

Chapter 17.84

DEVELOPMENT PLAN REVIEW

17.84.010 PURPOSE

Proposed developments [**DEVELOPMENT**] shall be subject to a Development Plan Review [**DPR**] to assure that said Developments occurs in a safe, orderly and harmonious manner. The purpose of this Chapter is to:

1. Ensure that a Development, including use and design, is compatible with the surrounding area;
2. Ensure that there are adequate public facilities to service a Development;
3. Promote safe traffic, pedestrian and bicycle circulation;
4. Preserve and protect natural, historical and cultural resources; scenic or unique vistas and environmental qualities;
5. Provide open space and public access through landscape design;
6. Require the treatment of erosion, stormwater runoff and pollution;
7. Provide safe and efficient access and site circulation and adequate off-street parking and loading, emergency access, trash disposal, outdoor storage, signage and lighting;
8. Require consistency with the City's Comprehensive Plan and compliance with the Zoning Ordinance [**ZONING**] and other applicable Ordinances of the Municipal Code [**CITY CODE**]; and
9. Identify issues to be addressed before a Development proceeds to final design and engineering.

A DPR shall not be used to deny any use allowed by right as established by Zoning.

17.84.020 APPLICABILITY

The following activities shall be subject to the provisions of this Chapter:

1. A nonresidential Development on a parcel **not** located in or within 200' of a residential zoning district [all A-zones and B-zones] which proposes:
 - a. a new structure(s) having of 8,000 SF or more or that requires 25 or more off-street parking spaces;
 - b. to increase a structure(s) by the lesser of 25% or 4,000 SF provided that said structure(s) will have 8,000 SF or more after the increase or that requires the addition of 7 or more off-street parking spaces;
2. A nonresidential Development on a parcel located in or within 200' of a residential zoning district which proposes:
 - a. a new structure(s) having an area of 5,000 SF or more or that requires 15 or more off-street parking spaces;
 - b. to increase structure(s) by the lesser of 5% or 1,500 SF provided that said structure(s) will have 5,000 SF or more after the increase or that requires the addition of 4 or more off-street parking spaces.
3. A multi-family development which proposes 4 or more dwelling units or any accessory structure of 1000 SF or more. Any increase in an existing development resulting in 4 or more dwelling units.
4. A change in use provided that said change would in any 3 year period:
 - a. Involve lesser of 20% or 15,000SF;
 - b. Require the addition of 6 or more off-street parking spaces;
 - c. Employ different materials and/or processes than those associated with the existing use;
 - d. Result in significant changes to traffic flow or volumes, landscaping or buffering, hours of operation, noise, effluent discharge, drainage or lighting.
5. Any Development which proposes to include a drive-thru use.

17.84.030 EXEMPTIONS

The following activities shall be exempt from the provisions of this Chapter:

1. Construction or alteration of single/three-family dwellings including accessory structures,
2. Modifications to existing nonresidential structures where there is no change in use or area,
3. Subdivisions for single-family dwellings and residential planned districts.
- 4.

17.84.040 DEVELOPMENT PLAN REVIEW COMMITTEE

A DPR Committee [**DPRC**] shall consist of the Directors of Planning and Public Works, Fire Chief, Inspector of Buildings and Public Safety Manager or their designees. The Planning Director shall serve as the DPRC chair and the Planning Department [**DEPARTMENT**] shall coordinate the DPR process.

