



# Town of North Kingstown

## Zoning Board of Review

### Application Instructions - Summary

#### APPLICATION INSTRUCTIONS

#### Step 1

Download Application, Form, and Checklist at  
<http://www.northkingstown.org/planningdept/landdevelopment.asp>

#### Step 2

Complete Application, Forms, and Site Plan  
Zoning Board of Review Application  
Site Plan  
Notice to Abutters Form  
Abutters List Names and Mailing Addresses  
Newspaper Advertisement Template

#### Step 3

Determine all Zoning Board Application Fees According to the Planning Department Fee Schedule  
Application Fee According to Relief Sought  
Court Reporter  
Decision Recording  
Newspaper Advertisement

#### Step 4

Schedule a meeting with the Planning Department to submit Application Package  
Submit to Application Package and Fees to Planning Department  
Secure a Zoning Board public hearing date from Planning Department staff  
Planning Department Staff reviews and approves Newspaper Advertisement

#### Step 5

Email Newspaper Advertisement to Standard Times (a division of Hometown Newspapers)  
Pay Hometown Newspapers for Newspaper Advertisement

#### Step 6

Mail Notice to Abutters by Certified Mail no less than 14 Days in Advance of Scheduled Meeting  
Submit Signed Affidavit to Planning Department  
Submit Returned Mailing Receipts to Planning Department

#### Step 7

On the Friday before the scheduled Zoning Board Meeting contact the Planning Department for the Project Summary/Staff Report and Meeting Agenda

#### Step 8

Attend Zoning Board of Review Meeting



# Town of North Kingstown

## Application Checklist

APPLICATION CHECKLIST

### Application Checklist

- Completed Application Form
  - 1 original copy of the application form signed by applicant and owner, as well as ALL attorneys, engineers, architects etc. that are working on the project.
  - 11 copies of the completed application.
- Site Plan - All Applications (For all Dimensional Variance Applications a Class I Survey, stamped and signed by a Professional Land Surveyor, is required)
  - 1 original copy of the site plan
  - 11 copies (8' 1/2 x 11' or 11' x 17') with the following information
    - Name and address of the owner of record, applicant, north arrow, scale, zoning districts, date (including revision dates), plat and lot number(s)
    - Boundaries of the property
    - Total acreage for all plat and lot(s)
    - Location of all adjacent streets, right-of-way, and curb lines
    - Location, size, and dimension of all existing and proposed structures
    - Building setbacks from property lines (existing and proposed structures)
    - Description of all existing and proposed building dimensions by use
      - Residential uses - number of bedrooms within each structure
      - Commercial and industrial uses - amount of floor space attributed to each use (e.g., office, retail, warehousing, etc.)
    - Written illustration of all existing and proposed uses by dimension and the number of required off-street parking spaces per use
    - Location, condition (gravel, paved, etc.), and dimensions of existing and proposed driveway(s), parking area(s), and loading area(s)
    - Location of existing and/or proposed Onsite Wastewater Treatment Systems (OWTS)
    - Any additional information as determined by Planning Department staff, which may be necessary to complete the site plan or which may be required in order for the Zoning Board of Review to consider the application
- Completed Notice to Abutters Form
- Abutters List Names and Mailing Addresses
- Completed Newspaper Advertisement Form
- Fees
  - Application Fee
  - Court Reporter Fee
  - Decision Recording



# Town of North Kingstown

## Notification to Abutters Instructions

NOTIFICATION TO ABUTTERS

### Notice to Abutters

The applicant shall compile a list of abutters located within 200 feet of the boundaries of the property in question. This can be accomplished via the Town's GIS website <http://gis.northkingstown.org> Note that the GIS website only functions properly in Internet Explorer and not in Firefox or Safari web browsers.

Search for your property and click "Abutters" to generate the list. The Planning Department can assist if necessary. This can also be accomplished by visiting the Town Hall, 80 Boston Neck Road, North Kingstown. The Tax Assessor's Office will have an up-to-date listing of all property owners by Plat and Lot with their current mailing address.

Note that the Town's GIS website does not recognize commonly owned open space typically found in developments with a homeowners association. In the event commonly owned open space is within 200 feet of the subject property, contact the Tax Assessor's Office for a complete list of all property owners within the subject development.

