review).
8	List of the names and mailing addresses of all abutting property owners, derived from the most current records of the 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 page two of application form).
9	Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
10	Any other documents required by the Administrative Officer to demonstrate zoning compliance.

		Checklist for Site Improvements
		Includes paving, fencing, streetwalls, retaining walls and landscaping.
1		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, 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(s) where work will occur.
4		A scaled site plan or PDF illustrating the proposed changes in context with the building, other existing site elements, and the property lines. Include a north arrow.
5		For retaining walls, fences, terraces, and site improvements other than paving, submit scaled elevations and section plans showing the height, materials, and design of the element and its relationship to surrounding site or building elements. An engineer or other qualified professional must design structural retaining walls.
6		Material samples, if requested by staff.
7		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
8		Any other documents required by the Administrative Officer to demonstrate zoning compliance. A survey may be required.

		Checklist for Moving of Structures
		Includes the moving of a structure to or from a site within the D-1 District.
1		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, 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 complete sets of the plans noted below, as applicable, sized 11" x 17" inches for mailing purposes (required only for formal development plan review).
6		<p>A land survey is required. The survey shall include the following:</p> <ul style="list-style-type: none"> • Title of the 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. • Surveyor's stamp and certification. • Zoning district(s) and overlay district(s) of the development parcel(s); 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. • Front, side, and rear setback. • Factually accurate identification of all zoning deficiencies or non-compliance, if any, including with respect to non-dimensional requirements, • Locations of all significant trees as defined by Section 1503.B of the Zoning Ordinance. • Locations of all existing primary and accessory structures on the property. • Locations of all curb cuts. • Locations of all parking spaces. • Locations, widths, and names of existing streets within and adjacent to development parcels(s) <p>Any other items the Administrative Officer deems necessary to determine zoning compliance</p>
		If the structure is to be moved to a site within the D-1 District:
7		<ul style="list-style-type: none"> • A scaled site plan of the proposed location of the structure, indicating its relationship to the new site and the surrounding neighborhood. Plans must indicate the scale and must be titled, dated, and labeled with the street address. Scaled elevations 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. Plans must indicate the scale and must be titled, dated, and labeled with the street address.

		If the structure is to be moved from a site within the D-1 District:
8		<ul style="list-style-type: none"> • Written description of the reason for the move, the new proposed location for the structure, and the proposed treatment of the structure's current site. • Scaled elevations and site plans (ten 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. Plans must indicate the scale and must be titled, dated, and labeled with the street address. (See also New Construction and Site Improvements documentation requirements.)
9		List of the names and mailing addresses of all abutting property owners, derived from the most current records of the 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 page two of application form).
10		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
11		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

		Checklist for Public Art (permanent installations only)
		Includes installation of sculptures, monuments, and murals for a period of more than two years. For temporary installations (less than two years), please contact the administrative officer.
1		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, 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(s) where work will occur.
4		One full-size scaled site plan or PDF showing the proposed improvements or amenities in relation to other existing structures and site features. Include a north arrow.
5		Manufacturer's specifications showing materials, dimensions and finish colors of all equipment, planters, furniture, and signs.
6		<ul style="list-style-type: none"> For murals: One 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.
7		Ten complete set of the above drawing(s), sized 11" x 17" for mailing purposes (required only for formal development plan review).
8		List of the names and mailing addresses of all abutting property owners, derived from the most current records of the 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 page two of application form).
9		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
10		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

		Checklist for Development Incentives The DDRC 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		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, 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 Zoning Ordinance.
4		Where the project will provide certain uses in exchange for a bonus, one 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 also eligible for a height bonus with the inclusion of a parking structure.
5		Ten complete sets of plans sized 11" x 17" for mailing purposes (required only for formal development plan review).
6		Public hearing notice (to be placed in the Providence Journal). Notice is to appear once, 14 days prior to the hearing date.
7		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 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 page two of application form). The applicant is to provide printed mailing labels.
8		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
9		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

		Checklist for Waivers The DDRC may grant waivers to certain zoning 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		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, 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(s) where work will occur.
4		Written description of the specific reason(s) for the waiver.
5		Any other documents required by the Administrative Officer to demonstrate zoning compliance.

		Checklist for Demolition
		Includes partial or whole demolition of a structure.
1		Completed and factually accurate online application for a Certificate of Design Approval or Waiver, signed by the applicant, 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(s) where work will occur.
4		Public hearing notice (to be placed in the Providence Journal). Notice is to appear once, 14 days prior to the hearing date.
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 Tax Assessor.
6		Written description of the architectural and historic significance of the building.
7		Written evaluation of the structural condition of the building and its adaptability for rehabilitation by the building inspector or a 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.
8		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.
9		One 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.
10		Ten complete sets of plans sized 11" x 17" for mailing purposes (required only for formal development plan review).
11		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.
12		The fair market value of the property as determined by a qualified professional expert.
13		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.
14		The price asked for the property and any offers received in the previous three years.
15		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.
16		The remaining balance on any mortgage or other financing secured by the property and the annual debt service for the past three years.
17		Three bids for the cost of the proposed demolition compared to the cost of stabilizing or "mothballing" the structure, compared to the cost of rehabilitating the structure.
18		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.

19		Any other documents required by the Administrative Officer to demonstrate zoning compliance.
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		Checklist for Formal Downtown District Development Plan Review or East Side Overlay District Development Plan Review - Final Plan The following documents are to be submitted to the administrative officer after the completion of the preliminary plan stage.
1		Written list of all changes made to the project design since preliminary approval. Changes shall also be highlighted on the plans submitted for final review.
2		One full-size set and a PDF of final design and construction plans, to scale, depicting the final design of the project. Plans shall include floor, roof, and site plans, all exterior elevations, building sections, and exterior details. Plans should be titled, indicate the scale, and labeled with the property address and date.
3		Material and color samples, if requested, should be made available on site.
4		Demonstration of zoning compliance or a cover letter plainly identifying any zoning deficiencies, non-compliance, or necessary relief, if any, including with respect to non-dimensional regulations.
5		Any other documents required by the DDRC at the preliminary plan stage to demonstrate zoning compliance.