17.84.050 PROCEDURE

- A. **CONCEPT MEETING:** Upon written request, the DPRC may meet with an Applicant to review concept plans for a Development. The DPRC shall not be bound by any comments made during said meeting.
- B. **PRE-APPLICATION MEETING:** Prior to filing for a DPR [**APPLICATION**], an Applicant shall meet with the Department to determine what materials shall be submitted with an application. Within 14 days after the meeting, the Department shall provide to an Applicant a list of the plans and documents to be submitted.
- C. **APPLICATION:** An Application shall be filed with the Department in accordance with Sec. 17.84.110. At a minimum, it shall include all the items identified at the Pre-Application Meeting. During its review, the DPRC may request any additional materials it deems necessary to render a decision.
- D. **CERTIFICATION:** The Department shall certify an Application as complete or incomplete within 10 days after submission.
 1. For a complete Application, the certification shall include date on which a DPR will be conducted.
 2. For an incomplete Application, the certification shall identify the Application's deficiencies. The application form and the site plan, as determined by staff, shall also be filed electronically and posted on the City's web site.
- E. **REFERRALS:** For a complete Application, a copy of said Application shall be forwarded to appropriate City departments, committees, commissions and boards for review and comment.
- F. **PLAN REVIEW:** For a complete Application, the DPRC shall conduct a DPR at a public meeting. The Mayor, City Council and all owners of land [abutters] within 200' of the parcel being reviewed shall be informed of said meeting with abutters being informed by first class mail posted a minimum of 7 days prior to the meeting. During a DPR, an Applicant may submit corrections and additions. A DPR may be continued by vote of the DPRC.
- G. **DECISION:** Within 14 days after the close of a public meeting, the PRC shall issue a written decision on an Application unless the DPRC extends said timeframe an additional 20 days by written notice to the Applicant.
 1. A decision shall be by a majority vote of the DPRC.
 2. If an Application is approved [**APPROVAL**], the DPRC may impose conditions or require modifications to a Development in order to mitigate impacts and insure compliance with Zoning and other City Codes and regulations.
 3. If an Application is denied, the DPRC shall make findings detailing the basis for denial.

17.84.060 GENERAL STANDARDS FOR APPROVAL

An Approval shall be granted if the DPRC finds a Development meets the following standards:

1. A Development complies with Zoning and other City Codes and regulations and is consistent with the Comprehensive Plan.

2. Erosion is controlled in accordance with Chapter 15.28 "Soil Erosion and Sedimentation Control" of the City Code so that erosion shall not impact abutting properties or public streets.
3. Storm water runoff is treated using best management practices so that there shall be no increased runoff from a Development. [All developments shall meet the standards set in the Rhode Island Stormwater Design and Installation Standards Manual as most recently amended.]
4. Vehicular and pedestrian movement within and access to and egress from a Development are safe and efficient and provisions are made for snow removal.
5. Site improvements, utilities, infrastructure, streets, sidewalks, and parking areas will be constructed in compliance with the applicable City regulations and standards.
6. The location, arrangement, appearance and quantity of off-street parking and loading are adequate to serve the Development and comply with Zoning.

Nothing herein shall prevent an applicant from seeking a variance or special permit from the ZBR.

17.84.070 FINAL PLAN

Any revision required by an Approval shall be incorporated onto a final plan **[PLAN]** and a Mylar and 2 paper copies of said Plan shall be submitted for endorsement by the DPRC within 30 days of an Approval. Prior to endorsement, an Applicant shall comply with all applicable conditions set by an Approval. The endorsed Plan shall be incorporated into the Approval by reference and made part thereof. The Department shall file a record of the Approval with the City Clerk on behalf of the DPRC.

17.84.080 AMENDMENT TO FINAL DEVELOPMENT PLAN REVIEW APPROVAL

Activities authorized by a DPR shall be completed in conformity with the Approval. Minor changes to the Approval may be allowed by the Inspector of Buildings in consultation with the Planning Director. Changes deemed to be major shall be submitted to the DPRC for review and approval. A change to the Approval shall be major if:

- the requested change could have affected vote to grant Approval
- the requested change creates or intensifies project impacts which require additional conditions to address said impacts.

17.84.90 TIME LIMIT ON APPROVAL

An Approval shall lapse after one year if construction has not begun. The one year period shall start on the date an Approval is filed with the City Clerk and shall not include such time required to pursue or await an appeal. Upon written request, the DPRC may extend an Approval for a period not to exceed one year.

17.84.100 COORDINATION

When a DPR is required, an Approval shall be secured prior to:

1. the issuance of a building permit;
2. consideration of an application for a Preliminary Plan Approval by the City Plan Commission or
3. consideration of an application for a variance or special permit by the Zoning Board of Review [ZBR].

The decision and findings of the Committee shall be considered by the ZBR and the Plan Commission in their deliberations on the matter before it.

