

TOWN OF WEST WARWICK

ORDINANCE

OF THE

TOWN COUNCIL

ORDINANCE NO. 2014-20

AN ORDINANCE AMENDING SECTION 17 OF THE ZONING CODE OF THE CODE OF ORDINANCES OF THE TOWN OF WEST WARWICK,

WHEREAS: The Zoning Code of the Town of West Warwick presently requires that a development plan review “for any use, building or structure except for one-family or two-family dwellings or residential accessory uses for one and two family dwelling; agricultural buildings, structures and uses and parking area changes of less than 25 spaces” must be approved by the Planning Board before any building permit may be issued, and

WHEREAS: The Town Council has determined that such all inclusive requirement for development plan review by the Planning Board imposes additional cost and expense and administrative burden on the business community, the citizens and the employees of the Town of West Warwick and that the reduction of such costs and expenses and administrative action is in the best interests of the Town of West Warwick, and

WHEREAS: The Town Council has determined that such reduction and improvement to the development plan review process will be accomplished by the creation of two forms of development plan review allowing for the expedited and less costly development plan review by Administrative Plan Review for matters in which there is full compliance with the zoning code and there is no adverse impact on the public health, safety and welfare of the Town of West Warwick and for Planning Board Review of matters of larger consequence, and

WHEREAS: The Town Council has determined that the creation of the two types of development plan review is in the best interests of the business community and the citizens of the Town of West Warwick and in keeping with the desire of the Town Council to make the Town of West Warwick a business friendly community,

NOW, THEREFORE, IT IS HEREBY ORDAINED that the Town Council of the Town of West Warwick hereby amends Section 17 Development Plan Review of the Zoning Code of the Code of Ordinances of the Town of West Warwick as follows:

Section 17. Development plan review.

17.1 Purpose. The purpose of the development plan review process is ~~In order~~ to establish procedures pursuant to the permitting process which will enable the town to perform a comprehensive review of certain proposed developments. The development plan review (DPR) procedure ~~(formerly performed by the subdivision review committee for certain uses)~~, shall not be used to deny an applicant a permitted use of the property as established by the zoning ordinance. ~~The particular uses requiring development plan review are outlined.~~ The development plan review requirements are designed to assure safe, orderly and harmonious development of property in a manner that shall:

17.1.1 Provide suitable safeguard and consideration for land use and site and architectural design that is compatible with adjacent districts and uses, and has no to avoid adverse impacts on the public health, safety or and welfare of the Town of West Warwick;

17.1.2 Permit development to an extent commensurate with the availability and capacity of public facilities and services and promote the safe circulation of traffic throughout the town;

17.1.3 Encourage the provision of open space and public access and give due consideration to the quality and design of landscaping;

17.1.4 Encourage adequate consideration for the ~~property~~ proper control of erosion, surface and subsurface drainage and pollution;

17.1.5 Facilitate orderly and harmonious site development including safe and convenient provision and design of egress and ingress, off-street parking, truck loading, internal circulation, emergency access, refuse disposal, outdoor storage, signage, and lighting;

17.1.6 Permit the development of business, commercial and industrial uses in designated districts, subject to the standards delineated in the applicable sections of this ordinance and the findings of the development plan review procedure;

17.1.7 Give developers reasonable assurance of ultimate approval before incurring the cost of final design and engineering while providing assurances to the town and the general public that the approved project will meet the approved objectives and standards;

17.1.8 Preserve natural, historical, and cultural resources to the maximum extent feasible;

17.1.9 Protect appropriate vistas and environmental qualities of the town;

17.1.10 Assure consideration of the various elements of the comprehensive plan of the town.

17.2 Sequence. No permit to build, alter or expand any of the uses requiring development plan review as outlined below shall be issued by the building ~~inspector~~ official, until final approval in accordance with this section has been received. The applicant is responsible for obtaining a building permit as is required by the town ordinances. The applicant must submit all plans and documents normally required for a building permit. The approved final plan shall be part of this submission. The development plan review process will not preclude the need to meet other town requirements as they may apply to a particular development. No other town permit requirements, or any necessity to gain approval by another legal jurisdiction shall be deemed to be authority by virtue of the development plan approval under this ordinance. No prior issuance of approval by another

legal jurisdiction shall have any influence whatsoever over the development plan review required by this ordinance.

