

**Article IX DEVELOPMENT PLAN REVIEW**

This Article is hereby cross-referenced and subject to the review procedure, fee structure, requirements, and standards necessary for proper review as established in the West Greenwich Land Development and Subdivision Regulations, which is provided for by the RI Land Development and Subdivision Review Enabling Act of 1992. The requirements of the Physical Design Requirements and Public Improvement Standards section of the Land Development and Subdivision Regulations are herein incorporated.

No building permit may be issued for any building within the purview of this Ordinance, except in conformance with an approved Development Plan. No certificate of occupancy may be issued for any building or use of land within the purview of this Ordinance unless the building is constructed or used, or the land is developed or used in conformity with an approved site development plan. Every application for site development plan review shall be accompanied by a certification by the West Greenwich Planning Board to the effect that the said plan meets all the specific applicable requirements of this Ordinance, and a certificate that the plan meets all the applicable standards and requirements established or approved by that Board.

As part of the Development Plan Review process, the Planning Board may request opinions and technical review by Federal and State agencies as they deem appropriate. Referrals shall also be made to the Conservation Commission, Highway Department and other local agencies as needed. Site development plan approval by the Planning Board shall be required in all districts for:

- a) The erection, enlargement or change of use of any building or other structure, other than single family dwellings. Any variance, special exception or re-zoning for a use other than single family residential shall be referred by the Zoning Board of Review or the Town Council to the Planning Board for the Planning Board's review and recommendation as to the adequacy of the site plan;
- b) All uses of open land for which a certificate of occupancy is required; and
- c) Any amendment of a previously approved site plan.

SECTION 1. General Criteria and Standards

In addition to the Land Development and Subdivision Regulation requirements, the following criteria and standards shall be used by the Planning Board in reviewing applications for development plan approval. They are intended to provide a framework within which the designer of the site development is free to exercise creativity, invention and innovation. Participation by the Planning Board shall be restricted to reasonable, professional review and, except as otherwise provided in the following subsections, full responsibility for design shall be retained by the applicant.

A. Ecological Considerations - The development shall:

1. Result in minimal degradation of unique or irreplaceable land types; minimal adverse impact upon the critical areas such as streams, wetlands, areas of aquifer recharge and discharge, steep slopes, highly erodible soils; areas with a high water table, mature stands of vegetation and extraordinary wildlife nesting, feeding or breeding grounds.
2. Conform with existing geological and topographic features, so that the most appropriate use of land is encouraged.

B. Landscape - The landscape shall be preserved in its natural state, insofar as environmentally desirable, by minimizing tree and soil removal. If development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. A minimum of 15% of all sites shall be landscaped. Refer to the West Greenwich Land Development and Subdivision Regulations for specific requirements.

C. Relationship of Proposed Structures to Environment - Proposed structures shall be related harmoniously to each other, the terrain, existing buildings, and roads in the vicinity that have a visual relationship to the proposed structures.

Proposed structures shall be so sited as to minimize adverse impact upon the surrounding area, and particularly upon any nearby residences, by reason of:

1. Building location, height, bulk and shadows:

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2. Location, intensity, direction and times of use of outdoor lighting;
3. Traffic generation, noise generation and pollution;
4. Likelihood of nuisances; and
5. Other similar considerations.

Appropriate natural or artificial screening may be required to minimize any such adverse impact.

- D. Scenic, Historic, Archaeological Landmark Sites - Scenic, historical, archaeological landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected. In proposed developments where such sites have been identified, advisory opinions shall be sought from appropriate State and local agencies.
- E. Surface Water Drainage - A proposed development shall be designed so as to provide for proper surface water management through a system of controlled drainage that:
1. Preserves existing natural drainage patterns and wetlands;
  2. Enhances groundwater recharge areas; and
  3. Protects other properties and existing natural and artificial drainage features from the adverse effects of flooding, erosion and the depositing of silt, gravel or stone.
- F. Driveway Connection to Public Streets - All entrance and exit driveways to public streets shall be located with due consideration for traffic flow and so as to afford maximum safety to traffic on the public streets. Roadway design shall conform to Town and State of Rhode Island Department of Transportation standards (Standard Specifications for Road and Bridge Construction), as appropriate. All such entrances and exits shall be located and designed to:
1. Conform with municipal sight requirements at corner and in accordance with the Rhode Island Department of Transportation, standards;
  2. Achieve maximum practicable distance from street intersections, from existing and proposed access connections from adjacent properties;