17.84.110 SUBMISSION REQUIREMENTS

A. SUBMISSION REQUIREMENTS PRE-APPLICATION MEETING

1. Existing conditions plan showing property boundaries, structures, streets, easements, natural resources, contours, wetlands and generalized drainage pattern;
2. A proposed site plan showing in general terms site layout, building footprints, parking and site circulation, landscaping and drainage.

B. SUBMISSION REQUIREMENTS FOR DPR

1. A complete application for DPR shall include:
 - a. 6 copies of the Application including plans;
 - b. a filing fee of \$500 plus \$20 per acre for each full acre in the Development;
 - c. supporting documentation as determined in the pre-application meeting or required below;
 - d. identification of all permits required from state or federal agencies prior to start of construction;
 - e. a municipal lien certificate showing that all taxes are current;
 - f. a list of the owners of all land within 200' of the perimeter of the parcel that is being reviewed and a set of stamped envelopes addressed to the abutters in the order which they appear on said list.

Plans shall be prepared by a professional engineer **[RPE]** or surveyor **[PLS]**, landscape architect or architect licensed in Rhode Island. Topographical and boundary surveys plans shall be stamped by a PLS. Engineering designs shall be stamped by a RPE. Plans shall be drawn to a scale that is appropriate to the size of the Development.

2. At a minimum, an Application shall include a project narrative, plans and a drainage plan and report.

The plans may include the following as appropriate:

- a. A locus map referencing the Development to the surrounding area, streets and zoning district boundaries within 500'.
- b. Name of the Development, north arrow, scale, assessor's plat and lot number, bench mark and datum, the dates of plans and revisions and signature blocks on all plans to be endorsed.
- c. Name and address of the owner of record, applicant and professionals preparing the plan.
- d. Assessor's plat and lot number and names of all owners of land abutting the Development.
- e. Zoning district boundaries and all the data necessary to show compliance with Zoning.
- f. Parcel area and boundaries; existing/proposed streets, lot lines, easements and public areas.
- g. Distances to the nearest street intersections and fire hydrants measured along the ROW lines.
- h. Existing/proposed grading at 2' contours where slopes are less than 15% and at 5' counters where slopes are 15% or more. Elevations shall be referenced to the City's datum.
- i. Environmental features including soils, rock outcroppings, wooded areas, trees 8" caliper and above, watercourses, water bodies, wetlands, floodplains [showing base flood elevation].
- j. Location, dimensions, GFA, floor plans and heights of existing/proposed buildings, equipment and other structures such as walls, fences, culverts and bridges. Buildings and structures to be removed shall be indicated by dashed lines.
- k. Location of existing/proposed utilities including sewers, water, gas and electricity with pipe sizes, elevations, slopes and directions of flow.
- l. Location, type and density of land uses that will be in the Development.
- m. Renderings as needed to illustrate the visual impact on abutting properties.
- n. Signage including location, size, design and illumination.
- o. Exterior lighting including type, location, intensity, shielding and times of operation.
- p. Landscape Plan including landscape materials, paving, lighting and street furniture. Said plan shall indicate the location, type and size of plantings at the time of planting and at maturity.
- q. Site circulation showing access to and egress from the Development; size and location of driveways and curb cuts; parking, loading and outdoor storage areas; dumpsters and any off-site traffic improvements necessary to ensure public safety.
- r. Profile and cross-section of proposed streets and sidewalks showing utilities.
- s. Such other information as may be required to show compliance with Zoning.

A drainage plan/report demonstrating that the development's stormwater management system will meet the standards set by the Rhode Island Stormwater Design and Installation Standards Manual as most recently amended. At a minimum said plan/report shall show the following:

- a. Changes in land use and the routes that storm water will flow through the Development,
- b. Existing/proposed drainage structures, basins and channels. [Drainage structures shall comply with City specification and shall be approved by the City Engineer.]
- c. Drainage calculations demonstrating that the peak rates of storm water runoff leaving the post-development parcel will not exceed the pre-development conditions for the 2-year, 10-year, 25-year and 100-year storm events. Said calculations shall be based on the rational method, SCS TR55 or other method approved by the City Engineer.
 1. The drainage system shall be designed to accommodate the 25 year storm event.
 2. Retention or detention basins shall be designed to accommodate a 100 year storm event.
- d. A drainage plan showing tributary and downstream areas affected by run-off, soil types and surficial cover characteristics for both pre- and post- development conditions.
- e. Design calculations to determine the size of all pipes, culverts and basins. Sizing of the piping system shall be based on the Rational Method.
- f. Results of percolation tests performed for any proposed retention/detention basin in order to determine the suitability of the subsurface conditions to accommodate said basin.
- g. A maintenance plan which shall:
 1. identify all of the Control Measures that will be inspected and maintained;
 2. provide an inspection schedule for each Control Measure;
 3. list typical maintenance procedures for each Control Measure;
 4. describe steps to take if additional repair is required;
 5. provide forms and instructions for record keeping and notification to the City;
 6. list the names and personnel assigned to each task and the training needed to be able to do the job.

An applicant carrying out maintenance activities under an Approval, and all subsequent owners of lots on which said measures have been installed, shall adequately maintain said measures in accordance with the maintenance plan.

C. SUPPORTING DOCUMENTATION

1. Impact Assessment [IA]

- a. An IA shall be required for any Development that proposes to construct:
 1. Retail and/or office building(s) of 100,000 SF or more or that involves 8 or more acres of land;
 2. Industrial building(s) 150,000 SF or more or that involves 15 or more acres of land;
 3. Multi-family building(s) of 100 units or more. If a parcel of land which has been partially developed since January 1, 1966, the units resulting from said development shall be included in calculating the total number of units being developed.
- b. The DPRC may determine that an IA as required above is not warranted. In making its determination, the DPRC shall identify the potential impacts that may be generated by a Development and shall make findings as to why no further review is required.
- c. For any Development not meeting the criteria above, the DPRC may require an IA if it determines there is a reasonable expectation that a Development will have a significant negative impact on a site or nearby properties or on the built or natural environment.
- d. If an IA is required, the DPRC shall inform the applicant in writing of the need to submit said assessment and of the scope of work to be addressed.
 1. The scope of work may include but not be limited to an assessment of the following impacts: fiscal, traffic, environmental, scenic, historic, use-compatibility, noise and similar such items.
 2. An IA shall be prepared by licensed or other appropriate professionals the names, education, disciplines and experience of whom shall be included in the report.

3. An IA shall evaluate direct and indirect impacts created by a Development, all measures required to mitigate any negative impacts that have been identified and the party responsible for implementing said mitigation.
 4. Where appropriate, an IA shall include a plan to monitor the impacts from a Development and the success of any mitigation that may be required.
2. Traffic Impact Study: If deemed necessary by the DPRC, a study of traffic conditions [both on- and off-site] shall be provided. Said traffic impact study may include, but not be limited to:
 - a. Analyses of the roadways and intersections that may be impacted by a Development.
 - b. Existing volumes (both ADT and peak hour counts).
 - c. Safety Issues (accident data, sight distance, roadway conditions, etc.).
 - d. Development generated and future traffic volumes (both ADT and peak hour projections).
 - e. Capacity analysis utilizing Transportation Research Board Special Report 209 or other document as specified by the City's Traffic Engineer.
 - f. Traffic improvements, if any, needed to mitigate impacts from a Development.
 - g. Consideration of bicycle and pedestrian routes.
 3. Open Space: If a Development will include common or open spaces, the Plans shall show the location and size of said spaces and identify the entity that will own and maintain said spaces.
 4. Easements, Deed Restrictions, Covenants: An Application shall include a copy of covenants, deed restrictions or easements that currently exist or are proposed for the Development.
 5. Maintenance: A maintenance plan shall be provided specifying that all private roads and other applicable facilities shall be maintained by the applicant or successors and assigns. At a minimum, said plan shall identify all of maintenance activities to be undertaken, the parties responsible for said activities, a schedule for each activity, and identify the records of maintenance to be kept.
 6. Monitoring: In order to insure compliance with any standard that may be set in an Approval, periodic monitoring may be required during and after construction. If monitoring is required, the Applicant shall provide the DPRC for review and approval a draft of a monitoring program and the identity of the entity that will undertake the monitoring. Monitoring shall be at the expense of the applicant. Copies of all monitoring reports shall be provided to the DPRC.

