

- 40 ~~2829~~. Building, Detached
- 41 ~~2930~~. Building, Principal
- 42 ~~3031~~. Building, Semi-Detached
- 43 ~~3132~~. Building Envelope
- 44 ~~3233~~. Building Frontage
- 45 ~~3334~~. Building Height
- 46 ~~3435~~. Cemetery
- 47 ~~3536~~. Club
- 48 ~~3637~~. Common Ownership
- 49 ~~3738~~. Community Center
- 50 ~~3839~~. Community Residence
- 51 ~~3940~~. Comprehensive Plan
- 52 ~~4041~~. Conservation Development
- 53 ~~4142~~. Conventional Yield Plan
- 54 ~~4243~~. Council
- 55 ~~4344~~. Cul-de-Sac
- 56 ~~4445~~. Day Care – Day Care Center
- 57 ~~4546~~. Day Care – Family Day Care Center
- 58 ~~4647~~. Demolition
- 59 ~~4748~~. Density, Residential
- 60 ~~4849~~. Development
- 61 ~~4950~~. Development Plan Review

62 ~~The process whereby the Planning Board is authorized to review the site plans, maps and other~~
63 ~~documentation of a development to determine the compliance with the stated purposes and~~
64 ~~standards of this Ordinance. Development plan review. Design or site plan review of a~~
65 ~~development of a permitted use as further set forth in Article J of the Subdivision and Land~~
66 ~~Development Regulations. A municipality may utilize development plan review under limited~~
67 ~~circumstances to encourage development to comply with design and/or performance standards of~~
68 ~~the community under specific and objective guidelines, for developments including, but not~~
69 ~~limited to:~~

- 70 A. A change in use at the property where no extensive construction of improvements is
71 sought;
- 72 B. An adaptive reuse project located in a commercial zone where no extensive exterior
73 construction of improvements is sought;
- 74 C. An adaptive reuse project located in a residential zone which results in less than nine
75 (9) residential units;
- 76 D. Development in a designated urban or growth center;
- 77 E. Institutional development design review for educational or hospital facilities; or
- 78 F. Development in a historic district.

- 79 ~~5051~~. Distribution
- 80 ~~5152~~. District

- 81 ~~5253~~. Dormitory
- 82 ~~5354~~. Drainage System
- 83 ~~5455~~. Driveway
- 84 ~~5556~~. Drive-In Service
- 85 ~~5657~~. Dwelling Unit
- 86 ~~5758~~. Dwelling, Multi-Family
- 87 ~~5859~~. Dwelling, One-Household
- 88 ~~5960~~. Dwelling, Two-Family
- 89 ~~6061~~. Established Grade
- 90 ~~6162~~. Family
- 91 ~~6263~~. Farming, General
- 92 ~~6364~~. Fast Food Restaurant
- 93 ~~6465~~. Floor Area
- 94 ~~6566~~. Floor Area Ratio
- 95 ~~6667~~. Fresh Water Wetland
- 96 ~~6768~~. Frontage
- 97 ~~6869~~. Garage, Parking
- 98 ~~6970~~. Garage, Private
- 99 ~~7071~~. GFA (Gross Floor Area)
- 100 ~~7172~~. Grade
- 101 ~~7273~~. Grade Plane
- 102 ~~7374~~. Group Quarters
- 103 ~~7475~~. Halfway House
- 104 ~~7576~~. Height of Building
- 105 ~~7677~~. Home Occupation
- 106 ~~7778~~. Hospital
- 107 ~~7879~~. Hospital, Animal or Veterinary Facility
- 108 ~~7980~~. Hotel or Motel
- 109 ~~8081~~. Household
- 110 ~~8182~~. Industrial
- 111 ~~8283~~. Industrial Park
- 112 ~~8384~~. Infrastructure
- 113 ~~8485~~. Junk Yard
- 114 ~~8586~~. Junk Yard, Motor Vehicle
- 115 ~~8687~~. Kennel, Animal
- 116 ~~8788~~. Kindergarten
- 117 ~~8889~~. Land Development Project
- 118 Land Development Project. A project in which one (1) or more lots, tracts, or parcels of land or a
- 119 portion thereof, are ~~to be~~ developed or redeveloped as a coordinated site for ~~a complex of one or~~
- 120 more uses, units, or structures, including, but not limited to: planned development or cluster
- 121 development, and/or conservation development for residential, commercial, industrial,
- 122 institutional, recreational, open space, and/or mixed uses as provided for in this Ordinance.
- 123 ~~8990~~. Land Unsuitable for Development
- 124 ~~9091~~. Landscaped Area
- 125 ~~9192~~. Life Care Facility
- 126 ~~9293~~. Loading Space, Off-Street

- 127 ~~93~~94. Lodging House
- 128 ~~94~~95. Lot
- 129 ~~95~~96. Lot Area
- 130 ~~96~~97. Lot Building Coverage
- 131 ~~97~~98. Lot, Corner
- 132 ~~98~~99. Lot Depth
- 133 ~~99~~100. Lot, Frontage
- 134 ~~100~~101. Lot Line
- 135 ~~101~~102. Lot, Through
- 136 ~~102~~103. Lot Width
- 137 ~~103~~104. Major Recreational Equipment
- 138 ~~104~~105. Manufacturing
- 139 ~~105~~106. Microbrewery
- 140 ~~106~~107. Mobile Home, also known as Manufactured Home
- 141 ~~107~~108. Mobile Home Park or Manufactured Home
- 142 ~~108~~109. Modification
- 143 ~~109~~110. Multi-Family Unit
- 144 ~~110~~111. Natural Strip
- 145 ~~111~~112. Nonconformance
- 146 ~~112~~113. Nursing Home
- 147 ~~113~~114. Office, Professional
- 148 ~~114~~115. Overlay District
- 149 ~~115~~116. Owner
- 150 ~~116~~117. Parking Area Aisles
- 151 ~~117~~118. Parking Space
- 152 ~~118~~119. Parking, Accessory Use
- 153 ~~119~~120. Parking Principal Use
- 154 ~~120~~121. Permitted Use
- 155 ~~121~~122. Planned Development (PD)
- 156 ~~122~~123. Planning Board
- 157 ~~123~~124. Pre-application Conference
- 158 ~~124~~125. Principal Use
- 159 ~~125~~126. Professional
- 160 ~~126~~127. Removal
- 161 ~~127~~128. Repair
- 162 ~~128~~129. Residential Care Facility
- 163 ~~129~~130. Roadside Stand
- 164 ~~130~~131. Room
- 165 ~~131~~132. Rooming Unit
- 166 ~~132~~133. Screen
- 167 ~~133~~134. Setback Line or Lines
- 168 ~~134~~135. Shared Elderly Housing
- 169 ~~135~~136. Shipping Container
- 170 ~~136~~137. Shed
- 171 ~~137~~138. Shopping Center
- 172 ~~138~~139. Signs

- 173 ~~139~~140. Sign Area
- 174 ~~140~~141. Site Plan
- 175 ~~141~~142. Special Use
- 176 ~~142~~143. Storage
- 177 ~~143~~144. Story
- 178 ~~144~~145. Street
- 179 ~~145~~146. Street Classification
- 180 ~~146~~147. Street Line
- 181 ~~147~~148. Structure
- 182 ~~148~~149. Student
- 183 ~~149~~150. Swimming Pool
- 184 ~~150~~151. Town
- 185 ~~151~~152. Transitional Housing
- 186 ~~152~~153. Truck Terminal
- 187 ~~153~~154. Use
- 188 ~~154~~155. Use, Accessory
- 189 ~~155~~156. Use, Principal
- 190 ~~156~~157. Utility Facilities
- 191 ~~157~~158. Variance: Permission to depart from the literal requirements of this Ordinance. An
- 192 authorization for the construction or maintenance of a building or structure, or for the establishment
- 193 or maintenance of a building or structure, or for the establishment or maintenance of a use of land,
- 194 which is prohibited by this Ordinance. There shall be only two (2) categories of variance, a use
- 195 variance or a dimensional variance:
 - 196 A. Use Variance: Permission to depart from the use requirements of this Ordinance
 - 197 where the applicant for the requested variance has shown by evidence upon the
 - 198 record that the subject land or structure cannot yield any beneficial use if it is to
 - 199 conform to the provisions of this Ordinance;
 - 200 B. Dimensional Variance: Permission to depart from the dimensional requirements
 - 201 of this Ordinance, ~~where the applicant for the requested relief has shown, by~~
 - 202 ~~evidence upon the record, that there is no other reasonable alternative way to enjoy~~
 - 203 ~~a legally permitted beneficial use of the subject property unless granted the~~
 - 204 ~~requested relief from the dimensional regulations. However, the fact that a use~~
 - 205 ~~may be more profitable or that a structure may be more valuable after the relief is~~
 - 206 ~~granted shall not be grounds for relief, although it may be an incidental result of~~
 - 207 ~~the relief under the applicable standards set forth in R.I.G.L. § 45-24-41.~~
- 208 ~~158~~159. Vehicle, Commercial
- 209 ~~159~~160. Warehouse
- 210 ~~160~~161. Wetlands
- 211 ~~161~~162. Wholesale
- 212 ~~162~~163. Wholesale Sales
- 213 ~~163~~164. Yard
- 214 ~~164~~165. Zoning Board
- 215 ~~165~~166. Zoning Certificate
- 216 ~~166~~167. Zoning Official
- 217 ~~167~~168. Zoning Map

218 ~~168~~169. Zoning Use District
219

40 A. **Enlargement of Undersized Lots**

41 Lawfully established lots which have less than the minimum area requirements, may
42 be maintained and may be changed by adding additional land to such lots without
43 prejudice to the rights of the owner of such lots pursuant to the provisions of this
44 Article.

45 B. **Single Nonconforming Lot of Record**

46 In any district in which single-family dwellings are permitted, a single-family
47 dwelling and customary accessory buildings may be erected on any single lot of
48 record which was lawfully established as of April 14, 1987, notwithstanding
49 limitations imposed by other provisions of this Ordinance. Such lots must be in
50 separate ownership and not have continuous frontage with other lots in the same
51 ownership unless otherwise provided herein, and such lot and any structure thereon
52 must conform to all dimensional requirements of this Ordinance other than
53 minimum lot area, lot width or frontage.

54 C. **Merger of Multiple Nonconforming Lots of Record in Non-Residential Zones**

55 For lawfully established lots with continuous frontage in single ownership which
56 are located in the V, C, HC, LI, I, PCD and PD zones, if all or part of the lots do
57 not meet the requirements established for lot width, frontage or area, the lots need
58 not be merged together. They may be separately transferred and/or developed,
59 provided however, that such development must meet all dimensional requirements
60 of this Ordinance unless a dimensional variance is granted by the Zoning Board.

61 D. **Merger of Multiple Nonconforming Lots of Record in Residential Zones**

62 For lawfully established lots with continuous frontage in single ownership which
63 are located in the R-200, R-80, R-Med, R-20, R-20M, and MU zones, if all or part
64 of the lots do not meet the requirements established for lot width, frontage or area,
65 the lots shall be deemed to be merged together and shall be considered to be an
66 individual parcel for the purpose of this Ordinance and for property assessment
67 purposes. No portion of said parcel shall be used or transferred in a manner which
68 diminishes compliance with lot width, frontage, or area requirements established
69 by this Ordinance. Nor shall any division of any parcel be made which creates a
70 lot with width or area less than the requirements stated in this Ordinance, except as
71 follows:

72 (1) Any such division shall be deemed to be a subdivision and subject to all
73 requirements of the Land Development and Subdivision Review
74 Regulations of the Town, including, without limitation, the requirement for
75 Planning Board approval, and

76 (2) All such resulting lots must meet all dimensional requirements of this
77 Ordinance, except those as to lot width, frontage or area; and the minimum lot
78 width, frontage or area may be reduced according to the following table:

79
80

MERGER REGULATIONS

ZONE	Minimum Lot Area (s.f.)	Minimum Lot Width (ft.) Minimum Frontage (ft.)
R-200	90,000	225
R-80	60,000	150
R-Med	30,000	100
R-20	15,000	100
R-20M	15,000	100
MU	10,000	100

81 **E. Merger Prohibited for Certain Lots**

82 The merger of lots shall not be required, in any zoning district, when the
83 substandard lot of record has an area equal to or greater than the area of fifty percent
84 (50%) of the lots within two hundred (200) feet of the subject lot, as confirmed by
85 the zoning enforcement officer through the submission of a Compilation Survey
86 stamped and signed by a Rhode Island Registered Land Surveyor.

