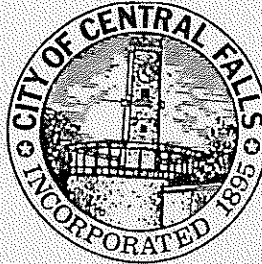


CITY OF CENTRAL FALLS, RI  
LAND DEVELOPMENT  
and  
SUBDIVISION REVIEW REGULATIONS

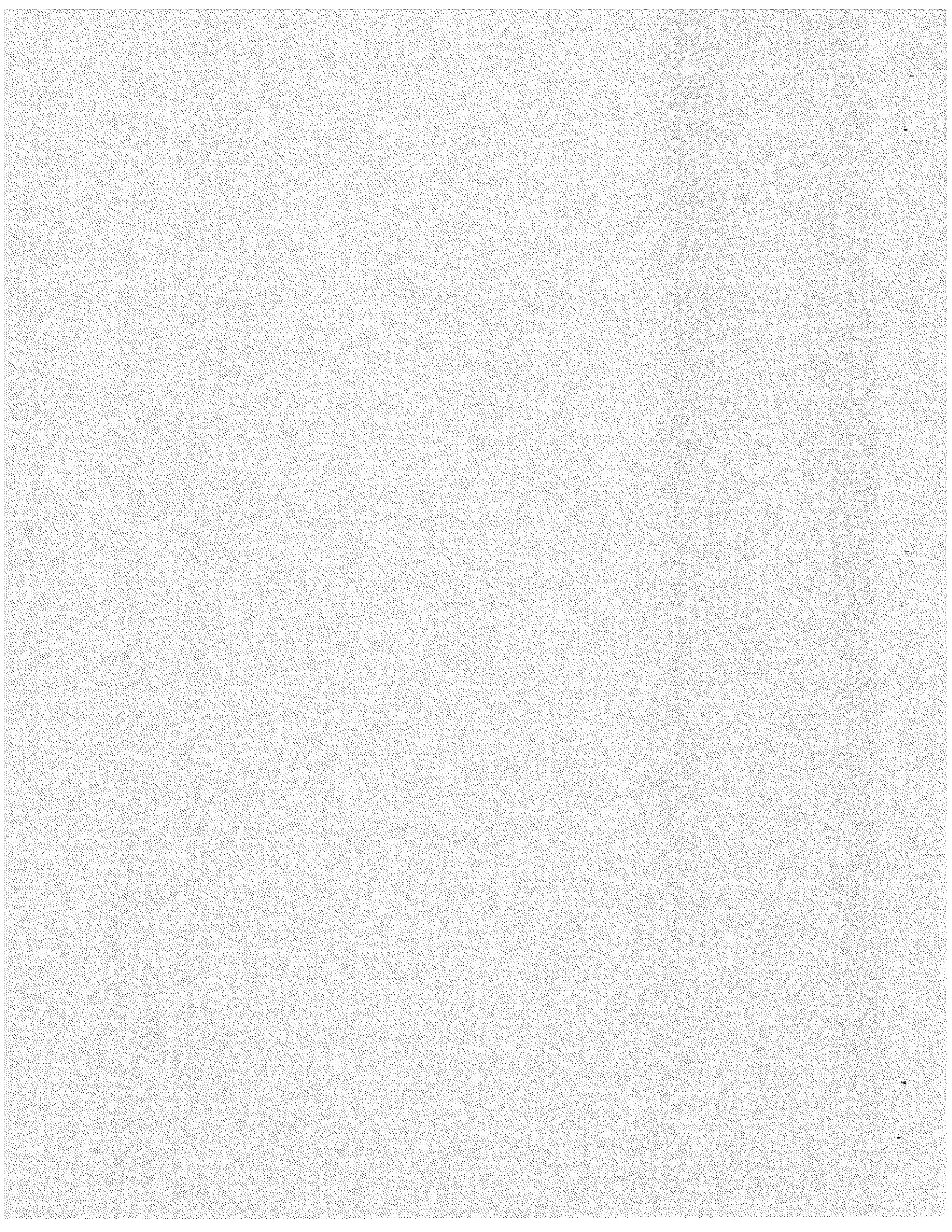


CITY OF CENTRAL FALLS  
PLANNING COMMISSION

**MAYOR CHARLES D. MOREAU  
ARTHUR L. HANSON, JR. DIRECTOR**

**Adopted March 10, 2009**

**Prepared by:  
Office of Planning and Economic Development  
580 Broad Street  
Central Falls, R.I. 02863**



City of Central Falls, Rhode Island  
**Land Development & Subdivision Regulations**

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City of Central Falls, Rhode Island

LAND DEVELOPMENT & SUBDIVISION REGULATIONS

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**City of Central Falls, Rhode Island**

**LAND DEVELOPMENT & SUBDIVISION REGULATIONS**

**SECTION 1. AUTHORITY AND PURPOSE**

**A. Enactment**

The following Regulations governing the subdivision and development of land are hereby adopted by the City of Central Falls Planning Board in accordance with Title 45, Chapter 23 of the General Laws of Rhode Island, entitled *The Land Development and Subdivision Review Enabling Act of 1992*, as amended, and in accordance with Article 3, Chap.1 Sec.3-100d of the *Home Rule Charter of the City of Central Falls, Rhode Island*, as amended. All regulations and amendments or parts of regulations and amendments, which are inconsistent herewith, are hereby repealed and withdrawn.

**B. Authority to Create and Administer**

The City of Central Falls Planning Board is empowered pursuant to Article 3, Chap.1 Sec. 3-100 d on the *Home Rule Charter of the City of Central Falls, Rhode Island* to adopt, modify, and amend regulations and rules governing land development and subdivision projects within the City of Central Falls and to control land development and subdivision projects pursuant to those regulations and rules. The Planning Board is thus authorized to adopt or repeal, provide for the administration, interpretation, and enforcement of land development and subdivision regulations.

**C. General Purpose**

These Regulations have been developed and will be maintained in accordance with Rhode Island General Laws 45-23, the *City of Central Falls Comprehensive Community Plan*, as amended and the *City of Central Falls Zoning Ordinance*, as amended.

These Regulations are intended to address the following purposes:

- (1) Provide for the orderly, thorough and expeditious review and approval of land development and subdivisions;
- (2) Promote high quality and appropriate design and construction of land development and subdivisions;
- (3) Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment;
- (4) Promote design of land development and subdivisions which are well-integrated with the surrounding neighborhoods with regard to natural and built

features, and which concentrates development in areas which can best support intensive use by reason of natural characteristics and existing infrastructure;

- (5) Encourage local design and improvement standards to reflect the intent of the *City of Central Falls Comprehensive Plan*, as amended, with regard to the physical character of the various neighborhoods and districts of the City;
- (6) Require measures for mitigating the impact of new development on the community that are based on clear documentation of needs and are fairly applied and administered;
- (7) Protect the public health, safety and welfare of the community;
- (8) Promote thorough technical review of all proposed land development and subdivisions by appropriate local officials and other experts;
- (9) Encourage the establishment and consistent application of procedures for record-keeping on all matters of land development and subdivision review, approval and construction.

**D. Effective Date**

These Regulations shall take effect on March 10, 2009 and shall supersede all other Land Development and Subdivision Regulations in effect at the time of such adoption.

**E. Application of Prior Regulations**

Applicability of Prior Regulations:

These regulations shall not be construed as abating any application now pending under, or by virtue of, prior existing land development and subdivision regulations, provided that an application has received a Certificate of Completion prior to the adoption of these regulations, and provided that the pending subdivision or land development application files for the Master Plan, Preliminary or Final application stage within 90 days of the enactment of these regulations, and provided that the subdivision or land development approval remains in compliance with "Continuation of Prior Regulations" as detailed below.

Continuation of Prior Regulations:

Subdivisions and Land Developments which have been submitted to the Planning Board for approval under the provisions of the Regulations in effect prior to March 10, 2009 may be continued to be reviewed by the Planning Board and approved under those Regulations in accordance with the following:

***Final Approvals.*** Any subdivision or development which, at the time of adoption of these amendments, has received Final approval, or Final approval with conditions, from the

Planning Board, may initiate or construct any part of the development, or record plans in accordance with the Land Development and Subdivision Regulations in effect at the time Final approval was granted. The Planning Board, may in its discretion, grant extensions to any such Final approval in accordance with the procedure for such extensions as set forth in the Regulations in effect at the time of Final approval.

***Preliminary Approvals.*** Any subdivision or development which at the time of adoption of these amendments, has received Preliminary approval, or Preliminary approval with conditions, from the Planning Board, may continue to be reviewed by the Planning Board in accordance with the Land Development and Subdivision Regulations in effect at the time Preliminary approval was granted provided any one of the following conditions have been met.

- a. The final plat, including all the material required in the Final Plan Checklist, is filed with the Planning Department within one (1) year from the date of Preliminary approval; or
- b. If the development is located within a jurisdictional area of the Rhode Island Department of Environmental Management (RIDEM), the Preliminary Plans as approved by the Planning Board must have been resubmitted to RIDEM for approval as required by the Freshwater Wetlands Act and final decision has not been received.

***Master Plan Approvals.*** Any subdivision or development which at the time of adoption of these amendments, has received Master Plan approval, or Master Plan approval with conditions, from the Planning Board, may continue to be reviewed in accordance with the zoning requirements, conceptual layout and all the conditions shown on the approved Master Plan drawings and supporting materials provided the following condition has been met.

- a. The Preliminary Plan, including all the material required in the Preliminary Plat Checklist, is filed with the Planning Department within one (1) year from the date of Master Plan approval.

However, apart from the zoning requirements, conceptual layout and all the conditions shown on the approved Master Plan, the application will otherwise be subject to the Land Development and Subdivision Regulations in effect at the time the Preliminary Plan is submitted.

***Other Status.*** Any subdivision or development which, at the time of adoption of these Regulations has not received Final, Preliminary or Master Plan approval as discussed above shall be required to be reviewed under the revisions to the Land Development and Subdivision Regulations adopted on March 10, 2009 pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act of 1992.

Questions pertaining to potential vested rights not discussed above shall be submitted in writing to the Planning Board for determination. Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the Planning Board of Appeals as herein provided.

## SECTION 2. DEFINITIONS

Where words or phrases used in these Regulations are previously defined in the definition section of either the "*Rhode Island Comprehensive Planning and Land Use Regulations Act*," (Section 45-22.2-4), or the "*Zoning Enabling Act of 1991*," (Section 45-24-31), they shall have the meanings stated therein. Additional words and phrases used in these Regulations shall have the following meanings:

*Abutter.* Owner of land within two hundred feet (200') of the subdivision as determined from the most recent public records. Land separated from proposed subdivisions by a street right-of-way or easement is considered as abutting land.

*Administrative Officer.* The municipal official designated by the local regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff and state agencies. The Director of the Department of Planning and Community Development shall serve as the Administrative Officer.

*Administrative Subdivision.* Re-subdivision of existing lots which yield no new or additional lots for development, and involve no creation or extension of streets. Such re-subdivision shall only involve divisions, mergers, mergers and division, adjustments or reconfirmation of boundaries of existing lots.

*Board of Appeals.* The local review authority for appeals of actions of the Administrative Officer and the Planning Board on matters of land development or subdivision, which shall be the City of Central Falls Zoning Board of Review.

*Bond.* See improvement guarantee.

*Buildable Lot.* A lot where construction for the use(s) permitted on the site under the local Zoning Ordinance is considered practical by the Planning Board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations.

*Certificate of Completeness.* A notice issued by the Administrative Officer informing the applicant that the application submitted to the officer by applicant is complete and meets



the requirements of the City's Regulations, and that the applicant may proceed with the approval process. Does not indicate project approval status.

*Concept Plan.* A drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for pre-application meetings and early discussions, and classification of the project within the approval process.

*Consistency with the Comprehensive Plan.* A requirement of all land use regulations which means that all regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the City as the *City of Central Falls Comprehensive Community Plan 2007-2012*, as amended.

*Dedication, fee-in-lieu of.* Payments of cash which are authorized when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons.

*Developer.* A person or entity, who is the principal representative for the project proposal at the time of recording, who posts the improvement guarantee and is responsible for constructing the infrastructure in accordance with the approved plans. The developer may be the owner of the property or the project applicant.

*Development Plan Review.* The process whereby the Planning Board is authorized to review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of the Zoning Ordinance and these Regulations.

*Development Regulation.* Zoning, subdivision, land development plan, Development Plan Review, historic district, official map, flood plain regulation, soil erosion, Holding Pond Ordinance, or any other governmental regulation of the use and development of land.

*Division of Land.* A subdivision.

*Environmental Constraints.* Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also "physical constraints to development".

*Final Plan.* The final stage of land development and subdivision review.

*Final Plat.* The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Planning Board and any accompanying materials as described in these Regulations.

*Flood Hazard.* Those areas delineated by the Flood Hazard Zones section.

*Floor Area, gross.* See Rhode Island State Building Code.

*Governing Body.* The body of local government having the power to adopt ordinances, accept public improvements and dedication, release public improvement guarantees, and collect fees. The City of Central Falls City Council is the governing body in the City of Central Falls.

*Improvements.* Any natural or built item, which becomes part of, is placed upon, or is affixed to, real estate.

*Improvement Guarantee.* A security instrument accepted by the City to ensure that all improvements, facilities, or work required by the Land Development and Subdivision Regulations, or required by the City as a condition of approval, will be completed in compliance with the approved plan and specifications of a development.

*Land Development Project.* A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to: planned development, conservation development and or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the Zoning Ordinance.

*Local Regulations.* The Land Development and Subdivision Regulations adopted by the City of Central Falls Planning Board pursuant to Rhode Island General Laws, Section 45-23.

*Lot Depth.* The greatest lineal distance of a lot lying between and generally measured perpendicular to a street right-of-way and a rear lot line.

*Lot Width.* The lineal distance of a lot lying between and generally measured perpendicular to side lot lines at its most narrow point from the minimum frontage line.

*Maintenance Guarantee.* Any security instrument which may be required and accepted by the City to ensure that necessary improvements will function as required for a specific period of time.

*Major Changes.* Any change to a plan, which in the opinion of the Administrative Officer, substantially impacts the project and/or is inconsistent with the intent of the original approval. Major changes shall include, but are not limited to the following:

- a. changes that have the effect of creating additional lots or units;

- b. changes to any dimension contained in the plan exceeding twenty percent (20%);
- c. changes that would require a waiver from these Regulations or a variance or special use permit from the Zoning Board;
- d. changes that may have significant negative impacts on abutting property or property in the vicinity of the project;
- e. significant realignment of streets or entrance changes.

*Major Land Development.* Any land development not classified as a Minor Land Development Plan.

*Major Subdivision.* Any subdivision not classified as either an Administrative Subdivision or a Minor Subdivision.