17.3 Coordination with the Zoning Board of Review. The development plan review process (~~if applicable~~) shall take place prior to consideration of a variance and/or special use permit. ~~or appeal to the Zoning Board of Review.~~ The Zoning Board of Review shall not consider an application for a variance and/or special use permit until the applicant has received a report decision from the Planning Board, if required in accordance with these regulations. In the event a variance and/or a special use permit is granted by the Zoning Board of Review, its decision shall not impinge upon the ability of the Planning Board to establish and enforce all standards and objectives of development plan review. The report decision of the Planning Board shall be considered by the Zoning Board of Review in its decision of the matter before it. In the event of a variance, the report of the Planning Board is only advisory to the zoning board of review.

17.4 The development plan review process is intended to complement information provided to the Zoning Board of Review in its deliberations and should not require further plan preparation therewith, except as necessary to meet legal requirements set forth under state statute or the town zoning ordinance for the consideration of any special use permit, and/or variance. ~~or appeal.~~

17.5 Uses requiring development plan review. Any application for a building permit for any use, building or structure, shall require development plan approval review. Development plan review is intended to ensure that all proposed development is in compliance with the applicable provisions of the Town of West Warwick Zoning Ordinance and that there shall be no adverse impact on the public health, safety and welfare of the Town of West Warwick, except for one-family, or two-family dwellings or residential accessory uses for one-family and two-family dwellings; agricultural buildings, structures and uses, and parking area changes of less than 25 spaces. ~~shall require development plan approval.~~ No building permit shall be issued by the building ~~inspector~~ official except upon the authorization of and in conformity with plans approved ~~by the planning board~~ through the development plan review process.

There are hereby established two classifications of development plan review (DPR):

17.5.1 Administrative development plan review. Administrative development plan review shall be conducted by the building official in consultation with the town planner as part of the building permit review process and shall be necessary for all uses requiring a building permit or parking areas as described in Section 17.6. A building permit shall be issued upon a finding by the building official in consultation with the town planner that a development is in full compliance with all applicable provisions of the zoning ordinance and that there will be no adverse impact on the public health, safety and welfare of the Town of West Warwick. A finding of noncompliance with applicable zoning and/or a determination of adverse impact will result in the development being referred to the planning board and/or the zoning board of review for the required development plan approval and/or zoning approvals.

17.5.2 Planning Board development plan review. A Planning Board development plan review shall be required for any nonresidential development project requiring a building permit that does not fully comply with all applicable zoning regulations and/or has been determined to potentially have an adverse impact on the public health, safety and welfare of the Town of West Warwick.

Planning Board development plan review shall also be required for any multi-family development, mixed use development, for the establishment of any Residential mobile home park (RMH), any “major development” in a Village design control district (VDCD) and/or the Arctic design control district (ADCD), for the establishment of any Telecommunications tower, Wind energy conversion system (WECS), Adult entertainment use, Compassion center, Green, renewable or alternative energy installations and facilities (green project) and/or any development requiring a zone change by the Town Council including but not limited to the establishment of a Mill reuse zone.

~~17.6 Changes to parking areas.~~

~~17.6.1 Any exterior additions or changes to buildings or structures or changes of use which require the addition or deletion of 25 or more parking spaces.~~

~~17.6.2 Parking areas for 25 or more motor vehicles as required by (off street parking regulations).~~

~~17.6.3 Applications for special use permits which by exterior addition or changes to buildings, structures or use, require the addition or deletion of 25 or more parking spaces.~~

17.7 Guidelines for Planning Board development plan approval review. The Planning Board shall review site plans and supporting documentation and shall ~~issue~~ conduct development plan ~~approval~~ review within 60 days of receiving a fully completed application (including appropriate revisions and conditions). No more than two extensions of 30 days may be granted by the Planning Board for reasons of insufficient data previously requested; indication that development plan ~~approval~~ standards may not be met unless the applicant amends the plan; lack of quorum; request by the applicant for good and sufficient reason and agreement thereto by the Planning Board. The applicant shall prove to the board that the following standards will be met:

17.7.1 That the design of the proposed development will be consistent with the goals of the West Warwick comprehensive plan, and will implement the purposes of development plan review.

