

**Town of South Kingstown, R.I.**

**Subdivision and Land Development  
Regulations**

**Adopted by the  
Town of South Kingstown Planning Board**

**February 14, 1995**

**with amendments through December 12, 2012**

**Town of South Kingstown Planning Department  
Town Hall  
P.O. Box 31  
Wakefield, RI 02880-0031**

**Town of South Kingstown, Rhode Island  
Subdivision and Land Development Regulations**

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## ARTICLE I - AUTHORITY AND INTENT

### A. Authority

These Subdivision and Land Development Regulations are adopted pursuant to the authority contained in Title 45, Chapter 23, Sections 25 through 74 of the Rhode Island General Laws, known as the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, and Chapter 14, Section 14-1 of the South Kingstown Code of Ordinances (1992).

### B. Purpose

The purpose of these regulations is to establish procedural and substantive provisions for the subdivision and development of land that will, consistent with the provisions of the Comprehensive Community Plan and the Zoning Ordinance, accomplish the following:

1. Protect the public health, safety and welfare of the community;
2. Provide for the orderly, thorough and expeditious review and approval of subdivisions and land development projects;
3. Promote high quality and appropriate design and construction of subdivisions and land development projects;
4. Protect existing natural and built environments and mitigate the significant negative impacts of proposed development on those environments;
5. Promote subdivision and land development designs that are well-integrated into surrounding neighborhoods, and concentrate development in areas that can best support intensive use because of natural characteristics and existing infrastructure.
6. Provide for design and construction standards that are appropriate to the community;
7. Require measures for mitigating the impact of new development on the community that are based on clear documentation of needs and are fairly applied and administered;
8. Direct the development of land consistent with state of the art practices that promote and foster growth in a manner that protects the Town's distinctive character while at the same time accommodating economic growth;
9. Guide land development with an emphasis on siting subdivision improvements so as to allow for the maximum preservation of existing natural features and agricultural land or operations;

10. Insure that proposed designs institute best management practices that acknowledge existing site constraints and the natural setting;

11. To promote affordable housing production in the Town in accordance with the goals and policies of the South Kingstown Comprehensive Community Plan's Housing Element and Affordable Housing Production Plan.

### **C. Construction and Intent**

1. These regulations are not intended to supersede, abrogate, or interfere with any provision of any ordinance of the Town of South Kingstown.

2. Sections I-III and V-XIV of these regulations are intended to provide general requirements applicable to all subdivisions and land development projects. Section IV of these regulations, governing Flexible Design Residential Projects, Residential Compounds, certain Minor Subdivisions, and Land Development Projects, are intended to provide regulations that are supplementary to the general requirements. In the event of a conflict between a general regulations and a regulation applicable to a specific type of subdivision, the more specific regulation shall be controlling.

3. These regulations are intended to be interpreted so as to be consistent with, and further the implementation of, the Comprehensive Community Plan and the Rhode Island Land Development and Subdivision Review Enabling Act of 1992. Consistency with the Comprehensive Plan means in accordance with the goals, policies, procedures, maps and other policy statements in the plan.

4. If any section or subsection of these regulations is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of the remainder of these regulations.

5. Where the term "subdivision" appears in these regulations, the words "and land development project" shall follow. The intent of this subsection is to extend the provisions of these regulations to cover land development projects as well as subdivisions.

### **D. Effective Date**

These regulations shall take effect on February 14, 1995, and shall supersede all other subdivision regulations in effect at the time of such adoption.

### **E. Vested Rights-Continuation of Prior Regulations**

Subdivisions which have been submitted to the Planning Board for approval under the provisions of the Regulations in effect prior to October 20, 1992 may be continued to be reviewed by the Planning Board and approved under those Regulations in accordance with the following:

1. **Final Approvals** - Any subdivision which, at the time of adoption of these amendments, has received final approval, or final approval with conditions, from the Planning Board, may initiate or construct any part of the development, or record said plans in accordance with the Subdivision Regulations in effect at the time final approval was granted. The Planning Board, may, in its discretion, grant extensions to any such final approval in accordance with the procedure for such extensions as set forth in the Regulations in effect at the time of final approval.
2. **Preliminary Approvals** - Any subdivision which, at the time of adoption of these amendments, has received preliminary approval, or preliminary approval with conditions, from the Planning Board, may continue to be reviewed by the Planning Board in accordance with the Subdivision Regulations in effect at the time preliminary approval was granted provided any one of the following conditions have been met:
  - a. The final plat, including all the material required in the Final Plat Check-list, is filed with the Planning Department within one (1) year from the date of preliminary approval; or,
  - b. The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Coastal Resources Management Council (CRMC) and the preliminary plans as approved by the Planning Board, have been filed with CRMC for an Assent as required by the Coastal Resources Management Program; or,
  - c. The subdivision is located within an area and is of a nature to be within the jurisdiction of the Rhode Island Department of Environmental Management (RIDEM) and the preliminary plans as approved by the Planning Board have been filed with RIDEM for approval as required by the Freshwater Wetlands Act; or,
  - d. The applicant has expended significant monies in the preparation of preliminary subdivision plans in an amount that, if preliminary approval were to become void and re-application under the revised subdivision regulations were to be required, a significant economic hardship would result. The Planning Board shall determine what constitutes "significant economic hardship".
3. **Other Status** - Any and all subdivision applications pending before the Planning Board pursuant to the Subdivision and Land Development Regulations adopted on March 3, 1993, pursuant to the Rhode Island Land Development and Subdivision Review Enabling Act of 1992, Chapter 23 of Title 45 of the Rhode Island General Laws, are hereby vested and all such applicants may continue to proceed pursuant to said Subdivision and Land Development Regulations, or may elect to proceed anew pursuant to these Subdivision and Land Development Regulations enacted on February 14, 1995.

The Planning Board shall determine vested rights for subdivisions submitted for approval prior to October 20, 1992. Appeals from a decision regarding the application status and vested rights of any subdivision shall be made to the Planning Board of Appeal as herein provided.

4. **Additional Vesting Guidelines** - Consistent with Section 1100 of the South Kingstown Zoning Ordinance as amended 10 May 1999, the following guidelines shall be used by the Administrative Officer in determining whether rights have vested prior to said amendment.

Vesting is triggered by the issuance of a "Certificate of Completeness" by the Planning Board's Administrative Officer pursuant to Article V of these Regulations.

- a. Pre-application meetings and Concept review **DO NOT** require formal action of the Planning Board. Furthermore, pre-application discussions are intended for the guidance of the applicant when a project is in its formative stages. Submissions in accordance with the Checklist for Pre-application Meetings and Concept Review do not constitute an "application" for Planning Board approval. Therefore, "vesting" is not triggered by Pre-application and Concept Review.
- b. When an Administrative Subdivision application is certified complete by the Administrative Officer, vesting is triggered.
- c. An applicant for a Minor Land Development Plan Project or Minor Subdivision shall have rights vested in the Zoning Ordinance in effect when the Administrative Officer certifies that a Preliminary Plan application is complete.
- d. An applicant for a Major Land Development Plan Project or Major Subdivision shall have rights vested in the Zoning Ordinance in effect when the Administrative Officer certifies that a Conceptual Master Plan application is complete.

## ARTICLE II - DEFINITIONS

The following words or phrases, when used in these regulations, shall have the following meaning, unless otherwise specifically provided:

**Administrative Officer** - The municipal official designated by the local regulations to administer the land development and subdivision regulations and to coordinate with local boards and commissions, municipal staff, and state agencies. The administrative officer may be a member of, or the chair of the Planning Board, or an appointed official of the municipality.

**Administrative subdivision** - Re-subdivision of existing lots that yields no additional lots for development, and involves no creation or extension of streets. Such re-subdivision shall only involve divisions, mergers, mergers and division or adjustments of boundaries of existing lots.

**Affordable Housing** – Residential housing that has a sales price or rental amount that is within the means of a household that is moderate income or less. In the case of dwelling units for sale, housing that is affordable means housing in which the principal, interest, taxes, which may be adjusted by state or local programs for property tax relief, and insurance constitute no more than thirty (30%) of the gross household income for a low or moderate income household. In the case of dwelling units for rent, housing that is affordable means housing for which the rent, heat and utilities other than telephone constitute no more than thirty percent (30%) of the gross annual income for a household with eighty percent (80%) or less of the area median income, adjusted for family size. Affordable housing shall include all types of year-round housing, including, but not limited to, manufactured housing, housing originally constructed for workers and their families, accessory dwelling units, housing accepting rental vouchers and/or tenant based certificates under Section 8 of the United States Housing Act of 1937, as amended, and assisted living housing, where the sales and rental amount of such housing, adjusted for any federal, state or municipal government subsidy, is less than or equal to thirty (30%) of the gross household income of the low and moderate income occupants of the housing. Ref. RIGL 42-128.8.1 (d).

**Agricultural land** - Land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as prime farm land or additional farm land of statewide importance for Rhode Island by the Soil Conservation Service of the United States Department of Agriculture.

**Agricultural operations** - Any commercial enterprise which has as its primary purpose horticulture, viticulture, viniculture, floriculture, forestry, dairy farming, or aquaculture, or the raising of livestock, furbearing animals, poultry or bees; or as such definition may be revised from time to time in Title 2, Section 23-4 of the RI General Laws entitled "The Rhode Island Right to Farm Act".

**Applicant** - A person who applies to the Planning Board for subdivision approval.

**Area of Special Flood Hazard** - Areas designated on the Official Zoning Map as being within a High Flood Danger (HFD) zoning district; and areas designated on the Town's official Flood Insurance Rate Maps as being located within zones V1-V30, and zone A.

**Bond** - A type of improvement guarantee.

**Buildable lot** - A lot where construction for the use(s) permitted on the site under the Zoning Ordinance is considered practicable by the Planning Board, considering the physical constraints to development of the site as well as the requirements of pertinent federal, state and local regulations.

**Certificate of Completeness** - A notice issued by the Administrative Officer informing the applicant that the application is complete and meets the requirements of these regulations, and that the applicant may proceed with the approval process.

**Coastal feature** - Coastal beaches, dunes, wetlands, cliffs, bluffs, embankments, rocky shores, and manmade shorelines as defined in Chapter 23 of Title 46, General Laws of Rhode Island, as amended.

**Concept plan** - A drawing with accompanying information showing the basic elements of a proposed subdivision or land development plan, as used for pre-application meetings and early discussions, and classification of the project within the approval process.

**Cul-de-sac** - The terminus of a street that has only one outlet, laid out to provide a circular or other type of turn-around for vehicles at the closed end. See Article XIII.

