TOWN OF WEST WARWICK

NOTICE

TIME TABLE FOR PROCESSING APPLICATIONS FOR VARIANCES AND SPECIAL USE PERMITS

Process:

- Applicant submits application for Variance or Special Use Permit and supporting documents to the Zoning Clear in the Town Clerks Office. Applications for Variance or Special Use Permit MUST be filled out completely and MUST be signed by ALL applicants, owner, purchasers or lessees of the property in question.

- FOR DIMENSION OR USE VARIANCE – Applicant submits eighteen sets of preliminary plans by the first of the month preceding the Zoning Board Meeting. Example: Submit March 1st for April Meeting. Submit plans to Zoning Board Clerk in the Town Clerks Office.

- FOR SPECIAL USE PERMIT – Applicant submits eighteen sets of preliminary plans by the first of the month preceding the Zoning Board Meeting. Example: Submit March 1st for April meeting. Submit plans to Zoning Board Clerk in the Town Clerks Office.

- The Town Planner will set up a meeting with the Technical Review Committee for the second (2nd) Thursday of the month at 2PM to review and discuss plans. Any recommended changes by the Technical Review Committee are to be incorporated in final plans.

- Final Plans are to be delivered to the Town Planner no later than the third (3rd) Wednesday of the month. For Dimensional or Use Variance twenty-five sets of final plans and for Special Use Permit eighteen (18) sets of final plans are required. **If no changes are required after the Technical Review Committee meeting; no new plans have to be submitted.**

- The Town Planner will send revised final plans to the Technical Review Committee for review, if needed.

- NOTE: The Planning Board meets on the first (1st) Monday of the month

  The Zoning Board meets on the last Wednesday of the month.

WEST WARWICK ZONING BOARD OF REVIEW
APPLICATION FOR VARIANCE OR SPECIAL EXCEPTION

Official Use Only In This Block

Petition No:_____ Fee:_____

Date of Filing:_____ Date of Hearing:_____

Proposed Use:_____

Present Use:_____

1. Applicant:_____ Phone:_____
   Address:_____
   Owner:_____ Phone:_____
   Address:_____
   Purchaser/Lessee_____ Phone:_____
   Address:_____
   Attorney:_____ Phone:_____
   Address:_____
   Contact Person: _____ Phone: _____
   Address:_____

2. Location of Premises: _____
   Tax Assessor's Plat(s): _____ Lot(s): _____ Zone(s): _____
   Date of Purchase: _____
   Is purchase subject to zoning relief being granted: Yes _____ No: _____

3. Dimensions of lot(s): Frontage: _____ Width:___ Depth:___ Area:(sf)_____

LIST ALL EXISTING BUILDING AND PRESENT USES

	Building Height	Area (sf)	Use	Length of Use
A)				
B)				
C)				

4. Is this and application for:
   DIMENSIONAL VARIANCE ( ) USE VARIANCE ( ) SPECIAL USE PERMIT ( )
   APPEAL FROM DECISION OF BUILDING/ZONING OFFICIAL ( )
   APPEAL FROM DECISION OF PLANNING BOARD ( )

5. If the Application is for a Dimensional or Use Variance, complete the following:

   A) The variance relates to:
   Principal buildings ____ Accessory buildings_____ Land_____

   Check all that apply:
   ____ % of Lot coverage ____ Height ____ Lot Area
   ____ Set Backs ____ Parking ____ Signs
   ____ Number of dwelling units ____ Use ____ Non-conforming use
   Other (specify) _____

   B) Precise variance(s) sought:
   List each applicable section of the Zoning Ordinance for which Variance is sought
   _____
   _____
   _____

   C) 1. Describe the specific Variance sought:_____
   _____
   2. Describe extent of proposed alterations, additions or new building(s): _____
   _____
   3. Number of dwelling units for which building(s) is/are to be used:_____
   _____
   4. Is there public sewerage available? Yes ____ No ____

D) Describe the reason(s) the relief is requested for the specific variance listed above. Include peculiarity, loss of use, effect on surrounding property, alternative safeguards, etc.: _____

_____

_____

_____

6. If this is an application for a Special Use Permit, complete the following:

A) The Special Use Permit relates to:
Principal buildings ____ Accessory buildings_____ Land_____

B) Precise Special Use Permit sought:
(List specific section of Zoning Ordinance that indicates us is permitted by Special Use Permit)

_____

_____

C) Summarize the reasons why the Special Use Permit should be granted. Refer to specific sections of the Zoning Ordinance that apply:

_____

_____

_____

_____

7. If this is an appeal for the decision of the building/zoning official or from a Planning Board decision, state:

_____

_____

_____

Note: Plans acted upon by the Board become incorporated as part of the decision and are final.