Complete the "Notice to Abutters" form included in the application package. The applicant is responsible for mailing a copy of the Notice to Abutters Form by **certified return receipt requested** no less than **14 days prior** to the scheduled public hearing date to each property owner on the abutter's list.

Certified mail receipts shall be submitted to the Planning Department along with the "Affidavit" form verifying that this mailing has in fact been completed. The Planning Department must receive these receipts and an Affidavit signed prior to the scheduled hearing date, otherwise the Zoning Board of Review cannot hear the applicant's request.

Notice shall be sent to the city or town council of any city or town which is located within 200 feet of the boundary of area proposed for change.

Notice shall be sent to the city or town council of any city or town in which 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, within 2,000 feet of any real property that is subject of a proposed zoning change, regardless of municipal boundaries.

Notice shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has rights to a groundwater or surface water resource that is used or is suitable for use as a public water source and that is within 2,000 feet of any real property which is subject of a proposed zoning district.

The applicant shall provide a notarized Affidavit of the mailing list to the Planning Department prior to the public hearing date. Failure to provide such documentation in a timely manner will result in continuance of the application to the next available public hearing.



# Town of North Kingstown

## Newspaper Advertisement Instructions

### Newspaper Advertisement

Upon the submission of an application the Planning Department will review the submitted material for completeness. The Town of North Kingstown requires that a public hearing notice be advertised in a local newspaper and published prior to a public hearing.

Prior to the public hearing the applicant shall be responsible for completing a minimum 14 day notification of the public hearing in the Standard Times Newspaper.

All Applications must:

- At time of application submittal, secure a public hearing date from the Planning Department.
- Subsequent to confirmation of public hearing date complete the Zoning Board of Review Newspaper Advertisement Template Form by filling in the **red** highlighted text with your information. Please be sure to complete all of the requested information. The Standard Times will not accept incomplete ads.
- The Newspaper Advertisement Form should be reviewed by the Planning Department prior to submittal to the Standard Times.
- Email the completed Form to the Standard Times [legals@ricentral.com](mailto:legals@ricentral.com) approximately 4 weeks in advance of the public hearing so that notice is published at least 14 days prior to the public hearing date. The Standard Times is published every Thursday on a weekly basis. Advertisement deadlines for the Thursday publishing are the preceding Friday at 12 noon.
- Your ad will be prepared for publication and you will be contacted by the Standard Times for prepayment prior to publication.
- It is the applicant's responsibility to ensure that all relief being requested is included in the advertisement. Any relief to be sought which fails to be advertised must be re-advertised at a later date at the expense of the applicant and may require reapplication to the Zoning Board of Review.
- Proof of publication shall be supplied by the applicant to the Planning Department prior to the public hearing date.



# Town of North Kingstown

## Fee Instructions

### APPLICATION

#### Zoning Board of Review Application Fee

1. Determine application fees according to type of relief sought (i.e. special use permit, dimensional variance, etc.). If more than one type of relief is being sought the fee for each type of relief will apply. For example if a dimensional variance and special use permit are requested the separate fees for each item shall apply. If more than one item of the same type of relief is being sought the single fee shall apply. For example if multiple dimensional variances are requested the single fee for a dimensional variance shall apply.
2. All application fees shall be made payable to the Town of North Kingstown on a single check.

### COURT REPORTER

#### Court Reporter Fee

1. The applicant shall bare all costs associated with the stenographer court reporter service required during the public hearing.
2. The minimum court reporter fee is \$100 per application. If there are no other applications scheduled on the date of your public hearing you will be responsible for covering the full cost of \$300 (or more if the meeting is longer than 3 hours).
3. At the time of application submittal to the Planning Department a check of \$100 should be made payable to the Town of North Kingstown. The Planning Department will contact you in the event that there are no other applications scheduled for the same public hearing date. You may choose to pay the required difference to cover the court reporter to continue with your scheduled hearing date or you may choose to continue your application to a later date when there are other applications scheduled to share in the court reporter fee.
4. If your application is continued to subsequent meeting(s) you will be required to cover all costs associated with the court reporter. The Planning Department will inform you of the fees owed in the event of a continuation to a future meeting.

### DECISION

#### Decision Recording Fee

1. The fee to record the Zoning Board of Review Decision is \$49 for the first page and \$1 for each additional pages. Most Decisions are 2-pages. If the Decision is more than 2-pages the Planning Department will contact you for the additional payment.
2. At the time of application a check of \$50 shall be made payable to the Town of North Kingstown for the Decision Recording.