34 3. The density proposed for any adaptive reuse project shall be determined to meet all public
35 health and safety standards.

36 D. Dimensional requirements.

37 1. Notwithstanding any other provisions of this section, existing building setbacks shall
38 remain and are considered legal nonconforming.

39 2. No additional encroachments shall be permitted into any nonconforming setback unless
40 relief is granted by the permitting authority.

41 3. Notwithstanding other provisions of this section, the height of the structure shall be
42 considered legal nonconforming if it exceeds the maximum height of the zoning district in
43 which the structure is located.

44 a) Any rooftop construction necessary for building or fire code compliance, or utility
45 infrastructure is included in the height exemption.

46 E. Parking requirements.

47 1. Adaptive reuse developments shall provide one parking space per dwelling unit. The
48 applicant may propose additional parking in excess of one space per dwelling unit.

49 2. The number of parking spaces required, as defined in Article 7, shall apply for uses other
50 than residential.

51 F. Performance Standards

52 1. The performance standards set forth in Article 6.3 shall apply to all adaptive reuse projects.

53 G. Allowed uses within an adaptive reuse project.

54 1. Residential dwelling units are a permitted use in an adaptive reuse project regardless of the
55 zoning district in which the structure is located, in accordance with the provisions of this
56 section.

57 H. No project under this section shall be approved without written certification from the Fire Chief
58 that said project meets the requirements necessary to ensure the health and safety of the
59 residents that will reside therein. The Applicant shall be responsible for obtaining said
60 certification.

61

4.4 SUPPLEMENTARY USE REGULATIONS

The following list of “Use Code Numbers” is to be used in conjunction with §4.3 - “**Table of Uses**” of this Ordinance. Each *Use Code Number* corresponds with a specific line in the Table of Uses, provides detailed descriptions where needed, and provides conditions and other specific requirements. Accessory uses, where appropriate, are also indicated. When uses listed in §4.3 - “Table of Uses” require the issuance of a special use permit, the requirements for that specific use listed within this section are to be considered the specific and objective criteria for the issuance of that special use permit. All uses listed within this section are required to comply with Chapter 231 of the Code of Ordinances for landscaping requirements unless otherwise provided for herein.

A. AGRICULTURAL USES

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A-4. Animal Raising, Non-Commercial, Outdoor - Non-commercial raising and keeping of outdoor animals for personal, recreational, or educational purposes by a resident or owner of a lot or lots. These animals shall not include swine, pigeons, pets, watchdogs and apiaries. These animals are subject to the Smithfield Animal Control Ordinance and the following additional limitations and regulations:

- A. Animals shall be housed not less than fifty (50) feet from any property line,
- B. Horses, cattle, ponies, sheep, or goats are limited to a total two (2) such animals, in any combination, on a parcel that shall have at least three (3) acres, with one (1) additional such animal for each additional acre.
- C. ~~a)~~Fowl (excluding roosters, toms or gobblers, guinea fowl and peacocks) or small animals are limited to a total six (6) such animals, in any combination, on a parcel that shall have at least 80,000 square feet, with more than six (6) such animals on any parcel of four (4) acres or more.

A-9. Greenhouses or Nursery, Commercial - Nurseries and commercial greenhouses.

- A. Plant agriculture shall be limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. It may also include community-gathering spaces for active or passive recreation but playground equipment is prohibited.
- B. Greenhouses or nurseys, including high tunnels/hoop-houses, cold-frames, and similar structures, are permitted to extend the growing season. Accessory structures such as sheds, gazebos, and pergolas are also permitted.
- C. Accessory structures and uses for the raising of chickens, fish, and bees are permitted so long as all such structures comply with the accessory structure and use provisions.
- D. Farmstands are permitted and are limited to sales of items grown at the site, or items grown by the producer or producer cooperative that operates the site. No resale of items is permitted at farmstands.
- E. Roadside stands or sales facilities where agricultural products raised on-site are sold shall be set back a minimum of forty (40) feet from all abutting vehicular right[s]-of-way.
- F. Farmstands shall be removed from the premises or stored inside a structure on the premises during that time of the year when the use is not open to the public. Only one farmstand is permitted per lot.
- G. The building area of said facility shall not be greater than _____ square feet.

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B. OFFICE USES

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- C-3. Office Park** - Office park, including accessory retail sales, services and day care.
 - A. Site layout that includes a designated drop-off area near an entrance to the buildings with a queuing lane that does not block vehicle parking spaces.
 - B. A parking plan with safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
 - C. Hours of operation shall be between the hours of 5:00 a.m. and 9:00 p.m.
 - D. No facility shall be located in a floodplain or floodway, or adjacent to any hazardous land use.

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- C-7. Health Management Organization (HMO)** – Medical, Health, and/or Dental services and treatment plus the corresponding ancillary offices where patients receive medical, dental, surgical, psychiatric, and/or other health related services and care on an out-patient basis only, which also may include any of the following: diagnostic and laboratory testing, research laboratory or educational facility, occupational and physical therapy, physical fitness, drug and alcohol rehabilitation, clinic for medical, dental, surgical, or psychiatric treatment of disease and disability, pharmacy and emergency care.
 - A. The applicant shall provide proof of state licensing.
 - B. Hours of operation shall be between the hours of 5:00 a.m. and 9:00 p.m.
 - C. Exterior lighting shall be in accordance with Article 6.
 - D. No facility shall be located in a floodplain or floodway, or adjacent to any hazardous land use.
 - E. Noise is confined to the building and shall be in accordance with Chapter 252 of the Smithfield Code of Ordinances.
 - F. Overnight housing and extended occupancy may be permitted, but not longer than 14 days.

D. PUBLIC AND SEMI-PUBLIC USES

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- D-4. Cultural Activities, Libraries, Museums** - Cultural activities, including libraries and museums.
 - A. Site layout that includes a designated drop-off area near an entrance to the buildings with a queuing lane that does not block vehicle parking spaces.
 - B. A parking plan with safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
 - C. Hours of operation shall be between the hours of 5:00 a.m. and 9:00 p.m.
 - D. Exterior lighting shall be in accordance with Article 6.
 - E. Service of alcohol, including consumption of alcohol via bring-your-own-beer/bottled/wine/etc., is prohibited.

- F. Noise is confined to the building and shall be in accordance with Chapter 252 of the Smithfield Code of Ordinances.

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D-9. Municipal Building, Except Penal Facility

- A. Any open lot storage area must be clearly defined on the site plan to ensure compliance with zoning regulations and proper site organization.
- B. All entrances shall be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Entrances on corner lots shall not route exiting traffic into adjacent residential neighborhoods.
- C. Meals may be prepared and served on the premises for members and their guests only; no commercial kitchen is allowed.

D-10. Municipal Fire, Police, or Rescue Station

- A. Any open lot storage area must be clearly defined on the site plan to ensure compliance with zoning regulations and proper site organization.
- B. All entrances shall be located and designed to ensure that they do not adversely affect traffic circulation on adjoining streets. Entrances on corner lots shall not route exiting traffic into adjacent residential neighborhoods.
- C. Meals may be prepared and served on the premises for members and their guests only; no commercial kitchen is allowed.

D-11. Penal Facility or Prison - Penal facility, prison, detention center, training school, or correctional institution.

D-12. School, Public and Private - Pre-school, Elementary through High School - Public and private schools including, classrooms, office and assembly use, lecture hall, library, and other facilities for instructional purposes; laboratory facility for teaching, administrative office, health care facility, day care facility; theater with no public assembly, dance studio, exhibition facility, stadium, indoor and outdoor sports facility, including gymnasium for athletic events such as swimming, skating, tennis, football, baseball and other sports; cafeteria; maintenance facility; parking lot; NOT INCLUDING trade or business school vocational and trade skills in automotive, construction, metallurgical, chemical and similar industrial operations.

- A. The applicant shall provide proof of state licensing.
- B. There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces.
- C. Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall, including ingress and egress. Storage is prohibited outside of the fenced area.
- D. The storage areas should be located in the rear of the lot. Any structures shall be located in front of the storage area to obscure the view of the storage from street(s), in compliance with the front yard of the underlying zoning district.
- E. Where such area adjoins or lies within a residential use, screening, landscaping, and open space areas shall be provided in accordance with the provisions of Landscaping and Screening Standards in 9.4.16.
- F. The storage and disposal of any hazardous waste materials shall comply with all federal, state, and local regulations governing such materials. No operation which produces hazardous waste material shall commence without prior notice to the Town Administrator-Manager.
- G. In terms of access, the volume of traffic shall not reduce the existing level of service as measured over the nine-month period prior to filing the Preliminary Plan Application, or

- shall be mitigated so as to not reduce the existing level of service over the same period. The level of service, and mitigation measures, shall be identified by a traffic engineer.
- H. When the primary street accessing the facility is a residential street, site access shall be designed to split the volume of traffic between at least two egress and ingress points.
 - I. A traffic management plan, which includes strategies for limiting the impact of traffic on nearby residential areas, shall be submitted by a traffic engineer. This plan shall address the scheduling of classes to avoid peak traffic times, the promotion of ride-sharing or shuttle services, and the provision of adequate on-site parking.
 - J. Parking shall be provided on-site to prevent overflow onto residential streets. The parking area must be clearly marked and must direct traffic away from residential neighborhoods.
 - K. Ingress and egress driveways shall be located at least one hundred fifty (150) linear feet from any corner when said property abuts an intersection of two (2) streets to provide adequate sight distance for both vehicles and pedestrians.
 - L. Noise is confined to the building and shall be in accordance with Chapter 252 of the Smithfield Code of Ordinances.
- D-13. Trade School, not utilizing heavy equipment** - Trade schools, public and private institution providing training and/or instruction in art, business, bookkeeping, accounting, secretarial and the like, cosmetology, dancing, driving, hair styling, music conservatory.
- A. The applicant shall provide proof of state licensing.
 - B. There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces.
 - C. Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
 - D. Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall, including ingress and egress. Storage is prohibited outside of the fenced area.
 - E. The storage areas should be located in the rear of the lot. Any structures shall be located in front of the storage area to obscure the view of the storage from street(s), in compliance with the front yard of the underlying zoning district.
 - F. Where such area adjoins or lies within a residential district, screening, landscaping, and open space areas shall be provided in accordance with the provisions of the Landscaping and Screening Standards in 9.4.16.
 - G. The storage and disposal of any hazardous waste materials shall comply with all federal, state, and local regulations governing such materials. No operation which produces hazardous waste material shall commence without prior notice to the Town Administrator.
 - H. In terms of access, the volume of traffic shall not reduce the existing level of service as measured over the nine-month period prior to filing the Preliminary Plan Application, or shall be mitigated so as to not reduce the existing level of service over the same period. The level of service, and mitigation measures, shall be identified by a traffic engineer.
 - I. Ingress and egress driveways shall be located at least one hundred fifty (150) linear feet from any corner when said property abuts an intersection of two (2) streets to provide adequate sight distance for both vehicles and pedestrians.
 - J. When the primary street accessing the facility is a residential street, site access shall be designed to split the volume of traffic between at least two egress and ingress points.
 - K. A traffic management plan, which includes strategies for limiting the impact of traffic on nearby residential areas, shall be submitted by a traffic engineer. This plan shall address

the scheduling of classes to avoid peak traffic times, the promotion of ride-sharing or shuttle services, and the provision of adequate on-site parking.

- L. Parking shall be provided on-site to prevent overflow onto residential streets. The parking area must be clearly marked and must direct traffic away from residential neighborhoods.