I/We the undersigned, swear that all information given above to the best of my/our knowledge is complete and correct.

Applicant signature: _____ Date: _____

Owner signature: _____ Date: _____

Purchaser/Lessee signature _____ Date: _____

TOWN OF WEST WARWICK

TIME TABLE AND FILLING REQUIREMENTS FOR
VARIANCE AND SPEICIAL USE PERMIT APPLICATIONS

HEARING DATES:

Technical Review Committee (TRC) –
Planning Board (PB) – 6:00 pm, first (1st) Monday of every month.
Zoning Board of Review (ZBR) – 7:00 pm, last Wednesday of every month (except January and July, no meeting).

FILING REQUIREMENTS:

ONE COMPLETE COPY OF A FULL PACKET (SEE BELOW) MUST BE FILED WITH THE BUILDING OFFICIAL FOR REVIEW AND SIGNATURE OF COMPLETENESS. BEFORE REMAINING PACKETS MAY BE FILED. FULL SUBMISSION OF 26 OR 18 PACKETS WILL NOT BE ACCEPTED UNTIL INITIAL PACKET HAS BEEN DETERMINED TO BE COMEPLE.

ALL APPLICATIONS FOR ZONING MUST BE FILED WITH THE ZONING CLERK BY THE FIRST OF THE MONTH, AND PRIOR TO THE MONTH IT WOULD ACTUALLY BE HEARD.
(Ex. – for March TRC and April PB and ZBR must be filed by March 1st)

DIMENSIONAL OR USE VARIANCE – MUST FILE TWENTY-SIX (26) COMPLETE PACKETS.
SPECIAL USE PERMIT – MUST FILE EIGHTEEN (18) COMPLETE PACKETS.

PACKET CONTENT:

Each packet must include:

1. 26 or 18 Applications – Signed and dated original and 25 or 17 copies.
2. 26 or 18 Radius map – Mapping ALL abutting lots within 200 feet of perimeter of property.
3. 26 or 18 Abutter's list – Name and address of all abutters. (Note if more than one owner ALL must be listed. (Ex. – husband and wife, both must be listed)
4. 26 or 18 Site plans showing exactly what is proposed. (If prepared by a surveyor MUST be Class 1 survey.
5. 26 or 28 Building plans when applicable.
6. 26 or 18 copies of CURRENT zoning certificate.
7. AN UP TO DATE STATEMENT FROM THE WEST WARWICK TAX COLLECTER INDICATING THE STATUS OF REAL ESTATE TAXES AND SEWER BILLS AND ASSESSMENTS RELATED TO THE LOT(S) FOR WHICH RELIEF IS REQUESTED. NO APPLICATION WILL BE ACCEPTED UNLESS ALL REAL ESTATE TAXES AND SEWER BILLS AND ASSESSMENTS ARE PAID IN FULL.

COMPLETION REQUIREMENTS:

NO APPLICATION WILL BE ACCEPTED UNLESS APPLICATION IS COMPLETED IN FULL AND THE REQUIRED NUMBER OF ALL SUPPORTING DOCUMENTS ARE FILED *AND PACKETS MUST BE PRE-ASSEMBLED BY APPLICANT.*

HEARING PROCESS:

TRC – All applicants must appear before the TRC.
PB – All applicants for a Dimensional or Use Variance must receive a recommendation from either the PB or the Town Planner to the ZBR prior to appearance before the ZBR.
ZBR – All applicants must appear before the ZBR.

NOTICE REQUIREMENTS:

It is the responsibility of the Applicant to give notice of the ZBR hearing to ALL abutters, at **least 14 days** before the hearing by **REGISTERED MAIL, RETURN RECEIPT REQUESTED**, and to file an Affidavit of Notice and the Green Return Cards with the Zoning Clerk **PRIOR** to the matter being heard by the ZBR. Every owner must receive his or her or its own notice. (Ex. – both husband and wife joint owners must receive their own notice.