17.7.2 That erosion will be adequately controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities and services.

17.7.3 That provisions have been made for storm-water and drainage facilities, and that increased runoff due to development on the site will not exceed that runoff that would occur under vacant land conditions (zero net increase).

17.7.4 That the movement of vehicular and pedestrian traffic within the site and in relation to the access street will be safe and convenient and adequate provision has been made for snow removal.

17.7.5 That all utilities, infrastructure, streets, roadways, sidewalks, walkways and parking area improvements will be provided for the development in a manner meeting the applicable requirements and standards of the town. Construction standards for utilities and improvements serving the public, shall comply with the requirements of the department of public works.

17.7.6 That the regulation standards as set forth in section 5.8 be complied with in all

requests.

17.7.7 That the proposed development and all uses and structures therein, shall comply in all respects with this ordinance, and the ordinance of soil erosion and sediment control, chapter 15.5 of the Town of West Warwick Code of Ordinances.

17.8 Application requirements.

17.8.1 Generally. The applicant for Planning Board development plan ~~approval~~ review shall file with the planning board ten copies each of the application and the preliminary site plan. The application and plans must be accompanied by the required filing fee and any supporting documentation as determined in the pre-application conference no less than three weeks prior to a regularly scheduled meeting. The application shall be accompanied by a list of the names and addresses of all abutters as of 30 days prior to the date and time of filing.

~~Plan review \$300.00~~

~~Sewer review* . . . \$875.00~~

~~* This fee shall not be charged for any development which will not be connected to public sewer service and the Town Engineer determines such connection not to be feasible.~~

17.8.2 Fee. The filing fee as set by Resolution of the Town Council shall accompany the application.

17.8.3 Required contents of the preliminary development plan.

17.8.3.1 All plans shall be drawn to a scale of one inch equals 40 feet. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten seconds. Plan and survey standards shall meet the criteria set in the handbook entitled "Procedural and Technical Standards for the Practice of Land Surveying in the State of Rhode Island and Providence Plantations," effective April 1, 1994, as amended. Measurement standards for surveys shall ~~meet the minimum standards for~~ be Class I surveys.

17.8.3.2 A radius map containing the requirements of subsection 9.4.4.

17.8.3.3 North arrow, scale of map, assessor's plat information (plat and lot), and name address, license number and seal and signature of the person preparing the plan.

17.8.3.4 Date of plan. All revisions must be noted and dated.

17.8.3.5 Name of the proposed development, and the name and address of both the record owner and applicant. (If the owner of record is a corporation, the name and address of the president and secretary shall be submitted with the application).

17.8.3.6 The assessor's plat information (plat and lot), and names of all owners of record of all properties within 200 feet of the subject property.

17.8.3.7 Boundaries of the property and lines of existing streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way. The boundaries of the property shall also be marked in the field by survey

flags, or some other means acceptable to the planning board to identify the limits of the property.

17.8.3.8 Acreage of parcel to the nearest tenth of an acre.

17.8.3.9 Zoning district(s) and boundaries.

17.8.3.10 A zoning data table showing calculations necessary to determine conformance to zoning regulations.

17.8.3.11 All distances as measured along the right-of-way lines and existing streets abutting the property to the nearest intersection with any other public street.

17.8.3.12 Existing contours (with intervals of two feet where slopes are more than three percent but less than 15 percent and five feet where slopes are 15 percent or more) referred to town datum, are to be indicated by a dashed line. Where any changes in contours are proposed, finished grades must be shown as solid lines. Spot elevations must also be shown. At least two benchmarks shall be referenced.

17.8.3.13 Location of existing environmental features including general soil types, rock outcrops, wooded areas and major street trees 12-inch dbh caliper and over, watercourses, depressions, ponds, marshes, wetlands, floodplains, and other significant environmental features including previous flood elevation of water courses, ponds and marsh areas as determined by survey. If any portion of the proposed development is located within a flood hazard area, base flood elevation data must be provided.

17.8.3.14 Location and spot elevations of existing buildings, which shall remain and all other existing structures such as walls, fences, culverts, bridges, roadways, etc. Structures to be removed shall be indicated by dashed lines.

17.8.3.15 A place for the signature of the ~~planning board members~~ Town Planner or Planning Board Chairman must be provided on all plans and/or documents to be approved by the planning board.

