

Public Notice
Proposed Amendment to
New Shoreham Zoning Ordinance Section 704

On Monday April 6, 2015 the New Shoreham Town Council will hold a public hearing at 7:00 p.m. at Town Hall, Old Town Road, Block Island to consider amendments to the Town of New Shoreham Zoning Ordinance Section 704 “Development Plan Review.” Language to be removed is stricken through below, language to be added is in bold italics. The proposed ordinance may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

Article 7 – Section 704 - Development Plan Review

A. Purpose: The purpose of Development Plan Review is to insure that designated categories of development are comprehensively reviewed in order that development impact may be evaluated in light of the Town's need to protect its natural, social, and cultural environment in accordance with the Comprehensive Plan and in order that adverse development impacts may be minimized. ~~Conditions imposed by Development Plan approval of development requiring either Zoning Board of Review approval or Town Council approval shall be mandatory, rather than advisory to the permitting authority.~~

B. Development Plan Review Required:

1. Any uses or facilities, requiring Development Plan Review under this Ordinance, other than permitted uses or facilities, shall be subject to development plan review conducted by the Planning Board prior to the hearing of the permitting authority. Such review shall be advisory to the permitting authority. If the permitting authority is required by this Ordinance, or by any other applicable provision of law, to conduct a public hearing on said application within a prescribed period of time, the permitting authority shall not close the public hearing and shall not act upon the application until such time as development plan review has been completed and a recommendation has been received from the Planning Board.

2. Requirements of Development Plan Review, as required under this Ordinance for permitted uses or facilities shall be mandatory and not advisory.

34. Development Plan Review is required for all uses requiring a Special Use Permit, except Special Use Permits associated with single-family residential development, provided however that such development is not considered a Secondary Dwelling Development under the provisions of Section 403, or meets any of the thresholds measuring building size and/or site disturbance within the RA and RB Zones under the provisions of Section 406, for which Development Plan Review is required. (Amended July 2, 2007) (Amended October 6, 2008)

42. Development Plan Review is required for the following uses in the RC/M Zone, M Zone, OHC Zone, NHC Zone and SC Zone:

- a. All development involving a change in the use of a structure, other than a change of use to single-family residential use, where dimensional standards are more restrictive, or parking requirements are greater, than those of the prior use; (Amended July 6, 2009)
 - b. All new commercial uses of 2000 square feet or more of interior space or any new, increased or changed use involving a thirty percent (30%) increase in interior space, and/or; (Amended July 6, 2009)
 - c. Commercial/Residential Mixed Use under the provisions of Section 411 (allowed by Special Use Permit in the RC/M and M Zones and by right in the OHC, NHC and SC Zones). (Amended July 6, 2009)
53. For applications involving a change of use but no exterior construction or improvements, the Planning Board may waive Development Plan Review upon the following findings:
- a. That the proposed use will not adversely affect existing drainage, pedestrian or vehicular circulation, relationship of buildings to each other, landscaping, buffering, lighting, or other considerations of Development Plan approval; and
 - b. That the existing facilities do not require upgraded or additional site improvements.
- C. Submittal Requirements: An application for Development Plan approval, in addition to any other relevant information the Planning Board may request, shall include the following, unless specifically exempted by the Planning Board:
- 1. A list of the names and addresses of all property owners within two hundred (200) feet of all property lines of the subject property.
 - 2. A copy of all Variances, Modifications and/or Special Use Permit approvals attached to the property.
 - 3. All materials required in support of the Special Use Permit Application, *if applicable*. ~~revised to reflect that decision, including any conditions or stipulations imposed.~~ ***Submittal items waived by the Zoning Board may be required by the Planning Board if deemed necessary.***
 - 4. Information regarding provisions for emergency access, as required at Section 501(A)(2).
 - 5. Materials indicating soil type and groundwater conditions, and documenting suitability as required at Section 501(A)(3).
 - 6. Drainage analysis documenting compliance with the requirements of Section 501(A)(4).
 - 7. Nutrient loading analysis, documenting compliance with the requirements of Section 501(A)(6).
 - 8. An erosion control plan, consistent with the requirements of Section 501(A)(7).
- D. Procedure: Development Plan Review shall be conducted by the Planning Board consistent

with this Ordinance.