NOTE: NO MATTER WILL BE HEARD UNTIL THE AFFIDAVIT OF NOTICE AND THE GREEN CARDS HAVE BEEN FILED WITH THE ZONING CLERK.

(EXAMPLE OF NOTICE AND AFFIDAVIT ATTACHED)

APPLICABLE LAW:

Applicant must comply with ALL provisions of the Zoning Code of the Town of West Warwick, specifically including, but not limited to, Section 9, Variances and Section 10 Special Use Permits.

EXAMPLE OF NOTICE OF PUBLIC HEARING

(INSERT DATE OF LETTER)

Name and address of abutter

To whom it may concern:

You are hereby notified that (INSERT NAME OF APPLICANT), as applicant and (INSERT NAME OF OWNER), as owner, have filed an application with the West Warwick Zoning Board of Review requesting a (INSERT DIMENSIONAL VARIANCE, USE VARIANCE, SPECIAL USE PERMIT all that apply) for property located at (INSERT ADDRESS OF PROPERTY).

A hearing will be held before the West Warwick Zoning Board of Review in the Town Council Chamber, Town Hall, 1170 Main St., West Warwick, RI, on Wednesday, (INSERT DATE OF MEETING), at 7 o'clock pm. You are invited to be present if you wish.

Yours truly,
SIGNATURE OF APPLICANT, OWNER OR ATTORNEY
PRINT NAME BELOW SIGNATURE

EXAMPLEOF AFFIDAVIT OF NOTICE

STATE OF RHODE ISLAND
COUNTY OF KENT

TOWN OF WEST WARWICK
ZONING BOARD OF REVIEW

APPLICANT: INSERT NAME OF APPLICANT
PETITION NO.
OWNER: INSERT NAME OF OWNER

PETITION NO. INSET

AFFIDAVIT OF NOTICE

I, INSERT NAME OF PERSON GIVING NOTICE, being duly sworn, under oath depose and say that I caused to be mailed, certified mail, return receipt requested, a copy of the Notice of Hearing, to each of the owners of property within 200 feet of the perimeter of the subject property on INSERT DATE OF MAILING. A copy of said notice and the abutters list is attached hereto and made part herof.

SIGNATURE OF PERSON
MAILING NOTICE

Subscribed and sworn to before me this _____ day of _____, 201_.

MUST ATTACHED A COPY OF NOTICE THAT WAS SENT AND A COPY OF ABUTTER'S LIST.

RULES OF PRACTICE AND PROCEDURE BEFORE THE
TOWN OF WEST WARWICK
ZONING BOARD OF REVIEW

APPLICATION FOR RELIEF

In all applications for Dimensional or Use Variances or Special Use Permits a current zoning certificate from the building official must be filed with the Zoning Clerk with the application.

REPRESENTATION

Any applicant that is a formal business entity registered with the Secretary of State, such as a corporation or LLC must be represented by an attorney.

An applicant that is a partnership may be represented by one of the partners or an attorney.

An applicant that is an individual may represent himself or herself or be represented by an attorney.

Persons not licensed to practice law in the State of Rhode Island, such as architects, builders, engineers, etc. may not represent any applicant.

The Zoning Board of Review, when in its opinion for reasonable cause shown, may, by vote of a majority of the Zoning Board of Review, a quorum be present, waive any of the above representation requirements.

EXPERT TESTIMONY

Evidence that has been prepared by a professional on behalf of any party to the proceedings such as a land surveyor, engineer, traffic expert, etc must be presented by the professional that did the preparation to respond to questions from the Board members.

For example:

Surveys will require the preparing surveyor to be present.
Drainage will require the preparing engineer to be present.
Compliance with the comprehensive plan will require a real estate expert.

FILING OF DOCUMENTS

All documents in excess of 2 pages that any party wishes to be presented to the Board must be filed with the Board not less than 10 days prior to the hearing date. It shall be in the discretion of the Board, by a vote of the majority of the Board, whether the Board will allow or refuse the filing of such document or will continue the hearing for 1 month to allow time for the Board to review such documents. Any party filing such document shall agree that if the Board shall vote to continue the matter for 1 month to allow the review of the document, the party so filing shall agree to stipulate that he, she or it will waive any time deadlines that will expire as a result of such continuance.