**Dedication, fee in-lieu-of** - Payments of cash which are authorized in the local regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons. The conditions under which such payments will be allowed and all formulas for calculating the amount shall be specified in advance in the local regulations.

**Development regulation** - Zoning, subdivision, land development plan, development plan review, historic district, official map, flood plain regulation, soil erosion control or any other governmental regulation of the use and development of land.

**Division of land** - A subdivision.

**Easement** - The right of a party to use all or part of the property of another for a specific purpose.

**Endorsement** - The signature of the Administrative Officer or Planning Board Chairperson on an approved plat, permitting recording of the plat, or as further provided in Article VI.

**Environmental constraints** - Natural features, resources, or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also physical constraints to development.

**Final plan** - The final stage of subdivision or land development review.

**Final plat** - The final drawing(s) of all or a portion of a subdivision or land development project, and any accompanying materials, to be recorded in the Land Evidence Records after approval by the Planning Board.

**Floodplain or flood hazard area** - An area that has a one percent (1%) or greater chance of inundation in any given year, as delineated by the federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 U.S.C. 4011 et. seq.].

**Hammerhead** - The terminus of a street, laid out to provide a turn-around area for vehicles. See Article XIII.

**Improvement** - Any natural or built site, that becomes part of, is placed upon, or is affixed to real estate.

**Improvement guarantee** - A security instrument accepted by the Finance Director to ensure that all improvements, facilities, or work required by these regulations, or as a condition of approval, will be completed in compliance with the approved plans and specifications.

**Inclusionary Zoning** - A regulatory technique applicable to residential subdivisions and/or land development projects that requires a percentage of units within the development to be affordable to households of low and moderate income (see Section 502.6). Such inclusionary units must meet the definition of "low and moderate" income housing as defined in this ordinance and in RIGL 45-53-3.

**Land Development Project** - A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or Flexible Design Residential Projects for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the zoning ordinance.

**Land disturbing activity** - Any physical land development activity which includes such actions as clearance of vegetation, moving or filling of land, removal or excavation of soil or mineral resources or similar activities.

**Land suitable for development** - The total land area, less land unsuitable for development.

**Land unsuitable for development** - See Article III. Section C.

**Lot** - Either: 1) The basic development unit for determination of lot area, depth, and other dimensional regulations; or 2) A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

**Low and Moderate Income Housing** - Any housing subsidized by the federal, state or municipal government under any program to assist the construction or rehabilitation of housing as low or moderate income housing, as defined in the applicable federal or state statute, or local ordinance whether built or operated by any public agency or any nonprofit organization, or by any limited equity housing cooperative or any private developer, that will remain affordable for ninety-nine years or such other period that is either

agreed to by the applicant and town but shall not be for a period of less than thirty (30) years from initial occupancy through a land lease and/or deed restriction or prescribed by the federal or state subsidy program but shall not be for less than thirty (30) years from initial occupancy through a land lease or deed restriction. Ref. RIGL 45-53-3.

**Maintenance guarantee** - A security instrument accepted by the Finance Director to ensure that all improvements, facilities, or work required by these regulations, or as a condition of approval, will function as required for a specified period of time.

**Major land development plan** - Any land development project not classified as a minor land development plan, and any land development project that includes non-residential development.

**Major subdivision** - Any subdivision not classified as either an administrative subdivision or a minor subdivision.

**Conceptual Master plan** - An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. It is required for review of major land development projects and major subdivisions.

**Minor land development plan** - A development plan for a residential project as defined in local regulations, provided that such development does not require waivers or modifications as specified in this act. All non-residential land development projects shall be considered as major land development plans.

**Minor subdivision** - A plan for residential development that requires the subdivision of land into buildable lots, does not propose more than five (5) lots or dwelling units, and does not require any waivers from, or modifications to, these regulations.

**Non-buildable lot** - A parcel of land recorded in the Land Evidence Records that is created or reserved for a purpose other than present or future construction of buildings or structures.

**Parcel** - A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. Also referred to as a tract.

**Parking area or lot** - All that portion of land development project that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

**Phase** - A portion of a subdivision or land development to be developed, or sold as lots, at a particular time, as part of an effort to coordinate population growth with the availability of facilities and services.

**Phased development** - Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.

**Physical constraints to development** - Characteristics of a site or area, either natural or man-made, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods. See also environmental constraints.

**Planning Board** - The official planning agency of the Town of South Kingstown as established in the Town Charter.

**Plat** - A drawing or drawings of a land development project of subdivision showing the location, boundaries, and lot lines of individual properties, as well as other necessary information as specified in these regulations.

**Pre-application conference** - An initial meeting between developers and municipal representatives that affords developers the opportunity to present their proposals informally and to receive comments and directions from the municipal officials and others.

**Preliminary plan** - The stage of land development and subdivision review that requires detailed engineered drawings and all required state and federal permits.

**Prime farmlands and farmlands of statewide importance** - Those lands which meet the applicable criteria, as established by the U.S.D.A., Soil Conservation Service. Specific map units are listed in the Soil Conservation Service fact sheet "Identification of Important Farmlands", issued 1980 as amended. See "Agricultural Land".

**Public improvement** - Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the Town of South Kingstown or other governmental entity is presently responsible, or will ultimately assume responsibility for maintenance and operation upon municipal acceptance.

**Public informational meeting** - A meeting of the Planning Board, preceded by notice, open to the public and at which the public shall be heard.

**Residential development** - Development consisting entirely of single-household or multiple-household dwelling units. A dwelling unit is a structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and containing a separate means of ingress and egress.

**Re-subdivision** - Any change of an approved or recorded subdivision plat or in a lot recorded in the Land Evidence Records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption of these regulations.

**Right-of-way** - An easement for the purpose of passing through, or crossing, property belonging to another.

**Storm water detention** - A provision for storage of storm water runoff and the controlled release of such runoff during and after a flood or storm.

**Storm water retention** - A provision for storage of storm water runoff.

**Street** - A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

**Street, access to** - An adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

**Street, limited access highway** - A freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

**Street, private** - A thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific municipal improvement standards. Driveways are excluded from this definition.

**Street, public** - All public property reserved or dedicated for street traffic.

**Street right-of-way** - The entire area to be dedicated for street use, including the pavement or travel surface, and the areas on both sides of the pavement or travel surface that may be reserved for installation of sidewalks, utilities, drainage improvements or other purposes.

**Street, stub** - A portion of a street reserved to provide access to future development, which may provide for utility connections.

**Street classification** - A method of roadway organization which identifies a street hierarchy according to function within a road system, that is, types of vehicles served and anticipated volumes, for the purposes of promoting safety, efficient land use and the design character of neighborhoods and districts. Local classifications shall use the following as major categories:

a. **arterial.** A major street that serves as an avenue for the circulation of traffic into, out of, or around the municipality and carries high volumes of traffic.

b. **collector.** A street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.

c. **local.** Streets whose primary function is to provide access to abutting properties.

**Subdivider** - A person who:

a. having an interest in land, causes it, directly or indirectly, to be divided into a subdivision, or who:

b. directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease or develop any interest, lot, parcel, site, unit, or plat in a subdivision, or who:

c. engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot parcel, site, unit, or plat in a subdivision.

**Subdivision** - The division or re-division of a lot, tract, or parcel of land into two or more lots, tracts or parcels. Any adjustments to existing lot lines of a recorded lot by any means shall be considered a subdivision. All re-subdivision activity shall be considered a subdivision. The division of property for purposes of financing constitutes a subdivision.

**Vested rights** - The right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to completion of the project.

**Way** - The name given to a privately-owned street in a subdivision.

## ARTICLE III - GENERAL REQUIREMENTS

### A. General Requirements

The requirements listed below shall be applicable to all subdivisions submitted for approval, unless otherwise specifically provided. Prior to approval of any subdivision or land development project, (if Planning Board approval is required) the Board shall make positive findings on all of the applicable standards listed below, as part of the proposed project's record. If a negative finding for any of these standards is made, the Planning Board shall have grounds for denial of the project design.

1. Each subdivision shall be consistent with the requirements of the South Kingstown Comprehensive Community Plan and/or shall satisfactorily address the issues where there may be inconsistencies;
2. Each lot in the subdivision shall conform to the standards and provisions of the South Kingstown Zoning Ordinance. Provided, however, that lots not being created for the purpose of present or future development need not meet the area and other dimensional requirements of Section 401 of the Zoning Ordinance provided that:
  - a. A notation is shown on the recorded plat that the lot being created is not a buildable lot; and,
  - b. A conservation or preservation restriction pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, is granted to the Town of South Kingstown prohibiting any such present or future development.
3. In subdivisions requiring individual sewage disposal systems, no building lot shall be designed and located in such a manner as to require relief from Article 5, Sections 504.1 and 504.2 of the Zoning Ordinance, as amended;
4. There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval;
5. Subdivision, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable. See definition of "*buildable lot*". Lots with such physical constraints to development may be created only if identified as permanent open space or permanently reserved for a public purpose on the approved, recorded plans;
6. All proposed land developments and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered in compliance with this requirement;

7. Each subdivision shall provide for safe circulation of pedestrian and vehicular traffic, for adequate surface water run-off, for suitable building sites, and for preservation of natural, historical, or cultural features that contribute to the attractiveness of the community; and,
8. The design and location of streets, building lots, utilities, drainage improvements and other improvements in each subdivision shall minimize flooding and soil erosion.
9. The use of open space in a Flexible Design Residential Project or Residential Compound is an appropriate use and is consistent with the requirements of Article IV.A.4.c.

## **B. Phasing of Major Land Developments and Major Subdivisions**

1. When a Major Land Development and Major Subdivisions is submitted for Conceptual Master Plan approval as provided in Section c.4.c. of Article V, the Planning Board shall review the adequacy of existing and projected future public improvements, services and facilities which may be impacted by the proposed development in its entirety. If the Planning Board determines that such improvements, services and facilities, including but not limited to water supply, sewerage, streets and associated drainage facilities, schools, recreational facilities, and fire and police protection will not be adequate to serve the residents of the subdivision or development at the time of recording of the plat, the Planning Board shall have the authority to establish a rate of development of the entire subdivision by requiring it to be built in phases. This shall also include the establishment of a timetable, rate or phasing requirements for the construction of inclusionary dwelling units for affordable housing production. The Planning Board may also establish a schedule governing the timing of construction for units to be constructed off-site, and/or the payment of a development exaction fee in lieu of such unit construction.