17.84.140 DEVELOPMENT AND LANDSCAPING DESIGN STANDARDS

A. PURPOSE

The purpose of this section is to promote effective site planning, design and landscaping so as to: Promote a high quality of development in the City;

1. Improve the environment by providing open space, street trees and landscaping;
2. Preserve the character and scale of neighborhoods by requiring a Development to be compatible with the existing character of the area;
3. Mitigate environmental, visual and other impacts by requiring adequate buffering;
4. Promote safe and efficient pedestrian, bicycle and traffic circulation;
5. Minimize noise, dust, pollution and glare that may be generated by a Development;
6. Provide for cooling of air and land through shading in order to offset radiational heating;
7. Mitigate impacts from storm water runoff and surface water contamination and protect water quality;
8. Maintain ground water, provide for erosion and flood control and for absorption of pollutants.

B. INFILL DEVELOPMENT

A non-residential Development on a parcel having less than 200' of frontage shall be considered an infill development. The design of said Development shall take into consideration the front yard setbacks and heights of buildings on abutting properties.

C. LANDSCAPE STANDARDS

1. General Requirements.

- a. Landscaping shall be provided as part of a Development in order to preserve and enhance the identity of a Development.
- b. A minimum of 15% of a Development's parcel shall be landscaped.
- c. Once a project complies with the minimum parking standards, then priority shall be given to meeting the landscaping standards above additional parking.

2. Site Activities

- a. Topsoil Preservation:
 1. To the extent practicable, the areas of a parcel to be disturbed shall be minimized.
 2. Disturbed areas shall be stabilized in a timely manner by seeding or planting landscaping materials.
 3. Topsoil moved during site work shall be stockpiled on site in designated areas that are stabilized to prevent erosion and reused in accordance with a Landscape Plan.
- b. Removal of Debris: Organic material [including roots, stumps, brush, cleared or grubbed materials], rubbish and debris shall be disposed of off site in a timely manner. The reuse of organic materials may be allowed if said materials will not adversely affect plantings, natural areas or buildings.
- c. Protection of Existing Plantings: Maximum effort shall be made to preserve existing vegetation on site [especially specimen trees].
 1. If specimen trees are removed, they shall be replaced in kind in accordance with a Landscape Plan.
 2. No materials or temporary soil deposits shall be placed within the drip line of trees being retained.
 3. A physical barrier shall be installed around each plant or group of plants that are to remain. Said barrier shall be a minimum of 4' high, maintained until construction is completed and shall not be supported by the plants they are protecting.
- d. Slopes: All cuts and fills, terraces and ROW embankments with slopes greater than 1:3 shall be landscaped so as to prevent erosion.
- e. Additional Landscaping: All areas of the site not occupied by buildings or improvements shall be landscaped in accordance with an approved landscape plan.

3. General Planting Requirements

- a. Only nursery-grown or suitable existing vegetation shall be used.
- b. Vegetation shall be planted according to established horticultural standards.
- c. Vegetation shall be hardy for climatic zones 6/7 and appropriate in terms of function and size.
- d. Plant species which are native and require minimal watering and fertilization are recommended.

4. Trees

- a. Species of trees may vary depending on overall effect desired as shown on a Landscape Plan.
- b. One street tree shall be planted for every 35' of frontage. Generally, street trees shall be of the same species except to achieve special effects. Trees may be spaced along the street at every 35' at the rear of sidewalk or may be grouped in accordance with a Landscape Plan.
- c. With the exception of ornamental trees, deciduous trees shall have at least a 2 ½" caliper at planting and a caliper of at least 12" when fully mature.
- d. Size of evergreens and shrubs may vary depending on setting and type of plant material.

5. Maintenance

- a. The applicant shall be responsible for maintaining landscaped areas in a neat and attractive manner. Said areas shall be kept free of all debris, rubbish, weeds and tall grass.
- b. The applicant shall be responsible for watering plantings on a regular basis. [The use of underground sprinkler or drip irrigation systems for landscaped areas is encouraged.]
- c. The applicant shall remove and replace all dead or diseased plantings annually.