NOTICE

In all cases requiring certified notice to abutters the returned receipts AND Affidavit of Compliance MUST be filed with the clerk **before any hearing will be held.**

MEETING

The Chairperson shall call the meeting to order. The clerk shall take a roll call. Three members must be present for a quorum. The Chairperson will call the matters to be heard in the order in which they appear on the agenda. The Board, in its discretion, may, by majority vote, change the order in which matters shall be called for hearing.

PROCEDURE FOR HEARING

The applicant shall present testimony and evidence first. The Board may question applicant or witnesses during presentation. Upon completion of applicant's presentation, persons wishing to speak in favor of application will be heard. The Board may question persons speaking.

Upon completion of applicant's and persons speaking in favor, persons opposed to the application will present testimony and evidence. The Board may question witnesses during presentation.

Upon completion of objector's presentation, the applicant will be given opportunity to respond to objectors presentation. The Board may question presenters.

Upon completion of applicant's response, the Chairperson shall request a motion to close the public hearing. A motion will be made and seconded, and upon affirmative vote of a majority of the Board, the public hearing will be closed.

The Board will then discuss the application. During the Board's discussion, any person appearing on the matter, including Town staff, may be questioned by the Board. Only question and discussion will be allowed. Unless requested by the board, no additional testimony or evidence may be presented.

After discussion, upon motion made and seconded, a roll call vote of the members or alternates sitting on the application will be taken on the approval of the application and any conditions that the Board may attach to an approval.

VOTING PROCEDURE

Upon closing of discussion a motion shall be made and seconded to approve the application.

Conditions may be added to the motion either at the time of making of the motion or by amendment to the motion.

After the motion is made and seconded and amended if required, the Board shall discuss the motion with the members stating the reasons for being in favor or opposed to the application.

After discussion a vote will be taken on the motion.

RULES OF CONDUCT

ALL PERSONS WISHING TO ADDRESS THE MEETING MUST BE RECOGNIZED BY THE CHAIRPERSON BEFORE SPEAKING.

Only one person may speak at one time.

Witnesses shall not give repetitive testimony but shall refer to the prior witness and shall state that they wish to join in that witness's testimony.

The Chairperson may set time limits on testimony.

STANDARDS OF REVIEW

It is the applicant=s burden to satisfy the standards of review required for each type of relief sought. The following are a partial list of types of review and the standards that must be met by the applicant for the relief sought to be granted.

DIMENSIONAL VARIANCE

The hardship from which relief is sought;

1. Is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area and is NOT due to a physical or economic disability of the applicant.
2. Is not the result of any prior action of the applicant and is not primarily to realize greater financial gain.
3. Will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan.
4. Is the least relief necessary.
5. If not granted the hardship will result in more than a mere inconvenience and that there will be no alternative legally permitted beneficial use of the property.

USE VARIANCE

The hardship from which relief is sought:

1. Is due to the unique characteristics of the subject land or structure and not the general characteristics of the surrounding area and is NOT due to a physical or economic disability of the applicant.
2. Is not the result of any prior action of the applicant and is not primarily to realize greater financial gain.
3. Will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan.
4. Is the least relief necessary.
5. The land or structure will not yield any beneficial use if it is required to conform to the zoning ordinance.

SPECIAL USE PERMIT

The proposed use:

1. Is compatible with neighboring land uses.
2. Will not create a nuisance in the neighborhood.
3. Will not hinder future development of the Town.
4. Will conform to all applicable sections of the zoning ordinance.
5. Is in conformance with the purposes and intent of the comprehensive plan.
6. The land or structure will not yield any beneficial use if it is required to conform to the zoning ordinance.

SPECIAL USE PERMIT ACCESSORY FAMILY DWELLING

1. Valid zoning certificate
2. Primary building only dwelling on lot.
3. Only 1 accessory family dwelling peritted.
4. No nonconformity or violation of town ordinances or codes exist.
5. No more than 2 bedrooms.
6. At least 1 additional parking space, not in minimum required front yard, required.
7. Not permitted if there exists a rooming house, home occupation, pre-existing accessory family dwelling unit, 2 or multiple family dwelling.

Section 9. Variances.