2. When an application is submitted for Conceptual Master Plan approval, the applicant shall submit to the applicable municipal, state or private agency as provided in the Conceptual Master Plan Checklist for Major Land Developments and Major Subdivisions, a copy of the Conceptual Master Plan narrative report for their review and comment. Each agency so notified by the applicant shall be requested to provide its comments on a form to be provided to the applicant by the Administrative Officer. Comments shall be received from each agency prior to the date of the informational meeting. If comments are not received by the Administrative Officer by that date, it shall be assumed that the agency does not wish to comment.

If the public informational meeting on the master plan and the public hearing on the preliminary plan are combined as provided in Article V, Section 4.f., all comments from reviewing agencies shall be received prior to the date of the public hearing.

3. Each department or agency to which such a request for comments is made shall deliver to the Administrative Officer a completed written form, and any supplementary material, which shall describe:

- a. An estimate of the impact of the subdivision on the facilities and/or services provided by the department or agency;

- b. Whether existing facilities and/or services are adequate to serve the subdivision's residents;
- c. Whether plans for the necessary improvements to existing facilities and/or services are included in the town's Capital Improvement Program or are otherwise planned; and,
- d. An estimate of how long it would take to provide any necessary improvements to existing facilities and/or services.

All such written forms and supplementary material shall be delivered to the Administrative Officer by the reviewing agency within the time limits prescribed.

4. Based on the responses received from the various departments and agencies, the Planning Board shall establish, at the time of master plan approval, a rate of development of the entire subdivision or development that will permit residential construction only when improvements, services and facilities will be adequate to serve the residents of the subdivision or development. As part of such a growth rate plan, the Planning Board may require that improvements be installed, or lots sold, in two or more phases.

5. If phasing is required, the Planning Board shall approve the entire master plan first. Thereafter, the applicant shall be required to submit plans for preliminary and/or final review and/or approval indicating the development of the entire site in two or more phases as required by the Planning Board in Section B.4. of this Article, above. In such review and approval, the Board may, in its discretion, impose conditions for determining the physical limits of phases, for allowing progression to additional phases, for allowing two (2) or more phases to proceed in review or construction simultaneously, for interim public improvements or construction conditions, for changes to master or preliminary plans, and may include other provisions as necessitated by special conditions.

6. The master plan documents may contain information on the physical limits of the phases, the schedule and sequence of public improvement installation, improvement guarantees, and the work and completion schedules for approvals and construction of the phases.

### **C. Land Unsuitable for Development**

1. When calculating the number of residential building lots or units permitted on any parcel, land included in all of the following categories shall be considered unsuitable for development and shall be deducted from the minimum building acreage of the parcel:

- a. Fresh water wetlands, except that area of perimeter wetland within fifty (50) feet of the edge of any bog, marsh, swamp or pond; or any applicable 100-foot or 200-foot riverbank wetlands, as defined by Rhode Island General Laws Section 2-1-20 (1987), as amended.

b. Coastal wetlands, except any directly associated contiguous areas, as defined by Rhode Island General Laws Section 46-23-6(B) (3) (1990), as amended.

c. Areas within a High Flood Danger zone, as defined in Section 601 of the South Kingstown Zoning Ordinance, as amended.

d. Land within any publicly or privately held easement on which above-ground utilities, including but not limited to electrical transmission lines, are constructed.

2. Land described in Subsection 1(a), 1(b), 1(c), and 1(d), above, may be included as part of any lot in any subdivision or land development project; provided, however, that land unsuitable for development shall not be counted toward the minimum lot size required in Section 401 of the Zoning Ordinance.

#### **D. Dedication of Land for Public Purposes**

##### **1. Subdivider Must Provide Open Space**

The Planning Board shall require all land developments and subdivisions subject to the provisions of these Regulations to dedicate a portion of the land being subdivided for the purpose of providing open space, conservation, park and recreational land and/or facilities to serve present and future residents of the proposed land development or subdivision. The Planning Board may, in its discretion, require the payment of a fee in-lieu-of land dedication, or a combination of land dedication and payment of a fee, as an alternative to the dedication of land.

##### **2. Relationship to Comprehensive Plan**

No dedication of land to the public or payments-in-lieu of such dedications shall be required unless the need for such is documented in the adopted plans of the Town, i.e., the Comprehensive Community Plan, the Local Recreation, Conservation and Open Space Plan, or the Capital Improvement Program (CIP). The requirement for dedication of land for open space, conservation, park and recreation facilities shall be based upon the policies and standards set forth in the above plans and shall reflect the character defined by the Comprehensive Community Plan for the neighborhood or district in which the subdivision is located. The nature of the land dedication must reflect the character of the land being subdivided and must be suitable for the intended use. If payments in lieu of land dedication are required, they must be kept in a restricted account and shall only be spent for the intended purpose of providing open space, conservation, park and/or recreational facilities.

##### **3. Amount of Land to be Dedicated**

The minimum amount of land to be dedicated shall be based upon the following formula:

$$\text{Amount of Dedicated Land = (Acres)} \quad \text{Maximum No. of DU's in the Subdivision}^{(1)} \quad \times \quad \text{Persons per DU}^{(2)} \quad \times \quad \text{Land Need}^{(3)}$$

The maximum number of dwelling units in all phases of the land development project or subdivision.

(2) Persons per Dwelling Unit. See subsection 8 below.

(3) Land Need. See subsection 7 below.

#### 4. Ownership of Land

Land dedications required by this Section may be made by transfer of fee simple ownership to any of the following:

- a. The Town of South Kingstown
- b. The State of Rhode Island
- c. The United States Government
- d. A private Homeowner's Association
- e. A private non-profit conservation or recreation group

#### 5. Fees-in-Lieu of Land Dedication

Where a fee is required by the Planning Board to be paid in lieu of land dedication, the amount of such fee shall be based on the fair market value of the amount of land which would otherwise be required to be dedicated under subsection D.3 hereof. The amount of such fee shall be determined by the following formula:

$$\text{Fee in-lieu of dedication} = \text{Fair Market Value of Land}^{(1)} \quad \times \quad \text{Land Need}^{(2)} \quad \times \quad \text{Max.No. of DU's}^{(3)} \quad \times \quad \text{Persons per DU}^{(4)}$$

(1) Fair market value of land in the parcel being subdivided after subdivision approval has been granted, and which is suitable for use as open space, conservation, park and recreation facilities. See subsection 6 below.

(2) Land need shall mean the adopted Town standards for open space and outdoor recreation area as provided in the Comprehensive Plan. See subsection 7 below.

(3) The maximum number of dwelling units to be constructed in the subdivision.

(4) The average number of persons expected to be living in the dwelling units to be constructed. See subsection 8 below.

## 6. Fair Market Value

Fair market value of the land assuming subdivision approval has been granted shall be determined at the time of filing of the final plan in accordance with the following:

a. Annual review by the South Kingstown Tax Assessor of all sales of vacant lots of at least 10,000 sq. ft. in Town assuming all subdivision improvements have been made and infrastructure is in place. This figure is established by the Town Council in the Capital Improvement Program.

b. If the sub divider objects to such amount of evaluation, he may, at his own expense, obtain an appraisal of the property by a qualified real estate appraiser which appraisal may be accepted by the Planning Board if found to be reasonable; or

c. The Planning Board and sub divider may agree as to the fair market value.

## 7. Land Need

The actual need for open space, conservation and open space land as expressed in acres per 1,000 population in the Comprehensive Community Plan. The 1990 Town-wide need is 10.50 acres per 1,000.

## 8. Persons per Dwelling Unit

The applicant may provide an estimate of the projected number of persons per dwelling unit (D.U.) in the proposed land development project or subdivision and shall state the basis for such estimate. The Planning Board shall review and approve of such estimate. Otherwise, the figure of 2.81 persons per new residential unit in South Kingstown shall be utilized.<sup>1</sup>

## 9. Time of Dedication or Payment

All land dedications required by this Section shall be made at the time of recording of the plat.

If a fee-in-lieu of land dedication is to be made, and single-household dwellings are proposed, the total fee shall be prorated on a per-lot basis, and payment shall be made to the Town at the time of application for a building permit upon the lot. If two-household or duplex dwelling units, or multi-household dwelling units are proposed, the total fee shall be prorated on a per unit basis and payment shall be made to the Town at the time of application for a building permit for the total number of dwelling units applied for. In approving payments of fees-in-lieu of land dedication, the Planning Board shall, as a part of its approval, clearly indicate the total fee to be paid, and the fee on a per lot basis or per unit basis, and the required time of payment for each.

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<sup>1</sup> Capital Improvement Program, Town of South Kingstown, FY 1998-1999 to FY 2003-2004.

## 10. Relationship to Zoning

Where a fee-in-lieu of land dedication is to be paid, such payment shall be made under the provisions of Article 11 of the South Kingstown Zoning Ordinance. Unless requirements for open space and recreation are to be met exclusively through land dedication, the final plat shall contain notation that residential building is subject to such fees.

## E. Environmental Impact Statement

1. The Planning Board shall have the authority to require the applicant to prepare an Environmental Impact Statement (EIS) to assess the potential short and long term affects of the proposed subdivision or land development project under either of the following conditions:

a. If all or part of the property that is the subject of the application includes land identified on Map 5.3 of the Comprehensive Community Plan of 1992 as being within a Critical and Environmentally Sensitive Area; or,

b. The Planning Board finds that there is reasonable expectation that the proposed subdivision or land development project will have a significant negative environmental impact on natural systems located on the property that is the subject of the application, or upon nearby properties or natural systems.

2. The Board shall make findings of fact in writing and shall identify the environmental resources it finds to be potentially threatened. The Board's findings shall be made a part of the record of the application.

3. An EIS required under this Section shall include research and documentation describing and assessing short and long-term environmental impacts which may include but not be limited to impacts upon:

|                              |              |
|------------------------------|--------------|
| -freshwater wetlands         | -traffic     |
| -coastal features            | -soils       |
| -noise and air quality       | -vegetation  |
| -solid waste generation      | -wildlife    |
| -historic/archaeologic areas | -groundwater |

4. If an EIS is required, the applicant shall be so informed at the preliminary meeting for a minor subdivision, or the Conceptual Master Plan stage for a major subdivision and shall be advised at that meeting as to the specific information that the EIS must contain.

5. For any subdivision or land development project for which an EIS is required, the Board shall have the authority to impose conditions on approval that, based on the findings and analysis of the EIS, are reasonably necessary to minimize adverse impacts that the development may have on the natural or manmade environment.

6. All Environmental Impact Statements shall be referred to the Conservation Commission for their review and comment.

7. If, in the opinion of the Board, impacts identified in the EIS cannot be adequately mitigated so as to achieve compliance with each of the General Requirements specified in Article III, Section A, the Board shall have the authority to deny approval of the proposed development design.