6. Buffer Strips

- a. All Developments shall provide an approved year-round buffer a minimum of 8' in height, consisting of fencing, vegetation, berms, rocks, boulders, mounds or combinations thereof, to:
 1. Shield abutting properties from negative impacts from a Development;
 2. Shield a Development from negative impacts from abutting properties,
 3. Minimize the impacts from storm water runoff and flooding.
- b. Buffer Area Dimensions
 1. A minimum 10' wide landscaped strip shall be provided along property lines parallel to a street where parking or circulation areas abuts said street.
 2. A minimum 5' landscape strip shall be provided along side and rear property lines where parking and circulation areas are adjacent to abutting properties.
 3. Where a more intensive use abuts a less intensive use, a 25' wide buffer strip may be required. The width of said strip to be determined by the design and density of the buffer proposed.
- c. Plantings shall provide maximum protection to abutting properties and avoid damage to existing plant materials. Earthen berms may be used in the buffer design, provided side slopes are adequately stabilized. Said berms may be used to calculate effective buffer height.
- d. Plant materials shall be sized and planted so as to achieve a year-round effective buffer height of at least 8' within 3 growing seasons.
- e. Buildings, structures, parking or the storage of materials shall not be allowed within a buffer area.

7. Parking Area Landscaping Requirements

- a. In addition to any required buffer strip, a minimum of 10 SF of landscaped area shall be provided within a parking area for each parking space in said area.
- b. A minimum of 20% of a parking area shall be shaded by deciduous trees that shall have a crown [canopy] of 30' at maturity. Said trees shall be surrounded by at least 100 SF of unpaved area to provide for growth and protection from vehicles.
- c. Each row of parking spaces shall be terminated by a landscaped island not less than 6' wide and 12' long.
- d. A continuous landscaped island not less than 8' wide shall be provided between every 4 rows of parking spaces.
- e. Landscaped areas shall be provided at appropriate locations in order to prevent long, uninterrupted rows of parking.
- f. Landscaped islands shall be protected from encroachment by motor vehicles by a continuous raised curb. [Vehicles shall be presumed to have an overhang of 3 ½'.] Pedestrian paths may be incorporated within the landscaped islands provided a minimum dimension of 4', exclusive of paved areas, is maintained.

17.84.150 PARKING AREA DESIGN STANDARDS

A. PARKING LAYOUT

1. Generally parking areas shall have the minimum required widths for drive aisles as described in the table below. The design of parking areas shall generally conform to ITE's "Guide for Parking Facility Location and Design, 1990" as amended. The City's Traffic Engineer may require the dimensions of parking spaces and drive aisles to be adjusted if traffic and safety considerations so warrant.

Required Widths of Drive Aisles

Aisle Width	Parking Angle (in degrees) 0	Parking Angle (in degrees) 30	Parking Angle (in degrees) 45	Parking Angle (in degrees) 60	Parking Angle (in degrees) 90
One-way traffic	13'	11'	15'	18'	24'
Two-way traffic	20'	20'	21'	23'	24'

2. Pedestrian and vehicular areas shall be designed to provide safe and efficient site circulation. Conflicts between pedestrian and vehicular traffic shall be minimized by providing physical and visual separation between pedestrian ways and drive aisles. Parking areas shall be ADA compliant.
3. Parking aisles shall be a maximum of 20 parking spaces in length which shall be separated with cross drive aisles.
4. The placement of all directional and street level signage shall be reviewed and approved by the City's Traffic Engineer to ensure safe and efficient site circulation and adequate sight distances both in the public ROW and the Development's parking area.
5. No landscape materials shall be planted at curb cuts that will impair the line of sight at said cuts.
6. A storage area shall be provided on site to accommodate snow removal from a 6-inch snow storm.
7. A 6" curb or Cape Cod berm, designed to be compliant with the Rhode Island Stormwater Design and Installation Standards Manual, shall be installed around the perimeter of all parking to serve as wheel stops and protection. Where curbs are not installed adjacent to sidewalks, wheel stops shall be installed to prevent vehicles from encroaching into or onto said sidewalks.