9.1 An application for relief from the literal requirements of the zoning ordinance because of hardship may be made by any person, group, agency, or corporation by filing with the town clerk an application describing the request and supported by such data and evidence as may be required by the zoning board of review or this ordinance. The town clerk shall immediately transmit each application received fully completed to the zoning board of review and shall transmit a copy of each application to the planning board.

9.2 In granting a variance the zoning board of review may apply special conditions as provided for in this ordinance.

9.3 The zoning board of review, immediately upon receipt of an application for a variance in the application of the literal terms of the zoning ordinance shall request that the Planning Board or Town Planner report its findings and recommendations, including a statement on the general consistence of the application with the goals and purposes of the comprehensive plan of the town, in writing to the zoning board of review within 30 days of receipt of the application from that board. The zoning board of review may refer a copy of the application to any other town departments, such as the public works department or fire department, for findings and recommendations on matters related to public health, safety and welfare.

9.4 Ten complete copies of the application must be submitted. The application shall include the following completed data in order to be placed on a hearing agenda.

9.4.1 A completed variance form indicating the variance sought and the grounds for the variance;

9.4.2 Names and addresses of all owners of the property within a 200-foot radius as measured from the perimeter of the subject property and as shown on the current real estate tax assessment records of the town;

9.4.2.1 If the subject property for which the variance is being requested lies within the BP business park zoning district, then the applicant shall also include the names and addresses of all owners of the property within said zoning district;

9.4.3 An accurate site map drawn at a scale of 1@ = 20= (or 1@ = 40=) on a sheet(s) 24 inches by 36 inches showing the following for the subject property:

9.4.3.1 The shape, dimension, area and street number of the subject property;

9.4.3.2 The location, size and use of all existing and proposed conditions;

9.4.3.3 The zoning use district boundaries;

9.4.3.4 North arrow;

9.4.3.5 Title block in the lower right hand corner showing names(s) of the property owners; Assessor=s plat and lot number of the subject property; date of plan; and a blank signature space for the Chairperson of the zoning board of review; and

9.4.3.6 Parking areas and all existing and proposed impervious surfaces, groundcover, and topography to a two-foot contour (existing and proposed) if any change in lot coverage, change in topography or impervious surface is proposed.
9.4.3.7 Such other information as may be necessary for the execution and enforcement of this chapter.

9.4.4 An accurate radius map drawn at a scale of 1@ = 100= which includes:

9.4.4.1 A title block in the lower right hand corner showing name(s) of the property owner; assessor=s plat and lot number of the subject property; and, date of plan;

9.4.4.2For all property within a 200-foot radius as measured from the perimeter of the subject property:
The shape, dimension and area of the property;
The location of all zoning use district boundary lines; and
The street numbers and assessor=s plat and lot numbers;

9.4.4.3 The general location, shape and use of all existing buildings and structures within a 200-foot radius of the subject property; and

9.4.4.4 Such other information as may be necessary for the execution and enforcement of this ordinance.

9.4.4.5 The application fee as set by the town council, to cover the costs associated with review, hearing, notice, and recording fee.

9.5 Variance procedure. The zoning board shall hold a public hearing on any application for variance within 30 days after receipt in proper form of an application and shall give public notice thereof at least 14 days prior to the date of the hearing in a newspaper of general circulation in the town.

9.5.1 Notification, including the date, time, place, purpose of the hearing, and street address of the subject property shall:

9.5.1.1 Be sent by first class mail to the applicant;

9.5.1.2 Be sent registered mail, return receipt requested, to all owners of real property whose property is located at or within a 200-foot radius of the perimeter of the subject area, as measured from the corners of the subject area; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the town;

9.5.1.3 Be sent by first class mail to the city or town council of any city or town which is located at or within 200 feet of the perimeter of the subject area;

9.5.1.4 Be sent first class mail to the city or town council of any city or town 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, at or within 2,000 feet of the subject property, regardless of the municipal boundaries;

9.5.1.5 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 watersheds and parcels of land within 2,000 feet thereof.

9.5.1.6 If the subject property for which the variance is being requested lies within the BP business park zoning district, then the notification is to also be sent registered or certified mail to all owners of real property whose property is located within the BP business park zoning district; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the town.