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E. OUTDOOR RECREATION USES

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E-6. Public Swimming Pool or Beach

- A. Parking shall be provided on-site to prevent overflow onto residential streets. The parking area must be clearly marked and must direct traffic away from residential neighborhoods.
- B. The property shall be designed, constructed and maintained so that sound emitted from pool or beach shall not exceed that which is identified in §6.3.C. (Performance Standards affecting Noise) and shall be in conformance with the standards in Chapter 252 of the Code of Ordinances.
- C. The area is completely enclosed by a perimeter fence.
- D. Screening shall be provided between the public pool or beach and any adjacent residential uses. This screening may include a combination of the following:
 - (1) A dense vegetative buffer consisting of evergreen trees or shrubs, at least 6 feet in height at the time of planting, installed along the property line adjacent to residential lots.
 - (2) A solid fence to further reduce visual and noise impact. The fence shall be constructed of materials that complement the surrounding environment and provide a continuous barrier.
- E. Exterior lighting must be designed and installed to prevent light from spilling onto adjacent residential properties. All lighting fixtures shall be dark sky compliant and shielded and directed downward.

E-7. Riding Academy or Stable, Commercial - Commercial riding academy or stable.

- A. The building shall be designed, constructed and maintained so that sound emitted from the stable shall not exceed that which is identified in §6.3.C. (Performance Standards affecting Noise) and shall be in conformance with the standards in Chapter 252 of the Code of Ordinances.
- B. Adjacent properties are adequately protected from noise, odors and unsightly appearance.
- C. The area is completely enclosed by a perimeter fence.
- D. Screening shall be provided between the stable and any adjacent residential uses. This screening may include a combination of the following:
 - (1) A dense vegetative buffer consisting of evergreen trees or shrubs, at least 6 feet in height at the time of planting, installed along the property line adjacent to residential lots.
 - (2) A solid fence to further reduce visual and noise impact. The fence shall be constructed of materials that provide a continuous barrier.

- E. Exterior lighting must be designed and installed to prevent light from spilling onto adjacent residential properties. All lighting fixtures shall be dark sky compliant and shielded and directed downward.
- F. There may be provision for a single dwelling unit for an on-site caretaker or animal keeper.

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I. SERVICE INDUSTRY USES

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- I-2. **Trade Establishment** - Trade establishment, including shops such as the following: plumbers, electricians, painter, paperhangers, upholsterers, sign painters, printers and monument works.
 - A. There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces.
 - B. Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
 - C. Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall, including ingress and egress. Storage is prohibited outside of the fenced area.
 - D. The storage areas should be located in the rear of the lot. Any structures shall be located in front of the storage area to obscure the view of the storage from street(s), in compliance with the front yard of the underlying zoning district.
 - E. Landscaping standards in the Land Development and Subdivision Regulations apply.
 - F. The storage and disposal of any hazardous waste materials shall comply with all federal, state, and local regulations governing such materials. No operation which produces hazardous waste material shall commence without prior notice to the Town Administrator.
 - G. Noise is confined to the building and shall not exceed that which is identified in §6.3.C. (Performance Standards affecting Noise) and shall be in conformance with the standards in Chapter 252 of the Code of Ordinances.
 - H. Parking shall be provided on-site to prevent overflow onto residential streets. The parking area must be clearly marked and must direct traffic away from residential neighborhoods.
- I-3. **Machine Shop (Metal Works)** - Machine shops or other metal working.
 - A. Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
 - B. Any outdoor storage area(s) shall be completely enclosed by a solid fence or wall, including ingress and egress. Storage is prohibited outside of the fenced area.
 - C. The storage areas should be located in the rear of the lot. Any structures shall be located in front of the storage area to obscure the view of the storage from street(s), in compliance with the front yard of the underlying zoning district.
 - D. Where such area adjoins or lies within a residential district, screening, landscaping, and open space areas shall be provided in accordance with the provisions of Landscaping and Screening Standards in 9.4.16.
 - E. The storage and disposal of any hazardous waste materials shall comply with all federal, state, and local regulations governing such materials. No operation which produces hazardous waste material shall commence without prior notice to the Town Administrator.

- F. Noise is confined to the building and shall not exceed that which is identified in §6.3.C. (Performance Standards affecting Noise) and shall be in conformance with the standards in Chapter 252 of the Code of Ordinances.
- I-4. Personal Service Establishments** - Establishments primarily engaged in providing services involving the care of a person, such as, beautician, barber, tanning salon, electrolysis, or masseuse and small group health instruction including martial arts studio, yoga instruction, and the like. ~~Small group health instruction shall be limited to structures/spaces not exceeding 5,000 s.f. GFA.~~
- A. Small group health instruction shall be limited to structures/spaces not exceeding 5,000 s.f. GFA.
- B. Noise is confined to the building and shall not exceed that which is identified in §6.3.C. (Performance Standards affecting Noise) and shall be in conformance with the standards in Chapter 252 of the Code of Ordinances.
- C. Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
- D. A landscaped hedge shall be provided along any rear or side property line adjoining any hedge or fence shall be designed and planted so as to be at least five (5) feet in height and eighty (80) percent or more opaque when viewed horizontally.
- I-5. Tattoo Parlor** – Establishments operated by any person registered by the State as a tattoo artist for the purpose of offering or conducting tattooing.
- A. The applicant shall provide proof of state licensing.
- B. Noise is confined to the building.
- C. Hours of operation shall be between the hours of 6:00 a.m. and 9:00 p.m.
- D. Where such area adjoins or lies within a residential district, screening, landscaping, and open space areas shall be provided in accordance with the provisions of Landscaping and Screening Standards in 9.4.16.
- E. Any such signage shall otherwise comply with Article 8, Signs, of the Smithfield Zoning Ordinance

...

J. INDUSTRIAL USES

...

- J-4. General Industrial** - Manufacturing, compounding, processing, stamping, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries and food products, and wood, but not including the rendering of fats or oils.
- A. The aggregate footprint of all structures may be no greater than (Do we want a size limit) square feet.
- B. Open lot storage areas must be defined and separated from parking areas through fencing, screening, or other mechanism approved by the permitting authority.
- C. Open lot storage area shall not be used for parking purposes or to meet the minimum parking requirements.
- D. Submission of a traffic study that shows traffic associated with the activities generally will not reduce the level of service on adjacent access roads.
- E. Hours of operation will be between 6:00am and 9:00pm.
- F. Deliveries will not occur between the hours of 11:00pm and 4:00am.

- G. Where a lot line of an industrial use or a hospital use abuts a property zoned for residential use, landscape treatments sufficient to screen the residential area shall be required. See Landscaping and Screening Standards in 9.4.16, herein.

...

D-8. Hospital - Medical and health services hospital (not animal hospital) to include in-patient medical and surgical services and care along with any or all of the following: medical diagnostic services, medical or dental office, research laboratory or educational facility, sanitarium, and any use accessory thereto, center for occupational and physical therapy, physical fitness, and drug and alcohol rehabilitation; clinic for medical, dental, surgical, or psychiatric treatment of disease and disability, whether on an inpatient or outpatient basis and pharmacy.

- A. Submission of a traffic study that shows traffic associated with the activities generally will not reduce the level of service on adjacent access roads.
- B. Circulation shall be designed for both vehicle and pedestrian use. Pedestrian access from the street and the parking lot to the main door of a hospital or other medical facility shall be designed to avoid conflict with vehicular traffic and to easily accommodate access for the disabled and elderly. Pedestrian paths shall be clearly delineated with pavement materials and/or markings and signage, and shall be located to create the shortest possible, safe path between parking lots and passenger loading areas to the primary entrance.
- B. Passenger loading areas shall be provided at convenient and safe locations and shall be clearly identified.
- C. Wherever physically possible, reciprocal parking area access between adjacent related or similar medical uses shall be provided.
- D. Parking structures shall be designed and constructed according to the highest standards of quality to ensure consistency with the architecture of the hospital and medical buildings.
- E. All mechanical equipment shall be fully screened. Roof-mounted equipment shall be screened utilizing roof lines, parapets, or other similar methods. Equipment located on the ground must be fully screened with materials that are architecturally compatible with the structures they serve.
- F. Mechanical screens and penthouses shall be integrated with the building façade whenever possible and constructed of architecturally compatible materials. Screens should be continuous and solid.
- G. Where a lot line of an industrial use or a hospital use abuts a property zoned for residential use, landscape treatments sufficient to screen the residential area shall be required. See Landscaping and Screening Standards in 9.4.16, herein.

38 evidence into the record in satisfaction of the applicable standards and may
39 impose conditions as stated in Section 10.8.C.3.

40 D. In reviewing requests for special use permits the Planning Board shall be
41 bound to the conditions and procedures under which a special use permit
42 may be issued and the criteria for the issuance of such permits, as found
43 within the zoning ordinance Section 10.8.C.2, and shall be required to
44 provide for the recording of findings of fact and written decisions as
45 described in the zoning ordinance pursuant to Section 10.8.C and may
46 impose conditions as stated in Section 10.8.C.3.

47 E. Appeals. An appeal from any decision made pursuant to this section may
48 be taken pursuant to Section 10.13.

49 6.13 Development Plan Review

50 A. Development plan review established. There shall be development plan
51 review for uses that are permitted by right under the zoning ordinance.

52 B. Permitting authority. The permitting authority shall be as determined in the
53 Land Development and Subdivision Regulations.

54 C. Specific and objective guidelines. Design of all projects shall be consistent
55 with the provisions of the Land Development and Subdivision Regulations.

56 D. Waivers. The authorized permitting authority may grant waivers of design
57 standards as set forth in the regulations.

58 E. Appeal. A rejection of the decision shall be an appealable decision
59 pursuant to Section 10.13.

60

37 shall publish in a newspaper of local circulation within the town give notice in the same
38 manner as would be given for a Variance Application, pursuant to §10.8(B), that the
39 Modification will be granted unless written objection is received within ~~thirty~~ fourteen
40 (~~30~~14) days of the public notice, and inviting the public to inspect the plans and
41 Application during normal working hours. If any written objection is received within
42 ~~thirty~~ fourteen (~~30~~14) days, the request for a Modification shall be ~~denied~~ scheduled
43 for the next available hearing before the Zoning Board on application for a dimensional
44 variance following the standard procedures for such variances, including notice
45 requirements provided in Section 10.8.B . In such case, the changes requested will be
46 considered a request for a Dimensional Variance and may only be issued by the Zoning
47 Board following the standard procedures for Variances.

48 D. If no written objections are received within ~~thirty~~ fourteen (~~30~~14) days, the Official
49 shall grant the Modification. The Official may apply such special conditions to the
50 Permit as may, in the opinion of the Official, be required to conform to the intent and
51 purposes of the Zoning Ordinance. The Official shall keep public records of all
52 requests for Modifications, and of findings, determinations, special conditions, and any
53 objections received. If the Official grants the Modification, the written decision thereof
54 shall be recorded in the Land Evidence Records of the Town.

55 E. ~~If the Official denies the Modification, or if the applicant is aggrieved by some part of~~
56 ~~the Official's decision, there is no right of appeal. Rather, the changes requested will~~
57 ~~be considered a request for a Dimensional Variance and may only be granted by the~~
58 ~~Zoning Board following the standard procedures for Dimensional Variances~~ Cost of
59 any notice required under this section shall be borne by the applicant requesting the
60 modification.

61 F. Lots that receive a dimensional reduction under Article 3.4 are not eligible to receive a
62 modification under this section.