B. REDUCTION IN CONSTRUCTION OF OFF-STREET PARKING

1. A reduction in the construction of the number of off-street parking spaces required by Chapter 17.64 may be granted as a condition of Approval provided that the following criteria have been met:
 - a. The intent of this Chapter and Chapter 17.64 shall be preserved.
 - b. The amount of off-street parking to be provided shall be sufficient to serve the Development.
 - c. The decrease in required off-street parking shall be based on a parking study prepared by a RPE which addresses the following:
 1. Size and type of uses or activities on site;
 2. Composition of tenancy on site;
 3. Rate of parking turnover;
 4. Peak traffic and parking loads to be encountered;
 5. Local parking habits;
 6. Availability of public transportation.
2. Should a reduction in the amount of required off-street parking to be constructed be allowed, the DPRC shall require that a portion of the site be reserved to construct said parking should it be needed. This reserved area shall not contribute towards the minimum landscape requirements as set in Section 17.140.C.

- C. The design and choice of paving materials used for parking areas shall consider function, climate, characteristics of users, availability, maintenance costs, glare, drainage, noise, appearance and compatibility with surroundings. Acceptable materials may include, but are not limited to concrete, brick, asphalt, asphalt pavers, cement pavers and stone.

- D. Walls and fences may be erected to provide privacy, screening, separation, security, erosion control or as required by the site conditions. The design and materials used shall be compatible with a Development's design. No fence or wall shall be erected so as to create a hazard to traffic or safety.
- E. Street furniture, such as trash receptacles, benches and phone booths, shall be located and sized in accordance with proposed use and shall be similar in style, material and finish. Design and materials shall be compatible with a Development's design.

17.84.160 DRAINAGE/EROSION STANDARDS

A Development's drainage system shall comply with Chapter 15.28 Soil Erosion and Sedimentation Control of the City Code and the Rhode Island Storm Water Design and Installation Standards Manual as amended.

17.84.170 SPECIAL PROVISIONS FOR PHASED DEVELOPMENTS

If a Development will be completed in phases, a phasing plan shall be submitted indicating the start and end dates for each phase. Said Development shall be designed and constructed to allow each phase to be completed in a manner which would not adversely affect the City if it is terminated at that point. Detailed plans shall be submitted each time a new phase of the Development is submitted for approval.

17.84.180 PEER REVIEW

- A. If the DPRC determines that the services of a consultant is needed to assist in its review of an application, the applicant shall be notified of said need and shall be required to pay any reasonable costs incurred.
- B. The DPRC may engage engineers, planners or other appropriate professionals. A consultant shall be selected on the basis of experience and qualifications, ability to complete the scope of work and cost. A written report of the consultant's review shall be provided to the DPRC and the Applicant.
- C. Funds received pursuant to this Section shall be deposited with the City Treasurer who shall establish a special account for this purpose. Expenditures from said account may be made at the direction of the DPRC without further appropriation. Funds may only be spent for services rendered in connection with the Application for which they were collected. At the completion of the DPR, any excess funds shall be refunded to the Applicant and a final report on the status of the account shall be made.

17.84.190 APPEAL

- A. A rejection of an application shall be considered an appealable decision in accordance with Chapter 17.116 Appeals of Zoning.

17.84.200 INTERPRETATION, CONFLICT, OMISSION, VIOLATION AND SEVERABILITY

- A. The performance standards of this Chapter shall be held to be the minimum and more stringent standards may be required to promote the public health, safety and welfare. If any requirements of this Chapter conflict with other requirements of Zoning, the City Code or any applicable state or federal law or regulation the more restrictive requirements shall apply.
- B. The DPRC may modify or waive the design and landscape standards required by this Chapter provided it finds the modification or waiver is in the public interest, enhances site design and not inconsistent with the intent and purpose of this Chapter.
- C. An Approval shall not relieve an applicant of the requirement to comply with Zoning or any other City Code or with any applicable state or federal law or regulation.
- D. Any violation of the requirements of this Chapter or of any conditions set by an Approval shall be subject to enforcement under the provisions of Section 17.04.080 Violations of Zoning.
- E. Severability: see Section 17.04.090 Severability.