9.5.1.7 The cost of notification shall be borne by the applicant.

9.6 Determination. Any party may appear at the hearing in person, or by attorney. The hearing held by the zoning board of review is a public meeting and all decisions reached by the zoning board of review shall be made and voted upon at a public meeting. The board shall hear all evidence on the variance request, and consider the written reports of town staff when reaching a decision on the findings required.

9.7 Implementation, appeal.

9.7.1 The town clerk, acting in capacity as clerk for the zoning board of review, shall be responsible for the recording in the land evidence records of the town of West Warwick, all decisions on variance applications. The decision shall also be posted in a location visible to the public in the town Hall for a period of 20 days following the recording of the decision.

9.7.2 Any variance granted by the zoning board of review shall expire one year from the date of issuance, unless the applicant shall within that one year period exercise the right granted by the decision. The board may upon application filed within the one year period and for good cause shown, extend the limitation for one additional one year period. The application for an extension need not be advertised.

9.7.3 No application for a variance involving the same parcel and same request, which was denied or withdrawn, with prejudice, may be resubmitted for a variance for a period of 24 months, unless the zoning board of review determines there is substantial change of circumstances, which justifies a variance application.

9.7.4 If the board allows an amendment to an original application which changes the terms under which the application as advertised or which alters the basic facts upon which the application was presented, the amended application shall be readvertised and referred to the planning board.

9.7.5 Any aggrieved party may appeal decision of the zoning board of review to the Superior Court for Kent County.

9.7.6 All work approved by the issuance of a variance shall be carried out only in conformity with the application and any conditions, modifications and restrictions set by the zoning board of review. Minor changes, not exceeding six inches, shall be submitted to the building inspector for approval. Changes exceeding six inches shall be resubmitted to the zoning board of review in the form of a new application. Any work carried out in violation of this provision shall be ordered halted and fully removed.

9.8 Findings required. In granting a variance, the zoning board of review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

9.8.1 That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;

9.8.2 That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;

9.8.3 That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based; and

9.8.4 That the relief to be granted is the least relief necessary.

9.9 The zoning board of review shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

9.9.1 In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and

9.9.2 In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one=s property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

9.10 Decisions shall be recorded and filed in the office of the zoning board of review within 30 working days from the date when the decision was rendered, and shall be a public record.

Section 10. Special Use Permits

10.1 The zoning board of review is designated the approval authority for special use permits.

10.2 In granting a special use permit, the zoning board of review shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

10.2.1 The special use permit shall:

10.2.1.1 Be compatible with neighboring land uses;
10.2.2.2 Not create a nuisance in the neighborhood;
10.2.2.3 Not hinder the future development of the town;
10.2.2.4 Conform to all applicable sections of this ordinance; and
10.2.2.5 Be in conformance with the purposes and intent of the West Warwick comprehensive plan and applicable standards of this ordinance.

10.3 In granting a special use permit, the zoning board of review may apply such special conditions as provided in this ordinance.

10.4 Intent and eligibility. Within the town generally and in particular some zoning districts, certain uses are specified in the table of use regulations as allowed by special use permit only. These uses are of a nature requiring review, in accordance with the General Laws of Rhode Island, to determine whether they should be permitted in specific locations; if they meet special conditions and safeguards; and what additional conditions may be required if permission is granted.

10.5 Application process. Applications for special use permits shall be filed with the town clerk acting in capacity as clerk for the zoning board of review. Eighteen complete copies of the application must be submitted. The application shall include the following completed data in order to be placed on a hearing agenda:

10.5.1 A completed special use permit form indicating the special use permit sought, the grounds for the permit, and information on the scale and size of the proposed use as applicable.

10.5.2 Names and addresses of all owners of property within a 200-foot radius as measured from the perimeter of the subject property, and as shown on the current real estate tax assessment records of the town.

10.5.2.1 If the subject property for which the special use permit is being requested lies within the BP business park zoning district, then the applicant shall also include the names and addresses of all owners of property within said zoning district, and as shown on the current real estate tax assessment records of the town.

10.5.3 An accurate site map drawn at a scale of 1 inch equals 20 feet (or 1 inch equals 40 feet) on a sheet(s) 24 by 36 inches showing for the subject property the same information as is required by subsections 9.4.3 and 9.4.4.