63

- 42 2. Where a proposed text amendment to an existing zoning ordinance would
43 cause a conforming lot of record to become nonconforming by lot area or
44 frontage, written notice shall be given to all owners of the real property as
45 shown on the current real estate tax assessment records of the city or town.
46 The notice shall be given by first-class mail at least two (2) weeks prior to the
47 hearing at which the text amendment is to be considered, with the content
48 required by subsection 29 (a). If the city or town zoning ordinance contains an
49 existing merger clause to which the nonconforming lots would be subject, the
50 notice shall include reference to the merger clause and the impacts of common
51 ownership of nonconforming lots. For any notice sent by first-class mail, the
52 sender of the notice shall submit a notarized affidavit to attest to such mailing.
- 53 ~~23.~~ Where a proposed general amendment to an existing Zoning Ordinance
54 includes changes in an existing Zoning Map, public notice shall be given as
55 required by Subsection (1) of this section.
- 56 ~~34.~~ Where a proposed amendment to an existing Ordinance includes a specific
57 change in a zoning district map but does not affect districts generally, public
58 notice shall be given as required in Subsection (1) of this section, with the
59 additional requirements that:
- 60 a) notice shall include a map showing the existing and proposed boundaries,
61 zoning district boundaries, and existing streets and roads and their names,
62 and Town boundaries where appropriate; and
- 63 b) written notice of the date, time and place of the public hearing and the
64 nature and purpose thereof shall be sent to all owners of real property
65 whose property is located within two hundred (200) feet of the perimeter
66 of the area proposed for change, whether within the Town or within an
67 adjacent city or town in which the property is located. Notice shall also
68 be sent to any individual or entity holding a recorded conservation or
69 preservation restriction on the property that is the subject of the
70 amendment. The notice shall be sent by first-class mail to the last known
71 address of the owners, as shown on the current real estate tax assessment
72 records of the city or town in which the property is located; provided, for
73 any notice sent by first-class mail, the sender of the notice shall submit a
74 notarized affidavit to attest to such mailing.
- 75 ~~45.~~ Notice of a public hearing shall be sent by first class mail to the City or Town
76 Council of any City or Town to which one (1) or more of the following pertain:
- 77 a) which is located within two hundred (200) feet of the boundary of the area
78 proposed for change; or
- 79 b) where there is a public or quasi-public water source, or private water
80 source that is used or is suitable for use as a public water source, within
81 two thousand (2,000) feet of any real property that is the subject of a
82 proposed zoning change, regardless of municipal boundaries.
- 83 ~~56.~~ Notice of a public hearing shall be sent to the governing body of any state or
84 municipal water department or agency, special water district, or private water
85 company that has riparian rights to a surface water resource and/or surface
86 watershed that is used, or is suitable for use, as a public water source and that
87 is within two thousand (2,000) feet of any real property which is the subject

88 of a proposed zoning change, provided, however, that the governing body of
89 any state or municipal water company has filed with the Zoning Official a map
90 survey, which shall be kept as a public record, showing areas of surface water
91 resources and/or watersheds and parcels of land within two thousand (2,000)
92 feet thereof.

93 ~~67~~. No defect in the form of any notice newspaper and mailing notices under this
94 section shall render any Ordinance or amendment invalid, unless such defect
95 is found to be intentional or misleading.

96 ~~78~~. Costs of any notice required under this section shall be borne by the applicant.

- 43 32. Development Plan Review. Design or site plan review of a development of a permitted
44 use. A municipality may utilize development plan review under limited circumstances to
45 encourage development to comply with design and/or performance standards of the
46 community under specific and objective guidelines, for developments including, but not
47 limited to:
- 48 a. A change in use at the property where no extensive construction of improvements
49 is sought;
 - 50 b. An adaptive reuse project located in a commercial zone where no extensive exterior
51 construction of improvements is sought;
 - 52 c. An adaptive reuse project located in a residential zone which results in less than
53 nine (9) residential units;
 - 54 d. Development in a designated urban or growth center;
 - 55 e. Institutional development design review for educational or hospital facilities; or
 - 56 f. Development in a historic district.
- 57 33. 32:Discharge. Stream. Rate of flow of a stream as expressed as volume per unit of time.
- 58 34. 33:Discharge Area. Groundwater.
- 59 35. 34:Division of Land.
- 60 36. 35:Drainage System.
- 61 37. 36:Easement.
- 62 38. 37:Environmental Constraints.
- 63 39. 38:Final Plan.
- 64 40. 39:Final Plat.
- 65 41. 40:Flood.
- 66 42. 41:Flood Plain.
- 67 43. 42:Flood Frequency.
- 68 44. 43:Floodproofing.
- 69 45. 44:Floodway.
- 70 46. 45:Floor Area. Gross.
- 71 47. 46:Fresh Water Wetlands.
- 72 48. 47:Front Lot Line.
- 73 49. 48:Front Yard.
- 74 50. 49:Frontage.
- 75 51. 50:Governing Body.
- 76 52. 51:Hydrologic Cycle.

- 77 53. ~~52.~~**Hydrology.**
- 78 54. ~~53.~~**Improvement.**
- 79 55. ~~54.~~**Improvement Guarantee.**
- 80 56. ~~55.~~**Land Development Project.** A Project in which one or more lots, tracts, or parcels of
81 land are to be developed or redeveloped as a coordinated site for one or more uses, units,
82 ora-structures, including, but not limited to, planned development or cluster development,
83 and/or conservation development for residential, commercial, institutional, recreational,
84 open space, and/or mixed uses ~~as may be provided for in the Smithfield Zoning Ordinance.~~
- 85 57. ~~56.~~**Land Development and Subdivision Review Regulations.**
- 86 58. ~~57.~~**Landscaped Area.**
- 87 59. ~~58.~~**Local Regulations.**
- 88 60. ~~59.~~**Lot.**
- 89 61. ~~60.~~**Lot. Corner.**
- 90 62. ~~61.~~**Lot. Through.**
- 91 63. ~~62.~~**Lot Area.**
- 92 64. ~~63.~~**Lot Depth.**
- 93 65. ~~64.~~**Lot Frontage.**
- 94 66. ~~65.~~**Lot Line.**
- 95 67. ~~66.~~**Lot Line. Front.**
- 96 68. ~~67.~~**Lot Line. Rear.**
- 97 69. ~~68.~~**Lot Line. Side.**
- 98 70. ~~69.~~**Lot Width.**
- 99 71. ~~70.~~**Maintenance Guarantee.**
- 100 72. ~~71.~~**Major Land Development Plan.** ~~Any land development plan not classified as a Minor~~
101 ~~Land Development Plan. A land development project which exceeds the thresholds for a~~
102 ~~minor land development project as set forth in this section and Section III.~~
- 103 73. ~~72.~~**Major Subdivision.** ~~Any subdivision not classified as either an Administrative~~
104 ~~Subdivision or a Minor Subdivision. A subdivision creating ten (10) or more buildable lots.~~
- 105 74. ~~73.~~**Master Plan.** An overall plan for a proposed Project site outlining general, rather than
106 detailed, development intentions. It describes the basic parameters of a major development
107 proposal, rather than giving full engineering details. ~~Said plan is R~~required in Major Land
108 Development or major subdivision ~~review process and the step in the process in which the~~
109 public hearing is held (see §45-23-39). See Section 45-23-40 of the General Laws of Rhode
110 Island (1956 as amended).
- 111 75. ~~74.~~**Minor Land Development Plan.** ~~A development plan for a residential Project as~~
112 ~~defined in local regulations, provided that such development does not require waivers or~~
113 ~~modifications as specified in this act. All nonresidential land development projects shall be~~

114 ~~considered as Major Land Development plans. A land development project involving any one~~
115 ~~of the following:~~

- 116 • Seven thousand five hundred (7,500) gross square feet of floor area of new commercial,
117 manufacturing or industrial development; or less, or
- 118 • An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand
119 (10,000) square feet for commercial, manufacturing, or industrial structures; or
- 120 • Mixed-use development consisting of up to six (6) dwelling units and two thousand five
121 hundred (2,500) gross square feet of commercial space or less.
- 122 • Multi-family residential or residential condominium development of nine (9) units or
123 less.
- 124 • Change in use at the property where no extensive construction of improvements are
125 sought.
- 126 • An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross
127 floor area located in a commercial zone where no extensive exterior construction of
128 improvements is sought.
- 129 • An adaptive reuse project located in a residential zone which results in less than nine
130 (9) residential units.

131 ~~76. 75.Minor Subdivision. A plan for a residential subdivision of land creating nine (9)~~
132 ~~consisting of five (5) or fewer units or lots, provided that such subdivision does not require~~
133 ~~waivers or modifications as specified in this act. All nonresidential subdivisions shall be~~
134 ~~considered as major subdivision.~~

135 ~~77. 76.Modification of Requirements.~~

136 ~~78. 77.Municipal Engineer.~~

137 ~~79. 78.Nutrient Loading.~~

138 ~~80. 79.Nutrient Loading Determination.~~

139 ~~81. 80.Outlot.~~

140 ~~82. 81.Parcel.~~

141 ~~83. 82.Parking Area or Lot.~~

142 ~~84. 83.Permitting authority. The local agency of government, meaning any board,~~
143 ~~commission or administrative officer specifically empowered by state enabling law and~~
144 ~~local ordinance to hear and decide on specific matters pertaining to local land use.~~

145 ~~85. 84.Phased Development.~~

146 ~~86. 85.Physical Constraints to Development.~~

147 ~~87. 86.Planned Development.~~

148 ~~88. 87.Planning Board.~~

149 ~~89. 88.Plat.~~

- 150 ~~90.~~ **89.Plat. Final.**
- 151 ~~91.~~ **90.Plat. Preliminary.**
- 152 ~~92.~~ **91.Platting Board of Review.**
- 153 ~~93.~~ **92.Pre-Application Conference.**
- 154 ~~94.~~ **93.Preliminary Plan.** ~~A~~The required stage of land development and subdivision review
155 which ~~generally shall~~ requires detailed engineered drawings ~~and all required state and~~
156 federal permits. See Section 45-23-41 of the General Laws of Rhode Island (1956 as
157 amended).
- 158 ~~95.~~ **94.Preliminary Plat.**
- 159 ~~96.~~ **95.Property.**
- 160 ~~97.~~ **96.Public Improvement.**
- 161 ~~97.~~ **Public Informational Meeting.**
- 162 ~~101.~~ **Re-Subdivision.**
- 163 ~~101.~~ ~~102.~~ **Runoff.**
- 164 ~~102.~~ ~~103.~~ **Runoff. Stormwater.**
- 165 ~~103.~~ ~~104.~~ **Sedimentation.**
- 166 ~~104.~~ ~~105.~~ **Sediment Load.**
- 167 ~~105.~~ ~~106.~~ **Sediment Transport.**
- 168 ~~106.~~ ~~107.~~ **Setback.**
- 169 ~~107.~~ ~~108.~~ **Setback Line or Lines.**
- 170 ~~108.~~ ~~109.~~ **Setback Line. Structure.**
- 171 ~~109.~~ ~~110.~~ **Side Lot Line.**
- 172 ~~110.~~ ~~111.~~ **Side Yard.**
- 173 ~~111.~~ ~~112.~~ **Smithfield Zoning Board of Review.**
- 174 ~~112.~~ ~~113.~~ **Soil Erosion.**
- 175 ~~113.~~ ~~114.~~ **Soil Erosion and Sediment Control Plan.**
- 176 ~~114.~~ ~~115.~~ **Specimen Vegetation.**
- 177 ~~115.~~ ~~116.~~ **Storm Water Detention.**
- 178 ~~116.~~ ~~117.~~ **Storm Water Retention.**
- 179 ~~117.~~ ~~118.~~ **Storm Water Runoff.**
- 180 ~~118.~~ ~~119.~~ **Street.**
- 181 ~~119.~~ ~~120.~~ **Street/Highway, Arterial.**
- 182 ~~120.~~ ~~121.~~ **Street. Access to.**

- 183 ~~121.122.~~**Street. Alley.**
- 184 ~~122.123.~~**Street. Cul-de-Sac.**
- 185 ~~123.124.~~**Street, Limited Access Highway.**
- 186 ~~124.125.~~**Street. Private.**
- 187 ~~125.126.~~**Street. Public.**
- 188 ~~126.127.~~**Street. Rights-of-Way.**
- 189 ~~127.128.~~**Street. Stub.**
- 190 ~~128.129.~~**Street Classification.**
- 191 ~~129.130.~~**Structure.**
- 192 ~~130.131.~~**Structure Setback Line.**
- 193 ~~131.132.~~**Subdivider.**
- 194 ~~132.133.~~**Subdivision.** The division ~~or re-division~~, of a lot, tract or parcel of land into two or
195 more lots, tracts, or parcels. ~~Any adjustment to existing lot lines is of a recorded lot by means~~
196 ~~shall be considered a subdivision. All re-subdivision activity shall be considered a subdivision.~~
197 ~~The division of property for purposes of financing constitutes a subdivision.~~
- 198 ~~133.134.~~**Subdivision Board of Review.**
- 199 ~~134.135.~~**Subdivision Regulations.**
- 200 ~~135.136.~~**Technical Review Committee.**
- 201 ~~136.137.~~**Temporary Improvement.**
- 202 ~~137.138.~~**Topography.**
- 203 ~~138.139.~~**Town.**
- 204 ~~139.140.~~**Town Council.**
- 205 ~~140.141.~~**Town Surveyor.**
- 206 ~~141.142.~~**Through Lot.**
- 207 ~~142.143.~~**Unit.**
- 208 ~~143.144.~~**Vested Rights.**
- 209 ~~144.145.~~**Viewshed.**
- 210 ~~145.146.~~**Waiver of Requirements.**
- 211 ~~146.147.~~**Watershed.**
- 212 ~~147.148.~~**Wetlands.**
- 213 ~~148.149.~~**Width. Lot.**
- 214 ~~149.150.~~**Yard.**
- 215 ~~150.151.~~**Yard. Front.**

- 216 ~~151.152.Yard.~~
- 217 ~~152.153.Yard. Side.~~
- 218 ~~153.154.Zone of Contribution.~~
- 219 ~~154.155.Zoning Certificate.~~
- 220 ~~155.156.Zoning Board of Review.~~
- 221 ~~156.157.Zoning Map.~~
- 222 ~~157.158.Zoning Ordinance.~~
- 223 ~~158.159.Zoning Use Districts.~~
- 224

40 ~~(10) days for Major Subdivisions and Land Development Projects~~ See Section III Article D, E, I, J, K,
41 and L for specific timeframes for certification of applications.

