

ARTICLE 4.1

APPLICATION PROCEDURES AND REQUIREMENTS, DEVELOPMENT PLAN REVIEW

Development Plan Review ("DPR"), as set forth in Article VI of the Bristol Zoning Ordinance, shall be conducted pursuant to the procedures and time periods set forth below. ~~The permitting authority for development plan review shall be the Planning Board. Development plan review consists of two review processes, administrative and formal.~~

4.1.1. Applicability. The following categories of projects shall be subject to the provisions of this article:

1. A change in use at the property where no extensive construction of improvements is sought.

a. Permitting authority. The administrative officer shall serve as the permitting authority for administrative projects submitted and the Planning Board shall serve as the permitting authority for formal projects as described herein.

b. Development plan review consists of two review processes, administrative and formal.

1. Administrative development plan review consists of one stage of review and the authorized permitting authority is the administrative officer. The following activities are subject to administrative development plan review:

i. A change in use at the property where no extensive construction of improvements is sought, where the property is located in a non-residential zoning district and does not abut a residential zone or use.

2. Formal development plan review consists of the preliminary stage and final stage of review. The authorized permitting authority is the planning board. The following activities are subject to formal development plan review:

i. A change in use at the property where no extensive construction of improvements is sought, where the property is located in a residential zoning district and/or abuts a residential zone or use.

3. The administrative officer may combine the stages of review for formal development plan review, providing that the submission requirements of both stages of review are met by the applicant to the satisfaction of the administrative officer.

4.1.2. Waivers.

~~Administrative development plan review consists of one stage of review and the authorized permitting authority is the Planning Board. Residential uses that require development plan review shall be reviewed under this framework. The administrative officer may refer these applications to the Technical Review Committee.~~

~~1. Formal development plan review consists of the preliminary stage and final stage of review. The authorized permitting authority is the Planning Board. Non-residential uses that require development plan review shall be reviewed under this framework. The TRC shall review all such applications on an advisory basis, prior to review by the Planning Board.~~

~~2. The administrative officer may combine the stages of review for formal development plan review, providing that the submission requirements of both stages of review are met by the applicant to the satisfaction of the administrative officer.~~

Waivers

~~a. Requirements for development plan approval may be waived where 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.~~

a. Requirements for development plan approval may be waived where 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 permitting authority identified in this article, 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.

b. The application for a waiver of development plan approval review shall include documentation on prior use of the site, the proposed use, and its impact.

c. The ~~Planning Board~~permitting authority may grant waivers of any design standards except the following: design standards set forth in F.1.C.2, Land unsuitable for development; F.1.I, Drainage; L., Erosion and sediment control; Surface and subsurface storm drainage structures and facilities construction standards; Appendix G, Part III-3.1, Building mass & scale.

4.1.3. Applications requesting relief from the zoning ordinance.

1. Applications under this article which require relief which qualifies only as a modification ~~shall~~may proceed by filing an application and a request for a modification to the zoning enforcement officer. If such modification

is granted the application shall then proceed to be reviewed by the ~~Planning Board~~administrative officer as to completeness as determined in this article. If the modification is denied or an objection is received as set forth in Sec. 28-152, such application shall proceed under unified development review and be reviewed by the Planning Board.

2. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the Planning Board under unified development review, and a request for review shall accompany the preliminary plan application.

4.1.4. Submission requirements.

- a. Any applicant requesting approval of a proposed development under this chapter, shall submit to the administrative officer the items required by the applicable checklist.
- b. Requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits or use variances related to projects qualifying for development plan review shall be submitted and reviewed under unified development review.

4.1.5. Certification.

- a. The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days. If no street creation or extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the administrative officer within fifteen (15) days.
- b. If an applicant also submits for a modification to the zoning enforcement officer, the running of the time period set forth herein will not begin until the decision on the modification is made as set forth in § 45-24-46. The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
- c. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

4.1.6. Application review and decision.

- a. Administrative development plan review. An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and ~~Planning Board~~administrative officer.

- b. Formal development plan review.

- ~~1. The Technical Review Committee shall review applications subject to formal development plan review and provide an advisory recommendation to the Planning Board.~~

- 2.1. Preliminary plan. Unless the application is reviewed under unified development review, the Planning Board will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.

- 3.2. Final Plan. For formal development plan approval, the permitting authority shall delegate final plan review and approval to the administrative officer. The officer will report its actions in writing to the Planning Board at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.

- c. Failure to act. Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.
- d. Vested rights. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application, upon a showing of good cause.
- e. Modifications and changes to plans.

1. Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer, ~~whereupon final plan approval may be issued~~. The changes may be authorized without an

additional planning board meeting, ~~at the discretion of the administrative officer~~. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the Planning Board if the permitting authority is not the administrative officer. A minor change shall be hereby defined as any change that does not substantially impact the proposed development plan or any of the neighboring properties and that meets all of the following criteria:

- (1) There is no increase in the number of lots or dwelling units.
 - (2) There is no change to any dimension of the plan, including building envelopes, exceeding twenty five percent (25%).
 - (3) There is no change to the type of street or driveway.
 - (4) There is no change required to any public infrastructure.
2. Denial of the proposed change(s) shall be referred to the Planning Board for review as a major change.
3. Major changes to the plans approved at any stage may be approved only by the permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing, if originally required as part of the project's approvals. A major change shall hereby be defined as any change that does not qualify as a minor change as described herein.
 4. The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the ~~final plan application~~ written request for a change if the administrative officer determines that there has been a major change to the approved plans.
- f. Appeal. A decision under this section shall be considered an appealable decision.

4.1.7. Design Standards.

Standards for design of development for applications subject to development plan review are provided in Appendix F of these regulations.