*Master Plan.* An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a Major Development proposal, rather than giving full engineering details. Required in Major Land Development or Major Subdivision review.

*Minor Changes.* Any change to a plan, which, in the opinion of the Administrative Officer, does not substantially impact the project, is consistent with the intent of the original approval, and is not a major change.

*Minor Land Development Plan.* A development plan for a residential project consisting of ten (10) or fewer units provided that such development does not require waivers or modifications as specified in these Regulations. All proposed nonresidential and development projects shall be considered as Major Land Development plans.

*Minor Subdivision.* A plan for a residential subdivision of land consisting of five (5) or fewer lots, provided that such subdivision does not require waivers or modifications as specified in these Regulations.

*Modification of Requirements.* The Planning Board shall have the power to grant such waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purpose and intent of the Regulations; a waiver.

*Notice Area.* One hundred feet (100') from the perimeter of the entire property under consideration.

*Parcel.* A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.

*Parking Area or Lot.* All that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

*Permitting Authority.* The local agency of government specifically empowered by state enabling law and local ordinance to hear and decide on specific matters pertaining to local land use.

*Phased Development.* Development, usually for large scale projects, where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a Master Plan for the entire site.

*Physical Constraints to Development.* Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also environmental constraints.

*Planning Board.* The Planning Board of the City of Central Falls, Rhode Island.

*Plat.* A drawing or drawing of a land development or subdivision plan showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in these Regulations. Also referred to as a Plan.

*Pre-application Conference.* An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposal informally and to receive comments and directions from the municipal officials and others.

*Preliminary Plan.* The required stage of land development and subdivision review which shall require detailed engineered drawings and all required state and federal permits.

*Public Improvement.* Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the local government or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.

*Public Informational Meeting.* A meeting of the Planning Board preceded by a notice, open to the public and at which the public shall be heard.

*Re-subdivision.* Any change of an approved or recorded subdivision plat or in a lot recorded in the municipal land evidence records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of the local Development and Subdivision Regulations. For the purposes of these Regulations such action shall constitute a subdivision.

*Storm Water Detention.* A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

*Storm Water Retention.* A provision for the storage of storm water runoff.

*Street.* A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the function they perform. See street classification.

*Street, access to.* An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

*Street, alley.* A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

*Street, cul-de-sac.* A local street with only one outlet and having an appropriate vehicle turnaround, either temporary or permanent, at the closed end.

*Street, limited access highway.* A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except as such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

*Street, private.* A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific municipal improvement standards. This definition shall not apply to driveways.

*Street, public.* All public property reserved or dedicated for street traffic.

*Street, stub.* A portion of a street reserved to provide access to future development, which may provide for utility connections.

*Street Classification.* A method of roadway organization which identifies a street hierarchy according to functions within a road system, that is, types of vehicles served and anticipated volumes of traffic, for the purpose of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories.

- a. *Arterial.* A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.
- b. *Collector.* A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.

- c. *Local.* Streets whose primary function is to provide access to abutting properties.

*Subdivider.* Any person who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.

*Subdivision.* The division or re-division of a lot, tract or parcel of land into two or more lots, tracts, or parcels. Any adjustment to existing lot lines of a recorded lot by any means shall be considered a subdivision. All re-subdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

*Technical Review Committee.* A committee appointed by the Planning Board for the purpose of reviewing, commenting, and making recommendations to the Planning Board with respect to approval of development applications.

*Temporary Improvements.* Improvements built and maintained by a developer during construction of a development project prior to a release of the improvement guarantee, but not intended to be permanent.

*Vested Rights.* The right to initiate or continue the development of an approved project for a specific period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the Regulations change prior to the completion of the project.

*Waiver of Requirements.* See modifications of requirements.

### **SECTION 3. ADMINISTRATION OF THESE REGULATIONS**

#### **A. The Administrative Officer**

The Administrative Officer shall be responsible for the administration of these Subdivision and Land Development Regulations, and shall report to the Planning Board. The duties and responsibilities of the Administrative Officer are as follows:

- (1) Oversight and coordination of the review, approval, recording and enforcement provisions of these Regulations;
- (2) Coordination of the review and approval procedures for subdivision and land development projects with adjacent municipalities, local governing boards and commissions, state and federal permitting agencies, abutters and as directed by these Regulations and/or the Planning Board; and

- (3) Enforcement of these Regulations and coordination of enforcement efforts with other City staff.

**B. Regulations Amendment Process**

Regulations pertaining to the Land Development and Subdivision Review process may be adopted, repealed, or amended only after a public hearing has been held upon the question before the Planning Board. The Planning Board shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the City of Central Falls at least once each week for three (3) consecutive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. At this hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed Regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration at least two (2) weeks prior to the hearing.

The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

- (1) Specify the place of said hearing and the date and time of its commencement;
- (2) Indicate that adoption, amendment or repeal of local regulations is under consideration;
- (3) Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
- (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- (5) State that the proposals shown therein 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 such alteration or amendment must be presented for comment in the course of said hearing.

Notice of the public hearing shall be sent by first class mail to the city or City Planning Boards of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within two thousand feet (2,000) of the City of Central Falls.

Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either the City of Central Falls or two thousand feet (2,000) feet of the City, provided, however, that a map survey has been filed with the Building Official as specified in RIGL section 45-24-53(E).

No defect in the form of any notice under this section shall render any Regulations invalid, unless such defect is found to be intentional or misleading.

The above requirements are to be construed as minimum requirements.

**C. Publication and Availability**

Printed copies of these Regulations shall be available to the general public and shall be revised to include all amendments. Any appendices shall also be available. A reasonable charge may be made for copies.

Upon publication of these Regulations and any amendments hereto, the City shall send a copy to the Rhode Island Department of Administration's Division of Planning and the State Law Library.

**D. Administrative Fees**

A fee schedule is hereby established in Appendix A attached hereto and made a part hereof by reference. The Planning Board may from time to time amend or otherwise alter such fee schedule by amendment to these Regulations.

**E. Violations and Penalties**

**Violations.** Any person who fails or refuses to adhere to all of the terms and conditions of any subdivision of land or development plan that has been approved by the City of Central Falls Planning Board or the Administrative Officer shall be in violation of these Regulations.

Any owner, or agent of the owner, who transfers, sells, or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved by the Planning Board and recorded in the Land Evidence Records shall be in violation of these Regulations.

Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or development, or constructs any structure or improvement on the parcel, without having first received approval from the Planning Board or the Administrative Officer, shall be in violation of these Regulations.

**Penalties for Violations.** Any person adjudged in violation of these Regulations shall be liable for penalties not to exceed three hundred dollars (\$300) per day, and each day of existence of a violation shall be deemed a separate offense.

**Injunctive Relief.** The City of Central Falls shall have the authority to bring suit in Providence County Superior Court to restrain the violation of, or compel compliance with, the provisions of these Regulations. An action for injunctive relief brought by the City of Central Falls in the Superior Court may be consolidated with an action seeking penalties for violations of these Regulations.



**F. Required Findings**

Prior to approval of any subdivision or land development project, the Board shall make positive findings on all of the standards listed below and address the general purposes stated in Section 1.C of these Regulations.

- (1) The proposed development is consistent with the *City of Central Falls Comprehensive Community Plan*, as amended, and /or has satisfactorily addressed the issues where there may be inconsistencies;
- (2) The proposed development is in compliance with the standards and provisions of City of Central Fall's Zoning Ordinance;
- (3) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions of approval;
- (4) Subdivisions, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans; and
- (5) All land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.

In approving a project subject to Development Plan Review, the Planning Board, or the Zoning Board (depending on which Board is the permitting authority), shall make the positive findings required in the Zoning Ordinance.

Except for Administrative Subdivisions, findings of fact must be supported by legally competent evidence on the record which discloses the nature and character of the observation upon which the fact finders acted.

**G. Precedence of Approval Between the Planning Board and Other Local Permitting Authorities**

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

Where an applicant requires both a special-use permit under the Zoning Ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation

from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional special-use permit from the Zoning Board, and then return to the Planning Board for subsequent required approvals.

**City Council.** Where an applicant requires both Planning Board approval and City Council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the Council, and then return to the Planning Board for subsequent required approvals.

#### **H. Waivers and Modifications**

**Waiver of Development Plan Approval.** The Planning Board may waive requirements for development plan approval when there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the Planning Board finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements. The application for a waiver of development plan approval review shall include documentation, as required by the Planning Board, on prior use of the site, the proposed use, and its impact.

**Waiver and/or Modification of Requirements.** The Planning Board may grant waivers and/or modifications from the requirements for land development and subdivision projects as may be reasonable and within the general purposes and intents of the provisions of these Regulations. The only grounds for such waivers and/or modifications shall be where the literal enforcement of one (1) or more provisions of the Regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where such waiver and/or modification is in the best interest of good planning practices and/or design as evidenced by consistency with the *City of Central Falls Comprehensive Community Plan* and the *City of Central Falls Zoning Ordinance*.

The Planning Board shall approve, approve with conditions, or deny the request for either a waiver or modification, according to the requirements of Section J herein below.

#### **I. Reinstatement of Plans**

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

- a. The development is consistent with the City of Central Fall's *Comprehensive Plan*;

- b. The Land Development and Subdivision Regulations are the same as they were at the time of original approval;
- c. The zoning classification of the parcel is the same as it was at the time of original approval;
- d. Physical conditions on the parcel are the same as they were at the time of original approval; and,
- e. Any applicable State or Federal Regulations are the same as they were at the time of original approval.

Application for reinstatement of a previously approved subdivision or land development shall be made to the Planning Board in writing. The Planning Board, in approving or denying the request for reinstatement, shall make findings of fact, which shall be made part of the record.

Where there have been changes in the items as listed above, the Planning Board may grant reinstatement only after a Public Hearing with the abutters.

#### **J. Meetings, Votes, Decisions and Records**

All records of the Planning Board proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed development and subdivision projects under review by the Planning Board, shall be available for public review.

Participation in a Planning Board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

All final written comments to the Planning Board from the Administrative Officer, municipal departments, state and federal agencies, and local commissions shall be part of the permanent record of the development application.

All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Board to approve any land development or subdivision application shall require a vote for approval by a majority of the current Planning Board membership (i.e. a majority of the full Board's membership regardless of the number of members present at the meeting).

**K. Signing and Recording of Plats and Plans**

Approved Final Plans and plats for development projects and subdivisions shall be signed by the appropriate Planning Board official with the date of approval. Plans and plats for Major and Minor Land Development projects and Subdivisions shall be signed by the Planning Board Chair-person or the Secretary of the Planning Board attesting to the approval by the Planning Board.

Upon signature, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the City Clerks' land evidence records. The materials to be recorded for all plats and plans shall include all pertinent plans with notes thereon concerning all the essential aspects of the approved project design, the implementation schedule, special conditions placed on the development by the Planning Board, permits and agreements with state and federal reviewing agencies, and other information as required by the Planning Board.

Other parts of the application record, including all meeting records, approved Master Plan and Preliminary Plans, site analysis, impact analyses, all legal agreements, records

of the public hearings and the entire final approval set of drawings shall be kept permanently by the Department of Planning and Community Development.

The Administrative Officer shall notify the statewide "911" emergency authority and the City Police Department and appropriate Fire Department servicing the new plat with the information required by each of the authorities.

**L. Changes to Recorded Plats and Plans**

For all changes to the approved plans subject to these Regulations, an amendment of the Final Plans is required prior to the issuance of any building permits. Any changes approved in the Final Plan shall be recorded as amendments of the Final Plan in accordance with the standard procedures established for recording plats.

**Minor Changes.** Minor changes, as defined in the these Regulations, to a Final Plan may be approved administratively by the Administrative Officer, whereupon a permit may be issued. Such changes may be authorized without additional public hearings, at the discretion of the Administrative Officer. All such changes shall be made part of the permanent record of the project application. This provision shall not prohibit the Administrative Officer from requesting a recommendation from the Planning Board. Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change.

**Major Changes.** Major changes, as defined in these Regulations, to a Final Plan may be approved, only by the Planning Board and must follow the same review and public hearing process required for approval of Preliminary Plans as described herein.

**Rescission Procedure.** The Planning Board, only upon application by all landowners of the plat to be affected, may determine that the application for plat rescission is not consistent with the *City of Central Falls Comprehensive Plan*, as amended, and is not in compliance with the standards and provisions of the City of Central Falls Zoning Ordinance and/or these Regulations and shall hold a public hearing which adheres to the same notice requirements as a Major Subdivision or Development project. The Planning Board shall approve, approve with conditions or modifications, or deny the application for rescission of the plat. If it is necessary to abandon any street covered under Chapter 6 of Title 24 of the RI General Laws, the Planning Board shall submit to the City Council the documents necessary for the abandonment process. Once the required process for rescission or for the rescission and abandonment has been completed, the revised plat shall be signed and recorded as specified in these Regulations.

**M. Right of Appeal**

An appeal to the Board of Appeals from a decision or action of the Planning Board or Administrative Officer may be taken by an aggrieved party to the extent provided herein.

**The Board of Appeals.** The Zoning Board of Review of the City of Central Falls shall serve as the Board of Appeals to hear appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of land development projects, subdivisions, and projects subject to Development Plan Review.

**Process of Appeals.** An appeal must be taken within twenty (20) days after the decision has been recorded and posted in the Office of the City Clerk. Appeals shall be in writing and shall state clearly and unambiguously the issue of decision which is being appealed, the reason for the appeal, and the relief sought. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered to the City Clerk who shall accept delivery on behalf of the Board of Appeals.

Upon receipt of an appeal, the Board of Appeals shall require the Planning Board or Administrative Officer to transmit forthwith to the Board of Appeals, all papers, documents and plans, or a certified copy thereof, constituting the record of the action which is being appealed.

An appeal, when duly received, shall stay all proceedings in furtherance of the action being appealed.

**Public Hearing.** The Board of Appeals shall hold a public hearing on the appeal within forty-five (45) days of receipt of the appeal, give public notice thereof, as well as due notice to the parties of interest. At the hearing any party may appear in person, or may be represented by an agent or attorney. The Board shall render a decision within ten (10) days of the close of the public hearing. The cost of any notice required for the hearing shall be borne by the appellant.

The Board of Appeals shall only hear appeals of the actions of the Planning Board or Administrative Officer at a meeting called especially for the purpose of hearing such appeals and which has been so advertised.

The hearing, which may be held on the same date and at the same place as a meeting of the Zoning Board of Review, must be held as a separate meeting from any Zoning Board of Review meeting. Separate minutes and records of votes shall be maintained by the Board of Appeals.