**F. All major subdivisions and major land development projects shall be subject to the Inclusionary Zoning requirements detailed in Article 5, Section 502.6 of the South Kingstown Zoning Ordinance.**

## ARTICLE IV - SPECIAL REQUIREMENTS

### IV. A Flexible Design Residential Projects

#### 1. Purpose

Pursuant to and consistent with Section 502.5 of the Zoning Ordinance, the purposes of this section, Flexible Design Residential Projects (FDRP), are:

- a. to encourage the preservation of open space for its scenic beauty and the appropriate use thereof;
- b. to preserve historical and archeological resources;
- c. to protect the natural environment, including South Kingstown's varied landscapes;
- d. to protect the value of real property;
- e. to promote more sensitive siting of buildings and better overall site planning consistent with the "South Kingstown Residential Design Manual," prepared by Dodson Associates, dated January 1999 and as subsequently amended and incorporated in the Comprehensive Community Plan (hereinafter, the "Design Manual");
- f. to perpetuate the appearance of South Kingstown's traditional New England landscape;
- g. to allow landowners a reasonable return on their investment and to reward landowners with reduced infrastructure costs and density bonuses;
- h. to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and,
- i. to offer an alternative to conventional subdivision development.

#### 2. Applicability

- a. In accordance with the standards set forth in this Section IV. A, the Planning Board may approve, as a Land Development Project, a Flexible Design Residential Project (FDRP) in Zoning Districts where allowed in the Zoning Ordinance, Article 3, Section 301, whether a subdivision or not. Where the FDRP is allowed by special use permit, Planning Board approval shall be conditioned upon the applicant receiving relief from the Zoning Board subsequent to Master Plan approval.
- b. The Planning Board shall have the authority to require that a major or minor subdivision which is being proposed for conventional subdivision be developed as a FDRP. To this end, the Planning Board shall require that the sub divider provide an alternative plan or plans for developing the plat as an FDRP. In all such cases, the applicant shall be so informed no later than the Conceptual Master Plan stage of review for major subdivisions, and no later than the preliminary stage of review for minor subdivisions. At that time, the Board shall make findings of fact in writing and shall identify the reasons for such a requirement.

- c. Administrative subdivisions and subdivisions that create lots which are not for the purpose of present or future development shall not be required to be developed as a FDRP.

### 3. Procedures

Applications for FDRP approval shall be made in accordance with the procedures for approval of a major or minor subdivision or Land Development Project based on the number of lots or dwellings in the development as provided in Article V of these regulations. All major subdivisions and land development projects shall also comply with the standards set forth in Article 5, Section 502.6 of the Zoning Ordinance.

### 4. Design Process

The design of an FDRP shall follow the design process outlined in Chapter 4 of the Design Manual, as summarized in the following steps. When the Conceptual Master Plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that this design process was considered in determining the layout of proposed streets, house lots, and open space.

- a. Understanding the Site - The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, including stone walls and significant trees, and to determine the connection of these important features to each other and strategies for protection.
- b. Evaluating Site Context - The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., street and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.
- c. Designating the Open Space - The third step is to identify the open space to be preserved on the site. The open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks. The designation of open space should reflect consistency with the South Kingstown Comprehensive Plan.
- d. Location of Development Areas - The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with South Kingstown's historical development patterns.
- e. Lot Lines - The final step is simply to draw in the lot lines (if applicable).

### 5. Modification of Lot Requirements

Applicants are encouraged to modify lot size, shape, and other dimensional characteristics within an FDRP. An FDRP may be developed with dwelling units on separate lots, a single lot, or a combination thereof.

Lots having reduced area or frontage shall not have frontage on a street other than on a street created by the FDRP; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood. Unless waived pursuant to the Subdivision and Land Development Regulations, dimensional regulations applicable in the R10 Zoning District, as set forth in the South Kingstown Zoning Ordinance, Section 401, Schedule of Dimensional Regulations, shall be applicable to an FDRP.

#### 6. Basic Maximum Number of Dwelling Units

The Basic Maximum Number of dwelling units allowed on a parcel of land proposed for development as an FDRP is defined as the maximum number of lots (or dwellings) which could reasonably be expected to be developed upon that parcel under a Yield Plan as defined in Article 12 of the Zoning Ordinance of the Town of South Kingstown. The proponent shall have the burden of proof with regard to the reasonableness and feasibility of the design and of the engineering specifications for such Yield Plan; provided, however, that the Planning Board's determination of the Basic Maximum Number shall be conclusive.

- a. Inclusionary Provisions Yield Plan- The proponent shall also prepare a secondary yield plan for the development that depicts the basic maximum number of lots (or dwellings) as noted above as well as required inclusionary and incentive units per Section 502.6 of the Zoning Ordinance. The Planning Board shall have the ability to modify, revise or change such plan in any manner it sees fit to accomplish the intents and purposes of these regulations.

#### 7. Incentives

At its sole discretion the Planning Board may award a zoning incentive so as to increase the number of dwelling units beyond the Basic Maximum Number provided, however, that the maximum number of permitted dwellings in the FDRP site shall not be increased by a factor of more than 1.3. Such bonuses are not to be considered automatic; rather they may be granted when the Planning Board makes a specific finding that the incentive criteria is met in full and that the subject site and design of the subdivision or land development project can support the incentive unit(s) or lot(s) in a sustainable manner. An incentive may be awarded in the following circumstances:

(Note: the total incentives permitted shall include required inclusionary units and may not exceed a factor of 1.3 beyond the basic maximum number of dwelling units discussed in 6. above.)

- a. The number of single-household dwelling units having one (1) or fewer bedrooms, including so-called 'studio units' may be increased by a factor of 1.1 for the purpose of calculating the Basic Maximum Number; and/or,
- b. The number of single-household dwelling units having a maximum of two (2) bedrooms, including so-called 'studio units' may be increased by a factor of 1.1 for the purpose of calculating the Basic Maximum Number; and/or
- c. Where the Planning Board determines that occupancy of the dwelling unit in the FDRP is limited to adults fifty-five years of age or older, subject to the exceptions set forth in the Federal

Fair Housing Act, the Basic Maximum Number of permitted dwelling units in the development may be increased by a factor of 1.1; and/or,

- d. Where the Planning Board determines that the amount of open space area provided in the entire FDRP exceeds the minimum amount as provided in the Subdivision and Land Development Regulations, the Basic Maximum Number of permitted dwelling units in the development may be increased by a factor in accordance with the following table:

| Amount of Open Space Provided             | Permitted Increase in Density |
|---|-------------------------------|
| Up to 20 percent more than minimum        | Factor of 1.05                |
| Greater than 20 percent more than minimum | Factor of 1.1                 |

- e. The Planning Board may determine that an existing dwelling which is currently located on the property being developed should be preserved for any of the following purposes: maintenance of historic or traditional development patterns; preservation of streetscape features; maintenance of building placement, setback and alignment on the site; preservation of historic structures that contribute to the character of an area; design of public or common open space; or other design or site planning issues identified in the South Kingstown Residential Design Manual. In such cases, the Planning Board may allow the applicant to exceed the Basic Maximum Number of permitted dwelling units in the development by one (1). Any dwelling granted a zoning incentive under the provisions of this section shall be subject to deed restrictions prohibiting the removal or alteration of the dwelling except as may be approved by the Planning Board as a condition of approval. This dwelling may contain more than two bedrooms.
- f. Inclusionary Dwelling Units - dwelling units required in major subdivisions and major land development projects under the zoning incentive provisions of Section 502.5 E of the Zoning Ordinance shall be counted toward the maximum zoning incentive permitted under these regulations.

Except as provided in subsection 7.e. and f. above, any dwelling unit awarded as an incentive shall contain no more than two (2) bedrooms. In computing the number of incentive dwelling units, all figures shall be rounded down. Except as provided in subsection 7.e. and f. above, dwelling units qualifying as incentives herein shall be subject to deed restrictions approved by the Planning Board's legal counsel limiting the number of bedrooms to two or less. Required inclusionary units may contain more than two bedrooms.

## 8. Types and Location of Buildings

An FDRP may consist of any combination of single household and multi-household residential structures. A multi-household structure shall not contain more than four (4) dwelling units. The Planning Board may require the development plan to show the location of building footprints, and their relation to driveways and

streets, and may approve, approve with modification, or deny such locations. Where the applicant seeks a zoning incentive pursuant to Section 7.c, above, the applicant may be required by the Planning Board to submit building elevations and architectural plans for its review and approval.

9. Stormwater Management

The stormwater management system for the FDRP shall conform to the Town's Subdivision and Land Development Regulations and Design Manual, with particular regard for the need to encourage infiltration and groundwater recharge as opposed to detention or retention basins.

10. Parking

Each dwelling unit shall be served by off-street parking as provided in Article 7 of the Zoning Ordinance; provided, however, that this requirement may be waived by the Planning Board where on-street parking is determined to be acceptable. Spaces in driveways in front of garages may be counted in any computation of required parking.

11. Open Space

- a. The open space shall be established as a lot or lots separate and distinct from the lots intended for residential and accessory uses, and from land dedicated as street rights-of-way.
- b. The minimum amount of required open space area shall be based on a percentage of the land suitable for development in the entire FDRP as provided in the table below. None of the minimum required open space area shall be devoted to land unsuitable for development as defined in Article III, Section C. of these regulations.

| Zoning District | Minimum Amount of Required Open Space |
|-----------------|---------------------------------------|
| R200, HFD       | 70%                                   |
| R80             | 60%                                   |
| R40             | 50%                                   |
| R30             | 40%                                   |
| R20             | 35%                                   |
| R10, RM         | 30%                                   |

- c. This minimum required area shall be in addition to any open space used for storm water drainage facilities. Provided, however, that the Planning Board may allow storm water drainage facilities to count toward the minimum required open space area if it finds that the drainage areas are designed as a fully integrated part of an overall open space landscape plan which incorporates trails, active or passive parks, landscaped site features, stream belts or greenways, and are designed to facilitate infiltration and recharge. The Board may prohibit any drainage facilities from being located in required open space areas if it finds that such facilities

are in conflict with the intent and purpose of the FDRP as stated in Section 1 of this Article or with the general purposes of these Regulations.