### NEWSPAPER

#### Newspaper Advertisement Fee

1. The approximate fee for the Standard Times newspaper advertisement is \$92 depending of the length of the legal advertisement text.
2. After you email your advertisement text for publication you will be contacted by the Standard Times for the payment amount.
3. Payment shall be made directly to the Standard Times and can be paid by credit card over the phone.

#### Refer to the latest Planning Department Fee Schedule

The applicant is required to submit all fees, as separate checks, at the time of application submittal.



# Town of North Kingstown

## Hearing Preparedness & Procedures

PREPAREDNESS

### Hearing Preparedness

It is recommended that the applicant contact the Building Official's Office and the Fire Department, in addition to the Planning Department, when seeking zoning relief. This will ensure that the applicant's proposed plan(s) are feasible and that all Town requirements are discussed. Any overlooked issue can become an obstacle to receiving the necessary relief.

It is required that the applicant be able to assure the Zoning Board that the applicant's septic system is able to support the proposed use(s) of the property especially when additional bedrooms are being constructed. This may require the applicant to receive a systems suitability determination from the Department of Environmental Management (DEM). It is advisable to discuss this issue with the Building Official or Planning Department.

The applicant and/or representative must be present at the Zoning Board of Review hearing to provide testimony and to answer any questions of the Board. It is the applicant's and/or representative's responsibility to prove to the Board that the requested relief meets all of the required criteria as specified in the Zoning Ordinance. Therefore, depending upon the complexity of an applicant's request, it may be advisable to have qualified professional(s) present (e.g. engineer, land surveyor, legal council) to assist the applicant during the hearing. Professional(s) can expedite the hearing process by offering expert testimony.

PROCEDURES

### Hearing Procedures

On the Friday before the applicant's scheduled hearing date a Project Summary /Staff Report from the Planning Department for the requested relief will be ready for the applicant and their representatives to view. The applicant should request a copy of the Project Summary/Staff Report and Zoning Board of Review Agenda indicating the date, time, location and placement of application on the agenda.

At the meeting, the Board will ask the applicant and/or representative, and any other individual(s) present on behalf of the applicant, to come forward and give testimony.

The Board may then ask questions of the applicant and/or anyone present on behalf of the applicant. The Board will then open the meeting to the public. Once everyone who wishes to speak has had an opportunity, the public portion of the meeting will be closed. The Board will review all of the submitted material and testimony and will then render a decision.

The final written Decision will be drafted by the Planning Department and signed by the Zoning Board Chairperson at the next regularly scheduled Zoning Board meeting.



# Town of North Kingstown

## Decisions, Expiration, Reapplication, and Appeals

### DECISIONS

#### Zoning Board of Review Decisions

The Zoning Board of Review's decision may consist of an approval, approval with conditions, denial or continuance of the applicant's request.

- If the requested relief is approved, or approved with conditions, the Planning Department will draft the final written Decision and will be signed by the Zoning Board Chair at the next regularly scheduled meeting. The Decision will outline the specific relief approved or denied, conditions of the decision, and the findings of fact behind the Board's decision.
- The Decision shall then be recorded and filed in the Office of the Town Clerk. This process shall take place within 30 working days from the date when the Decision was rendered. Once the Decision has been recorded and filed, the appeal period will begin. The Decision will be posted in Town Hall for 20 days following the recording and filing of the Decision. If no one appeals the Decision within the 20 allotted days, the applicant is eligible to apply for and receive a building permit.
- If the requested relief is denied, the applicant shall be mailed a copy of the approved minutes of the meeting in question and the Decision outlining the basis for denial.
- If the Board decides to continue the hearing, the applicant will be informed of the continuance date at the meeting.

### EXPIRATION

#### Expiration of Approved Relief and Project Completion

Variances, Special Use Permits and Special Permits approved by the Zoning Board of Review shall be valid for a period of one (1) year from the date of the filing of the Decision, during which a building permit and other permits shall be applied for.

Any project which receives relief must be completed within 2 years from the date of the filing of the Decision. The Board has the authority to grant additional time if needed by the applicant. It is advised to request an extension prior to the expiration of the Decision, thereby avoiding the need to reapply to the Zoning Board.