***Standards of Review.*** In instances of a Board of Appeals review of a Planning Board or Administrative Officer's decision on matters subject to these Regulations, the Board of Review shall not substitute its own judgment for that of the Planning Board or the Administrative Officer, but rather, must consider the issue upon the findings and record of the Planning Board or Administrative Officer. The Board of Appeals shall not reverse a decision of the Planning Board or Administrative Officer except of findings of prejudicial procedural error, clear error, or lack of support by the weight of evidence in

the record. Appeals from a decision granting or denying approval of a Final Plan shall be limited to elements of the approval or denial not contained in the decision reached by the Planning Board at the Preliminary stage providing that a public hearing has been held on the Plan.

The concurring vote of three (3) of the five (5) members of the Board of Appeals sitting at a hearing, shall be necessary to reverse any decision of the Planning Board or Administrative Officer.

In the instance where the Board of Appeals overturns a decision of the Planning Board or Administrative Officer, the proposed project application shall be remanded to the Planning Board or Administrative Officer, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Board or Administrative Officer and/or for the final disposition, which shall be consistent with the Board of Appeals decision.

The Board of Appeals shall keep complete records of all proceedings including a record of all votes taken, and shall put all decisions on appeals in writing. The Board of Appeals shall include in the written record the reasons for each decision.

#### **N. Appeals to the Superior Court**

An aggrieved party may appeal a decision of the Board of Appeals, to the Superior Court of Providence County by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the Office of the City Clerk. The Board of Appeals shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the Court within thirty (30) days after being served with a copy of the complaint. When the complaint is filed by someone other than the original applicant or appellant, such original applicant or

appellant and the members of the Planning Board shall be made parties to the proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the Court may, in its discretion, grant a stay on appropriate terms and make such other orders as it deems necessary from an equitable disposition of the appeal.

The review shall be conducted by the Superior Court without a jury. The Court shall consider the record of the hearing before the Planning Board and, if it shall appear to the Court that additional evidence is necessary for the proper disposition of the matter, it may allow any party to such appeal to present such evidence in open court, which evidence, along with the report, shall constitute the record upon which the determination of the Court shall be made.

The Court shall not substitute its judgment for that of the Planning Board as to the weight Appeals or remand the case for further proceedings, or may reverse or modify the decision if substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions or decisions which are:

- (1) In violation of constitutional, statutory, ordinance or Planning Board Regulations or provisions;
- (2) In excess of the authority granted to the Planning Board by statute or ordinance;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;
- (5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record; or
- (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

**O. Appeals to Superior Court Pertaining to the Enactment or Amendment of Regulations**

An appeal of an enactment of or an amendment of these Regulations may be taken to the Superior Court of Providence County by filing a complaint, as set for the herein, within thirty (30) days after such enactment, or amendment has become effective. The appeal may be taken by any legal resident or landowner of the City of Central Falls or by any association of residents or landowners thereof. The appeal shall not stay the enforcement of the Regulations, as enacted or amended, but the Court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with the *Comprehensive Planning Act*, Chapter 45-22.2; the *Zoning Enabling Act of 1991*, Section 45-24-27 et seq; the *City of Central Falls Comprehensive Plan*, as amended, or the *City of Central Falls Zoning Ordinance*.

The review shall be conducted by the Court without a jury. The Court shall consider whether the enactment or amendment of the Regulations is consistent with the Comprehensive Planning Act, Chapter 45-22.2; the Zoning Enabling Act of 1991, Section 45-24-27 et. seq., the *City of Central Falls Comprehensive Plan*, as amended, or the *City of Central Falls Zoning Ordinance*. If the enactment or amendment is not consistent, then the Court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment that are not consistent. The Court shall not revise the Regulations found to be inconsistent, but may suggest appropriate language as part of the Court decision.

The Court may in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth herein, including the City of Central Falls.

**P. Severability**

If any portion of these rules, Regulations or determinations made hereunder, or the application thereof to any person, agency or circumstances, is held invalid by a court of competent jurisdiction, the remainder of the rules, Regulations or determination and the application of such provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of these Regulations shall not affect the validity of the remainder of these Regulations.

**SECTION 4. IMPROVEMENT GUARANTEES**

There are two types of financial guarantees for improvements: performance guarantees and maintenance guarantees.

- (1) Performance Guarantee – A performance guarantee is a security instrument accepted by the City to ensure that all improvements, facilities, or work required by these Regulations or as a condition of approval will be completed in compliance with the approved plans and specifications.
- (2) Maintenance Guarantee – A maintenance guarantee is a security instrument accepted by the City to ensure that necessary improvements will function as required for a specific period of time.



### **A. Arrangements for Completion of Improvements**

The Applicant's Preliminary Plan submission shall include a letter:

- (8) requesting that a performance guarantee sufficient to cover the cost of required improvements be established by the Planning Board, and which shall indicate the type of guarantee proposed; or
- (9) indicating his/her intent to complete the required improvements without a performance guarantee prior to the recording of the plan; or
- (10) requesting a combination thereof.

Proposed arrangements for completion of required improvements shall be reviewed and approved by the Planning Board at Preliminary Plan approval.

### **B. Amount of the Guarantee**

***Performance Guarantee.*** A performance guarantee shall be in an amount, and with all necessary conditions, to secure for the City the actual construction and complete installation of all of the required improvements within the time period specified by the Planning Board. The amount shall be based upon actual cost estimates for all required improvements. These estimates shall be prepared by the City Engineer or his/her authorized representative (hereafter "City Engineer"), who shall review the estimates, if requested, with the Applicant.

The Planning Board may set the performance guarantee in a reasonable amount in excess of the estimated costs in order to anticipate increases in economic or construction conditions. However, the amount of such increase shall not exceed one hundred twenty (120) percent of the estimated cost of improvements.

The Planning Board shall establish the amount of the performance guarantee prior to Final Plan approval. If Final Plan approval is handled administratively, the Planning Board may establish the amount of the performance guarantee at a separate meeting prior to Final Plan approval.

The Planning Board may review and revise the performance guarantee amount if the project is delayed beyond the original time period.

***Maintenance Guarantee.*** A maintenance guarantee shall be in an amount equal to twenty (20) percent of the performance guarantee amount set by the Planning Board during the Preliminary Plan approval process in a manner similar to that of performance guarantees. If improvements were completed without a performance guarantee, the Board shall follow the process described above for establishing performance guarantee cost estimates and the maintenance guarantee will be an amount equal to twenty (20)

percent of that figure. The Board may revise the amount of the Maintenance Guarantee based on the City Engineer's recommendation at the time the developer requests the release of the Performance Guarantee.

**C. Form of Improvement Guarantees**

The security shall be in the form of a cash bond or insurance bond in the name of the developer or subdivider (not in the name of a third party contractor or other person or entity) that is acceptable to the City of Central Falls Finance Director. The guarantor shall be licensed to do business in the State of Rhode Island through the Department of Business Regulation. The security and reliability of the person or company furnishing the financial instrument must be satisfactory to the City of City of Central Falls Finance

Director. The instrument shall enable the City to gain timely access to the secured funds, for cause.

**D. Acceptance of Improvement Guarantees**

Acceptance of the financial instrument in accordance with the Planning Board's vote to set the amount of the guarantee by the Administrative Officer shall constitute a binding agreement between the Developer, the guarantor, and the City of Central Falls. The guarantee shall be retained for safekeeping by the Finance Director of the City of Central Falls.

**E. Construction of Improvements with the Use of a Performance Guarantee**

**1. Construction of Improvements**

For improvements that will be constructed after the posting of a performance guarantee, construction and installation of all required improvements shall be completed within one (1) year from the date of acceptance of the guarantee by the Administrative Officer. If construction and installation of required improvements cannot be completed in the prescribed time due to circumstances beyond the control of the Developer, the Planning Board may grant an extension for a period not to exceed one (1) year. If required improvements are still not complete, the City may access the secured funds and complete the construction, in accordance with the approved plans. Alternatively, the Board may authorize the extension of the performance guarantee period to allow the Developer to construct required improvements or authorize the issuance of a new performance guarantee, based on an existing conditions map and revised bond estimate. All guarantees shall remain in full force during such time extensions.

**2. Releases and Reductions of Performance Guarantee**

**Completion of All Improvements.** Upon completion of all required improvements, the Developer shall submit one set of "as built drawings" and a written request to the City Engineer to conduct a final construction inspection, as required in these Regulations. Thereafter, the Developer shall submit a written request to the Planning Board for release of eighty (80) percent of the performance guarantee, which shall be accompanied by a certification from the City Engineer that all improvements are complete and in

satisfactory condition. The remaining twenty (20) percent will be held as the maintenance guarantee.

***Partial Completion of Improvements.*** The Planning Board may authorize reductions of the performance guarantee amount at any time during the construction process, in an amount up to eighty (80) percent of the guarantee. The Developer shall submit a written request to the City Engineer to conduct an inspection of the improvements for which he or she seeks a reduction, as required in these Regulations. Thereafter, the Developer shall submit a written request to the Planning Board for the reduction of the guarantee in

an equivalent amount, which shall be accompanied by a certification from the City Engineer that such improvements are complete and in satisfactory condition.

Partial bond reductions shall take place a maximum of two (2) times per construction phase.

### **3. Maintenance Guarantee**

The remaining 20% of the performance guarantee shall serve as a maintenance guarantee.

***Duration.*** After the City Engineer certifies the improvements to be complete and the performance guarantee has been released, the one (1) year maintenance period shall begin. In cases where the Planning Board finds there are extenuating circumstances, the maintenance period may be established for a period longer than one year. The reasons for establishing a longer maintenance period and the nature of the extenuating circumstances shall be made a part of the record.

***Release.*** Upon expiration of the maintenance period, the Developer shall submit a written request to the City Engineer to conduct a final maintenance inspection, as required in these Regulations. Thereafter, the Developer shall submit a written request to the Planning Board for release of the remaining twenty (20) percent of the guarantee, which shall be accompanied by a certification from the City Engineer that all improvements are in satisfactory condition for release of the maintenance guarantee.

## **F. Construction of Improvements Without a Performance Guarantee**

### **1. Construction of Improvements**

If improvements will be constructed without a performance guarantee, construction and installation of all required improvements shall be completed prior to recording of the Final Plan. The Developer shall submit one set of "as built drawings" and a written request to the City Engineer to conduct a final construction inspection. Upon satisfactory completion of all required improvements, the City Engineer shall certify to the Planning Board that the improvements are complete and in satisfactory condition.

### **2. Maintenance Guarantee**

The applicant shall not record the Final Plan until a maintenance guarantee for all public improvements that are being dedicated to the City for acceptance and/or maintenance is accepted by the Administrative Officer.

**Duration.** After the City Engineer certifies to the Planning Board that the improvements are complete and in satisfactory condition and the maintenance guarantee has been accepted, the one (1) year maintenance period shall begin. In cases where the Planning Board finds there are extenuating circumstances, the maintenance period may be established for a period longer than one year. The reasons for establishing a longer maintenance period and the nature of the extenuating circumstances shall be made a part of the record.

**Release.** Upon expiration of the maintenance period, the Developer shall submit a written request to the City Engineer to conduct a final maintenance inspection, as required in these Regulations. Thereafter, the Developer shall submit a written request to the Planning Board for release of the maintenance guarantee, which shall be accompanied by a certification from the City Engineer that all improvements are in satisfactory condition for release of the maintenance guarantee.

#### **G. Default**

The City of Central Falls shall hold the Developer in default should the Developer fail to:

- a. Meet all specifications for construction of required improvements to the land, as set forth in these Regulations or as stipulated during the approval process; or
- b. Properly notify the City Engineer of the beginning and completion of all phases of construction of requirement improvements to the land, as outlined in these Regulations; or
- c. Protect existing improvements and/or properly repair such improvements should damage occur during construction of the subdivision or land development project; or
- d. Remove all debris, including boulders and stumps, from the site and adjacent areas immediately upon completion of construction and/or as directed by the City Engineer or Building Official; or
- e. Complete required improvements to the land within the time prescribed in these Regulations; or
- f. Correct improvement deficiencies evident within one (1) year of completion of said improvements; or
- g. Keep the road passable upon the occupancy of any units; or
- h. Provide the City Engineer with “as-built” plans of the improvements.

Should any of the conditions cited above occur, the City Engineer shall certify in writing to the Administrative Officer that the Developer has not complied with the requirements of these Regulations and the plans as approved by the Planning Board. The City Engineer shall further explain the extent of non-compliance and the conditions thereof. The Planning Board shall give the Developer an opportunity to respond at a Planning Board meeting. If the Planning Board concurs with the City Engineer and deems the Developer to be in default, the Planning Board may authorize the Solicitor to enforce the guarantees by all appropriate legal and equitable remedies.

**H. Guarantees for Phased Subdivisions**

When projects are approved and constructed in phases, the Planning Board shall specify improvement guarantees related to each particular phase. If any off-site improvements or other improvements or conditions which are not directly related to a particular phase are required as a condition of approval, the Planning Board shall, in setting the guarantee amount for each phase, clearly specify when such guarantees are to be provided and the amount for same.

**I. Guarantees for Private Improvements**

The Planning Board may require improvements that are proposed to be privately owned and maintained to be covered by an improvement guarantee in a manner similar to the process for public improvements.

**J. Developer's Responsibility**

Developer shall be responsible for the construction, maintenance, and overall quality of required improvements until the City formally accepts the improvements for ownership and maintenance. The Developer shall be responsible for the construction, maintenance, and overall quality of required improvements until such time, notwithstanding the transfer of ownership to, the delegation of duties to, or damages caused by:

- (1) an agent, contractor, or sub-contractor hired by, or on behalf of the Developer;
- (2) a builder,
- (3) a public or private utility company, or
- (4) any other person or entity performing work as part of the proposed subdivision or land development.

**SECTION 5. REVIEW AND APPROVAL OF PLANS AND PLATS**

**A. Types of Submissions**

The Administrative Officer shall advise the applicant as to which approvals are required and the appropriate board for hearing an application for a subdivision or development project. Fees normally collected at each stage of the review process will not be waived. The following types of applications may be filed.

*Administrative Subdivision.* The Administrative Subdivision consists of a single stage of review conducted by the Administrative Officer, to determine that the proposed subdivision conforms to applicable zoning and subdivision requirements. Property boundary surveys and lot mergers will be reviewed in the same manner as an Administrative Subdivision.

If the proposed subdivision does not conform to applicable Zoning and Subdivision Regulations, the subdivision must be referred to the Planning Board for review and approval.

***Minor Subdivision or Minor Land Development Plan.*** Minor Subdivision/Minor Land Development shall consist of two (2) stages, Preliminary and Final. The Planning Board may, at its discretion, combine the approval stages, providing that all of the requirements of all stages being combined have been met. If a street extension or creation is required, then a Public Hearing shall be held.

***Major Subdivision or Major Land Development Plan.*** A Major Subdivision/Major Land Development shall consist of the following submissions:

- a. Pre-Application or Concept Plan Meeting;
- b. Master Plan;
- c. Preliminary Plan; and
- d. Final Plan.

