

**Town of New Shoreham Planning Board
Amendments to the Land Development and Subdivision Regulations
Article _____, Section _____
Unified Development Review**

The New Shoreham Planning Board hereby adopts the following amendments:

Note: Words set as ~~strikeover~~ are to be deleted from the regulations; words set in underline are to be added to the regulations.

§ 201. Definitions.

UNIFIED DEVELOPMENT REVIEW - Review and decision on variances and/or special use permits for properties undergoing review which qualifies for unified development review by the authorized permitting authority, to be conducted by the authorized permitting authority.

§ 301. General Procedures.

A. Applications. The Planning Board shall consider each application for a subdivision, ~~or~~ land development project approval, or Unified Development Review according to the procedures set forth in these Regulations, unless otherwise specifically provided.

D. Signature of Owner Required. If an application for subdivision, ~~or~~ land development approval or Unified Development Review is made by someone other than the owners of the land, which is the subject of the application, the applicant shall submit a written statement from the owners authorizing such application and specifically stating the authority of the person submitting the application. The Administrative Officer may request such supporting legal documentation for the file record as may be deemed appropriate.

Article III
General Requirements

§308. Precedence of Approvals.

~~A. Zoning Board. Where an applicant requires both Planning Board approval and a variance, or special use permit, from the Zoning Board, 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 (usually the preliminary stage, except for major projects, when master plan is the first approval stage), which may be granted simultaneously. The applicant shall obtain conditional Zoning Board relief, and then return to the Planning Board for all subsequent required approvals.~~

~~B.A.~~ TA. Town Council. Where an applicant requires both Planning Board approval, and Town Council approval for an amendment or change to the Zoning Ordinance or Zoning Map, 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 (usually the preliminary stage, except for major projects, when master plan is the first approval stage), which may be granted simultaneously. The applicant shall then obtain conditional

Town Council approval of the required zoning amendments, and then return to the Planning Board for all subsequent required approvals.

~~EB.~~ Historic District Commission. Where an applicant requires Historic District Commission approval of any proposal or any part of any proposal, or the property subject to any proposed zoning amendment is in the district, the applicant, Zoning Board, Planning Board or the Town Council may request an advisory opinion from the Commission before deciding on the merits of the proposal. This advisory need not be a final approval from the Commission but is intended to guide the Boards and Council in its decision before the applicant is at a stage to submit final plans to the Commission for its approval.

§309 Unified Development Review.

A. Review of projects submitted under Unified Development Review shall adhere to the procedures, timeframes and standards of the underlying category of the project as listed in RIGL §45-23-36, but shall also include the following procedures. Unless otherwise provided, all applications under this section shall require a single public hearing, held pursuant to Section 303.

- a. **Minor subdivisions and land-development projects.** Except for dimensional relief granted by modification, requests for variances or special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of review. A public hearing on the application, including any variance and special-use permit request shall be held prior to consideration of the preliminary plan by the Planning Board. The Planning Board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.
- b. **Development plan review.** Except for dimensional relief granted by modification, requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits related to development plan review projects shall be submitted as part of the application materials for first stage of review. A public hearing on the application, including any variance and special-use permit requests shall be held prior to consideration of the preliminary plan by the Planning Board; see RIGL §45-23-50(d)(1)(ii). The Planning Board shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the development plan review project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final stage of review of the development plan review project.
- c. **Major subdivisions and land-development projects.**

- i. **Master plan.** Except for dimensional relief granted by modification, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit requests shall be held prior to consideration of the master plan by the Planning Board. The Planning Board shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.
 - ii. **Preliminary plan.** During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the Planning Board during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, shall be held prior to consideration of the preliminary plan by the Planning Board. The Planning Board shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project. If the Planning Board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the Planning Board shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the Planning Board denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the applicable decision deadline so that additional information can be provided and reviewed by the Planning Board.
- B. **Decision.** The time periods by which the Planning Board must approve or deny applications for variances and special use permits under Unified Development Review shall be the same as the time periods by which the Planning Board must make a decision on the applicable review stage of the category of project under review.

Commented [KB1]: By statute, "local regulations must include procedures for the filing, review, and approval of applications." Do we want to include anything else in this amendment?