10.5.4 Such other information as may be necessary for the execution and enforcement of this chapter.

10.5.5 The application fee as set by the town council, to cover the costs associated with review, hearing, notice, and recording fee.

10.6 Reserved.

10.7 Review process.

10.7.1 Reserved

10.7.2 Upon receipt of a special use permit application, fully completed, in proper form, the town clerk shall refer a copy to the Technical Review Committee for findings and recommendations on matters related to public safety, health and welfare.

10.7.3 The board shall fix a reasonable time not to exceed 30 days for a public hearing on a special use permit application. Notification including the date, time, place, purpose of the hearing, and street address of the subject property shall:

10.7.3.1 Be published at least 14 days prior to the date of such hearing in a newspaper of general circulation in the city;

10.7.3.2 Be sent by first class mail to the applicant;

10.7.3.3 Be sent registered mail, return receipt requested, to all owners of real property whose property is located at or within a 200-foot radius of the perimeter of the subject area, as measured from the corners of the subject area; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the town;

10.7.3.4 Be sent by first class mail to the city or town council of any city or town which is located at or within 200 feet of the perimeter of the subject area;

10.7.3.5 Be sent first class mail to the city or town council of any city or town 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, at or within 2,000 feet of the subject property, regardless of the municipal boundaries;

10.7.3.6 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 public water source and that is at or within 2,000 feet of the subject property, provided however, that the governing body of any state or municipal water department or agency, special water district or private water company has filed with the building inspector in the town a map survey which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land at or within 2,000 feet thereof.

10.7.3.7 If the subject property for which the special use permit is being requested lies within the BP business park zoning district, then the notification is to also be sent registered or certified mail to all owners of real property whose property is located within the BP business park zoning district; such notice shall be sent to the last known address of such owners as shown on the current real estate tax assessment records of the town.

10.7.3.8 The cost of notification shall be borne by the applicant.

10.8 Determination.

10.8.1 Any party may appear at the hearing in person, or by attorney. The hearing held by the zoning board of review is a public meeting and all decisions reached by the board shall be made and voted upon at public meeting. The board shall hear all evidence on the special use permit request; and consider the written reports of town staff when reaching a decision on the findings required.[1]

10.8.2 Decisions shall be recorded and filed in the office of the zoning board of review within 30 working days from the date when the decision was rendered, and shall be a public record.

10.9 Implementation, appeal.

10.9.1 The town clerk, acting in capacity as clerk for the zoning board of review, shall be responsible for the recording in the land evidence records of the town of West Warwick, decisions on special use permits. The decision shall also be posted in a location visible to the public in town hall for a period of 20 days following the recording of the decision.

10.9.2 Any special use permit granted by the zoning board of review shall expire within one year from the date of its issuance, unless the applicant shall within that one year period exercise the right granted by the decision. The board may upon application filed within the one year period and for good cause shown, extend the limitation for one additional one year period. The application for an extension need not be advertised.

10.9.3 No application for special use permit involving the same parcel and same request, which was denied or withdrawn with prejudice, may be resubmitted for a special use permit for a period of 24 months, unless the zoning board of review determines there is a substantial change of circumstances, which justifies a special use permit application.

10.9.4 If the board allows an amendment to an original application which changes the terms under which the application was advertised or which alters the basic facts upon which the application was presented, the amended application shall be readvertised and referred to the planning board.

10.9.5 Any aggrieved party may appeal decisions of the zoning board of review to the superior court for Kent County.

10.9.6 All work approved by the issuance of a special use permit shall be carried out only in conformity with the application and any conditions, modifications and restrictions set by the zoning board of review. Minor changes, not exceeding six inches, shall be submitted to the building inspector for approval. Changes exceeding six inches shall be resubmitted to the zoning board of review in the form of a new application. Any work carried out in violation of this provision shall be ordered halted and fully removed.