### REAPPLICATION

#### Reapplications

Should the relief requested be denied, an applicant may not reapply for that relief for a period of one (1) year from the date in which the decision was recorded, unless substantially new evidence or significant modifications to the application can be presented to the Zoning Board of Review.

### APPEALS

#### Appeals of Zoning Board of Review Decisions

An applicant and/or aggrieved party may appeal any decision of the Zoning Board of Review. A complaint shall be filed with the Washington County Superior Court within 20 days from the date in which the decision was recorded. For further information and/or assistance please contact the Planning Department.



# Town of North Kingstown

## Planning Department Fee Schedule

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### Zoning Board of Review

Variance—Single Family or Two Family Residential Structure	\$300
Variance—All Other Applications	\$600
Special Use Permit—Single Family or Two Family Residential Structure	\$300
Special Use Permit—All Other Applications	\$600
Appeal of Building Official Notice of Violation	\$700
Appeal of Planning Commission Decision	\$900
Zoning Board Court Reporter	\$100 to \$300 per meeting
Zoning Board Decision Recording	\$50
Advertising—Payable to Hometown Newspapers	\$91.00

### Other Services

Administrative Subdivision	\$800
Development Plan Review <sup>(1)</sup>	\$1,400 + \$10 per 1,000 sq ft of building area
Historic District Review	\$0
Zoning Certificate	\$65
Zone Change Application or Zoning Regulation Amendment	\$2,000
Comprehensive Community Plan	\$100
Comprehensive Plan Change Application	\$2,500
Engineering Inspection	2% of estimated cost of public improvement

### Minor Subdivision or Minor Land Development Project <sup>(2)</sup>

PreApplication	\$1,000 + \$10 per residential unit or 1,000 sq ft of commercial space
Preliminary Plan—With Street Extension	\$2,200 + \$10 per residential unit or 1,000 sq ft of commercial space
Final Plan— With Street Extension	\$900 + \$10 per residential unit or 1,000 sq ft of commercial space
Preliminary Plan— Without Street Extension	\$1,200 + \$10 per residential unit or 1,000 sq ft of commercial space
Final Plan— Without Street Extension	\$800 + \$10 per residential unit or 1,000 sq ft of commercial space

### Major Subdivision or Major Land Development Project <sup>(3)</sup>

PreApplication	\$1,500 + \$10 per residential unit or 1,000 sq ft of commercial space
Master Plan	\$2,500 + \$10 per residential unit or 1,000 sq ft of commercial space
Preliminary Plan	\$3,500 + \$10 per residential unit or 1,000 sq ft of commercial space
Final Plan	\$2,000 + \$10 per residential unit or 1,000 sq ft of commercial space

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# Town of North Kingstown

## Planning Department Fee Schedule

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### Other Information

Costs incurred by the Town for water system modeling and evaluation, drinking water quality impact evaluations and other professional services shall be paid by the applicant.

Where a Development Plan Review application, a Land Development Project, or a Subdivision application requires a variance or special use permit from the Zoning Board of Review, a zone change, or a Comprehensive Plan Amendment, all fees shall apply.

For Commercial or Industrial Development Plan Review developments, a PreApplication conference/meeting with the Planning Commission is not required, but if requested by the applicant, the PreApplication fee for Minor Subdivision or Minor Land Development Project shall apply.

Advertisement fees shall be for by the applicant at the time of application except for Comprehensive Plan and/or Zoning Ordinance Amendments where the fees are paid directly to the newspaper by the applicant.

Residential Compound Subdivisions shall be assessed fees based upon Minor Subdivisions even if they are Major Subdivisions due to the less complex nature of the development.

### Notes

- (1) Development Plan Review is a Commercial or Industrial development in which the total floor area is < 50,000 square feet.
  - (2) Minor Land Development Project is a Commercial or Industrial development in which the total floor area is at least 50,000 square feet but less than 100,000 square feet and mixed use developments in which the total floor area is at least 100,000 square feet. Minor Subdivision is 5 lots or less with no waivers from the regulations.
  - (3) Major Land Development Project is a Commercial and Industrial development in which the total floor area is at least 100,000 square feet, mixed use developments in which the total floor area is at least 200,000 square feet, or projects proposing density bonuses through the Transfer of Development Rights or Inclusionary Zoning.
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