- d. Open space provided by a FDRP for public or common use, shall either be conveyed to the Town of South Kingstown and accepted by the Town for park, open space, agricultural, or other permitted use or uses, or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the FDRP or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units.
- e. In any case where the land is not conveyed to the Town of South Kingstown, a restriction enforceable by the Town of South Kingstown shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed. Buildings, structures, parking areas or other impervious improvements which are accessory to and subordinate to a permitted open space use, may be located on any open space lot provided that, in all cases, they occupy no more than five (5) percent of the total open space area of the FDRP.
- f. All open space, regardless of whether it is conveyed to the Town of South Kingstown, shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town of South Kingstown, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. In addition, the perpetual maintenance of all open space shall be guaranteed by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town of South Kingstown, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended. The Planning Board or Administrative Officer shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a maintenance guarantee shall contain the following provision:

"If the owners, or their successors or assigns fail to maintain the open space, the Town of South Kingstown may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action at law or in equity against the owners or their successors or assigns."
- g. The Planning Board shall specifically authorize plans for the use, management and maintenance of all open space areas within any FDRP. Areas proposed to fulfill the minimum open space requirement within a FDRP shall not be excavated or regraded. No disturbance shall be made to the natural contours of the land nor shall any existing natural vegetation be removed or any natural or man-made features altered in any way. Provided however, the Planning Board may permit disturbance for landscaping, parks, recreation or for conservation, forestry or wildlife habitat areas, as specifically authorized or required in the open space use plan.

At the time of Conceptual Master Plan review by the Planning Board, the applicant shall submit a separate open space use plan containing:

1. the general location and area of all proposed open space;
2. the general proposed use(s) of the open space;
3. existing topography and existing ground cover of open space areas;
4. the location and nature of any buildings, structures, stone walls or other unique natural and/or historic features;
5. areas of open space from which existing vegetation will be removed or altered and areas which are proposed to be disturbed or otherwise graded, excavated or altered from their existing natural state;
6. generalized proposals for the re-grading, re-vegetating and/or landscaping of proposed disturbed areas; and,
7. areas proposed to be left in their existing natural states without any disturbance.

At the time of preliminary review by the Planning Board, a more detailed open space use plan shall be submitted for review and approval, which may be combined with any required grading plans, landscaping plans, soil erosion plans or drainage plans required for preliminary approval.

The Planning Board shall require final construction plans to show proposed open space use(s) and alterations required as a condition of final approval.

- h. Clearing and excavation of open space areas shall be permitted only for the installation of stormwater retention or detention facilities, other drainage facilities, or for permitted park, open space, recreational or agricultural uses in accordance with a plan approved by the Planning Board.

In addition, commercial earth removal, where permitted under the Zoning Ordinance, within any open space areas shall be permitted only upon specific authorization by the Planning Board. In approving the removal of any earth, soil, or topsoil from any open space area, the Board shall clearly indicate, as a condition of preliminary approval, the approximate quantities of material and the general areas from which earth removal is authorized.

## 12. Open Space Design Review Standards

- a. List of Resources to Be Conserved - The design of open space lands in any FDRP shall reflect the standards set forth in Section IV.A.11 and, to the fullest extent possible, incorporate any of the following resources if they occur on the parcel (not listed in order of significance):
  1. Stream channels, floodplains, wet soils, swales, springs, and other lowland areas, including adjacent buffer areas that may be required to ensure their protection;

1. Vernal pools and significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide Natural Heritage Inventory;
  2. Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality;
  3. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands, and wildlife habitats;
  4. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation;
  5. Hedgerows, groups of trees, location and species of large individual trees of botanic significance (generally 18" DBH or greater), and other vegetation features representing the site's rural past;
  6. Active agricultural uses, pastures, croplands;
  7. Prime farmland soils and farmland soils of statewide importance;
  8. Historic structures and sites;
  9. Visually prominent topographic features such as knolls, hilltops and ridges;
  10. Scenic viewsheds as seen from public roads (particularly those with historic features);
  11. Existing trails connecting the parcel to other locations in the Town.
- b. Other Design Considerations - The configuration of proposed open space lands set aside for common use in residential FDRPs shall comply with the following standards:
1. They shall be free of all structures except historic buildings, stone walls, and structures related to open space uses. The Planning Board may grant approval of structures and improvements required for storm drainage, sewage treatment, and water supply within the open space provided that such facilities would not be detrimental to the open space. The acreage of lands required for such uses shall not be credited toward the minimum open space acreage requirements for the FDRP, except as provided in IV.A.11.c). The Board may permit subsurface sewage disposal beds (either individual or common) to be located within open space areas, provided that they are not mounded above natural grade.
  2. They shall be directly accessible to the largest practicable number of lots or dwellings within the development. Non-adjointing lots shall be provided with safe and convenient pedestrian access to open space land;
  3. They shall be suitable for active or passive recreational uses to the extent deemed necessary by the Planning Board, without interfering with adjacent dwelling units, parking, driveways, and roads;

4. They shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision;
5. They shall provide buffers to adjoining parks, preserves or other protected lands;
6. They shall provide for pedestrian pathways for use by the residents of the development. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the Town or region. Provisions should be made for access to the open space lands, as required for land management and emergency purposes;
7. They shall be undivided by public or private streets, except where necessary for proper traffic circulation;
8. They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect open space resources;
9. They shall be consistent with the Comprehensive Community Plan.

### 13. Buffer Areas

If property abutting the proposed FDRP contains developed residential building lots, or if there are existing residential structures within one hundred (100) feet of the perimeter of the FDRP, the following conditions must be met:

- a. Development in the FDRP must be designed to meet at least the minimum yard setback of the underlying zoning district in which the FDRP is located, from the property line to the principal building on the new abutting lot and,
- b. A permanent buffer along the perimeter of the FDRP shall be established providing for the preservation of existing trees or other vegetation or for the planting of new vegetation in order to provide a visual and audio screen between the FDRP and adjacent land uses. This buffer may be provided in either of two alternative forms, to be determined by the Planning Board:
  - (1) A separate open space lot or lots as provided in subsection 11 above, entitled Open Space; or,
  - (2) A permanent easement along the perimeter of the FDRP to be located along the rear of the proposed lot or lots which abut the perimeter of the FDRP. Said easement shall run in favor of the Town and shall be for conservation or open space purposes only. Where such easements are located on privately owned lots, they shall not be counted toward the minimum required open space area.
- c. The width of the required perimeter buffer shall be fifty (50) feet provided, however, that the Planning Board may reduce this width to a minimum of ten (10) feet. In making this determination, the Planning Board shall consider the following factors:
  - (1) the nature of adjacent land uses existing at the time of Conceptual Master Plan Review;

- (2) the nature of proposed or projected future land uses on adjacent property;
- (3) the physical characteristics of adjacent property (e.g., wetlands, slopes, stone walls, etc.);
- (4) the ownership of adjacent property (e.g., private, public, non-profit conservation, etc.);
- (5) the zoning of adjacent property;
- (6) the land use classification of adjacent property as provided on the Comprehensive Plan Land Use Plan Map.

If lots on the outer perimeter of the proposed FDRP are not contiguous to developed residential building lots outside the FDRP, the above provisions regarding rear yard setbacks shall not apply. However, the requirement for a permanent buffer along the perimeter property line shall apply unless the Planning Board specifically waives this requirement.

Lots on the outer perimeter of the proposed FDRP which are directly adjacent to a public street must be separated from said public street by a wooded buffer or screen of at least one hundred (100) feet in width along the entire street frontage, except for any necessary access streets.

If development within the FDRP is such that individual building lots are not being created (i.e., subdivision) but that buildings are proposed to be located on a single lot (i.e., condominium) or combination thereof, the provisions stated above with regard to buffer areas shall be interpreted to apply to the setback, screening and location of individual buildings.

#### 14. Streets

Streets within an FDRP may be publicly or privately owned and maintained and shall conform to the standards of Article XIII, Section B. Street Design Standards of these Regulations. Streets shall be designed to conform with the standards of the Town where the street is or may be ultimately intended for dedication and acceptance by the Town. Private streets shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or such other means or entity as may be approved by the Planning Board.

#### 15. Decision

The Planning Board may approve, approve with conditions, or deny an application for an FDRP after assessing whether the FDRP better promotes the objectives of the Planning Board's Subdivision and Land Development Regulations and the Design Manual than would a conventional development, and after considering all of the criteria set forth at Article III, Section A, herein.

## 16. FDRP in R200 Zoning Districts

a. When reviewing an application for an FDRP in a R200 zoning district, the Planning Board shall consider the impact that the development will have on the ground water recharge areas or coastal pond areas on the parcel. The Planning Board shall have authority to place conditions on the approval of such a development that it deems necessary to protect environmentally sensitive areas. The Planning Board shall have the authority to deny approval of development project design features that, in the opinion of the Planning Board, will have an adverse impact upon sensitive environmental areas and such impact cannot be adequately mitigated.

b. An applicant for an FDRP in an R200 zone shall submit to the Planning Board, at the Conceptual Master Plan stage, the following information, in addition to information required by the appropriate Checklist in Article XV, compiled by qualified professionals:

- 1) The wet season readings from test pits that shall be dug to the water table or to a maximum of twelve (12) feet, whichever comes first, and located throughout the parcel at a density of a minimum of one test pit per five acres;
- 2) A map locating the test pits required by subsection (1), and locating existing and proposed wells on the parcel;
- 3) A description of soils on the parcel;
- 4) Direction of groundwater flow;
- 5) Sub-surface geological features, including but not limited to bedrock or perched water tables;
- 6) Percolation rates;
- 7) Topographic data;
- 8) Location of wetlands and surface water bodies;
- 9) Water quality data for water bodies on the parcel;
- 10) A description of ground cover on the parcel;

c. No zoning incentives pursuant to Article IV, A, 7 shall be permitted in an R200 zoning district.

## B. Residential Compounds

### 1. Definition and Purpose

a. A residential compound is a parcel of land containing lots for single-household dwellings and having an average density of no greater than one dwelling unit per two hundred thousand (200,000) square feet of land suitable for development.

b. Residential compounds are intended to preserve the rural character of the town by permitting low-density residential development on large parcels of land while relieving the applicant from compliance with the design and improvement standards applicable to other subdivisions.

## 2. Uses, Lot Area and Dimensional Regulations

The permitted uses, minimum lot sizes, and dimensional regulations applicable to residential compounds shall be those provided in the Zoning Ordinance.

## 3. Density Calculation

The maximum number of dwelling units in a residential compound shall be determined by the following method:

- a. Land unsuitable for development, as that term is defined in Article III, Section C of these Regulations, shall be subtracted from the total acreage of the parcel.
- b. The remaining area of the parcel, expressed in square feet, shall be divided by two hundred thousand (200,000) square feet.
- c. The resulting figure is the maximum number of residential building lots permitted. Fractions shall be rounded downward to the next lower whole number.
- d. A residential compound shall contain a maximum of ten (10) lots.