A public informational meeting will coincide with the Board's review of the Master Plan. A public hearing will coincide with the Board's review of the Preliminary Plan. The Planning Board may, at its discretion, combine the approval stages, providing that the requirements of all those stages being combined have been met.

***Development Plan Review.*** As specified in the Zoning Ordinance, the Development Plan Review will be subject to a review process similar to that of a Minor Subdivision or Minor Land Development project.

#### **B. Certification of a Complete Application**

An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. In the event such certification of the application is not made within the time specified in these Regulations for the type of plan, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in the local Regulations and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application.

The Planning Board may subsequently require correction of any information found to be in error and submission of additional information specified in the Regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informed decision.

Where the review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the Administrative Officer or the Planning Board determines that the required application information is complete.

For the purposes of calculating the mandatory review periods as provided in these Regulations, all days shall be considered calendar days.

**C. Requirements Common to all Submissions**

Every submission must be accompanied by a General Application for Subdivision or Development, as contained in Appendix B. If the applicant is not the property owner, the application must include a notarized statement authorizing the submission of the proposed development. The specific submission requirements for each stage of a proposed development are contained in Appendix C. Plans must illustrate all parcels, in their entirety, involved in the proposed subdivision or development. The number of plans that needs to be submitted depends on the type of submission, whether the Plan must be reviewed by the Planning Board, and the project's location. The checklists in Appendix C provide further guidance on this matter, however, the number of copies necessary can always be confirmed with the Administrative Officer.

**D. Pre-Application Meetings and Concept Review**

One or more pre-application meeting shall be held for all Major Land Development or Subdivision applications. Pre-application meetings may be held for Administrative, Minor, and Development Plan Review applications, upon request of either the Planning Board or the applicant. Pre-application meetings shall allow the applicant to meet with appropriate officials, boards and/or commissions, planning staff, and, where appropriate, state agencies, for advice as to the required steps in the approvals process, the pertinent local plans, ordinances, regulations, rules and procedures and standards which may bear upon the proposed development project. Pre-application meetings aim to encourage information sharing and discussion of project concepts among the participants. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or its elements. At the Pre-application stage the applicant may request that the Planning Board informally review a development concept. The purpose of the concept plan review is also to provide Planning Board input in the formative stages of Major Subdivisions and developments.

*Review process.* Applicants seeking a Pre-application meeting or an informal concept review shall submit the materials outlined in Appendix C in advance of the meeting(s). The Administrative Officer shall have fifteen (15) days to certify that a Pre-application Submission is complete or incomplete. Within forty-five (45) days after the submission has been certified as complete, the pre-application meeting will be held.

Provided that at least one (1) pre-application meeting has been held for a Major Land Development or Subdivision application or sixty (60) days has elapsed from the filing of the Pre-application Submission and no pre-application meeting has been scheduled to occur within those sixty (60) days, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for a land development or subdivision project in accordance with Section 45-23-36 of the Enabling Act.

## **E. Administrative Subdivision**

**Submission requirements.** Any applicant requesting approval of a proposed Administrative Subdivision, as defined in these Regulations, shall submit to the Administrative Officer the items required in Appendix C.

**Certification.** The applicant shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission.

**Review process.** Within fifteen (15) days of certification of completeness, the Administrative Officer shall review the application and approve, deny or refer it to the Planning Board with recommendations. The officer shall report his/her actions to the Planning Board at its next regularly scheduled meeting, to be made part of the record.

If no action is taken by the Administrative Officer within the fifteen (15) days, the application shall be placed on the agenda of the next regularly scheduled Planning Board meeting.

Any approval of an Administrative Subdivision shall be evidenced by a written decision which shall be filed and posted in the Office of the City Clerk.

**Referral.** If referred to the Planning Board, the Board shall consider the application and the recommendations of the Administrative Officer and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of certification completeness. Failure of the Planning Board to act within the prescribed period shall constitute approval of the Administrative Subdivision Plan and a certification of the Administrative Officer as to failure of the Planning Board to act within the required time period and the resulting approval shall be issued on request of the applicant.

**Denial.** Denial of an application by the Administrative Officer shall be not appealable and shall require the plan to be submitted as a Minor Subdivision application.

**Vesting.** Approval of an Administrative Subdivision shall expire ninety (90) days from the date of approval unless within such period a plat in conformity with such approval is submitted for signature and recorded.

## **F. Minor Land Development, Minor Subdivision & Development Plan Review**

**Review stages.** Minor Land Development and Subdivision Plan review and Development Plan Review shall consist of two stages, Preliminary and Final, provided, that if a street creation or extension is involved, a public hearing is required. The Planning Board may combine the approval stages, providing requirements for both stages have been met by the applicant to the satisfaction of the Planning Board. Construction of previously platted streets shall not be considered creation or extension of streets.



**Submission requirements.** Any applicant requesting approval of a Minor Subdivision, Minor Land Development project, or development plan pursuant to Development Plan Review shall submit to the Administrative Officer the items identified hereinafter in Appendix C.

**Certification.** The application shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days or within fifteen (15) days if no street creation or extension is required. The running of the time period set forth in this section shall be deemed stopped upon the issuance of a Certificate of Incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.

**Notice.** Notice of a public meeting for Minor Land Development, Minor Subdivision, or Development Plan Review shall be mailed to property owners within the notice area as defined in Section 2 by first class mail, postage prepaid. Such notice shall contain the name of the proposed subdivider or developer; the location of the property by assessor's plat and lot, and street address if available, and the date, time and place of the public meeting on such matter before the Planning Board.

If a street creation or extension is required, notice of the public hearing shall be made in accordance with the same requirements of public hearings for Preliminary submissions of Major Subdivisions or Land Developments.

**Re-assignment to major review.** The Planning Board may re-assign a proposed Minor project to Major review only when the Planning Board is unable to make the positive findings necessary for approval.

**Decision.** If no street creation or extension is required, the Planning Board shall approve, deny, or approve with conditions, the Preliminary Plan within sixty-five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board. If a street extension or creation is required, the Planning Board shall hold a public hearing prior to approval according to the same requirements of a Major Land Development or Subdivision public hearing and shall approve, deny, or approve with conditions, the Preliminary Plan within ninety-five (95) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board.

**Failure to act.** Failure of the Planning Board to act within the prescribed period shall constitute approval of the Preliminary Plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time period and the resulting approval shall be issued at the request of the applicant.

**Final Plan.** The applicant shall submit to the Administrative Officer the items required for Final Plan in Appendix C, including all materials required by the Planning Board when the application was given Preliminary approval, as well as arrangements for

completion of the required public improvements, including construction schedule and/or financial guarantees and certification by the Tax Collector that all property taxes are current. The Planning Board may delegate Final Plan review and approval to the Administrative Officer. The Officer shall report his/her findings to the Planning Board at its next regularly scheduled meeting, to be made a part of the record.

***Vesting.*** Approval of a Minor Land Development or Subdivision Plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan, in conformity with such approval, is submitted for signature and recording as defined in these Regulations in Appendix C. Approval of a Development Plan, pursuant to Development Plan Review, shall expire one year from the date of approval unless within such period the applicant obtains all necessary building permits associated with the project. Validity may be extended for a longer period, for cause shown if requested by the applicant in writing prior to the expiration of the period, and approved by the Planning Board.

#### **G. Major Land Development and Major Subdivision Review**

Major Plan review shall be required of all applications for land development and subdivision approval subject to these Regulations, unless classified as an Administrative Subdivision, Minor Land Development project, Minor Subdivision, or development plan pursuant to the Development Plan Review Ordinance.

It should be noted that projects undergoing Major Plan review may later be subject to Development Plan Review on an individual lot or use basis. For example, if a proposed use is unknown during the subdivision or land development project review process, it may later be subject to the Development Plan Review process.

Major Plan review shall consist of three stages of review: Master Plan, Preliminary Plan and Final Plan, following the required pre-application meeting(s). Also required is a public information meeting and a public hearing.

The Planning Board may vote to combine review stages and to modify and/or waive requirements as specified in these Regulations. Review stages may be combined by the Planning Board only after the Board determines that all necessary requirements of all stages being combined have been met by the applicant.

##### **1. Master Plan**

***Submission requirements.*** The applicant shall first submit to the Administrative Officer the items that are discussed below and further specified in Appendix C.

Initial comments shall be solicited from (a) local agencies including, but not limited to, the Planning and Community Development Department, the Department of Public Works, Fire, Police and Rescue Departments, the Conservation and Recreation Commissions; (b) adjacent communities; (c) state agencies, as appropriate, including the Rhode Island Department of Environmental Management and the Rhode Island Department of Transportation; and (d) federal agencies, as appropriate. The Administrative Officer shall coordinate review and comments by local officials, adjacent

communities, and the state and federal agencies.

***Certification.*** The application shall be certified complete or incomplete by the Administrative Officer within sixty (60) days. The running of the time period set forth in this section shall be deemed stopped upon the issuance of a Certificate of Incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, no in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.

***Informational meeting.*** A public informational meeting shall be held prior to the Planning Board decision on the Master Plan, unless the Master Plan and Preliminary Plan approvals are being combined, in which case the public informational meeting shall be optional, based upon Planning Board determination.

Public notice for the informational meeting is required and shall be given at least seven (7) days prior to the date of the meeting in a newspaper of general circulation in the City. Postcard notice shall be mailed to the applicant and to all property owners within the notice area, as defined in Section 2.

At the public informational meeting the applicant shall present the proposed development project. The Planning Board shall allow oral and written comments from the general public. All public comment shall be made part of the public record of the project application.

***Decision.*** The Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve of the Master Plan as submitted, approve with changes and/or conditions, or deny the application.

***Failure to act.*** Failure of the Planning Board to act within the period prescribed shall constitute approval of the Master Plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued at the request of the applicant.

***Vesting.*** The approved Master Plan shall be vested for a period of one (1) year, with a one (1) year extension possible upon the written request of the applicant, who must appear before the Planning Board for an annual review. Vesting may be extended for a longer period, for good cause shown, if requested by the application prior to the expiration of the approval date, in writing, and approved by the Planning Board. Master Plan vesting shall include the zoning requirements, conceptual layout and all conditions shown on the approved Master Plan drawings and supporting materials.

The initial two (2) year vesting for the approved Master Plan shall constitute the vested rights for the development, as required in Section 45-24-44.

## 2. Preliminary Plan

**Submission requirements.** The applicant shall first submit to the Administrative Officer the items required in Appendix C for a Preliminary Plan.

At the Preliminary Plan review phase, the Administrative Officer shall solicit final written comments and/or approvals of the Department of Public Works, City Engineer, the City Solicitor, local Water and Sewer Departments, the local Highway Department in regards to local roads, and other local government departments, commissions, or authorities as appropriate.

Prior to approval of the Preliminary Plan, copies of all legal documents describing the property, proposed easements and rights-of-way must also be submitted.

**Certification.** The application shall be certified as complete or incomplete by the Administrative Officer within sixty (60) days. The running of the time period set forth in this section shall be deemed stopped upon the issuance of a Certificate of Incompleteness of the application by the Administrative Officer and shall recommence upon the resubmission of a corrected application by the applicant. However, no in no event shall the Administrative Officer be required to certify a corrected submission as complete or incomplete less than fourteen (14) days after its resubmission.

**Public Hearing.** Prior to Planning Board decision on the Preliminary Plan, a public hearing, which adheres to the requirements for notice described in Subsection 3, herein below, must be held.

**Public improvement guarantees.** Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Planning Board at the Preliminary Plan approval.

**Decision.** A complete application for a Major Subdivision or Development Plan shall be approved, approved with conditions or denied within one hundred and twenty (120) days of the date when it is certified complete, or within such further time as may be consented to by the developer.

**Failure to act.** Failure of the Planning Board to act within the period prescribed shall constitute approval of the Preliminary Plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued at the request of the applicant.

**Vesting.** The approved Preliminary Plan shall be vested for a period of one (1) year and vesting may be extended for a longer period, for good cause shown, if requested in writing by the applicant prior to the expiration of the deadline, and approved by the Planning Board. The vesting for the Preliminary Plan approval shall include all general and specific conditions as shown on the approved Preliminary Plan drawings and supporting materials.

### **3. Public Hearing & Notice**

A public hearing shall be required for a Major Land Development project, Major Subdivision, or where a street extension or creation requires a public hearing for Minor Land Development or Subdivision review or Development Plan Review.

*Advertising.* Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation within the City following the City's usual and customary practices for such advertising.

*Certified mail.* Notice shall be sent to the applicant and to each owner of property within the notice area as defined in Section 2, by certified mail, return receipt requested, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Such notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest intersection in tenths (1/10) of a mile.

*Projects near water supplies.* Notice of the public hearing shall also be sent by first class mail to the city or City Planning Board of any municipality where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, located within two thousand feet (2,000') of the municipal boundaries.

Notice of the public hearing shall also be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to surface water resource and/or surface watershed that is used or is suitable for use as public water source located within either the City, or two thousand feet (2,000') of the municipal boundaries, provided, however, that a map survey has been filed with the Building Inspector as specified in Section 45-24-53(E) of the General Laws of Rhode Island.

*Projects near adjacent municipalities.* Notice of the public hearing shall be sent by the Administrative Officer to the Administrative Officer of an adjacent municipality if (1) the notice area extends into the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) there is a potential for significant negative impact on the adjacent municipality.

*Notice costs.* The cost of all such notices and advertisement shall be borne by the applicant, as identified in Appendix A. Fee Schedule.

### **4. Final Plan**

*Submission requirements.* The applicant shall submit to the Administrative Officer the items required for Final Plan in Appendix C, including all materials required by the Planning Board when the application was given Preliminary approval, as well as arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees and certification by the Tax Collector that all property taxes are current.

For phased projects, the Final Plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.

***Certification.*** The application for Final Plan approval shall be certified complete or incomplete by the Administrative Officer within forty-five (45) days. If the Administrative Officer certifies the application as complete and the Planning Board did not require the submission to the Planning Board, the Final Plan shall be considered approved.

***Referral to the Planning Board.*** If the Administrative Officer determines that an application for Final approval does not meet the requirements set by the Regulations or by the Planning Board at the Preliminary approval, the Administrative Officer shall refer the Final Plans to the Planning Board for review. The Planning Board shall, within forty-five (45) days after the certification of completeness, or within such further time as may be consented to by the applicant, approve or deny the Final Plan as submitted.

***Failure to act.*** Failure of the Planning Board to act within the period prescribed shall constitute approval of the Final Plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued at the request of the applicant.

***Recording.*** The Final approval of a Major Subdivision or Land Development project shall expire one (1) year from the date of approval unless, within that period, the plat or plan shall have been submitted for signature and recording as specified in these Regulations. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed one (1) year.