42 3. **Modifications to Submissions.** Notwithstanding sub-sections (1) and (2) above, the Planning Board
43 may subsequently require correction of any information found to be in error and submission of additional
44 information specified in the regulations but not required by the Administrative Officer prior to
45 certification, as is necessary to make an informed decision.

46 4. **Postponements During Review Process.** Where the review is postponed with the consent of the
47 Applicant, pending further information or revision of information, the time period for review shall be
48 stayed and shall resume when the Planning Board determines that the required application information
49 is complete.

50 **ARTICLE C. ADMINISTRATIVE SUBDIVISION.**

51 1. **Submission.** Any Applicant requesting approval of a proposed Administrative Subdivision, as defined
52 in this chapter, shall submit to the Administrative Officer the items required by Checklist A as provided
53 in Section IV of these Regulations.

54 2. **Certification of Completeness.** The application shall be certified as complete or incomplete by the
55 Administrative Officer within a fifteen (15) day period from the date of its submission according to the
56 provisions of Section 45-23-36(B).

57 3. **Review Process:**

58 a. Within fifteen (15) days of Certification of Completeness, the Administrative Officer, or the
59 Technical Review Committee, shall review the application and approve, deny or refer it to the
60 Planning Board with recommendations. The Officer or Committee shall report its actions to the
61 Planning Board at its next regular meeting, to be made part of the record.

62 b. If no actions is taken by the Administrative Officer or the Technical Review Committee within
63 the fifteen (15) days, the application shall be placed on the agenda of the next regular Planning
64 Board meeting.

65 4. **Planning Board Review.** If referred to the Planning Board, the Board shall consider the application
66 and the recommendations of the Administrative Officer and/or Technical Review Committee and shall
67 either approve, approve with conditions, or deny within sixty-five (65) days of certification of
68 Completeness. Failure of the Planning Board to act within the period prescribed shall constitute
69 approval of the Administrative Subdivision plan and a certificate of the Administrative Officer as to the
70 failure of the Planning Board or Committee to act within the required time and the resulting approval
71 shall be issued on request of the Applicant.

72 5. **Determinations.**

73 a. **Denial.** Denial of an application by the Administrative Officer and/or the Technical Review
74 Committee shall not be appealable and shall require the plan to be submitted as a Minor
75 Subdivision Application.

76

77 b. **Approval.** Approval of an Administrative Subdivision shall expire ninety (90) days from the
78 date of approval unless within such period a plat in conformity with such approval is submitted
79 for signature and recording as specified in Section 45-23-64.

80 6. **Review by Technical Review Committee.** The Technical Review Committee ~~shall~~ may review ~~all~~
81 ~~applications for pre-application meetings and informal concept review~~ an Administrative Subdivision at
82 the request of the Administrative Officer or Planning Board.

83 **ARTICLE D. MINOR LAND DEVELOPMENT AND MINOR SUBDIVISION REVIEWS.**

84 1. **Review Stages.** Minor plan review ~~shall~~ consists of at least two (2) stages of review: 1) Preliminary,
85 ~~including a site visit;~~ and 2) Final; provided, that unless otherwise set forth in this section, if a street
86 creation or extension is involved, or a request for variances and/or special-use permits are submitted
87 pursuant to a unified development application, a Public Hearing before the Planning Board is required.
88 A Pre-Application Meeting pursuant to Article A of this Section may also be held at the request of either
89 the applicant and/or the Town. An Informal Concept Review meeting may also be held if requested by
90 the applicant or the Planning Board (see Section III, Article A.3). ~~The Planning Board~~ Administrative
91 Officer may combine the approval stages, providing requirements for all stages so combined have been
92 met by the Applicant to the satisfaction of the ~~planning officials~~ Administrative Officer.

93 a. Applications requesting relief from the zoning ordinance.

94 1) Applications under this section which require relief which qualifies only as a
95 modification shall proceed by filing an application under this chapter and a request for
96 a modification to the zoning enforcement officer. If such modification is granted the
97 application shall then proceed to be reviewed by the administrative officer pursuant to
98 the applicable requirements of this section. If the modification is denied or an objection
99 is received, such application shall proceed under unified development plan review.

100 2) Applications under this section which require relief from the literal provisions of the
101 zoning ordinance in the form of a variance or special use permit, shall be reviewed by
102 the [planning board] under unified development plan review, and a request for review
103 shall accompany the preliminary plan application.

104 3) Any application involving a street creation or extension shall be reviewed by the
105 Planning Board and require a public hearing.

106 b. Other applications. The administrative officer shall review and grant, grant with conditions or
107 deny all other applications under this section and may grant waivers of design standards as set
108 forth in the local regulations and zoning ordinance. The administrative officer may utilize the
109 technical review committee for initial review and recommendation. The administrative officer
110 may grant the following waivers:

111 2. **Submission Requirements.** Any Applicant requesting ~~Preliminary~~ approval of a proposed minor
112 subdivision or Minor Land Development, as defined in this chapter ~~these Regulations~~ shall submit to
113 the Administrative Officer the items required by Checklist F in Section IV of these Regulations.

114 3. **Certification.** For each applicable stage of review, t~~The~~ application shall be certified, in writing,
115 complete or incomplete by the Administrative Officer within ~~twenty-five (25)~~ fifteen (15) days of the
116 submission so long as a completed checklist of the requirements for submission are provided as a part
117 of the submission. If no street creation or extension is required, and/or unified development review is

118 not requested, and a completed checklist of the requirements for submission are provided as a part of
119 the submission, such application shall be certified, in writing, complete or incomplete by the
120 administrative officer within fifteen (15) days according to the provisions of Article B of this Section.
121 ~~An application involving street creation or extension shall be certified complete or incomplete by the~~
122 ~~Administrative Officer within twenty five (25) days, according to the provisions of Article B of this~~
123 ~~Section. The running of the time period set forth in this section will be deemed stopped upon the issuance~~
124 ~~of a certificate of incompleteness of the application by the administrative officer and will recommence~~
125 ~~upon the resubmission of a corrected application by the applicant.~~ However, in no event will the
126 administrative officer be required to certify a corrected submission as complete or incomplete less than
127 ~~ten (10)fourteen (14) days after its resubmission.~~

128 4. **Site Visit.** After preparing the Existing Resources and Site Analysis Map, and before the preliminary
129 plan is approved, the Planning Board shall schedule a site visit to the property. In order to facilitate the
130 inspection of the site, the Planning Board may require field location of all proposed roads, improvements
131 and site features consistent with the level of information required at this stage of review. The Existing
132 Resources and Site Analysis Map shall be distributed at the site visit to those Town officials in
133 attendance, if it has not been distributed earlier. It is strongly encouraged that the site visit be attended
134 by members of the Planning Board, Town officials, the applicant and/or the applicant’s representatives.
135 Owners of property within the notice area specified in Section III, Article H.2 shall also be notified by
136 the applicant and invited to attend. The site visit shall be considered a public meeting and shall be
137 conducted in accordance with the Town’s normal procedures for compliance with the State Open
138 Meetings Law. Members of the public shall be permitted to attend the site visit.

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

144 The purpose of the visit is to familiarize local officials with the property’s existing conditions and special
145 features, to identify potential site design issues, and to provide an informal opportunity to discuss site
146 design concepts, including the general layout of designed open space lands, buildings and street
147 alignments. Comments made by Town officials or their staff and consultants shall be interpreted as
148 being only suggestive. It shall be understood by all parties that no formal recommendation can be
149 offered, and no official decisions can be made at the site visit. Minutes of the site visit shall be kept in
150 accordance with Title 42, Chapter 46 of the RI General Laws entitled Open Meetings.

151 5. **Technical Review Committee.** The Technical Review Committee ~~shall~~ may review the application at
152 the request of either the Planning Board or Administrative Officer and shall comment and make
153 recommendations to the ~~Planning Board~~ permitting authority. ~~The application shall be referred to the~~
154 ~~Planning Board as a whole if there is no review by the Technical Review Committee. When reviewed~~
155 ~~by a Technical Review Committee~~

156 a. ~~If the land development or subdivision plan is approved by a majority of the Committee~~
157 ~~members, the application shall be forwarded to the Planning Board with a recommendation for~~
158 ~~Preliminary Plan approval without further review.~~

159 b. ~~If the plan is not approved by a majority vote of the Committee members, the Minor Land~~
160 ~~Development and subdivision application shall be referred to the Planning Board.~~

- 161
- 162 6. **Re-Assignment to Major Review.** The ~~Planning Board~~ permitting authority may re-assign a proposed
163 minor Project to major review only when they ~~Planning Board~~ is are unable to make the positive findings
164 required in Section II, Article B of these Regulations.
- 165 7. **Decision on Preliminary Plan.**
- 166 a. **No Street Construction or Creation or Extension and/or Unified Development Review**
167 **Involved.** If no street creation or extension and/or unified development review is required, the
168 ~~Administrative Officer~~ Planning Board ~~will~~ shall approve, deny, or approve with conditions, the
169 Preliminary Plan within sixty-five (65) days of Certification of Completeness, or within any
170 ~~such~~ further time that as is agreed to by the Applicant and the Board, ~~according to the~~
171 ~~requirements of Sections 45-23-60 and 45-23-63 of the General Laws of the State of Rhode~~
172 ~~Island (1956 as amended).~~
- 173 b. **Street Construction or Creation or Extension and/or Unified Development Review**
174 **Involved.** If a street extension or creation is required, and/or the application is review under
175 the unified development plan review, the Planning Board shall hold a Public Hearing prior to
176 approval according to the requirements in Section 45-23-42 of the General Laws of the State of
177 Rhode Island (1956 as amended) and Article H of this Section and shall approve, deny, or
178 approve with conditions, the Preliminary Plan within ninety-five (95) days of Certification of
179 Completeness, or within any specified such further time that as is agreed to by the Applicant
180 and the Board, according to the requirements of Sections 45-23-60 and 45-23-63 of the General
181 Laws of the State of Rhode Island (1956 as amended).
- 182 8. **Failure to Act.** Failure of the Planning Board or Administrative Officer to act within the period
183 prescribed ~~shall~~ constitutes approval of the Preliminary Plan and a certificate of the Administrative
184 Officer as to the failure of the Planning Board or Administrative Officer to act within the required time
185 and the resulting approval shall be issued on request of the Applicant.
- 186 9. **Final Plan.** Final plans shall be reviewed and approved ~~The Planning Board may delegate Final Plan~~
187 ~~review and approval to by~~ either the Administrative Officer or the Technical Review Committee. The
188 Officer or Committee shall report its actions, in writing to the Planning Board at its next regular meeting,
189 to be made part of the record. The Administrative Officer or Technical Review Committee shall approve,
190 deny, approve with conditions, or refer the application to the planning board based upon a finding that
191 there is a major change within twenty-five (25) days of the certificate of completeness.
- 192 10. **Expiration of Approval – “Vesting”.** Approvals of a Minor Land Development or subdivision shall
193 expire one year ~~ninety (90) days~~ from the date of approval unless within that such period, a plat or plan,
194 in conformity with such approval, and as defined in this act, is submitted for signature and recording as
195 specified in Section 45-23-64. Validity may be extended for a longer period, for cause shown, if
196 requested by the Applicant in writing, and approved by the Planning Board.