## 4. General Requirements

- a. A parcel proposed for development as a residential compound shall have frontage on a public street or shall have access to a public street by a private right-of-way. If access from the residential compound to the public street is by a private right-of-way, the private right-of-way shall be shown in its entirety on the Final Plat.
- b. Land unsuitable for development, as that term is defined in Article III, Section C of these Regulations, may be included as part of any residential building lot, provided, however, that such land shall not be counted toward the minimum lot area required by Section 401 of the Zoning Ordinance.
- c. No parcel that has been developed as a residential compound shall be further subdivided or reduced in size or acreage; provided, however, that this shall not prevent the development of a residential compound in phases as long as future phases to be developed are specifically discussed in the project record before the Planning Board and explicitly designated and shown on the approved Conceptual Master Plan and/or the approved Preliminary Plan and then recorded on the Final Plat.
- d. No parcel which has been reduced in size or acreage after May 17, 1977 shall be developed as a Residential Compound. No lot which has been developed as part of a Residential Compound shall be further subdivided except as allowed in Section e. below.
- e. Administrative subdivisions may be permitted among residential lots within the Residential Compound in accord with these regulations, provided, however, that such

transfers or lot line amendments maintain conformity with the minimum dimensional standards contained in the Zoning Ordinance for each lot or lots so affected and the average density within the approved compound remains at one dwelling unit per two hundred thousand (200,000) square feet of land suitable for development.

f. Administrative subdivisions that propose the transfer of excess land or open space to a parcel or parcels situated outside the Residential Compound shall not be permitted.

#### 5. Excess Land Area/Open Space

a. The land area of the parcel in excess of that necessary to meet the minimum lot area requirements of the Zoning Ordinance shall be designated for one of the following purposes:

- (1) Excess area may be part of one or more of the residential housing lots; or,
- (2) Excess area may be a separate lot or lots devoted to one or more of the open space uses provided by Section 303.B.3 of the Zoning Ordinance.

b. If excess area is designated as a separate undeveloped open space lot, the following conditions shall apply:

(1) The Planning Board shall approve the specific use of the lot, taking into consideration the adequacy of access to the lot, the characteristics of the parcel, the characteristics of the lot, the characteristics of adjacent parcels and the uses of adjacent parcels. The same procedure and requirements applicable to Flexible Design Residential Projects as provided in Section A.5.c. and d. of this Article shall apply to residential compounds.

(2) The lot shall be protected against development and unauthorized alteration in perpetuity by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town of South Kingstown, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, and the Planning Board shall approve the form and content of any such restrictions at the time of final approval of the subdivision.

(3) The owner of the lot shall guarantee perpetual maintenance by appropriate deed restrictions, and by the grant of a conservation or preservation restriction to the Town of South Kingstown, pursuant to Title 34, Chapter 39 of the Rhode Island General Laws, as amended, and the Planning Board shall approve the form and content of any such restrictions at the time of final approval of the subdivision. The restrictions shall contain the following provisions:

- (a) If the owners, or their successors or assigns fail to maintain the lot or lots, the Town of South Kingstown may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by

an action at law or in equity against the owners of their successors or assigns.

(4) Any buildings, structures, parking areas or impervious improvements associated with the open space use may be located on the open space lot provided that they occupy no more than five (5) percent of the open space lot. The Planning Board shall approve the location of all such facilities.

## 6. Design and Improvement Standards

a. Streets and drainage improvements within the parcel to be developed as a residential compound shall be privately owned and maintained in common by the residents of the residential compound. At the time of Final Approval, the Planning Board shall approve the form and content of the following legal documents to be recorded contemporaneously with the Final Plat;

(1) A covenant by the owner of the parcel, binding on his successors and assigns, that the Town of South Kingstown shall not be asked or required to accept or maintain the private streets within the parcel that do not meet the engineering and design requirements for town-accepted streets, for a minimum of ninety-nine (99) years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as many automatic renewals as are necessary to total ninety-nine (99) years.

(2) A document or documents establishing the method of ownership, and providing for maintenance of the streets and drainage improvements.

b. Streets within a residential compound shall be designed, constructed and inspected in compliance with Article XIII of these Regulations. The Planning Board shall have the authority to require additional improvements in order to protect the public health, safety and welfare, if warranted by the characteristics of the parcel, or if the street will be used by persons other than residents of the compound.

c. Streets and drainage improvements within a compound may be bonded pursuant to Article VII of these regulations.

d. Each street within a residential compound shall be designated as a "Way" in order to distinguish it from a public street.

e. If the Planning Board determines that an existing private right-of-way which is proposed to be used as access from the compound to a public street is not adequate for public health, safety and welfare purposes, the Planning Board shall have the authority to require improvements to the private right-of-way. Such improvements may include improved pavement surface, increased pavement width, increase in depth below finished grade for removal of boulders or ledge, improvements in the grade of ascent or descent, surface water run-off control, natural water flow protection, or drainage improvements. Any such improvements required shall be shown on a plan certified by a professional engineer, and such plan shall be

included in the submission requirements for Final Plan approval and recorded with the endorsed plat. No approved plat shall be endorsed or recorded until such required improvements are completed.

f. Electric, street lighting, and communication lines, including but not limited to telephone, fire alarm and cable television lines, need not be installed underground as required by Article XIII of these Regulations.

#### 7. Statement on Final Plat

The Final Plat approved by the Planning Board and recorded in the Land Evidence Records of the Town shall contain the following statement: "These premises are subject to restrictions and conditions that are contained in instruments recorded contemporaneously with this Plat, and are incorporated herein by reference."

### C. Minor Subdivision Involving No Street Creation or Extension

Any subdivision of a parcel of land into at least two (2) but no more than five (5) lots for the purpose of development, all of which have frontage on a public street, which meet all applicable area and dimensional requirements of the Zoning Ordinance but which do not require the extension or creation of a street shall be considered to be a minor subdivision and shall be reviewed according to the applicable provisions of Article V, Section C.3., and Section C.1 or C.2. of this Article below.

Subdivisions described above which create more than five (5) lots for the purpose of development shall be considered to be a major subdivision, and shall be reviewed according to the provisions of Article V, Section C.4.

#### 1. Minor Subdivisions Involving the Creation of 2 lots

Minor subdivisions described above involving the creation of no more than 2 lots (one original lot plus one new lot) shall first be reviewed by the Technical Review Committee in accordance with the procedure established in Article V, Section C.3.d.). The applicant shall be required to submit to the Administrative Officer all plans and supporting materials as required by the Preliminary Plat Checklist for Minor Subdivisions (see Article XV).

If the Technical Review Committee determines that the parcel being subdivided has the potential under the existing applicable zoning regulations to be developed for no more than 2 lots (one original lot plus one new lot) the application shall be forwarded to the Planning Board with a recommendation for preliminary approval without further review as provided in Article V, Section C.3.d.) (i). Provided however, that the Committee, in forwarding the application to the Planning Board, may also recommend conditions for approval as provided in subsection b. of this Section entitled Lot Development Standards, below.

Any further subdivision of either of the 2 lots created hereunder at any time after the effective date of these Regulations, whether immediate or future, shall be considered to be a minor subdivision of 3 or more lots or a major subdivision and shall be reviewed under the applicable provisions of these Regulations. The option of land dedication in lieu of fees, as provided by Article III. Section D. of these Regulations shall not be available to minor subdivisions involving the creation of 2 lots pursuant to this subsection. The sub divider shall be required to pay a fee in lieu of land dedication.

a. Criteria for Review

The following criteria shall be used by the Technical Review Committee and Planning Board in their review of any 2-lot minor subdivision:

(1) Potential for Further Subdivision

The Planning Board shall consider whether the parcel being subdivided has the potential for further subdivision under current applicable zoning regulations. If it has such potential, the Technical Review Committee and the Planning Board shall consider the impacts from such future development in their review of the proposed subdivision and may impose any or all of the Lot Development Standards provided in section b. below as necessary to mitigate such impacts.

(2) Adequacy of the street on which the proposed lots front

- (a) The lots must be provided with access to a street which is adequate for access for vehicular traffic; and,
- (b) The frontage must provide safe and adequate access to a public street.

(3) Adequacy of the access from the lots onto the street

- (a) The lots must be accessible by the fire department, police department and other agencies charged with protection of the public peace, safety and welfare; and,
- (b) The lots must be physically accessible from the street upon which it fronts (i.e., they cannot be isolated by topographic or natural features which prevent adequate physical access from the street.)

(4) Relationship to scenic highways

Adequate provision shall be made to preserve scenic values along the road frontage of State-designated scenic highways in accordance with standards adopted by the State Scenic Highway Board pursuant to RI General Laws Sec. 24-15-9.

(5) Conformity to zoning

The proposed lots must be in conformity with all applicable zoning ordinance requirements;

(6) Conformity with the Comprehensive Plan

The proposed lots shall be in conformity with the Town's Comprehensive Community Plan with regard to (a) discouraging the development of residential lots having direct frontage on major streets; (b) establishing a functional classification of roads which encourages residences to take access from local roads; and (c) preserving visual quality and rural character along major streets.

(7) Relationship to adjacent or nearby uses

The proposed lots and access thereto shall be designed so as to minimize conflict with existing adjacent uses, driveways, buildings or other structures, streets, intersections, hills, curves or other similar existing features.

b. Lot Development Standards

Standards which may be recommended by the Technical Review Committee to be imposed by the Planning Board on any 2-lot minor subdivision as a condition of approval may include the following:

- (1) The location of the proposed access driveway along the road frontage may be modified or relocated;
- (2) The proposed number of access driveways onto any street from any lot or group of lots may be modified or limited;
- (3) Driveways of adjacent lots, or groups of contiguous lots may be combined and the use of common driveways may be required where feasible;
- (4) Screening/buffering/landscaping of the lot and/or driveway from adjacent public streets may be required;
- (5) Preservation of any existing unique natural and/or historic features such as trees or stone walls may be required; or,
- (6) Provisions may be made for ensuring adequate sight distances from the proposed access driveway along adjacent public streets in order to alleviate any potentially hazardous situation.

## 2. Minor Subdivisions Involving the Creation of 3 to 5 lots

Minor subdivisions described in Section C. above involving the creation of 3, 4 or 5 lots for the purpose of development shall first be reviewed by the Technical Review Committee in accordance with the procedure established in Article V, Section C.3.d.). The applicant shall be required to submit to the Administrative Officer all plans and supporting materials as required by the Preliminary Plat Checklist for Minor Subdivisions (see Article XV). Any further subdivision of any lot(s) at any time after the effective date of these Regulations, whether immediate or future, so as to create a total of 6 lots or more from the original lot, after the effective date of adoption of these Regulations shall be considered to be a major subdivision and shall be reviewed under the provision of Article V, Section C.4.