***Acceptance of public improvements.*** Signature and recording as specified in these Regulations shall constitute the acceptance by the any street or other public improvements or other land intended for dedication. Final Plan approval shall not impose any duty upon the City to maintain or improve those dedicated areas until the City Council accepts the completed public improvements as constructed in compliance with the Final Plans.

***Validity of recorded plans.*** The approved Final Plan, once recorded, shall remain valid as the approved plan for the site unless and until an amendment to the plan is approved under the procedures set forth in these Regulations, or a new plan is approved by the Planning Board.

#### **H. Project Phasing**

The Planning Board may allow or require the construction of Major Land Developments and/or Subdivisions to be divided into reasonable phases. Land should be subdivided logically, with a plan for the property's complete buildout such that the road network, utilities, etc. take into account all the needs of future lots. As such, the Planning Board may require the submission of a Master Plan that illustrates a parcel's buildout even

when the developer only wishes to proceed with construction in phases. When considering a phased development, the Planning Board will require the following:

- (1) Approval of the entire site design first as a Master Plan. Thereafter the development plans may be submitted for Preliminary and/or Final review and/or approval by phases. The Master Plan documents must contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the completion schedules for approvals and construction of the phases.
- (2) All public improvements must be completed on each phase before work begins on a subsequent phase. Each phase must be designed and constructed to stand alone should additional phases of the project be delayed for any reason.

The Master Plan shall remain vested in accordance with the standard Master Plan vesting regulations and as long as it can be proved, to the satisfaction of the Planning Board, that work is proceeding on the construction of the development as shown in the approved Master Plan documents, and that the overall development plan has not significantly changed. Significant changes include, but are not limited to: sale of a portion of the parcel, and/or the submission of a Preliminary Plan not in conformance with the Master Plan. Every Preliminary and Final Plan submitted subsequent to Master Plan approval shall conform to the Land Development and Subdivision Regulations current at the time of submission.

#### **I. Project Impact Statement May Be Required**

A project impact statement may be required by the Board, to be prepared and paid for at the applicant's expense, for the purpose of protecting the health, safety, convenience, and welfare of the inhabitants of the City, and to protect, preserve and, maintain the quality of surface and subsurface waters and other natural resources deemed to be of irreplaceable value upon which residents of the City of Central Falls and others depend, and to determine those conditions tending to adversely effect the environment of the City. In compiling such a statement, the applicant shall consult with the various organizations (public, private and non-profit) having knowledge and authority in the various subjects cited.

The Board shall stipulate the information which shall be required and why as part of the request for a project impact statement. The Board may require that the Statement contain one or more of the following:

- (1) A description of the proposed use;
- (2) A description of the existing environmental setting to include all man-made natural and physiographic features within five hundred (500) feet of the perimeter of the subject property including but not limited to vegetation, wetlands, topographic contours, and existing development;

- (3) A statement of any prior or anticipated flood levels, and of the expected flood hazard present on the site;
- (4) A traffic analysis conducted by a Rhode Island registered engineer specializing in traffic;
- (5) All favorable and adverse environmental impacts of the proposed use;
- (6) The means and estimated cost of minimizing the adverse impacts;
- (7) Identification of any irreversible commitment or alterations of natural features as a result of the proposed action;
- (8) An analysis of the City's ability, at the time of application, to service all or part of the proposed project;
- (9) Statements from organizations that are suited to comment on the proposal; and
- (10) An analysis of impacts on the City's water supply where a proposed development lies within an aquifer and/or groundwater recharge area.
- (11) Identification of areas of archeological significance and any impacts thereon.
- (12) Any other information the Board specifies as relevant to the proposal.

The Board shall have the power to require dedications of land, the construction of improvements, including off-site improvements, or other activities (collectively referred to as "mitigating activity"); in order to mitigate negative impacts of a subdivision or development project. The Board shall also have the power to require a fee in lieu of such mitigating activity. The fee shall be determined by the estimated costs of such mitigating activity. All such mitigating activity, or payments-in-lieu thereof, shall be for mitigation of identified negative impacts or proposed projects. Furthermore, the significant negative impacts of the proposed development on the existing conditions must be clearly documented. Any mitigating activity, or fee in lieu thereof, required as a condition of approval must be related in kind and degree to the identified impact.

All payment-in-lieu of dedication or construction to mitigate the impacts of the proposed development shall be kept in restricted accounts and shall only be spent on the mitigation of the identified impacts for which it is required.

## **SECTION 6. GENERAL DESIGN STANDARDS**

The design of all subdivisions, land development projects, and Development Plan Review projects shall conform to the City of City of Central Falls Zoning Ordinance and Land Development and Subdivision Regulations as written herein. The Planning Board has established the elements contained in these Regulations as minimum design standards. The Planning Board reserves the right to determine lot/unit location and



number of lots created by subdivision and land development projects in accordance with these Regulations and the Zoning Ordinance. The Planning Board may raise or lower these standards upon a site visit and/or review of the proposed plan, if the Board feels in doing so that adequate provisions have been/must be made in the plan for the following:

1. To lessen traffic accidents;
2. To develop land in recognition of primary natural constraints (slopes >15%, rock outcrops and wetlands);
3. To promote safety from fire, flood and other dangers;
4. To secure a well articulated street and highway system;
5. To ensure adequate provisions for pedestrian traffic;
6. To secure an adequate storm water run-off management and soil erosion plan;
7. To preserve significant natural and historic characteristics;
8. To provide adequate public water and sanitary sewage treatment;
9. To provide a recreation area suitable for future use; and
10. To promote development in conformance with the *Comprehensive Plan*.

The applicant, at his/her own expense, shall construct all improvements where required by the Planning Board as a condition of approval for any subdivision or land development project subject to these Regulations.

#### **A. Site Planning**

Depending on a property's location, the styles and patterns of development are different, and therefore, the application of these standards will necessarily depend upon the surrounding area in which development is proposed.

*Reminder: All applications subject to these Regulations, regardless of whether they involve the construction of a new street or development of a single existing lot, must conform with the City's Zoning Ordinance and any other applicable City Ordinances and Regulations.*

To the maximum extent practicable, development should be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize alterations of and negative impacts to natural features, historic and cultural resources, and scenic areas. A Site Analysis that considers both the existing natural and built context as described below should be conducted as part of the conceptual site planning process.

New development or redevelopment shall incorporate characteristics of the surrounding area when the area exhibits a positive site layout and/or functional patterns (e.g., buildings close to street, shared parking and access, and generous landscaping); otherwise, the Planning Board will look to the applicant to improve the area with his/her proposal and not further degrade an area.

### **Built Context**

Existing design, details such as form, type and texture of materials, balance, symmetry/asymmetry, natural factors, pedestrian circulation, access, and connections should be respected. Continuity of positive aspects of the nearby architectural style and other elements of the built environment will be the primary focus of the review process.

1. Placement of buildings shall consider the location of nearby compatible and incompatible uses, traffic corridors, vegetation, and other existing site characteristics. Where adjacent setbacks are inconsistent, an attempt shall be made to moderate them. If this is not possible, vegetation, walls and other landscape features shall be used to continue the rhythm of the built environment.

### **B. Land Unsuitable for Development**

Land deemed unsuitable for building purposes in the judgment of the Planning Board, will not be approved for development or subdivision.

*Developments Serviced by Sewers.* When calculating the number of residential building lots or units permitted on any parcel in an area serviced by sewers, land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the building acreage of the parcel:

- a. Freshwater wetlands, except areas of perimeter wetland within fifty (50) of the edge of any bog, marsh, swamp or pond; or any applicable 100-foot or 200-foot riverbank wetlands, as defined by Rhode Island General Laws Section 2-I-20 (1987), as amended;
- b. Areas within a 100 year flood zones, as defined by FEMA;
- c. Land within any publicly or privately held easement on which aboveground utilities, including but not limited to electrical transmission lines, are constructed;
- d. Areas with slopes in excess of 15% that are within the limit of disturbance of the subdivision; and
- e. Cemeteries.

*Developments Not Serviced by Sewers.* In areas not served by public sewers land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the building acreage of the parcel:

- a. Freshwater wetlands including areas of perimeter wetland within fifty (50) feet of the edge of any bog, marsh, swamp or pond; or any applicable 100-foot or 200-foot riverbank wetlands, as defined by Rhode Island General

Law as Section 2-I-20 (1987), as amended;

- b. Areas within a 100-year flood zone, as defined by FEMA;
- c. Land within any publicly or privately held easement on which aboveground utilities, including but not limited to electrical transmission lines, are constructed;
- d. Areas with slopes in excess of 15% within the limit of disturbance of the subdivision; and
- e. Cemeteries.

**Minimum Contiguous Buildable Areas.** Lots shall have minimum contiguous buildable areas (excluding wetlands, floodplains, easements, and steep slopes as further described above) equal to the following:

Zoning District	Minimum Contiguous Buildable Area
<b>R-1 Minimum Lot Area 5,000 sq ft</b>	<b>2500 sq ft</b>
<b>R-2 Minimum Lot Area 5,000 sq ft</b>	<b>2500 sq ft</b>
<b>R-3 Minimum Lot Area 5,000 sq ft</b>	<b>2500 sq ft</b>
<b>C-1 Minimum Lot Area 5,000 sq ft</b>	<b>5000 sq ft</b>
<b>C-2 Minimum Lot Area 5,000 sq ft</b>	<b>5000 sq ft</b>
<b>C-D Minimum Lot Area 5,000 sq ft</b>	<b>5000 sq ft</b>

**C. Flood Hazard Areas**

The following requirements shall apply to any plat which is located wholly or partly within Zone A and Zones A1-A30 as identified on the flood insurance rate map as part of the flood insurance study which also includes the flood boundary and floodway map. Said maps and any amendments thereto are hereby made part of this section of these Regulations.

- (1) All submissions shall show the location of any portion of the plat which lies within any Zone A or Zones A1-A30 and the floodway and shall show the base flood elevation as prescribed for these zones at the specific location. Where the plat location is entirely within these zones, it shall be noted on the plat drawing.
- (2) In grading land and installing improvements, no watercourse shall be altered in such a manner as to reduce its carrying capacity. Prior to permitting any alteration or relocation of a watercourse, the Planning Board will send notification to the neighboring communities, the Rhode Island Statewide Planning Program and the Federal Insurance Administration.

- (3) All plat proposals will be reviewed by the Planning Board or its agent to assure that the design of the plat is consistent with the need to minimize flood damage. Public improvements, facilities, and utilities are constructed or installed in a manner that will minimize flood damage. Adequate drainage will be provided to minimize the accumulation of water.

**D. Erosion and Sediment Control Design**

Site design should avoid steep slopes, minimize slopes in graded areas and work with the natural drainage and topography of the site. Original boundaries, alignment and slopes of watercourses within the project locus shall be preserved to the greatest extent feasible.

Development plans should preserve natural features, keep cut and fill operations to a minimum and ensure conformity with topography so as to adequately handle the volume and velocity of surface water runoff.

**E. Lot Design Standards**

The Planning Board reserves the right to determine lot location and total number of lots in conformance with the City Zoning Ordinance and in recognition of the need to preserve primary natural features. Additionally,

- (1) All lots shall front an existing or proposed public street.
- (2) All lot dimensions shall conform to the requirements of the City of Central Falls Zoning Ordinance.
- (3) The proportion of average lot depth to average lot width shall not exceed 2½:1.
- (4) Lots shall not extend through a block to another existing or proposed residential street (through lots).
- (5) Side lot lines shall be at right angles to street lines or radial to curved street lines unless the Planning Board determines that a variation from this rule will provide a better street or lot plan. Except on those sides bordering a street, lots shall not have interior angles greater than two hundred (200) degrees.
- (6) All lots and limit of disturbance areas in relation thereto shall avoid primary natural constraint areas (slopes >15%, rock / ledge outcrops, floodplains, wetland areas including RIDEM jurisdictional wetland areas).
- (7) Driveways may not exceed a slope of 10%. Proposed house/unit locations must be accessed from the lot's frontage unless otherwise approved by the Planning Board. In instances where the topography to the proposed house location

exceeds 10%, the applicant must provide engineered plans for the driveway's construction resulting in a driveway that does not exceed a 10% slope using whatever necessary soil and erosion control measures.

- (8) Within 10 feet of adjoining properties, changes to existing grade are to be limited to a slope of 2:1. Retaining structures must be provided to contain slopes that exceed the 2:1 ratio.
- (9) All lots shall conform to the *City of Central Falls Comprehensive Plan*.

#### **F. Block Design Standards**

Blocks shall not be greater than one thousand (1,000) feet in length. The Planning Board may require provision for pedestrian rights-of-way at the center of blocks. All such rights-of-way shall be ten (10) feet wide, shall be paved and landscaped, and shall be dedicated to the City.

### **SECTION 7. PUBLIC IMPROVEMENT DESIGN STANDARDS**

#### **A. Right-of-Way Standards**

The following design standards shall be followed where applicable in the design and construction of any subdivision or development involving a public right of way or infrastructure that serves the public and which must be constructed and maintained in accordance with appropriate health and safety standards.

***Frontage on Improved Streets.*** The area to be developed shall have frontage on an existing, improved City-accepted street. If such an existing street has not been improved to the standards and specifications as required in these Regulations, the Board shall require the subdivider to make certain improvements along the part of the street abutting the property or leading to the property being subdivided where necessary for reasons which may include, but are not limited to drainage, safety, traffic, snow or refuse removal, as deemed proper by the Board. Additionally, the Board may require the construction of a permanent or temporary cul-de-sac as a means to improve the safety and serviceability of the lots in question.

For the purposes of these Regulations, streets platted but not improved or accepted for maintenance by the City, shall not be considered existing, improved public streets. Where these streets are incorporated within a subdivision or development, they shall be improved by the applicant to meet the standards of these Regulations. Private streets shall not be allowed.

***Street Classifications.*** Street design within a proposed subdivision or land development project shall conform to the street classification system as established herein. Requirements for right-of-way and pavement width, drainage, utilities, sidewalks, and other design standards shall be tailored to the location and function of the specific roadway. Three (3) categories of streets shall be utilized. They are arterial roadways, collector and local streets.

**Roadway Design Standards.** Roadway Design Standards for the three roadway categories are as follows:

**Roadway Design Standards**

	Arterial Class A Street	Collector Class B Street	Local Class C Street
Right-of-Way	80 ft.	60 ft.	50 ft.
Street pavement width between curbs	38 ft.	30 ft.	26 ft.
Minimum grade	.5%	.5%	.5%
Maximum grade	5.0%	5.0%	5.0%
Maximum cul-de-sac length measured from centerline of intersecting street to centerline center of cul-de-sac	600 ft.	600 ft.	600 ft.
Maximum grade within 30 ft of intersection and within cul-de-sac	1.0%	1.0 %	1.0 %
Minimum centerline radii	600 ft.	300 ft.	300 ft.
Minimum angle of intersection	60 Degrees	60 Degrees	60 Degrees
Intersection radii – Class A	50 ft.	50 ft.	50 ft.
Intersection radii – Class B	50 ft.	30 ft.	30 ft.
Intersection radii – Class C	30 ft.	30 ft.	30 ft.
Max. tangent length between reverse curves	100 ft.	100 ft.	100 ft.
Maximum rate of super elevation per foot	.08 ft.	.08 ft.	.08 ft.
Slope of pavement (minimum)	3/8" per foot	3/8" per foot	3/8 per foot
Intersection sight distance	400 ft.	200 ft.	200 ft.