197 **ARTICLE E. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION REVIEW**
198 **STAGES**

- 199 1. Major plan review is required of all applications for land development and subdivision approval subject
200 to this chapter, unless classified as an Administrative Subdivision or as a Minor Land Development or
201 a minor subdivision.

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2. Stages of review. Major land development and major subdivision Plan review shall consist of three~~four~~ stages of review: ~~(1) Pre-Application Meeting(s); (2) (1) Master Plan, including a site visit; (3) (2) Preliminary Plan; and (4) (3) Final Plan, following the preapplication meeting(s).~~ Also required is a public informational meeting and a Public Hearing at the master plan stage of review, or if combined at the first stage of review.
3. The Administrative Officer may ~~Planning Board may vote to~~ combine review stages but only the Planning Board may ~~and~~ to modify, and/or-waive submission requirements as specified in Section 45-23-62. Review stages may be combined only after the Administrative Officer ~~Planning Board~~ determines that all necessary requirements ~~of all stages being combined~~ have been met by the Applicant or that the Planning Board has waived any submission requirements not included by the Applicant.

ARTICLE F. MAJOR LAND DEVELOPMENT AND MAJOR SUBDIVISION MASTER PLAN

1. **Submission Requirements:**
 - a. The Applicant shall first submit to the Administrative Officer the items required by the checklist ~~these Regulations~~ for Master Plans as provided by Checklist D or G for Conventional Developments in Section IV.
 - b. Requirements for the master plan and supporting material for this phase of review include, but are not limited to: information on the natural and built features of the surrounding neighborhood, existing natural and man-made conditions of the development site, including topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as well as the proposed design concept, proposed public improvements and dedications, tentative construction phasing; and potential neighborhood impacts, as required by the checklist. The purpose of the Master Plan Stage of Review is to provide the Applicant with the opportunity to present an overall plan for a proposed project site outlining general rather than detailed, development intentions. The Master Plan describes the basic parameters of a major development proposal, rather than giving full engineering details.
 - c. Initial comments shall be solicited from the following agencies, and as provided in Checklist D or G for Conventional Developments:
 - 1) ~~Local Government Departments and~~ Agencies including, but not limited to, the Planning Department, the Department of Public Works, the Fire and Police Departments, the Conservation and Recreation Commissions, Recreation Department, and appropriate sewer and water authorities;
 - 2) Adjacent Communities;
 - 3) Stage Agencies, as appropriate, including the Departments of Environmental Management and Transportation; and
 - 4) Federal Agencies, as appropriate.

The Administrative Officer shall coordinate review and comments by local officials, adjacent communities, and state and federal agencies.

- 241 d. Applications requesting relief from the zoning ordinance.
- 242 1) Applications under this chapter which require relief which qualifies only as a
243 modification under Article 10 Section 10.3 of the zoning ordinance; see § 45-24-46]
244 shall proceed by filing a master plan application under this section and a request for a
245 modification to the zoning enforcement officer. If such modification is granted, the
246 application shall then proceed to be reviewed by the planning board pursuant to the
247 applicable requirements of this section. If the modification is denied or an objection is
248 received as set forth in Article 10, Section 10.3.C of the zoning ordinance; see § 45-24-
249 46, such application shall proceed under unified development plan review pursuant to
250 Article J of these Regulations; see § 45-23-50.1.
- 251 2) Applications under this section which require relief from the literal provisions of the
252 zoning ordinance in the form of a variance or special use permit, shall be reviewed by
253 the Planning Board under unified development plan review pursuant to Article J of these
254 Regulations see § 45-23-50.1.
- 255 2. **Site Visit.** A site visit, as described in Section III, Article D.4, shall be held prior to a decision being
256 made by the Planning Board on the Master Plan application.
- 257 3. **Certification.** The application shall be certified complete or incomplete by the Administrative Officer
258 in writing within twenty-five (25) days of the submission, according to the provisions of Article B of
259 this Section and Section 45-23-36(B) of the General Laws of Rhode Island (1956 as amended). The
260 running of the time period set forth herein will be deemed stopped upon the issuance of a certificate of
261 incompleteness of the application by the administrative officer and will recommence upon the
262 resubmission of a corrected application by the applicant. However, in no event will the administrative
263 officer be required to certify a corrected submission as complete or incomplete less than ten (10) days
264 after its resubmission.
- 265 4. **Technical Review Committee.** The Technical Review Committee shall review the application prior to
266 the first Planning Board meeting and shall comment and make recommendations to the Planning Board.
- 267 5. **Public Hearing Informational Meeting.** A public hearing informational meeting shall be held prior
268 to the Planning Board decision on the Master Plan. If unless the Master Plan and Preliminary Plan
269 review stages approvals are being combined, a in which case the public hearing informational meeting
270 shall be held during the combined stage of review optional, based upon Planning Board determination.
- 271 6. **Public Notice Requirements – Public Hearing Informational Meeting.** Public Nnotice for the public
272 hearing informational meeting is required with notice in accordance with Section III, Article H of these
273 Regulations. and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of
274 general circulation within the municipality. Postcard notice shall be mailed to the Applicant and to all
275 property owners within the notice area as also required for a Public Hearing and identified in Section
276 III, Article H 2 of these Regulations.
- 277 7. **Public Hearing Informational Meeting - Presentation.** At the public hearing informational meeting
278 the Applicant shall present the proposed development Project. The Planning Board shall allow oral and
279 written comments from the general public. All public comments shall be made part of the public record
280 of the Project application.

281

282 8. **Decision.** The Planning Board shall, within ninety (90) days of Certification of Completeness, or within
283 such further amount of time that as may be consented to by the Applicant through the submission of a
284 written waiver, approve of the Master Plan as submitted, approve with changes and/or conditions, or
285 deny the application, according to the requirements of Sections 45-23-60 and 45-23-63 of the General
286 Laws of Rhode Island (1956 as amended).

287 9. **Failure to Act.** Failure of the Planning Board to act within period prescribed ~~shall constitute~~ approval
288 of the Master Plan, and a certificate of the Administrative Officer as to the failure of the Planning Board
289 to act within the required time and the resulting approval shall be issued on request of the Applicant.

290 10. **Expiration of Approval – “Vesting”.** The approved Master Plan ~~is shall be vested rights~~ for a period
291 of two (2) years, with the right to extend for two (2), one-year extensions upon written request by the
292 applicant, who must appear before the Planning Board for the annual review. Thereafter, vesting may
293 be extended for a longer period, for good cause shown, if requested by the applicant, in writing, and
294 approved by the Planning Board. Master Plan vesting shall include any applicable provisions of the
295 Zoning Ordinance that were in place at the time of approval, conceptual layout, and all conditions shown
296 on the approved Master Plan ~~and~~ drawings and supporting materials.

297 The initial four (4) year vesting for the approved Master Plan ~~shall constitute~~ the vested rights for the
298 development as required in Section 45-24-44 of the General Laws of Rhode Island (1956 as amended).
299 Developments which have been approved for phasing shall be vested in accordance with the provisions
300 of Section II, Article C-7 of these Regulations.

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- 343 3. **Technical Review Committee.** The Technical Review Committee ~~shall~~ may review the application at
344 the request of the Planning Board or the Administrative Officer prior to the first Planning Board meeting
345 and shall comment and make recommendations to the Planning Board within the time limits ~~for~~ in which
346 the Planning Board must act~~ion~~.
- 347 4. **Public Notice Hearing.** Prior to the first Planning Board meeting ~~decision~~ on the Preliminary Plan, a
348 Public Notice Hearing, shall be sent to abutters only at least fourteen (14) days before the meeting which
349 adheres to the requirements for notice described in Article H of this Section and Section 45-23-42 of the
350 General Laws of Rhode Island (1956 as amended), must be held.
- 351 5. **Acceptance of Public Improvements Guarantees.** ~~Proposed arrangements for completion of the~~
352 ~~required public improvements, including construction schedule and/or financial guarantees, shall be~~
353 ~~reviewed and approved by the Planning Board at Preliminary Plan approval. Signature and recording~~
354 ~~constitute the acceptance by the municipality of any street or other public improvement or other land~~
355 ~~intended for dedication. Final plan approval shall not impose any duty upon the municipality to maintain~~
356 ~~or improve those dedicated areas until the Town Council accepts the completed public improvements as~~
357 ~~constructed in compliance with the final plans.~~
- 358 6. **Decision.** A complete application for a major subdivision or development plan shall be approved,
359 approved with conditions, or denied, in accordance with the requirements of Sections 45-23-60 and 45-
360 23-63 within ~~ninety~~ ninety (90) days of the date when it is certified complete, or within such further
361 amount of time as may be consented to by the developer through the submission of a written waiver.
362 Provided that, the timeframe for decision is automatically extended if evidence of state permits has not
363 been provided, or otherwise waived in accordance with this section.
- 364 7. **Failure to Act.** Failure of the Planning Board to act within the period prescribed ~~shall~~ constitutes
365 approval of the Preliminary Plan and a certificate of the Administrative Officer as to the failure of the
366 Planning Board to act within the required time and the resulting approval shall be issued on request of
367 the Applicant.
- 368 8. **Expiration of Approval – “Vesting”.** The approved Preliminary Plan shall be vested for a period of
369 two (2) years with the right to extend for two (2), one-year extensions upon written request by the
370 applicant, who must appear before the planning board for each annual review and provide proof of valid
371 state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good
372 cause shown, if requested, in writing by the applicant, and approved by the planning board. The vesting
373 for the preliminary plan approval includes all general and specific conditions shown on the approved
374 preliminary plan drawings and supporting material.
- 375 9. **Validity of recorded plans.** The approved final plan, once recorded, remains valid as the approved plan
376 for the site unless and until an amendment to the plan is approved, or a new plan is approved by the
377 Planning Board.
- 378 10. **Appeal.** Decisions under this section shall be considered an appealable decision pursuant to Article E of
379 these Regulations; see § 45-23-71.

380 ARTICLE H. LAND DEVELOPMENT PROJECTS AND SUBDIVISIONS

381 PUBLIC HEARING AND NOTICE REQUIREMENTS

382 A Public Hearing shall be required for a Major Land Development Projects, ~~or a Major Subdivisions,~~ ~~or~~
383 where a street extension or creation requires a Public Hearing for a Minor Land Development Projects ~~or~~

384 Minor Subdivisions, or when an application for land development projects or subdivisions requests a
385 variance or a special use permit under unified development review.

386 1. **Notice Requirements.**

387 Where a public hearing is required pursuant to these Regulations, the following requirements shall
388 apply:

389 a. **Newspaper Advertisements.** Public notice of the hearing shall be given at least fourteen (14)
390 days prior to the date of the hearing in a newspaper of local general circulation within the Town
391 following the municipality's usual and customary practices for this kind of advertising.
392 ~~Newspaper ads shall be printed in the legal section of the classifieds or the display section of~~
393 ~~the newspaper using a type size at least as large as the normal type size used by the newspaper~~
394 ~~in its news articles and shall contain the information as specified below. The same notice shall~~
395 ~~be posted in the Town clerk's office and one other municipal building in the municipality and~~
396 ~~the municipality must make the notice accessible on their municipal home page of its website~~
397 at least fourteen (14) days prior to the hearing.

398 b. **Written Notice.** Written notice shall also be sent to the applicant and to each owner of property
399 within the Notice Area identified in this Article. Said notice shall be mailed by first class
400 ~~certified~~ mail, of the time and place of the hearing return receipt requested, not less than ten (10)
401 days prior to the date of the Hearing. Notice shall also be sent to any individual or entity holding
402 a recorded conservation or preservation restriction on the property that is the subject of the
403 application at least fourteen (14) days prior to the hearing.