1. **Pre-Application Meeting**: An applicant may request a pre-application meeting with the Planning Board, which may be held at any regular or special meeting of the Board or at any work session where the item has been legally posted. Pre-application meetings shall allow the applicant to meet with the Planning Board at an early stage in planning for comment on the proposal and advice as to the procedure to be followed. The purpose is to promote an early and mutual exchange of ideas and an understanding between the applicant and the Planning Board of what is, and can be, expected. Where appropriate and when timely requested Town officials, boards, commissions, staff and state agencies shall be notified and invited to attend and/or to provide comments.
2. **Application**: All application materials must be received at least twenty-one (21) days prior to the regular meeting of the Planning Board in order for such hearing to be scheduled.
34. **Waiver Request**: In the event that the applicant has requested a waiver of any submittal requirements in Subsection C above, the Planning Board shall review the application and make a ruling on the request for any waiver(s). If all requested waivers are granted, the Planning Board will schedule a public hearing for the next regular meeting. If any requested waiver is denied by the Planning Board, meaning the Planning Board has indicated that such material shall be required for application, the application may proceed only upon receipt of such material.
43. **Public Hearing**: Upon submission of all required application materials to the Planning Board, including all Submittal Requirements in Subsection C above, and all necessary zoning approvals, the Planning Board shall schedule and hold a public hearing. Such hearing shall be noticed and advertised pursuant to Section 702(B), Notice Requirements, except that notice may be sent by regular, First Class mail.
 - a5. At the public hearing, opportunity shall be given to all interested persons to be heard on the proposal.
 - b6. The public hearing may be kept open for up to three (3) months at the request of the Planning Board or the applicant to receive additional information, or for revisions to the development plan to be made.
57. The Planning Board shall review the proposal in terms of the standards set forth in Section 501 Development Plan Review Standards, as well as the purposes and goals set forth in the Comprehensive Plan and this Ordinance.
68. Within forty-five (45) days of the close of the public hearing, the Planning Board shall deliberate at a meeting open to the public, and shall approve, conditionally approve, or deny the Development Plan proposal. The objective of the Development Plan Review process is to develop a proposal which will meet or promote the goals and standards of the Comprehensive Plan and this Ordinance. Every effort shall be made to that end.
79. Decisions of the Planning Board ***that are not advisory only*** may be appealed to the Zoning Board of Review pursuant to Section 709 – Appeals.

810. Project Review Prior to Issuance of Certificate of Occupancy: Any project that has received *a mandatory Development Plan Review* approval from the Planning Board under the provisions of this Section shall require review and approval of as-built plans or project improvements by the Town Technical Review Committee (TRC) established under the provisions of the Town of New Shoreham Subdivision Regulations, prior to the issuance of a certificate of occupancy (CO) by the Building Official. The TRC may refer such review to the full Planning Board for their determination if desired, or if required by the Board as a condition of approval of the development plans. The Building Official shall not issue the CO until the TRC and/or Planning Board have notified the Building Official in writing that all improvements and conditions required for approval of the development plans have been met. (Amended July 6, 2009)

E. Waiver of Development Plan Review:

1. Applicants seeking a waiver of Development Plan Review, pursuant to Section 704(B)(2), shall submit a request to the Planning Board with sufficient supporting material to convince the Board that formal Review is not required. The Board may ask for any additional information from the requirements of Sections 704(C) which it feels is necessary to decide on the request, including a site plan showing arrangement of the existing use and proposed use.
2. The Planning Board may grant a waiver at any regular Planning Board meeting or at any other Planning Board meeting or work session at which at least four (4) Board members are present and notice of which has been duly posted.
3. A waiver of Development Plan Review, if granted by the Planning Board, shall be binding on all Town officials, departments, boards and commissions, provided such official, department, board or commission has been notified and has submitted written comments on the application to the Planning Board prior to the granting of the waiver. ~~Notwithstanding a waiver, the Zoning Board of Review and Historic District Commission may refer applicants to Development Plan Review to implement their decisions.~~

F. Consolidation of Proceedings: An applicant whose proposal requires both a Special Use Permit and Development Plan Review may request that the Planning Board's consideration of the Special Use Permit application for an advisory to the Zoning Board of Review, pursuant to Section 703(D)(2), and the Planning Board's Development Plan Review, take place at the same time. Such a request shall be made in writing at the time the application is made for the Special Use Permit. ~~However, if the Zoning Board of Review imposes site plan conditions on the Special Use Permit that are inconsistent with the Development Plan Approval, an additional Planning Board hearing will be necessary to amend the approval previously granted.~~

(Section Amended July 7, 1997)

Notice of Hearing Posted: March 16, 2015
Public Hearing: April 6, 2015
Fiona Fitzpatrick,
Town Clerk