The Planning Board may require additional width or traffic calming devices for streets subject to heavy traffic volume. Should an applicant propose development resulting in a potential significant impact on a heavily trafficked road, or propose a large commercial or industrial complex, or Major Subdivision, the applicant may be required to perform a specific set of studies to determine the most appropriate design for the ultimate function that roadway will provide.

**Sidewalks.** Concrete sidewalks, four (4) feet in width or as appropriate to satisfy ADA requirements, shall be required in all subdivision and development projects on both sides of the street. Sidewalks shall abut the curb. Public rights of way shall be owned by the City and not by abutting landowners. Landscaped areas in the right of way shall be maintained by abutting landowners. Street trees shall be maintained by the City.

***Bicycle Paths.*** Bicycle paths shall be incorporated into the proposed subdivision where they are necessary to extend an existing bicycle path or bike walk; to intersect with proposed State and local bicycle facilities; to connect adjacent developments where vehicular connections would be impractical; to further the goals of the *City of Central Falls Comprehensive Plan*; or where adjacent or nearby public or private schools, recreation areas, or other similar facilities would be likely to generate bicycle traffic.

***Street Layout and Arrangement.*** The proposed arrangement of streets shall be considered in relation to the existing street system, and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population to be served; to have a simple and logical circulation pattern; to respect natural features and topography; and to create an attractive streetscape.

Proposed streets within a development shall provide for their continuation or projection to intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended at a future time. Access shall be designed to have more than one principal means of egress.

Where street rights-of-way grades require two (2) feet or more of cut or fill, retaining walls will be required or the abutting land will be graded to a maximum slope of 2:1 at the street right-of-way line. Retaining walls must be constructed on private land and not in the public right-of-way.

***Street Intersection.*** Street intersections shall either coincide precisely with, or be offset by at least 150 feet from other intersections. Intersections shall be at 90-degree angles, unless otherwise approved by the Planning Board. No intersection shall contain an angle of less than 75 degrees.

All roadway intersections shall be designed to have the corner sight distances as designated in Roadway Design Standards section. Corner sight distance is measured from a point on the minor road at least fifteen (15) feet from the edge of the major road pavement and measured at eye height of 3.75 feet on the minor road to a height of object of 4.5 on the major road.

Intersection roadway pavements shall have a paved transition area at all corners to accommodate turning movements.

***Dead End Streets (Cul-de-sacs)*** All dead end streets shall end in a cul-de-sac turnaround and shall be clearly marked at their entrances with a "No Thru Street" sign. Dead end streets without a turnaround are not allowed. The lengths of dead end streets shall be a maximum of six hundred (600) feet. The Planning Board may further limit the length of the dead end street (cul-de-sac) where necessary, to ensure the adequate and safe circulation of vehicular traffic. Length of a dead end street shall be measured from the center of the turnaround to the centerline of the nearest intersecting street. Every cul-de-

sac, other than those less than three hundred (300) feet in length, shall have a raised, curbed and landscaped interior island. Landscaping will be done in such a way as to not inhibit sight distance across the cul-de-sac. Proposals involving cul-de-sacs with raised islands shall include provisions for the maintenance of such islands.

**Street Names.** An extension of an existing street shall have the same name as the existing street. Names of new proposed streets shall be substantially different from any existing street name in the City of Central Falls. The City's 911 Coordinator must approve all street names.

**Access to Adjoining Property.** When the Planning Board requires the provision of access to adjoining property, proposed streets (also known as "stub roads" or "connectors") should not be constructed, but rather the rights-of-way shall be marked with monuments so that they remain recognizable. The reservation of strips of land preventing such access shall not be permitted. Where a dead-end street is to provide future access to adjacent property, the Planning Board shall require an easement and the construction of a temporary cul-de-sac until such time as the street is extended.

Access to adjoining property for pedestrian and/or bicycle circulation shall be required if the Planning Board finds that the connection will either: increase accessibility between adjoining subdivisions; join existing or proposed sidewalks or bicycle paths; join subdivisions to major public or private schools, recreation areas or other facilities; or, significantly enhance the public safety by providing such pedestrian and/or bicycle connections.

**Street Signs.** Street and traffic signs and other traffic calming measures shall be installed by the developer at the developer's expense.

**Street Lighting.** Provisions shall be made for street lighting. All costs associated with the installation of street lights including but not limited to street light pole and lighting fixture shall be borne by the developer.

**Street Trees.** Street trees are required in all subdivisions and land development projects. All planting shall be done under the supervision of a licensed arborist. The applicant shall plant street trees appropriate for the terrain, soil and climatic conditions encountered in the development.

Street trees shall be maintained by the applicant from the time of planting until the time of the release of the maintenance guarantee following acceptance of streets by the City Council. Maintenance shall include, but not be limited to, watering and pruning of trees, as necessary. The Planning Board may require separate guarantee provisions for maintenance of required street trees by the applicant for a maximum period of two (2) years from the date of planting. Any trees, which are not healthy at the end of the guarantee period, shall be replaced at the applicant's expense and guaranteed until satisfactorily established.

**Bridges.** The minimum clear width for all new bridges on streets with curbed approaches should be the same as the curb-to-curb width of the approaches. Sidewalks on the



approach shall be carried across all new structures. If no sidewalks are required on the approaches, the bridge shall be as wide as the required pavement plus five feet on either side.

***Roadway Widths Centerline Pavement Markings.*** Centerline striping shall be per RIDOT Standard when required by the Department of Public Works or Police Department.

#### **B. Easements**

The Planning Board may require easements for easy access to improvements on private land that serve more than one lot as described below. The Board may, in its own discretion, require the dedication of land to the City in lieu of easements if such dedication would provide greater control over and access to the intended use. Existing and proposed easements must be labeled accordingly on all plans.

***Sanitary Sewers.*** Easements shall be provided for sanitary sewers. The Planning Board will require permanent easements of such width as recommended by the Sewer Department or Narragansett Bay Commission. The minimum width for a sewer easement shall be twenty (20) feet.

***Water.*** Easements shall be provided for public water lines. The Planning Board will require permanent easements of such width as recommended by the Pawtucket Water Supply Board. The minimum width for a water easement shall be twenty (20) feet.

***Drainage Easements.*** Where above ground drainage flows are directed over private property which does not contain natural watercourses or wetlands, or where publicly owned and maintained drainage systems outfall on private land, a drainage easement shall be dedicated to the City over the area and at a location adequate for the intended purpose. Easements into and upon above ground drainage facilities such as storm water detention or retention basins shall be granted to the City wherever storm water from City-owned streets or other improvements is intended to be directed to such basins. The minimum width for such a facilities drainage easement shall be twenty (20) feet.

***Sight Distance Easements.*** Where deemed necessary by the Planning Board to establish or maintain adequate sight distances for vehicular traffic, the dedication of an easement to the City may be required which would prohibit the erection or maintenance of any visual obstruction such as a structure, tree, shrub, wall, earthen embankment, hill or any other obstruction.

***Bicycle or Pedestrian Access Easements.*** Bicycle and pedestrian access shall be provided where required on a separate strip of land outside of the right-of-way dedicated to the City or on an easement having a minimum width of fifteen (15) feet.

**Conservation Easement.** All land dedicated for open space or recreational uses shall be covered by a Conservation Easement prohibiting its future development for residential use as well as ensuring its perpetual maintenance as conservation, recreation, or park land for the enjoyment of present and future residents.

**Other Easements.** All other required easements shall be of sufficient width and area for the intended purpose, as determined by the Planning Board.

### **C. Utilities**

When utilities exist in the general area of a new development, the developer will be either required or encouraged to extend those utilities, depending on the utility's type. The installation of utilities will be done to the standards set forth by the individual utility companies. The developer is required to work directly with the utility companies in this regard. All necessary easements for access and repairs shall be part of the recorded plat and related documentation. If easements are necessary to access improvements, then those easement areas should be constructed of a gravel base suitable for travel by heavy trucks and construction equipment.

**Sanitary Sewers.** Sanitary sewers shall be required in all developments that are in or contiguous to older village areas or neighborhoods where sewers already exist. Otherwise, proposed sewer connections shall be evaluated and allowed only upon consideration by the Planning Board and the Sewer Department and in accordance with the City's Growth Management efforts. Sewer lines shall be installed in conformance to the specifications of the City of Central Falls Sewer Department or Narragansett Bay Commission.

**Water Lines.** Connections to the public water system shall be required in all developments that are in or contiguous to older village areas or neighborhoods where such lines already exist. Otherwise, proposed water connections shall be evaluated and allowed only upon consideration by the Planning Board and the Water Department and in accordance with the City's Growth Management efforts. Water lines shall be installed and water stops shall be provided for each lot in accordance with the specifications of the City of Central Falls Water Department or Pawtucket Water Supply Board. Water lines shall be looped to avoid dead end water lines in accordance with WWA standards. The developer should submit a wellhead protection plan for the City's review if a community well is proposed.

**Gas Lines.** Natural gas lines may be installed in any subdivision or land development project at the discretion of the developer.

**Communication and Electrical Lines (Electric, Telephone, Cable TV, and Fire Alarm).** All communication and electrical lines shall be installed underground.

**Fire Hydrants/Other Fire Protection.** Fire hydrants shall be installed in all developments where public water supply systems are available. Hydrant type, location, spacing and water pressure shall meet the minimum requirements of the National Fire

Protection Association and local Fire Departments. When it is determined by the local Fire Department that on-site water storage facilities are required to provide adequate fire protection, such facilities as water holding tanks shall be of the appropriate size and design as designated by the Fire Department and shall be installed by the developer under the direction of the Fire Department.

#### **D. Landscaping Standards**

A landscape plan (certified by a RI registered Landscape Architect) may be required as part of any Preliminary submission involving the construction or extension of a public right of way. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character.

Landscaping shall address plant materials such as trees, shrubs, ground cover, grass, flowers, etc., but may also include other materials such as wetlands, stone walls, paving materials, planters, signage, and street furniture. Areas that may be required to provide landscaping shall include, but are not necessarily limited to the following:

- (1) Drainage facilities, such as retention/detention basins, or drainage swales;
- (2) Entrance features;
- (3) Open space areas;
- (4) Proposed recreation facilities;
- (5) Buffer areas;
- (6) Lot areas that are disturbed during the construction process or where extensive grading removes a significant amount of natural vegetation;
- (7) Areas subject to re-grading or stabilization for soil erosion and sediment control purposes;
- (8) Areas disturbed by utility installation; and
- (9) Cul-de-sac islands.

Trees and other existing vegetation shall be retained whenever feasible; areas within the drip line should be temporarily fenced or otherwise protected against damage during construction.

Plantings installed by the applicant shall be maintained until the time of the release of the maintenance guarantee as required by the Planning Board. Any unhealthy or dead trees or landscape improvements shall be replaced at the developer's expense and shall be guaranteed for one (1) year.

#### **E. Drainage Systems**

The drainage system may be comprised of natural and manmade elements, including grassed swales, curbs, catch basins, culverts, and storm water pipes. The applicant is required to minimize the use of retention and detention basins and incorporate natural elements into the drainage design whenever possible using the Best Management Practices (BMP's) and standards of the State of Rhode Island Storm Water Design and Installation Standards Manual. The use of retention/detention ponds will only be allowed when the developer convinces the Planning Board that this is the only viable option for

the development. BMP's such as grassed swales and vegetated filter strips, not only collect and transport storm water, but also mitigate pollution; reduce sedimentation; provide visual aesthetics, recreational opportunities, and potential wildlife habitat. However, in recognition of maintenance issues associated with these systems, alternatives may be proposed for consideration. Drainage structures shall be in conformance with the accepted State RIDOT Standards, or approved equals.

Drainage plans and drainage calculations shall be prepared by a State of Rhode Island Registered Professional Engineer. All applicable environmental permits must be obtained from state and federal regulatory agencies. The storm water drainage calculations, runoff rates, and system design shall be based on the application of the appropriate method as follows:

*The Rational Method* – This is the preferred method for pavement drainage and other small systems of three acres or less, where no wetlands, ponds, or other storage depressions are present, and where drainage is toward the point of analysis.

$$Q = C \times I \times A \text{ where: } Q = \text{Peak Discharge}$$

C = Runoff Coefficient  
I = Rainfall Intensity  
A = Area of Watershed

*U.S. Soil Conservation Service (1986) revised Technical Release 55 (TR-55)* – This method is preferred for calculating runoff volume, peak discharge rate, and flood storage requirements for site development on sites generally larger than three acres or when detention basins are proposed.

**Drainage Plan and Calculations.** The drainage plan and drainage calculations shall contain the following information:

- a. The proposed drainage system shall be designed to accommodate storm water such that post-construction conditions do not result in increased peak run-off from pre-construction conditions (zero net increase) for the 100-year frequency rainfall event.
- b. An estimate of the quantity of storm water surface run-off presently flowing from the land proposed to be subdivided, and that which would be generated by the proposed subdivision, calculated on the basis of the two (2), ten (10), twenty-five (25), and one-hundred (100) year frequency, 24 hour, Type III, rainfall events.
- c. An estimate of the quantity of storm water run-off entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of the two (2), ten (10), twenty-five (25) and one-hundred (100) year frequency rainfall.
- d. An analysis of the capability of existing watercourses, storm water culverts and other drainage facilities within the land proposed to be subdivided to handle the run-off as calculated under a. and b. above, and

- proposals to handle such surface run-off. Design criteria for drainage improvements shall conform to the State specifications, but may be modified by the City of Central Falls. Culvert and storm sewers shall be designed as follows: pipe sizing for the twenty-five (25) year frequency rainfall; cross culvert sizing for fifty (50) year frequency rainfall, one-hundred (100) year frequency in a special flood hazard zone.
- e. Proposals for disposal of surface run-off, downstream from the subdivision without danger to land and improvements or to the receiving water body.
  - f. The drainage plan and narrative shall further indicate how the following specific requirements will be met: (i) that each lot will be adequately drained; (ii) that natural drainage patterns will be maintained whenever possible; (iii) that all existing watercourses will be left open, unless approval to enclose is granted by the Planning Board and the Rhode Island Department of Environmental Management (RIDEM); (iv) that all new open watercourses will be seeded, sodded or paved depending on grades and soil types; and, (v) that a continuous drainage system will be installed and connected to a natural or manmade water course or to an existing piped storm drainage system. The ultimate destination of such continuous drainage shall be a permanent natural body of water or wetland. Where the City's Engineer determines that such ultimate destination is impractical, the Board shall require the construction of a retention or detention area capable of accommodating proposed storm water volumes based on the two (2) year, ten (10) year, twenty-five (25) year, and one-hundred (100) year frequency rainfall events.