404 c. **Content of Notice.** All mail and newspaper notices required by this Article shall specify the
405 following information:

406 1) Date, Time, and Place of Public Hearing.

407 2) Assessor's Lots and Lot Number(s) of the Subject Property(ies).

408 3) Street Address(es) of the Subject Property(ties), or if no address is available, the name of the
409 street(s) on which or near which the subject property is located and the distance and
410 direction from the nearest existing street intersection in tenths (0.10) of a mile.

411 4) Identification, for Interested Parties, as to where and when a copy of the plans of the
412 proposed development may be examined.

413 5) Inclusion of a statement that the proposed development that the proposed may be revised
414 by the Planning Board as a result of further study or because of the view expressed at the
415 Public Hearing.

416 2. **Notice Area.**

417 a. **Property Owners.** All property owners within 200' (two hundred feet) of the perimeter of the
418 subject parcel shall receive notice. The applicant is responsible for submitting the correct names
419 and addresses of all property owners required to be notified, and shall at a minimum, be as
420 accurate as the most current names and addresses listed by the Smithfield Tax Assessor's Office.

421 b. **Watersheds.** Additional notice within watersheds shall also be sent as required in Section 45-
422 23-53(B) and (C) of the General Laws of Rhode Island (1956 as amended).

423 c. **Adjacent Municipalities.** Notice of the Public Hearing shall be sent by the Administrative
424 Officer to the Administrative Officer of an adjacent municipality if (1) the notice area extends
425 into the adjacent municipality, or (2) the development site extends into the adjacent
426 municipality, or (3) there is a potential for significant negative impact on the adjacent
427 municipality.

428 3. **Notice Cost.** The cost of all newspaper and mailing ~~such~~ notices shall be borne by the Applicant.

429

430 **ARTICLE I. MAJOR/MINOR LAND DEVELOPMENT PROJECTS AND MAJOR/MINOR**
431 **SUBDIVISIONS**
432

433 **FINAL PLAN**

434 **1. Submission Requirements:**

- 435 1. The applicant shall submit to the Administrative Officer the items required ~~by for~~ the checklist
436 for the Final Plan (see Checklist I, Section IV, Article A of these Regulations), as well as all
437 material required by the Planning Board when the application was given preliminary approval.
- 438 2. Written Description of arrangements for completion of the required public improvements,
439 including construction schedule and/or financial guarantees.
- 440 3. Written certification by the Smithfield Tax Collector that all property taxes are current.
- 441 4. For phased Projects, the Final Plan for phases following the first phase, shall be accompanied
442 by copies of as-built drawings not previously submitted of all existing public improvements for
443 prior phases.

444 2. **Certification.** The application for Final Plan approval shall be certified complete or incomplete by the
445 Administrative Officer in writing, within ~~fifteen (15) twenty five (25) days, according to the provisions~~
446 ~~of Article B of this Section and Section 45-23-36(b) of the General Laws of Rhode Island (1956 as~~
447 ~~amended) so long as a completed checklist of requirements are provided with the submission.~~ This time
448 period may be extended to ~~twenty-five (25) forty five (45) days~~ by written notice from the administrative
449 officer to the applicant where the final plans contain changes to or elements not included in the
450 preliminary plan approval. The running of the time period set forth herein shall be deemed stopped upon
451 the issuance of a certificate of incompleteness of the application by the administrative officer and shall
452 recommence upon the resubmission of a corrected application by the applicant. However, in no event
453 shall the administrative officer be required to certify a corrected submission as complete or incomplete
454 less than ten (10) days after its resubmission. If the administrative officer certifies the application as
455 complete and does not require submission to the planning [board or commission], the final plan shall be
456 considered approved.

457

458 ~~3.~~ **Referral to the Planning Board.** If the Administrative Officer determines that an application for final
459 approval does not meet the requirements set by local regulations or by the Planning Board at Preliminary
460 approval, the Administrative Officer shall refer the Final Plans to the Planning Board for review. ~~The~~
461 ~~Planning Board shall, within forty five (45) days after the Certification of Completeness, or within such~~
462 ~~further time as may be consented to by the Applicant, approve or deny the Final Plan as submitted.~~

463 4. ~~**Failure to Act Decision.**~~ The Administrative Officer, or if referred to it, the Planning Board, shall
464 review, grant, grant with conditions, or deny the final plan approval. A decision shall be issued within
465 forty five (45) days after the Certificate of Completeness, or within a further amount of time that may
466 be consented to by the applicant, approve or deny the final plans as submitted.

467 45. ~~**Failure to Act.**~~ Failure of the ~~Planning Board~~ Administrative Officer, or if referred to it, the Planning
468 Board, to act within the period prescribed shall constitute approval of the Final Plan and a certificate
469 of the Administrative Officer as to the failure of the Planning Board or Administrative Officer to act
470 within the required time and the resulting approval shall be issued on request of the Applicant.

471 **56. Recording Expiration of Approvals.** The final approval of a major or minor subdivision or land
472 development Project ~~shall expires~~ one year from the date of approval, unless, within that period, the
473 plat or plan shall have been submitted for signature and recording as specified in Section 45-23-64 of
474 the General Laws of the State of Rhode Island (1956 as amended). The Planning Board may, for good
475 cause shown, extend the period for recording for an additional period.

476 5. **Acceptance of Public Improvements.** Signature and recording as specified in Section 45-23-64 of the
477 General Laws of the State of Rhode Island (1956 as amended) shall constitute the acceptance by the
478 Town of any street or other public or other land intended for dedication. Final Plan approval shall not
479 impose any duty upon the Town to maintain or improve those dedicated areas until the Smithfield Town
480 Council accepts the completed public improvements as constructed in compliance with the Final Plans.

481 6. **Validity of Recorded Plans.** The approved Final Plan, once recorded, ~~shall remains~~ valid as the
482 approved plan for the site unless and until an amendment to the plan is approved ~~under the procedure~~
483 ~~set forth in Section 45-23-65 of the General Laws of Rhode Island (1956 as amended)~~, or a new plan is
484 approved by the ~~Planning Board~~ permitting authority.

485

486 **ARTICLE JK. UNIFIED DEVELOPMENT REVIEW AND PRECEDENCE OF APPROVALS**
487 **BETWEEN THE PLANNING BOARD AND OTHER LOCAL PERMITTING AUTHORITIES**

488

489 1. **Zoning Board Unified Development Review.**

490

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

496

497 b. ~~Where an applicant requires both a special use permit under the Zoning Ordinance and Planning~~
498 ~~Board approval, the applicant shall first obtain an advisory recommendation from the Planning~~
499 ~~Board as well as conditional Planning Board approval for the first approval stage for the~~
500 ~~proposed project, which may be simultaneous, then obtain a conditional special use permit from~~
501 ~~the Zoning Board, and then return to the Planning Board for subsequent required approval(s).~~

502

503 a. Review of projects submitted under this section shall adhere to the procedures, timeframes and
504 standards of the underlying category of the project as listed in this section of the Regulations;
505 see § 45-23-36, but shall also include the following procedures:

506 1) Minor subdivisions and land-development projects. Except for dimensional relief

507 granted by modification, requests for variances and/or for the issuance of special-

508 use permits related to minor subdivisions and land-development projects shall be

509 submitted as part of the application materials for the preliminary plan stage of

510 review or if combined, for the first stage of reviews. A public hearing on the

511 application, including any variance and special-use permit requests that meets the

512 requirements of Article H of this section shall be held prior to consideration of the

513 preliminary plan by the Planning Board. The Planning Board shall conditionally

514 approve or deny the request(s) for the variance(s) and/or special-use permit(s)

515 before considering the preliminary plan application for the minor subdivision or

516 land-development project. Approval of the variance(s) and/or special-use permit(s)

517 shall be conditioned on approval of the final plan of the minor subdivision or land-
518 development project.

519 2) Development plan review. Except for dimensional relief granted by modification,
520 requests for relief from the literal requirements of the zoning ordinance and/or for
521 the issuance of special-use permits related to development plan review projects
522 shall be submitted as part of the application materials for first stage of review. A
523 public hearing on the application, including any variance and special-use permit
524 requests that meets the requirements of Article H of this section shall be held prior
525 to consideration of the preliminary plan by the Planning Board; see RIGL §45-23-
526 50(d)(1)(ii). The Planning Board shall conditionally approve or deny the request(s)
527 for the variance(s) and/or special-use permit(s) before considering the preliminary
528 plan application for the development plan review project. Approval of the
529 variance(s) and/or special-use permit(s) shall be conditioned on approval of the
530 final stage of review of the development plan review project.

531 3) Major subdivisions and land-development projects.

532 i. Master plan. Except for dimensional relief granted by modification,
533 requests for variances for relief from the literal requirements of the zoning
534 ordinance and/or for the issuance of a special-use permit related to major
535 subdivisions and land-development projects shall be submitted as part of
536 the application materials for the master plan stage of review, or if
537 combined, the first stage of review. A public hearing on the application,
538 including any variance and special-use permit requests that meets the
539 requirements of Article H of this section, shall be held prior to
540 consideration of the master plan by the [planning board]. The [planning
541 board] shall conditionally approve or deny the requests for the variance(s)
542 and/or special-use permit(s) before considering the master plan application
543 for the major subdivision or land-development project. Approval of the
544 variance(s) and/or special-use permit(s) shall be conditioned on approval
545 of the final plan of the major subdivision or land-development project.

546

547 ii. Preliminary plan. During the preliminary plan stage of review, applicants
548 shall have the ability to request alteration of any variance(s) and/or special-
549 use permit(s) granted by the Planning Board during the master plan stage
550 of review, and/or to request new variance(s) and/or special-use permit(s),
551 based on the outcomes of the more detailed planning and design necessary
552 for the preliminary plan. If necessary, the applicant shall submit such
553 requests and all supporting documentation along with the preliminary plan
554 application materials. If the applicant requests new or additional zoning
555 relief at this stage a public hearing on the application, that meets the
556 requirements of Article H of this section, shall be held prior to
557 consideration of the preliminary plan by the Planning Board. The Planning
558 Board shall conditionally approve, amend, or deny the requests for
559 alteration(s), new variance(s) and/or new special-use permit(s), before
560 considering the preliminary plan application for the major subdivision or

561 land-development project. Approval of the alteration(s), new variance(s),
562 and/or new special-use permit(s) shall be conditioned on approval of the
563 final plan of the major subdivision or land-development project. If the
564 Planning Board denies the request for alteration(s), new variance(s), and/or
565 new special-use permit(s), the Planning Board shall have the option of
566 remanding the application back to the master plan stage of review.
567 Alternatively, if the Planning Board denies the request for alteration(s),
568 new variance(s), and/or new special-use permit(s), the applicant may
569 consent to an extension of the decision period mandated by Article G,
570 Section 6 of these Regulations so that additional information can be
571 provided and reviewed by the Planning Board.

572 4) Decision. The time periods by which the Planning Board must approve or deny
573 applications for variances and special-use permits under the unified development
574 review provisions of the local regulations shall be the same as the time periods by
575 which the Planning Board must make a decision on the applicable review stage of
576 the category of project under review.

577 5) The expirations period of an approval of a variance or special use permit granted
578 under this section shall be the same as those set forth in these Regulations for the
579 underlying type of project under review.

580 6) Decisions under this section, including requests for the variance(s) and/or special-
581 use permits that are denied by the Planning Board may be appealed pursuant to
582 Section VIII of these Regulations, see RIGL §45-23-71.

583
584 **2. Town Council.**
585

586 a. Where an applicant requires both Planning Board approval and Town Council approval for a
587 Zoning Ordinance or Zoning Map change, the applicant shall first obtain an advisory
588 recommendation on the zoning change from the Planning Board as well as conditional Planning
589 Board approval for the first approval stage for the proposed project, which may be simultaneous,
590 then obtain a conditional zoning change from the Town Council, and then return to the Planning
591 Board for subsequent required approval(s).
592

593 **ARTICLE ~~KL~~. RECORDING OF PLATS AND PLANS**
594

595 **1. Signing of Approved Plats and Plans for Recording.**
596

597 All approved final plans and plats for land development and subdivision projects shall be signed and
598 dated by the appropriate Planning Board or Town Official as an indication of final approval. Plats and
599 plans for major land developments and major subdivisions, and for minor land developments and
600 minor subdivisions, shall be signed and dated by the Planning Board Chairperson. Plats and plans for
601 Administrative Subdivisions shall be signed by the Administrative Officer or his/her designee.
602

603 No plans or plats shall be signed until the following has occurred:

604
605 a. the Administrative Officer has certified in writing that all of the required improvements have
606 made, or

607
608 b. the Finance Director has certified in writing that the acceptable improvement guarantees have
609 been received in accordance with the provisions hereof.