### a. Criteria for Review

In their review of any 3 to 5-lot minor subdivision, the Technical Review Committee and Planning Board shall use the same criteria for review of a 2-lot minor subdivision involving no street creation or extension as provided in Section 1.a., entitled Criteria for Review above. In addition, the Committee and Planning Board may also consider the following:

#### (1) Preservation of Agricultural Land

The preservation of land in agricultural use or which contains Prime Farmland or Farmland of Statewide Importance soils shall be maximized wherever possible by means of clustering lots and/or buildings on portions of the parcel being subdivided which are not being used for agriculture or which are not suitable for agricultural use.

#### (2) Feasibility of Internal Access Streets

Wherever possible and practical, the lots shall be developed on remaining portions of the parcel being subdivided so as to avoid creation of individual lots having direct frontage on an existing public arterial or collector street. In such cases, the Technical Review Committee shall require the applicant to submit alternative plans to demonstrate the feasibility of creating other types of subdivisions, such as a 3 to 5-lot minor subdivision with an internal street, a residential compound, a Flexible Design Residential Project or a conventional subdivision. If the Planning Board determines that such development is feasible and practical, the creation of frontage lots shall be prohibited and the applicant shall be required to develop the property in an alternative fashion.

### b. Lot Development Standards

If the creation of 3 to 5 frontage lots is not prohibited under the provisions of a. (2) above, the Planning Board shall review the proposed frontage lots as a 3 to 5-lot minor subdivision. Standards which may be recommended by the Technical Review Committee to be imposed by the Planning Board as a condition of approval of any 3 to 5-lot minor subdivision involving no street creation or extension may include the following:

(1) Any of the standards for the development of a 2-lot minor subdivision as provided in Section 1.b (1)-(6) above, plus any of the following:

(2) Improvements to the street on which the proposed lot(s) front(s) may be required in order to provide safe vehicular access. Provided, however that the standards for construction or upgrading of any such access street(s) shall not exceed those standards required by Article XIII of these Subdivision Regulations for construction of streets in minor subdivisions.

(3) Provisions shall be made for construction of a private street to provide vehicular access to multiple frontage lots from a common access point (or points) on to the public street on which the lots front. Minimum standards for the design and construction of such service roads may be imposed by the Planning Board in order to provide safe vehicular access. Provided, however that such standards shall not exceed those standards required by Article XIII of these Regulations for construction of streets in minor subdivisions.

(4) Easements may be required to be granted to the Town to prohibit individual driveway access from lots onto frontage streets if adequate provision is made for access from individual lots to service roads required in (3), above.

Provisions may be made for incorporating proposed frontage lots into future subdivision of contiguous land, if such future subdivision is determined to be feasible by the Planning Board. Such provisions may include the following:

- (a) preparation of a concept plan to indicate future access to and development of residual land contiguous to proposed frontage lots;
- (b) reservation of land or easements to provide for future access from access streets to contiguous land; and/or,
- (c) temporary driveways for frontage lots with provisions made for future permanent driveways to be connected to future streets in subdivision of contiguous land.

#### **D. Minor Subdivisions Involving Street Creation or Extension**

Any subdivision of a parcel of land into at least two (2) but no more than five (5) lots for the purpose of development and which requires the creation or extension of a public or private street shall be considered a minor subdivision and shall be reviewed by the Planning Board in accordance with the procedures set forth in Article V, Section C.3. Standards for the design and required improvements of such minor subdivisions shall be as follows:

1. Creation or Extension of a Public Street

Any minor subdivision which proposes the creation or extension of a public street shall be required to meet the design improvement standards for public streets as provided in Article XIII.

2. Creation or Extension of a Private Street

a. Minor subdivisions which create private streets are permitted only in the following zoning districts: RM, R10, R20, R30, R40 and R80. Subdivision of property located in Areas of Special Flood Hazard shall not be permitted pursuant to this subsection (D.2.).

b. No lot which has been created or reduced in size since July 9, 1991 shall be eligible for a minor subdivision pursuant to this subsection (D.2.).

c. Land being subdivided pursuant to this subsection (D.2.) shall have frontage on a street which has been officially accepted for ownership and maintenance by the Town of South Kingstown or the State of Rhode Island. The minimum required frontage shall be equal to fifty percent (50%) of the minimum required lot width (frontage) required for single household dwellings in Section 401 of the zoning ordinance for the zoning district in which the subdivision is located. All lots in the subdivision shall be served by a private street connecting directly to the public street as herein defined at the point where said frontage is located.

d. Any lot created pursuant to this subsection shall meet the minimum lot area, frontage and dimensional requirements of Section 401 of the zoning ordinance. The area of the private street shall not be included in the calculation of the minimum required area of any lot.

e. As a condition of final approval, the sub divider shall be required to record a covenant, binding on his successors and assigns, that the Town of South Kingstown shall not be asked or required to accept or maintain the private streets within the parcel that do not meet the engineering and design requirements for town-accepted streets, for a minimum of ninety-nine (99) years from the date of recording; or, if only a lesser period is legally enforceable, for that period with as many automatic renewals as are necessary to total ninety-nine (99) years.

f. The option of land dedication in lieu of fees, as provided by Article III, Section D. of these Regulations shall not be available to minor subdivisions created pursuant to this subsection (D.2.). The sub divider shall be required to pay a fee in lieu of land dedication.

g. Street design and improvement standards shall be as provided in Article XIII for local streets in minor subdivisions. Where common driveways are required for 2-lot minor subdivisions, there are no minimum improvement standards for the driveway established in these Regulations. Provided, however, that the Planning Board may prohibit individual driveway access on to the public street and require that a 20-foot wide right-of-way or access easement for a common driveway be created.

h. In minor subdivisions of 3 to 5 lots, the Board may require a street right-of-way width of 40 feet if it is determined by the Board that the potential for additional development on adjacent property exists and that access through the minor subdivision to such adjacent property is necessary or desirable.

### **E. Land Development Projects**

Land Development Projects as provided in the Zoning Ordinance shall be reviewed and approved by the Planning Board in the same manner as provided in these regulations for subdivisions. For such Land Development Projects where no subdivision of land is proposed, the Board may waive requirements of these regulations determined by the Board to be applicable only to subdivisions. The Board may also modify or waive other requirements of these regulations provided that in granting such waivers, the Board shall make findings in writing as provided in Article VIII.

In addition, for Land Development Projects within the Route 1 Special Management District only, where building, signage, and related site development construction are proposed to be deferred to a later date the Planning Board may, at its discretion, waive submittal of information related to the Conceptual Master Plan Checklist - Major Land Developments and Major Subdivision as applicable. However, in these circumstances no building permit shall be issued nor shall any building construction proceed on such parcel(s) until the deferred items are completed, reviewed, and approved by the Planning Board.

### **F. Development Plan Review**

Development Plan Review (DPR) shall be conducted pursuant to Section 505.1 of the Zoning Ordinance. The purpose of such review shall be the reasonable application of the police power of the Town to protect the public from possible detrimental impacts of certain types of development and certain large scale development, while at the same time reasonably accommodating the goal of economic development within the Town. DPR is intended to preserve the Town's natural environment, enhance its built environment, improve its visual character, and sustain a high quality of life. High standards of design, landscaping, (including landscaped parking lots), improved community appearance, preservation and protection of environmental quality, and traffic safety and buffering and screening of conflicting land uses from other land uses from public streets are goals to be achieved through Development Plan Review. Uses subject to DPR are specified in the Zoning Ordinance.

#### **1. Subdivision and Development Plan Review - Combined**

Any Subdivision or Land Development Project (LDP) that is also subject to DPR, as provided above, shall be subject to only one combined review, provided that the Planning Board has made an affirmative finding of fact that the subdivision or LDP and DPR have met the intent and spirit of the requirements of this section. In such cases, the combined review shall follow the applicable procedures for subdivision review and approval.

## 2. Review Procedure and Scope

The review shall be conducted by the Planning Board's Technical Review Committee (TRC), as set forth in the Zoning Ordinance and Section XI-B of these Regulations. The decision by the TRC shall be binding upon the Zoning Enforcement Officer. Such decision shall be in writing and shall comply with all requirements of the Regulations, including those for filing of records and decisions. The permitting authority may not issue a permit contrary to the decision of the TRC, but such decision may be appealed to the Zoning Board of Review, pursuant to the procedures set forth for the review of a decision of the Planning Board, as set forth in Article 9 of the Zoning Ordinance.

## 3. Required Guidelines, Findings, and Improvements

Prior to granting and DPR approval, the TRC or the Planning Board, as the case may be, shall find that:

- a) The granting of approval will not result in conditions inimical to the public health, safety, and welfare;
- b) The granting of such approval will not substantially or permanently injure the appropriate use of the property in the surrounding are or zoning district;
- c) The plans for such project comply with all the requirements of the Zoning Ordinance and these Regulations;
- d) The plans for such project are consistent with the Comprehensive Plan; and,
- e) Any conditions or restrictions that are necessary to ensure that these guidelines have been met have been incorporated into the written approval.

## 4. Development Plan Contents

Every development plan submitted in accordance with this Section shall contain the information contained in the Development Plan Review Checklist in Article XV.

## 5. Drainage Plan

The Planning Board may also require the submission of a proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer for any use or facility subject to the provisions of this Section where, in the opinion of the Board, there is a reasonable expectation that significant surface water runoff will be generated, or that stormwater runoff may affect abutting or nearby property or freshwater or coastal wetlands. In such cases, the drainage plan shall be prepared in accordance with Article XIII, Section D. of these Regulations entitled Drainage.

## 6. Waivers and Modifications

The Planning Board may waive or modify any information or site plan requirement(s) it judges to be unnecessary to the review of the application. Requests for such waivers shall be heard by the full Planning Board according to the provisions of Section 505.1.D.4 of the Zoning Ordinance.

## Required Improvements

The review of the Planning Board or TRC shall be based on the specific and objective guidelines or standards which are set forth in the Zoning Ordinance and by the policies provided in the Comprehensive Community Plan. The following revisions to the development plan, and improvements may be required by the Planning Board or TRC:

- a) Modifications to the location of any off-street parking area or loading area; building or structure upon the lot;
- b) Provisions for pedestrian, bicycle and/or vehicular circulation upon the lot and to/from adjacent properties or public or private streets;
- c) Provisions for the location and/or screening of trash disposal facilities, dumpsters, etc.;
- d) Provisions for sidewalks and easements for future sidewalks to connect buildings or facilities within the site and to adjacent sites;
- e) Provisions for fire lanes and/or access for emergency vehicles;
- f) Provisions for adequate stormwater drainage systems;
- g) Provisions for temporary soil erosion and sediment control measures;
- h) Provisions for landscaping, screening and buffering;
- i) Provisions for signage;
- j) Provisions for safe and adequate street access, including location and size of driveways and curb cuts;
- k) Provisions for preserving or enhancing unique natural and/or historic features, including stone walls; and,
- l) Provisions for exterior lighting.