Where any part of the drainage system is proposed for location outside the public street right-of-way, the Planning Board and Department of Public Works must approve the proposed provisions for future maintenance.

All necessary easements to off-street watercourses will be submitted by the applicant and approved by the City Solicitor.

Where volume velocity of the surface run-off is high, the flow thereof shall be controlled by one of the following: rip-rap, sediment basins, flow spreaders, or other applicable devices and/or techniques recommended in the Rhode Island Soil Erosion and Sediment Control Handbook.

#### **F. General Construction Standards**

**Construction Plans.** Complete sets of all construction plans, profiles, cross-sections and other working drawings of required construction improvements shall be submitted to the Administrative Officer as part of the Final Plan submission. One set, with approval indicated thereon, shall be returned to the developer.

**Notification.** A pre-construction meeting shall be held with the Administrative Officer and City Engineer at least seven days prior to the start of any subdivision or

development improvements. The developer, or his/her representative, and the on-site project manager shall attend this meeting.

No step in the construction of required improvements shall commence until the City Engineer has been notified, in writing, at least 48 hours (excluding weekends or holidays) in advance of the beginning of that step.

Where construction intersects an existing road and a Police detail is required, the developer shall pay for such detail and shall also pay for any public notification regarding temporary road closures or detours due to construction.

***Inspection of Improvements.*** Each phase or step in the construction of required improvements shall be inspected on-site and approved, in writing (including date of inspection and signature of authorized inspector), by the City Engineer, or his/her authorized representative. Any stage of construction begun without written consent of the City Engineer shall be at the developer's risk. No subsequent phase or step shall commence until such inspection and approval has been completed. No performance guarantee shall be released unless all inspections have been made in accordance with these Regulations. At a minimum, on-site inspections shall take place at the following stages in the construction of improvements:

- a. During installation of all underground drainage, electrical, telephone, and cable television lines and following installation of utilities, prior to backfilling. In addition, the appropriate Fire Department and Utility Companies, as appropriate, shall conduct on-site inspections during installation of utilities.
- b. During preparation of the sub-base, backfilling and the installation of curbing or shoulders, prior to application of the base course.
- c. During spreading and compaction of the base course, prior to the application of the final course of asphalt.
- d. Immediately prior to and during the application and compaction of the surface course on the roadway and sidewalks.
- e. During completion of all improvements and installation of monuments.

Additional inspections may be required by the City Engineer at such other intervals as deemed necessary to assure proper construction of improvements.

The City Engineer, upon proper notification, shall not impede the construction of improvements by delaying inspection and approval without just cause.

***Record (As-Built) Drawings.*** Upon completion of construction of all required improvements, the developer shall furnish one (1) set of "as-built drawings" of such improvements to the Administrative Officer. As-built drawings shall contain all of the information on the Final Plan and set forth: the exact location of all sidewalks, streets,

monuments, water, sewer and drainage pipes, other underground or aboveground utilities and all other public improvements, as installed. If not already shown on the Plan, the name, company address and registration number of the land surveyor performing the work.

Plans must include appropriate professional certifications that all systems will function as designed and constructed and that all horizontal and vertical locations are accurate as illustrated on the as-built drawings.

**Reference for Specifications.** Should any clarification be required on the construction specifications contained herein, reference is hereby made to the “Standard Specifications for Road and Bridge Construction,” published by the State of Rhode Island, Department of Public Works, Division of Roads and Bridges, as revised. In general, all construction shall be in conformance with the Rhode Island Department of Transportation (RIDOT), Division of Public Works, Standard Details, as revised and State of Rhode Island and Providence Plantations, Department of Transportation, Division of Public Works, Standard Specifications for Road and Bridge Construction, as revised.

**Testing.** The Administrative Officer or City Engineer may require any or all of the following tests to be conducted during the course of inspections, the cost of which shall be paid by the applicant: compaction, sieve analysis of materials, and/or wet season groundwater determination.

## **G. Street Construction Standards**

**Dimensions.** All streets constructed within subdivisions and developments shall conform to the standards contained in these Regulations.

**Clearing and Grubbing.** The entire roadway area and sidewalks, as shown on the approved plat, shall be cleared and grubbed. All root systems, trees, stumps, bushes and other objectionable material shall be removed and transported away from the development. Healthy trees within the right-of-way should be left standing and protected from construction disturbance provided they are located outside the roadway and sidewalk areas.

**Earth Excavation.** Earth excavation shall include, but not be limited to, the removal of clay, sand, gravel, loam, soft or disintegrated rock which can be removed without blasting, boulders of less than one cubic yard in volume (one-half cubic yard in all trenches) and other unacceptable materials within the limits of the roadway, drainage or other excavation. This item of work shall also include the backfilling of all stump holes and other surface irregularities with suitable fill materials. All excavations shall be to a depth and cross section as shown on the approved plans, profiles and cross section drawings. All fill materials shall be approved by the City Engineer and be clean, non-hazardous material.

**Sub-Surface Water.** Where free water is encountered within three feet of finished grade,

adequate drainage shall be constructed at a depth of at least four feet below finished grade.

**Utility Connections at Lot Boundaries.** All new streets shall have an undisturbed finished surface course for acceptance by the City. All underground utilities shall be brought to the property line of each lot before the binder course is installed in order to provide for utility connections without disturbing the finished surface course. If, due to an emergency, road cuts are necessary in the surface course prior to acceptance by the City, the Administrative Officer or City Engineer shall be notified within 24 hours of the cut. Cuts shall be sealed using infrared seal in accordance with the RIDOT Standards.

**General Construction Materials & Methods.** The applicant shall, at all times during construction, maintain the roads in passable condition and shall take appropriate measures to eliminate the creation of a dust nuisance during construction. Upon notification of a dust nuisance, the applicant shall have to, within 24 hours of said notice, sweep the street with a mechanical sweeper and use dust suppression equipment to the satisfaction of the City Engineer

1. Materials:
  - a. Base Course – Bank run processed gravel meeting the following gradation requirements for gravel borrow in the referenced standard: Section M.01.02 Gradation of Aggregates Table 1 Gravel Borrow sieve sizes.
  - b. Binder Course – Bituminous concrete (hot mix). Medium Texture Type I-1 must conform to RIDOT Standard Mix, Section M.16 for Modified Binder.
  - c. Bituminous Surface Course – Bituminous Concrete (hot mix). Medium Texture Type I-1 must conform to RIDOT Standard Mix.
  - d. All materials must be of a quality acceptable to the City Engineer.
  
2. Construction Method:
  - a. Preparation of Sub-base – Install underground sewer and water lines, utilities, laterals, service lines and related facilities prior to any street construction. Trenches shall be compacted in 6” lifts. Thoroughly compact sub-base with a ten-ton roller, or its equivalent, true to the lines, grades, and cross sections shown on the approved construction drawings, at least thirty days after filling and compaction of utility trenches. Clean the sub-base from any debris including accumulated organic material before spreading binder course.
  - b. Curbs – Hold the edge of the wearing surface to line and grade by the installation of curbs.
  - c. Binder Course - After the sub-base has been properly prepared and the curbs or shoulders set, spread the binder course for the full road width and in such volume as to provide a two-inch cross section after compaction with a ten-ton roller or the equivalent.
  - d. Surface Course – Apply as follows:
    - Sweep the binder course clean of sand and debris. Remove protrusions, and bring holes, ripples or unevenness in the surface back



to true line and cross section by the spot application of surface course mix.

- Apply surface course at a temperature of 295 to 350 degrees Fahrenheit by means of an approved paving spreader with a compactor. Place in sufficient quantity to provide a minimum compacted cross section of two inches.
- Compact the surface course with a ten-ton roller equipped with a sprinkler system to wet the wheels. Rolling shall be continued until all roller marks are eliminated and the minimum densities have been obtained based upon 95 percent of laboratory Marshall Densities made in proportions of the job-mix formula, method AASHTO T-254. Upon completion of the application and compaction of the surface course, allow standing for a minimum of eight hours without traffic.
- Limit traffic passing over constructed street to wheeled vehicles; no tracked equipment is permitted once the surface course has been applied.
- Do not install bituminous material when the soil conditions are not suitable or during other unfavorable weather conditions as may be determined by DOT standards or the City Engineer. Weather limitations for bituminous plant mix shall not be placed on any wet surface, or when air temperature is below 40 degrees Fahrenheit, or when weather conditions otherwise prevent the proper handling or finishing of the bituminous mixtures.

***Curbs.*** Street curbs shall be made of granite. At street intersections, provide curb returns or shoulders with a radius of at least 25 feet. Use appropriate Rhode Island Standard curb shapes for curb transition, inlet and apron installations. Install handicapped access transition drops in curbs as directed by the Planning Board.

***Sidewalks and Driveways.*** Construct sidewalks, when required, in accordance with Rhode Island Standard Detail 43.1.0 "Cement Concrete Sidewalk". When conditions warrant the appropriate Rhode Island Standard Detail shall be utilized (i.e., driveway openings). Driveway openings shall in all cases attain an elevation of 6" higher than the road at the curb and gutter line to avoid flooding of the property from street runoff

## **H. Drainage Structures and Facilities**

***Earthwork and Drainage.*** Construction of storm drainage structures and facilities shall conform to RIDOT standards.

**Manholes.** Locate manholes on storm sewer trunk lines:

- a. At maximum distances of 300 feet;
- b. At angles in the storm drainage lines;
- c. At street intersections and other points where catch basins, inlets or laterals are to be connected;
- d. At points where pipe sizes change; and
- e. At points where the grade of the storm drainage lines change.

**Minimum Cover.** Provide subsurface drainage structures and facilities within street rights-of-way, with a minimum cover of three feet. Where required minimum cover is physically impossible to achieve, the Planning Board and City Engineer may review for approval, a possible alternative proposal.

**Drainage Ponds.** Natural elements, such as swales and vegetated filter strips, are encouraged and shall be incorporated into the drainage design in accordance with the standards of the State of Rhode Island Storm Water Design and Installation Standards Manual. However, where retention and detention ponds are deemed necessary, they shall be designed to conform to the requirements of the RIDEM. Where the requirements of the City of Central Falls are more stringent, the design shall conform to the requirements of the City.

Ponds shall be designed in such a manner as to minimize their nuisance, visual, and social impacts and to allow their successful integration into the development. In addition to drainage and construction standards, ponds, swales and their related structures will be evaluated regarding safety, environmental, aesthetic, and social impacts. In order to achieve that goal, ponds shall meet the following criteria:

- a. Ponds shall be graded in a naturalistic and curvilinear manner and shall be integrated into the existing contours of the site. Pond side slopes shall not exceed 5 to 1 or a 20% slope. Pond bottoms shall be flat except for minimal grade required for complete drainage in dry ponds.
- b. The use of riprap shall be minimized. No dumped riprap will be allowed. All riprap shall be placed and shall conform strictly to RIDOT standards.
- c. The entire area of the pond shall be planted in such a manner as to integrate the new pond into the surrounding landscape. Plantings shall include a mixture of aquatic, emergent, and upland wetland plant species. Planting plans shall be provided which indicate: genus and species, size, quantity, and method of planting. Ponds that are designed to retain water shall be planted with appropriate wetland vegetation below the normal water line. The plantings shall not be planned to obstruct views of the pond in such a manner as to create a public hazard. Planting plans will be evaluated for their use of native materials, maintenance requirements visual quality, and appropriateness for wildlife.
- d. A detailed maintenance plan shall be provided for each pond. The plan

shall address silt removal, vegetation maintenance, mowing requirements, and any other information required by the Planning Board.

- e. Drainage ponds shall be located on private property with appropriate easements to allow City entry for repair and the removal of inappropriate owner improvements, as may be required. Access shall be designed and constructed in such a manner so as to provide adequate access for equipment and vehicles in all weather. The access shall be marked and planted in an appropriate manner.

When practical, several small basins would be preferred to a large, single basin.

**I. Permanent Monuments.** Permanent monuments shall be installed by the developer starting at every corner and angle point on the boundary line of the development and at every angle point of curvature on the proposed street rights-of-way, in accordance with the approved plat. Open space and/or conservation areas that are a condition of approval must be marked with monuments as well.

Monuments must be made of quarry split (peen hammered top) granite or pre-cast, reinforced concrete conforming in size and shape to the specifications below:

- a. At least 30 inches in length and 6 inches square in cross section.
- b. Place and center on the top surface of the monument, a drill hole ½-inch in diameter and three-quarters of an inch deep.

Bounds are to be set six inches above finished grade, except in sidewalks and driveways where they shall be set flush with the finished grade. Where the monuments delineate open space areas, they should be 48 inches in length and set such that half of the monument is revealed.

## **SECTION 8. LAND DEVELOPMENT & DEVELOPMENT PLAN REVIEW DESIGN STANDARDS**

The standards in this section must be applied when a project is classified as a Land Development or when a project requires Development Plan Review in accordance with the Zoning Ordinance. If either of these projects involves a public right-of-way or installation or connection to infrastructure that serves the public and which must be maintained in accordance with appropriate health and safety standards, the previous section is also applicable.

### **A. Access and Circulation**

Vehicular and pedestrian circulation should be clearly organized and functional, providing safe and efficient means of access to all non-sensitive areas of the site. Vehicular and pedestrian circulation areas should be separated to ensure safety, with appropriate linkages at designated inter-modal transportation nodes. A development's circulatory system, including roadways, paths, and parking areas provides the pattern for

human experience and should be designed considering both health and safety issues as well as aesthetics, social and environmental issues.

***Traffic Impact Study Required.*** In any case where a drive through is proposed or a new building or new use will generate more than 20 additional trips (total of inbound and outbound) during the adjacent roadways peak hours or the development's peak hours or if it is considered that the new development may have an impact on traffic safety, a traffic impact statement may be required. The scope of the traffic study will be defined by the Planning Board. The traffic impact study shall be prepared by a Rhode Island Registered Professional Engineer, specializing in traffic.