610
611 **2. Recording.**

612
613 a. **Certification by Administrative Officer.** Upon signature, all plans and plats shall be
614 submitted to the Administrative Officer prior to recording and filing in the Land Evidence
615 Records of the Town. The material to be recorded for all plans and plats shall include all
616 pertinent plans with notes thereon concerning all aspects of the approved project design, the al
617 conditions placed on the development by the municipality, permits and agreements with state
618 and federal reviewing agencies, and other information as required by the Planning Board. No
619 plans, plats, or supporting materials shall be recorded until the Administrative Officer has
620 certified, in writing, that all required fees have been paid.

621
622 b. **Additional Permanent Record.** Other parts of the applications record for subdivisions and
623 land development projects, including all meeting records, approved master plan and preliminary
624 plans, site analyses, impact analyses, all legal agreements, records of the public hearing, and the
625 entire final approval set of drawings shall be kept permanently by the Town departments
626 responsible for implementation and enforcement. One (1) copy shall be kept on file by the
627 Planning Department.

628
629 c. **Permanent Construction Drawings.** Construction drawings need not be recorded. A
630 complete set of blue line or photocopy set of construction drawings, however, including street
631 plans and profiles, cross-sections, grading plans, and any other construction plans, details and
632 specifications required as a condition of approval shall be filed with the Administrative Officer
633 prior to the recording of the development. One (1) copy of all construction drawings shall be
634 kept by the Department of Public Works.

635
636 d. **Notification to E-911.** The Administrative Officer shall notify the statewide “911” emergency
637 authority and the local police and fire authorities servicing the new development with the
638 information required by each of the authorities.

639

640 **ARTICLE ~~LM~~. MODIFICATIONS AND CHANGES TO RECORDED PLATS AND**
641 **PLANS.**

642 **1. General.**

643 For all changes to the approved plans of land development projects or subdivisions subject to these
644 Regulations, an amendment of the final development plans is required prior to the issuance of any
645 building permits upon the subject property. Any changes approved to the final plan shall be recorded
646 as amendments to the to the final plan in accordance with the procedure established for recording of
647 plats in Article K of this section.

648 **2. Minor Changes.**

649 Minor changes to ~~the plans a land development or subdivision plan may be approved at any stage~~
650 of review may be approved administratively by the Administrative Officer. ~~The Such~~ changes may
651 be authorized without additional ~~public~~ public hearings, to the extent applicable, at the discretion of
652 the Administrative Officer ~~without review and approval by the Planning Board and without a Public~~
653 Hearing thereon. All such changes shall be made part of the permanent record of the project

654 application. This provision shall not prohibit the Administrative Officer from requesting a
655 recommendation from either the Technical Review Committee or the Planning Board. Denial of
656 the proposed change(s) ~~by the Administrative Officer~~ shall be referred to the Planning Board for
657 review as a major change ~~according to the procedure identified below. Upon written authorization~~
658 ~~of the approval of a minor change by the Administrative Officer, the Building Official may issue a~~
659 ~~building permit for any proposed construction upon the subject property. Any proposed change to~~
660 ~~an approved plan, that is not considered a minor change by the Administrative Officer shall be~~
661 ~~considered a major change.~~

662 For the purpose of these Regulations, the term "Minor Changes" shall mean any change which, in
663 the opinion of the Administrative Officer, is consistent with the intent of the original approval. Such
664 minor changes ~~shall~~ include, but are not necessarily limited to the following:

- 665 a. **Amendments to utility plans** which are acceptable to the Town Manager or to the appropriate
666 utility company;
- 667 b. **Lot line revisions** which can be reviewed and approved as an administrative subdivision
668 according to the provisions hereof;
- 669 c. **Amendments to grading plans or drainage plans** which are acceptable to the Municipal
670 Engineer and Director of Public Works and which do not require approval of any state or
671 federal reviewing authorities;
- 672 d. **Amendments to construction plans** which are required because of unforeseen physical
673 conditions on the parcel being subdivided;
- 674 e. **Modifications to any construction plans for off-site improvements** which are acceptable to
675 the Municipal Engineer and Director of Public Works;
- 676 f. **Minor Modifications which are required by the outside permitting agencies**, such as the
677 Department of Environmental Management, the Coast Resources Management Council, and
678 the Department of Transportation.

679 **3. Major Changes.**

680 Major changes to ~~the land development or subdivision plans~~ may be approved at any stage may be
681 amended only by the Planning Board and must. ~~The procedure for approval of any such major change~~
682 ~~shall follow the same Review and Public Hearing Process required for approval of preliminary plans,~~
683 which shall include a public hearing if originally required as part of the application approval to a major
684 ~~land development and major subdivision as provided herein.~~

685 For the purpose of these Regulations, the term "Major Changes" shall mean changes which in the opinion
686 of the Administrative Officer, are contrary to the intent of the original approval. ~~Such M~~major changes
687 ~~shall~~ include, but are not necessarily limited to the following:

- 688 a. **Additional Lot Creation.** Changes which would have the effect of creating additional lots or
689 dwelling units for development;
- 690 b. **Contrary to Zoning Ordinance.** Changes which would be contrary to any applicable provision
691 of the Zoning Ordinance or which require a variance or special use permit from the Zoning Board
692 of Review; or,

693 c. **Negative Impacts in Project Vicinity.** Changes which may have negative impacts on abutting
694 property or property in the vicinity of the proposed subdivision or land development project.

695 4. **Rescission Procedure.**

696 The Planning Board, only upon application by all landowners of the plat to be affected, may determine
697 that the application for plat rescission is not consistent with the Comprehensive Community Plan and is
698 not in compliance with the standards and provisions of the Zoning Ordinance and/or Land Development
699 and Subdivision Review Regulations and shall hold a Public Hearing, which adheres to the requirements
700 for notice described in Section 45-23-42 of the Rhode Island General Laws (1956, as amended). The
701 Planning Board shall approve, approve with conditions of modifications, or deny the application for
702 rescission of the plat according to the requirements of Section 45-23-63 of the Rhode Island General
703 Laws (1956, as amended). If it is necessary to abandon any street covered under Chapter 6 of Title 24
704 of the Rhode Island General Laws (1956, as amended), the Planning Board shall submit to the Town
705 Council the documents necessary for the abandonment process. Once the required process for rescission
706 or for rescission and abandonment has been completed, the revised plat shall be signed and recorded as
707 specified in Section 45-23-64.

708 **ARTICLE ~~MN~~. REINSTATEMENT OF APPLICATION.**

709 a. When an applicant has exceeded a deadline established by these Regulations for submission of
710 material for a subdivision or land development, thereby rendering a previously granted approval
711 invalid, the application may be reinstated by the Planning Board under the following conditions:

712 1) The subdivision or land development project is consistent with the Comprehensive Community
713 Plan;

714 2) The Land Development and Subdivision Review Regulations are substantially the same as they
715 were at the time of original approval;

716 3) The zoning of the development parcel is substantially the same as it was at the time of original
717 approval.

718 4) Physical conditions on the development parcel are substantially the same as they were at the
719 time of original approval.

720 b. Application for reinstatement of a previously approved development shall be made to the
721 Planning Board in writing by the developer. The Planning Board, in approving or denying the
722 request for an extension, shall make findings of fact which shall be made part of the record.
723
724

39 d. The Administrative Officer may combine the stages of review for formal development plan
40 review, providing that the submission requirements of both stages of review are met by the
41 applicant to the satisfaction of the Administrative Officer.

42 2. Waivers

43 a. Requirements for development plan approval may be waived where there is a change in use
44 or occupancy and no extensive construction of improvements is sought. The waiver may be
45 granted only by a decision by the permitting authority identified in this article, finding that
46 the use will not affect existing drainage, circulation, relationship of buildings to each other,
47 landscaping, buffering, lighting and other considerations of development plan approval, and
48 that the existing facilities do not require upgraded or additional site improvements.

49 b. The application for a waiver of development plan approval review shall include
50 documentation on prior use of the site, the proposed use, and its impact.

51 c. The permitting authority may grant waivers of design standards.

52 3. Application requesting relief from the zoning ordinance.

53 a. Applications under this article which require relief which qualifies only as a modification
54 shall proceed by filing an application and a request for a modification to the zoning
55 enforcement officer. If such modification is granted the application shall then proceed to be
56 reviewed by the designated permitting authority as determined in this article. If the
57 modification is denied or an objection is received as set forth in Section 10.3 of the zoning
58 ordinance, such application shall proceed under unified development review and be
59 reviewed by the Planning Board.

60 b. Applications under this section which require relief from the literal provisions of the zoning
61 ordinance in the form of a variance or special use permit, shall be reviewed by the Planning
62 Board under unified development review, and a request for review shall accompany the
63 preliminary plan application.

64 4. Submission requirements.

65 a. Any applicant requesting approval of a proposed development under this chapter, shall
66 submit to the administrative officer the items required by the checklist.

67 b. Requests for relief from the literal requirements of the zoning ordinance and/or for the
68 issuance of special-use permits or use variances related to projects qualifying for
69 development plan review shall be submitted and reviewed under unified development
70 review.

71 5. Certification.

72 a. The application shall be certified, in writing, complete or incomplete by the Administrative
73 Officer within twenty-five (25) days. If no street creation or extension is required, and/or
74 unified development review is not required, the application shall be certified complete or
75 incomplete by the Administrative Officer within fifteen (15) days.

76 b. The running of the time period set forth in this section will be deemed stopped upon the
77 issuance of a written certificate of incompleteness of the application by the Administrative
78 Officer and will recommence upon the resubmission of a corrected application by the
79 applicant. However, in no event will the Administrative Officer be required to certify a
80 corrected submission as complete or incomplete less than ten (10) days after its
81 resubmission.

- 82 c. If the Administrative Officer certifies the application as incomplete, the officer shall set
83 forth in writing with specificity the missing or incomplete items.
- 84 6. Application review and decision
- 85 a. Administrative development plan review. An application shall be approved, denied, or
86 approved with conditions within twenty-five (25) days of the certificate of completeness or
87 within any further time that is agreed to in writing by the applicant and Administrative
88 Officer.
- 89 b. Formal development plan review.
- 90 1) Preliminary plan. Unless the application is reviewed under unified development
91 review, the Planning Board will approve, deny, or approve with conditions, the
92 preliminary plan within sixty-five (65) days of certification of completeness, or
93 within any further time that is agreed to by the applicant and the Planning Board.
- 94 2) Final Plan. For formal development plan approval, the Planning Board shall
95 delegate final plan review and approval to the Administrative Officer. The
96 Administrative Officer will report its actions in writing to the Planning Board at its
97 next regular meeting, to be made part of the record. Final plan shall be approved or
98 denied within forty-five (45) days after the certification of completeness, or within
99 a further amount of time that may be consented to by the applicant, in writing.
- 100 c. Failure to act. Failure of the Planning Board to act within the period prescribed constitutes
101 approval of the preliminary plan and a certificate of the Administrative Officer as to the
102 failure to act within the required time and the resulting approval shall be issued on request
103 of the application.
- 104 d. Vested rights. Approval of development plan review shall expire two (2) years from the
105 date of approval unless, within that period, a plat or plan, in conformity with approval, and
106 as defined in this act, is submitted for signature and recording. Validity may be extended
107 for an additional period upon application to the administrative officer or permitting
108 authority, whichever entity approved the application, upon a showing of good cause.
- 109 e. Modifications and changes to plans.
- 110 1) All modifications and changes to development plan review applications at any stage
111 are subject to the requirements of Article M of this Section.
- 112 f. Appeal. A decision under this section shall be considered an appealable decision.
- 113 g. Design Standards. Standards for design of development for applications subject to
114 development plan review are provided in Article V of these Regulations.
- 115