17.8.3.16 The proposed use or uses of land, buildings, structures, and equipment and the proposed location of buildings, structures, and equipment including proposed grades. Such features must be indicated on a separate drawing where required. Floor space of all buildings shall also be indicated.

17.8.3.17 The location, type and density of land use to be allocated to parts of the site to be developed.

17.8.3.18 Layout, floor plans, architectural elevations, (with measurements as needed for each interpretation) and height (including relationship to existing and proposed grades) of proposed buildings, structures and equipment.

17.8.3.19 Sketches as needed to illustrate the visual impact on the community.

17.8.3.20 Location, size, sketch, and illumination, if any of proposed signs.

17.8.3.21 A drainage plan that incorporates the change in land use and routes of

storm flow through the site to meet requirements set by the town shall be submitted. The drainage plan shall consist of a plan showing existing and proposed drainage structures, drainage basin areas and drainage flow paths. Also included shall be a report summarizing drainage calculations. The rational method, SCS TR55, SCS TR20 or accepted approved method shall be used for runoff calculations. The design storm condition shall be one with a 25-year return period. Where use of aboveground or underground retention or detention basins is proposed, the 25-year design storm shall be used in design calculations, unless such detention or retention system is located in a special flood hazard zone, in which case a 100-year design storm shall be used. Calculations shall include predevelopment and post-development conditions. Predevelopment runoff rates based on assumption of vacant land site conditions on the site shall be maintained, unless approved by the planning board. The Planning Board may make any referrals it deems necessary to evaluate proposed drainage plans.

For all retention or detention basins, whether aboveground or underground, percolation tests or test pits shall be performed at the proposed site of the basin. This information will determine the suitability of the subsurface to accommodate the designed basin.

17.8.3.22 Location of all existing and proposed sanitary sewers, water mains and other utilities, whether publicly or privately owned, above or underground showing pipe sizes, grades and directions of flow. All proposed sanitary sewers, water mains and other utilities shall conform with the applicable requirements and standards of the town and the appropriate utility. Final approval of utility plans by the appropriate utility authority shall be required prior to final development plan approval.

17.8.3.23 The proposed location, direction of illumination, power and time of proposed outdoor lighting, and the location of any outdoor storage areas and dumpsters.

17.8.3.24 The proposed screening and landscaping plan, as well as all other landscaping materials and treatments such as paving, lighting and street furniture. Such plan shall indicate the location, type and size of all plantings both at time of planting and maturity. The plan shall be prepared by a registered landscape architect.

17.8.3.25 All means of vehicular access to and from the site onto public streets showing the size and location of driveways, curb cuts, parking and loading areas, and other offsite traffic improvements necessary to ensure public safety. The Planning Board may make any referrals and require of the applicant any studies it deems necessary to evaluate traffic and circulation plans.

17.8.3.26 All proposed streets with profiles indicating grading, and cross-sections showing width of roadway and location and width of sidewalks. All proposed improvements must be designed and constructed according to the standards and specifications of the town.

17.8.3.27 Such other information as may be required to show that the details of the development plan are in accordance with this section and all applicable requirements

and standards of this ordinance.

17.9 Zoning compliance review.

- (A) There are hereby established zoning compliance review fees for all requests to review issues of zoning compliance by the zoning enforcement officer.
- (B) Said fees shall be set by the West Warwick Town Council through a resolution that may be amended from time to time.

~~(Res. No. 97-09, 1-7-97; Ord. No. 2004-2, 3-10-04)~~

**AN ORDINANCE AMENDING SECTION 17 OF THE ZONING CODE OF THE
CODE OF ORDINANCES OF THE TOWN OF WEST WARWICK,**

POSTED: OCTOBER 29, 2014

**SPONSORED AND INTRODUCE BY COUNCIL PRESIDENT GOSSELIN
FIRST READING AT COUNCIL MEETING ON: DECEMBER 2, 2014**

SECOND READING AT COUNCIL MEETING ON: DECEMBER 16, 2014

COUNCIL PRESIDENT: _____

TOWN CLERK: _____

ADVERTISED IN: KENT COUNTY DAILY TIMES

THIS ORDINANCE WILL TAKE EFFECT ON: 1/05/2015