RECORDING INSTRUCTIONS FOR ALL MAPS, SURVEYS AND CONDOMINIUM PLATS AND PLANS

TWO COPIES OF ALL MYLARS (MAPS, SURVEYS OR CONDOMINIUM DOCUMENTS MUST BE SUBMITTED AT TIME OF RECORDING. EVERY PAGE OF THE MYLARS TO BE RECORDED MUST BE NUMBERED

ALL MAPS AND CONDOMINIUM PLATS AND PLANS ON MYLAR MUST BE 24" X 36" IN SIZE AND MUST STATE THE TYPE OF PLANNING OR ZONING APPROVAL RECEIVED. SURVEYS MAY BE ANY SIZE BUT MUST BE ON MYLAR

ALL SUBDIVISION PLANS OR MYLARS OF ANY TYPE THAT HAVE RECEIVED ZONING AND/OR PLANNING APPROVAL MUST BE SIGNED BY THE TOWN PLANNER

ALL MAPS, SURVEYS OR CONDOMINIUM PLATS AND PLANS PREPARED BY A SURVEYOR, MUST CONTAIN THE SURVEYOR=S STAMP AND SIGNATURE AND STATEMENT THAT IT IS A CLASS 1 SURVEY.

RECORDING OF CONDOMINIUM DOCUMENTS

1. ALL CONDOMINIUM DOCUMENTS TO BE RECORDED, (i.e. Declaration, By-Laws, Rules and Regulation, Plats and Plans, etc.) **MUST** BE RECORDED SIMULTANEOUSLY. RECORDING OF THE CONDOMINIUM DECLARATION WITHOUT THE RECORDING OF THE PLATS AND PLANS SIMULTANEOUSLY **WILL NOT BE PERMITTED**. (This does not include initial subdivision of land).

2. CONDOMINIUM PLATS AND PLANS MAY BE RECORDED AS PART OF THE DECLARATION OR ON SEPARATE MYLARS.

3. WHETHER PART OF THE DECLARATION OR ON SEPARATE MYLARS:
   A. EACH PAGE OF THE PLATS AND PLANS MUST BE NUMBERED SEQUENTIALLY,
   B. EACH PAGE OF THE PLATS AND PLANS MUST IDENTIFY WHAT THAT PAGE IS AND THAT IT IS PART OF THE NAMED CONDOMINIUM (ex. Site plan of ABC Condominium, Easements of ABC Condominium, First floor plan of ABC Condominium, etc.)
   C. EACH PAGE OF THE PLATS AND PLANS MUST INCLUDE THE STATEMENT **aI CERTIFY THAT THESE PLATS AND PLANS CONTAIN ALL THE INFORMATION REQUIRED BY R. I. G. L. 34-36.1-2.09"** AND MUST BE MUST BE SIGNED BY THE APPROPRIATE PARTY (SURVEYOR OR ARCHITECT)

DOCUMENTS THAT DO NOT COMPLY WITH THE ABOVE WILL NOT BE ACCEPTED FOR RECORDING.

TOWN OF WEST WARWICK
NOTICE

TIME TABLE FOR PROCESSING APPLICATIONS FOR VARIANCES AND SPECIAL USE PERMITS

ocess:

- Applicant submits application for Variance or Special Use Permit and supporting documents to the Zoning Clear in the Town Clerks Office. Applications for Variance or Special Use Permit MUST be filled out completely and MUST be signed by ALL applicants, owner, purchasers or lessees of the property in question.

- FOR DIMENSION OR USE VARIANCE – Applicant submits eighteen sets of preliminary plans by the first of the month preceding the Zoning Board Meeting. Example: Submit March 1st for April Meeting. Submit plans to Zoning Board Clerk in the Town Clerks Office.

- FOR SPECIAL USE PERMIT – Applicant submits eighteen sets of preliminary plans by the first of the month preceding the Zoning Board Meeting. Example: Submit March 1st for April meeting. Submit plans to Zoning Board Clerk in the Town Clerks Office.

- The Town Planner will set up a meeting with the Technical Review Committee for the second (2nd) Thursday of the month at 2PM to review and discuss plans. Any recommended changes by the Technical Review Committee are to be incorporated in final plans.

- Final Plans are to be delivered to the Town Planner no later than the third (3rd) Wednesday of the month. For Dimensional or Use Variance twenty-five sets of final plans and for Special Use Permit eighteen (18) sets of final plans are required. If no changes are required after the Technical Review Committee meeting; no new plans have to be submitted.

- The Town Planner will send revised final plans to the Technical Review Committee for review, if needed.

- NOTE: The Planning Board meets on the first (1st) Monday of the month

  The Zoning Board meets on the last Wednesday of the month.