The purpose of the traffic impact statement is to determine the proposed development's impact on traffic capacity and traffic safety as well as determine mitigating measures to improve any reductions to capacity and safety. The traffic impact statement shall include the following:

- (1) A detailed assessment of existing versus proposed traffic conditions on any significant travel ways or intersections that may be impacted due to the proposed development. The analyses will be done using accepted traffic engineering procedures as presented in the 2000 Highway Capacity Manual of the Transportation Research Board. Projected traffic for the proposed development will be calculated based upon data obtained from Trip Generation, 7th Ed. of the Institute of Transportation Engineers (ITE) or based on information obtained from a similar development. The projected trips are to be added to the existing peak hour traffic count to yield total projected traffic. The proposed conditions are to also include additional traffic generated from the proposed development and any other future development permitted or in the process of being permitted within the vicinity of the project that may impact the traffic conditions. The assessment shall also include a review of the impacts of the project on existing nearby traffic nodes.
- (2) Accident data for the roads and intersections in the vicinity of the project site will be obtained from the City of Central Falls Police Department for the latest three years. A traffic safety analyses shall be performed to ensure that no existing safety issues occur within the vicinity of the project. Analyses of the traffic accident data, including discussions with the City of Central Falls Police Department, will be undertaken to determine whether there are unexpected patterns for an area with the existing geometric and traffic patterns observed. The traffic safety analyses shall include review of the geometric configuration of critical locations with regard to safe stopping sight distance. Based upon principles presented in A Policy on Geometric Design of Highways and Streets of the American Association of State Highway and Transportation Officials (AASHTO) and upon observed vehicle speeds, the adequacy of safe stopping sight distance on all approaches will be determined.
- (3) An analysis of the interior traffic circulation for a development is to be

performed. The analysis is to include both vehicular and pedestrian traffic flow.

- (4) Based on the results of the above-described analyses, conclusions are to be drawn that will include, as necessary, recommendations for mitigation of the impact of the projected traffic.

Roads and parking areas should be designed to respect natural features and topography, and to present an attractive “streetscape” environment. Vast expanses of paving without visual relief are undesirable. Materials should be harmonious with the existing, surrounding environment. Durable materials such as brick, granite, stone, wood, and textured/colored concrete are preferable.

### ***Driveways***

- (1) Integrate access points for automobiles and pedestrians carefully –especially within the village centers where pedestrian and vehicle traffic co-exist. Driveways should be shared by adjacent developments wherever possible to minimize curb cuts and impervious surfaces unless safety concerns associated with incompatible land uses can not be satisfied.
- (2) Use special accents at all entries. Monuments, uniquely textured paving, plantings, walls, sculptures, and specimen trees should be used to generate visual interest, and conform to the surrounding context.
- (3) Every development must have sufficient emergency access as required by existing Regulations and the local Fire, Rescue and Police Departments.
- (4) Driveway elevations at the property line shall be six inches higher than the elevation curb at the gutter line to avoid flooding of the property from street runoff.
- (5) Separate customer access and circulation from service truck or delivery access.
- (6) Roads and driveways should follow existing contours to minimize site disturbance and be designed parallel, rather than perpendicular, to existing slopes.

***Parking.*** Off-street parking shall be provided in accordance with the Zoning Ordinance, however, the Planning Board may recommend relief for good cause. In general, where parking areas can be reduced in size, or spaces shared with adjacent businesses, it is considered beneficial to reduce impervious surface areas and maintain a more natural appearance. In order to limit impervious surfaces, parking areas shall not be in excess of the requirements of the Zoning Ordinance.

- (1) Parking areas must be at least five feet from buildings separated by a raised walkway, planting strip, or bollards. There shall be sufficient space directly in front of the building for emergency vehicle access. Parking areas directly abutting the building or right-of-way shall not be considered acceptable.

- (2) Parking areas shall be located to the rear or sides of buildings out of sight from passing traffic. Vegetative buffering, berms, walls and fences should be used to screen parking to the greatest extent possible from all surrounding areas.
- (3) Pedestrian walkways should be provided through and between parking areas, buildings and wherever possible to adjacent streets.

***Drive-Through Facilities***

- (1) No drive-through facility shall be located in any front yard. Entrances to a drive-through facility shall be offset at least 150 feet from an intersection. No drive-through lane shall exit directly onto a street.
- (2) A sufficient number of stacking spaces for vehicles waiting to complete a transaction shall be provided so as to prevent circulation congestion, both on-site and on adjacent public streets. In general, the number of stacking spaces shall be based on the following minimum requirements:
  - i. Restaurant: ten spaces per station.
  - ii. Bank: five spaces for the first station, plus two spaces for each additional station.
  - iii. Other uses: four spaces per station.
- (3) In addition, there shall be at least one stacking space after the service window, before entrance to a travel lane. Each stacking space shall be a minimum of 10 feet in width and 20 feet in length.
- (4) Drive-through lanes shall be delineated from traffic lanes and parking areas with striping, curbing, landscaping and/or the use of alternative paving material. Where pedestrians will intersect with a drive-through lane, crosswalks shall be provided, making use of striping and/or alternative paving material.
- (5) Adequate directional and warning signs shall be provided to assure smooth traffic circulation and pedestrian safety, including marking entrances, exits and one-way lanes of drive-through areas. The placement of all directional signage shall be subject to review and approval under the provisions of these Regulations.
- (6) Menu boards or other informational boards shall face away from public rights-of-way. All lighting associated with menu boards, window service areas or travel lanes shall be directed and shielded so as to prevent any glare or reflection on adjoining streets or property. The placement of all informational signage shall also be subject to review and approval under the provisions of these Regulations.

***Pedestrian Pathways/Sidewalks.*** Pedestrian systems shall be clearly defined through both the natural and built environments. Attempts should be made to connect pedestrian networks between developments where there exists a logical and practical connection.

- (1) Sidewalks and paved pathways should be a minimum of 4 feet wide. Clearly defined pedestrian access should be provided to primary building entrances.
- (2) The Planning Board may require the construction or reconstruction of sidewalks and curbing in the right-of-way as an off-site improvement.
- (3) Informal pathways/trails should be provided to connect adjacent natural areas and potential future regional pathways and bikeway.
- (4) Crosswalks, signs, or other warning cues should be used wherever pedestrians cross traffic aisles.
- (5) Walkways and open areas shall be generously vegetated.

***Stairways and Ramps.*** All buildings should be handicapped accessible in accordance with state and federal laws. Provide hand railings in accordance with applicable regulations. Stairs should combine visual attractiveness with safety considerations and provide landings for visual variation and pedestrian rest.

#### **B. Landscaping**

To the maximum extent possible, the natural landscape should be preserved. Landscaping should serve as a unifying element, creating continuous patterns along the street edge and integrating the various elements of site design into the plan with the surrounding landscape elements and processes.

All areas not covered by structures, service yards, driveways, paths, or similar features shall be landscaped.

***Landscaped Setback Yards, Berms, Walls, and Screens.*** Every development or redevelopment shall provide sufficient year-round vegetated setback yards, berms, walls, and other screens to shield neighboring properties from any adverse external effects of a development, to shield the development from negative impacts of adjacent uses, to minimize stormwater impacts on flood management and water quality, when building design and siting do not provide sufficient privacy, or to aesthetically improve the site by providing barriers to undesirable land uses such as parking lots, utility areas, loading docks, trash pickup areas, and transportation corridors. These barriers may vary in materials and dimensions depending on the intensity of adjacent land uses and other design considerations. The goal should be to provide as much landscaping as possible from undesirable land uses.

#### **Storm Water Management**

- (1) Natural drainage ways should be maintained in an undisturbed state to the greatest extent possible. Retention/detention basins, etc. should only be employed where the natural features cannot adequately control runoff.

Storm water management systems should:

- Be designed using non-structural or low-structural components where possible.
  - Not allow downstream or off-site flooding, soil erosion or other related runoff problems.
  - Improve the water quality of runoff and protect and restore the quality of ground and surface waters.
  - Be designed for routine maintenance to be conducted on-site by the owners at regular intervals.
  - Maintain the natural hydrodynamic characteristics of the watershed.
  - Be located and designed to minimize aesthetic degradation.
2. All commercial and industrial developments shall use Best Management Practices (BMP) for storm water management design. Refer to the “*Rhode Island Storm water Design Manual*” for suggested BMPs.
  3. Any increase in storm runoff should be retained and recharged as close to its place of origin as feasible, using one or more of the following options:
    - Retention/detention basins.
    - Porous pavements.
    - Under-drains.
    - Surface swales with infiltration drains.
    - Creative pavement design which can shed surface water to vegetated areas.
    - Catch basins.
    - Temporary stone pads at road access point or similar techniques.

Landscaping will be required around visible, above ground control structures.

4. Water should be managed to decrease velocity, increase infiltration, and allow suspended solids to settle. Preferred options include grassy swales, artificial wetlands, vegetated buffer strips, extended detention basins, infiltration devices, alternative turf and wet retention/detention basins.
5. The siting and physical shape of storm water management structures including dry and/or wet ponds and swales shall be incorporated into the natural landscape to enhance functional values of the structures and provide visual amenity to the site.
6. Use porous paving whenever possible. Options include porous asphalt, brick or concrete pavers set on porous base material such as sand, soil cement and gravel.



**C. Site Furnishings and Amenities**

Site furnishings such as trellises, benches, lighting, trash containers, fencing, phone booths, etc. should be integral elements of the design and should be shown on the plans. Site furnishings shall be placed leaving adequate space for the stockpiling and removal of snow. Exterior vending machines such as soft drink and cigarette dispensers must be screened such that they do not constitute another outdoor sign or advertisement.

**Lighting**

- (1) Lighting shall be designed so as not to trespass on adjacent properties or traffic. Lights should generally be directed down.
- (2) Upward lighting, such as accent lighting shall be carefully directed away from oncoming traffic, neighboring properties and the sky.
- (3) Lamp and post height and type shall be appropriate to the architectural style of the building and be sensitive to adjacent architecture.
- (4) The lighting plan shall include the intensity and lumination expressed in foot candles and shall show all proposed lighting of the property, including the site and building. Building mounted lighting is discouraged.

**D. Building Design**

New development, modifications and expansions shall be integrated with, and complementary to, existing nearby architecture. Redevelopment projects should reuse existing buildings of character whenever possible. The focus of the standards and review of building design is to maintain or improve local architectural character.

The scale of a new addition should be complimentary to the existing structure; the proportions should not be either too overpowering or too dwarfed. Historic elements or interesting detail should be preserved and incorporated into the overall style of the building.

Changes to a building façade should be sensitive to both the overall architectural style of the structure itself and to the architecture of the surrounding area. Historic or architecturally significant buildings shall not be covered over in a way so as to obscure their importance. The proportion and placement of existing doors and windows shall be maintained if those elements are replaced.

### *Facades and Exterior Walls*

- (1) Exterior elevation drawings shall identify proposed wall materials and depict proposed colors for the project. Building elevations shall indicate window locations, door locations, screening of mechanical equipment and loading dock areas. Building elevations shall be dimensioned to indicate building length and building height in addition to specifying the building roof pitch.
- (2) Commercial ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. Windows, doors, and other openings should be detailed to establish them as important parts of the total composition. Design details should be employed to accentuate all entries.

### *Roofs*

In general, existing roof lines should be maintained. If altered, however, the roof should be compatible in scale and form with the style of the existing portion of the building. Mansard roofs are generally discouraged on one or two story buildings. Roofs should be an integral part of the building design and overall form of the structure and should respond to the general design and nature of other roofs along the street. Roofs shall have no less than two of the following features:

- Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. (see the Zoning Ordinance) The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatments.
  - Overhanging eaves, extending no less than 3 feet past the supporting walls.
  - Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
  - Three or more roof slope planes.
- (1) Where a flat roof not meant to be visible from the street is used in the building's design, decorative cornices and parapet walls should be used to delineate the building's profile.
  - (2) Mechanical equipment should not be located on the roof if the building is located below grade of an adjacent road or near an adjacent building that could provide views of the proposed roof, unless the equipment can be hidden from view by building elements that are designed for that purpose as an integral part of the building's design.

### ***Exterior Building Materials and Colors***

- (1) Exterior building materials should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods. Urban environments, for example, require the use of hard edge and durable urban materials. Predominant exterior building materials shall be high quality materials, such as: brick, wood, sandstone, other native stone, or tinted, textured, concrete masonry units.
- (2) Predominant exterior building materials shall not include the following:
  - Tilt-up concrete panels.
  - Pre-fabricated steel panels.
  - Large blank walls.
  - Flat roofs without a decorative cornice or parapet.
  - Concrete and cinderblock walls.
  - Highly reflective surfaces.
  - Square “box like” buildings.
  - Mixing of unrelated exterior materials.
  - Exposed pipe columns.
- (3) Building elevations should be designed to fit into the surrounding neighborhood. Architectural gimmicks, such as roof lights, distinctive roof shapes, large false cornices and parapets that sacrifice the integrity of a streetscape to promote a single structure are not allowed.
- (4) Building forms shall be designed to create and define visually attractive exterior and functional spaces.
- (5) Auxiliary structures should be architecturally consistent with primary structures on site.

### **E. Signage**

- (1) Signage should be provided for both vehicles and pedestrians. Each development should work within a pre-established “sign envelope” according to the type of sign and size of the development. Envelope size should be proportional to the size of the overall development and immediate streetscape as defined in the Zoning Ordinance.
- (2) Signs should be simple, easy to read by passing motorists, adequately illuminated, and should complement the color, materials and design of the building architecture. Signs and their illumination shall not adversely impact public safety.
- (3) For multi-tenant buildings, a comprehensive signage program shall be developed; only one freestanding sign is allowed.
- (4) Materials shall be similar to those used in buildings. Signs shall be simple

in design, although engraving, molding and other design features can provide a craftsman-like look.

**F. Servicing the Building**

- (1) Loading areas shall not be in front of buildings. Loading areas shall be located at the rear or sides of buildings and screen as appropriate.
- (2) Areas adjacent to residential properties should be free of service circulation unless appropriate landscaping is provided.
- (3) Dumpsters, air conditioners, HVAC equipment, trash compaction equipment and other utilities shall be incorporated into the building architecture or/or screened from view, hearing or smell with appropriate fencing, plantings or other appropriate barrier as required in Section 5-2 of the Zoning Ordinance.
- (4) All trash and garbage bins shall be:
  - stored in an approved enclosure unless bins are stored in an approved service yard.
  - easily accessible by each tenant.
  - located away from residential areas.
  - architecturally compatible with the project.
  - screened using plant materials.
  - provided with stress pads to avoid damage to pavement.

**G. On-site Storage and Use of Materials**

No materials of a hazardous nature as defined by the Hazardous Substance Act (Rhode Island General Laws 23-24-2) shall be stored except with the explicit approval of the City and then in strict compliance with applicable local, state, and federal regulations governing such storage.

All aboveground storage tanks containing hazardous materials should use the highest state of the art equipment to ensure safety. Facilities should include secondary containment within a vault constructed of appropriate materials, i.e., concrete.

Outside storage of materials, supplies, or equipment, including trucks or other motor vehicles, when allowed by the Zoning Ordinance, shall not exceed five percent of the gross floor area of the principal structure on the site. Further, equipment shall be screened on sides in harmony with the architecture, design, and appearance of neighboring structures and other surroundings.