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3. Minimize left-hand turns and other turning movements;  
and
  4. Discourage the routing of vehicular traffic to and  
through local residential streets.
  5. Each lot shall be limited to one driveway per street  
frontage, and any lots created from the original lot  
shall be served by the single common driveway or curb  
opening. A second curb cut may be approved by the  
Planning Board as part of the plan approval, if the  
Board finds that the additional curb cut is necessary  
and would improve traffic flow on the main road, or is  
otherwise required by the Fire Chief for that district  
for emergency access.
  6. It is encouraged, and the Planning Board may require,  
that internal driveway and/or pedestrian connections are  
made between abutting commercial sites.
  7. To the extent feasible, access to business shall be  
provided via one of the following:
    - i. Access via a common driveway serving adjacent lots  
or premises;
    - ii. Access via an existing side street where deemed  
appropriate;
    - iii. Access via a cul-de-sac or loop road shared by  
adjacent premises
- G. Traffic Effects - The site development proposal generally  
shall minimize adverse traffic effects on the road networks  
serving the area in question. A traffic study may be required  
to document the existing conditions and the potential impacts  
of the proposed development.
- H. Pedestrian Safety - Pedestrian and bicycle circulation shall  
be separated from motor vehicle circulation. Safe and  
convenient pedestrian circulation, including sidewalks, where  
appropriate, shall be provided on the site and its  
approaches. The pedestrian circulation plan shall be  
designed to minimize potential conflicts between vehicles,  
bicycles and pedestrians.
- I. On-Site Parking and Circulation - The location, width and  
layout of interior drives shall be appropriate for the  
proposed interior circulation. Location and layout of  
accessory off-street parking and loading spaces shall provide  
for efficient circulation and the safety of pedestrians and  
vehicles.

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Landscaped areas within parking lots shall occupy a minimum of ten percent (10%) of the total parking area with fifty percent (50%) of the landscaping distributed throughout the parking area itself. Trees, shrubbery and other landscaping features shall be of a species and size necessary to provide for shade and for screening of unsightly or highly trafficked areas from public rights-of-way or adjacent uses. Additional perimeter screening and other buffer areas may be required.

The location of parking areas shall not detract from the design of proposed buildings and structures or from the appearance of the existing neighboring buildings, structures and landscape. Provision shall be made for access by police, fire and emergency vehicles.

Buffers and perimeter landscaping requirements are as specified in the Physical Design Requirements and Public Improvement Standards section of the Land Development and Subdivision Regulations.

- J. Utility Services - Electric, telephone, other wire-served utility lines and service connections shall be underground insofar as feasible and subject to State public utilities regulations. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and to the site.

SECTION 2. Submission Fees and Procedures

- A. Fees - refer to the Land Development and Subdivision Regulations for applicable fees
- B. Required Submissions - Refer to the Land Development and Subdivision Regulations for submission requirements and review procedure.

SECTION 3. Additional Submissions

Where, due to special conditions peculiar to a site, or the size, nature, or complexity of the proposed use or development of land or buildings, the Planning Board finds that additional information is necessary for proper review of the site plan, the Board may request additional pertinent information including:

- A. A survey of the subject property having an error of closure not in excess of one in twenty five thousand (1 in 25,000), indicating all lengths in feet and decimals of a foot, and

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- all angles to the nearest ten (10) seconds, or closer if deemed necessary by the surveyor.
- B. A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
  - C. All proposed lots, easements, and public areas. All proposed streets with:
    - 1. Profiles indicating grading.
    - 2. Cross-sections showing width of roadway, location and width of sidewalk; and
    - 3. Location and size of utility lines, according to the standards and specifications established or approved by the Town of West Greenwich.
  - D. A copy of the reports of any environmental analysis performed on the development site which relates to the existence of hazardous substances.
  - E. An erosion and sedimentation control plan.
  - F. Environmental analysis reports of existing conditions and potential impacts.
  - G. Groundwater Studies.

SECTION 4. Exceptions

For minor site development plans, or in other appropriate circumstances, the Planning Board may waive the provision of any items of information listed herein.

SECTION 5. Duties of Planning Board

In reviewing the development plan, the Planning Board shall take into consideration the West Greenwich Comprehensive Community Plan, the public health, safety and general welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and shall set any appropriate conditions and safeguards in harmony with the general purpose and intent of these regulations, and according to the general criteria and standards set forth herein.

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SECTION 6. Planning Board Initiative

The Planning Board may, on its own initiative, propose a general or specific site plan for a particular area where site development plan approval may be required in the future, using as a guide the requirements of this Local Law and the Comprehensive Community Plan.

SECTION 7. Compliance/Penalties

As noted in the Land Development and Subdivision Regulations.

The applicant shall be required to post performance bonds in sufficient amounts and duration to assure that all provisions of the approved development plan are in compliance, and/or shall be required to complete all improvements prior to issuance of a Certificate of Occupancy. A performance bond must remain in effect in accordance with the provisions of the Land Development and Subdivision Regulations.

SECTION 8. Expiration

A development plan shall be void if a Building Permit is not issued within two (2) years of the date of the final plan approval, except that such development plan approval may be renewed by the Planning Board at their direction.