## **G. Landscaping - General Standards and Specifications**

The following standards and specifications for landscaping shall be required wherever such landscaping or buffering is required by the Zoning Ordinance or these Regulations:

### **1. Plant Materials - Standards**

Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plant materials shall be selected from the publication entitled Sustainable Trees and Shrubs for Southern New England, University of Rhode Island and University of Massachusetts Cooperative Extension Systems, 2nd edition, 1995, or latest amendment. At time of planting, plants shall conform to the measurements specified below:

- a) Street trees and shade trees shall meet the requirements of Article XIII, Section 13 of these Regulations.
- b) Minimum size for small evergreen trees or large shrubs shall be six to eight (6-8) feet in height.
- c) Minimum size for low shrubs shall be four (4) ft. in height.
- d) Spacing of shrubs and other plant materials which are intended to provide a visual and/or audio screen shall be determined by the anticipated height and spread of the plant at maturity, but shall be planted in staggered rows so as to achieve a dense appearance within one year of planting. In addition to plant

materials, the Planning Board may require the placement of a six-foot-high opaque fence or other barrier if the Board determines that the initial planting will not achieve the intended screening effect within one year of planting.

- e) All plantings shall be maintained and guaranteed a period of one year.

## 2. Street Landscaping

Whenever a parking or loading area adjoins a public street right-of-way, or the right-of-way of a private street which is or may be customarily used by the public as access to the parking or loading facility, a landscaped strip of land shall be constructed or maintained along the entire street frontage, except for any necessary driveways, as provided herein. There are five (5) basic options for a landscaped strip along a street as shown in the illustrations on the following pages. For the purpose of these Regulations, the design and layout of site features shown are intended to be illustrative design guidelines. The Planning Board may modify the specific design during development plan review where necessary to achieve the purposes and goals of this Section.

- a) A strip of land of minimum 10 foot width between the right-of-way and the parking/loading facility planted as a partial landscape screen. (See Figure 1).
- b) An earth berm of minimum 8 foot width that is at least 2.5 feet higher than the finished elevation of the parking lot and planted as a partial landscape screen. (See Figure 2).
- c) A strip of land of minimum 6 foot width with a minimum 3-foot grade drop from the right-of-way to the parking lot and planted as a partial landscape screen. (See Figure 3).
- d) A strip of land of minimum 4 foot width to provide a stone wall, brick or other masonry wall having a minimum height of 3 feet and planted as a partial landscape screen. (See Figure 4).
- e) A wooded buffer strip of land of minimum 25 foot width of existing woodlands or other natural features such as wetlands, hillsides, or rock outcrops sufficient to screen adjacent rights-of-way. (See Figure 5).

## 3. Perimeter Landscaping - Parking Lots and Loading Facilities

The perimeter of the parking lot and loading facility shall be surrounded by a landscaped strip as illustrated in Figure 7. The width of the perimeter landscaping strip shall be as follows:

- no less than ten (10) feet in width where the parking area contains five (5) spaces or more or which exceeds 2500 sq. ft. of paved area; and,
- no less than five (5) feet in width where the parking area contains less than five (5) spaces or which has less than 2,500 sq. ft. of paved parking area.

Landscaping of the perimeter of a parking lot shall include at least one tree plus three (3) low shrubs or groundcover plants for every thirty-five (35) linear feet of perimeter.

#### 4. Interior Landscaping

The interior areas of parking lots (exclusive of loading areas) shall also be landscaped. The minimum amount of interior parking lot landscaping shall be provided in accordance with the following table:

| Total Area of Parking Lot | Minimum Percent of the Total Parking Lot Area That Must Be An Interior Landscaping Area |
|---------------------------|---|
| < 2,500 sq. ft.           | No requirement  |
| 2,500 to 20,000 sq. ft.   | 5%  |
| 20,001 to 50,000 sq. ft.  | 8%  |
| > 50,000 sq. ft.          | 10%   |

Such interior landscaping shall be provided as a combination of any of the ways provided below. Refer to Figure 8.

- a) 9-foot wide x 18' intermediate islands: at least 1 tree, plus at least 3 low shrubs or ground cover plants and/or turf grass;
- b) 18' x 18' corner islands: at least 1 tree, plus at least 6 low shrubs or ground cover plants and/or turf grass;
- c) 9-foot wide center and drive islands: at least 3 trees per 100 linear feet, plus at least 6 low shrubs or ground cover plants per 100 linear feet and/or turf grass;
- d) 9-foot wide x 18' half end islands: at least 1 tree, plus at least 3 low shrubs or ground cover plants and/or turf grass;
- e) 9-foot wide x 36' full end islands: at least 2 trees, plus at least 6 low shrubs or ground cover plants and/or turf grass;
- f) Common landscaped areas used to direct vehicular or pedestrian traffic, to delineate parking or to preserve existing natural features: at least 1 tree per 300 sq. ft. area plus at least 6 low shrubs or ground cover plants and/or turf grass.

Low shrubs or turf may be substituted for trees within the interior of parking areas where existing tree cover is present or is being provided as part of required perimeter or street right-of-way landscaping or is adjacent to the parking area and is of sufficient height and density to achieve the goals and purposes of this Section. Interior landscaped areas shall be distributed throughout the parking lot as much as possible in order to avoid large expanses of pavement, or as determined by the Planning Board at the time of development plan review. Landscaped strips along the street or perimeter landscaping shall not be counted to meet these interior landscaping requirements.

## 5. Building Landscaping

Pavement for parking areas, exclusive of loading areas and driveways, shall not directly abut the wall of any principal building facing any public street which provides lot frontage. There shall be a landscaped area between the parking surface and building wall of at least three (3) feet in width. Landscaping shall be provided in said area to include shrubs, ornamental trees, ground cover plants or turf grass. This requirement shall not be construed so as to prohibit the construction of permitted decks, porches, signs, lighting, walks or raised planters along said building wall, provided that landscaping and plant materials are incorporated into the design. In the case of corner lots, each building wall facing adjacent streets shall be so landscaped. The requirements for building landscaping in this subsection shall not apply to CD zoning districts.

## 6. Location of Loading Spaces

Off-street loading spaces shall be located upon the lot in such a manner so as to be hidden from direct view from adjacent public or private streets. In commercial and manufacturing zoning districts, and in any Special Management District, loading facilities shall not be located in the area between the principal building and the street line. Loading facilities shall be located toward the rear of the building in such a manner as to be effectively screened from adjacent streets. If conditions do not permit such a location, loading spaces may be located on the side of the building provided that, to the maximum extent possible, they are screened from adjacent streets or abutting residential uses or zoning districts. Minimum screening for loading spaces in side yards shall be as provided in Figure 6 for any of the options for a full landscape screen.

## 7. Transition Yard Landscaping Standards

Transition yard landscaping is required whenever a buffer between adjacent incompatible land uses is necessary in order to physically separate and visually screen such adjacent land uses. Transition yards are required in the following situations and are required to provide the following landscaping and buffering:

- a) Industrial Uses or Zoning Districts Abutting Residential Zoning Districts - In any zoning district, a lot which contains any industrial use, and a lot in any industrial zoning district which abuts any residential zoning district shall provide a side yard and a rear yard at least equal to twice the side or rear yard requirement of the adjoining residential district. Where more than one residential district abuts, the district imposing the higher standard shall apply. Side and rear yards in the industrial district shall be buffered in any of the following ways:
  - 50-foot wooded buffer; or,
  - 20-foot partial landscape screen; or,
  - 10-foot full landscape screen.
- b) Commercial Zoning Districts Abutting Residential Zoning Districts - Lots in any commercial zoning district which abut any residential zoning district shall provide a side yard and a rear yard at least equal to the side or rear yard requirement of the adjoining residential district; except that corner side yard

requirements for such lots may be provided as required in the commercial district. Where more than one residential district abuts, the district imposing the higher standard shall apply. Side and rear yards in the commercial district shall be buffered in any of the following ways:

- 50-foot wooded buffer; or,
- 20-foot partial landscape screen; or,
- 10-foot full landscape screen.

#### 8. Landscaped Street Yards

Within any zoning district within the Kingstown Road Special Management District, any lot having direct frontage on Kingstown Road, Saugatucket Road or Curtis Corner Road shall provide landscaped street yards as provided in Section 604 of the Zoning Ordinance. The delineation of the landscaped street yard is illustrated by Figure 9.

#### 9. Alternative Methods of Compliance

Where landscaping required by this Section is not practical for reasons of available land area, conflict with overhead wires or other physical conditions, the Planning Board may permit alternative landscaping or may waive, reduce or otherwise modify the requirements for such landscaping. In applying for such waiver the applicant shall propose alternative methods of providing landscaping, screening or buffering in order to meet the goals and purposes of this Section.

#### 10. Landscape Definitions

##### Berm

An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

##### Buffer

Land which is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way. May be a combination of physical space and vertical elements, such as plants, berms, fences, or walls.

##### Deciduous

A plant with foliage that is shed annually.

##### Evergreen

A plant with foliage that persists and remains green year-round.

##### Full landscape screen

A type of visual and audio screening which includes natural plant materials, fences, walls and berms to create total maximum effective screening. See Figure 6.

Groundcover plants

Low plants which grow to form a continuous cover over the ground.

Landscaped street yard

The area of a lot which lies between the street right-of-way line and the actual front wall of the principal building(s) and which is primarily devoted to landscaping.

Landscaping

Natural material including but not limited to grass, trees, shrubs, flowers, vines, or other living native plant materials. Also includes water bodies or the use of planters, brick, stone, or similar man-made features which do not dominate over the use of organic plant material.

Ornamental tree

A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

Partial landscape screen

A type of visual and audio screening which includes natural plant materials or berms to enhance rather than to block a view. See Figure 6.

Screen

A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Shade tree

Usually a deciduous tree--rarely an evergreen--planted primarily for its high crown of foliage or overhead canopy.

Shrub

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Specimen tree

A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

Tree

A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be deciduous or evergreen.

Wooded buffer

A vegetated area of land which contains a cover of existing mature trees of sufficient density so as to screen an area.

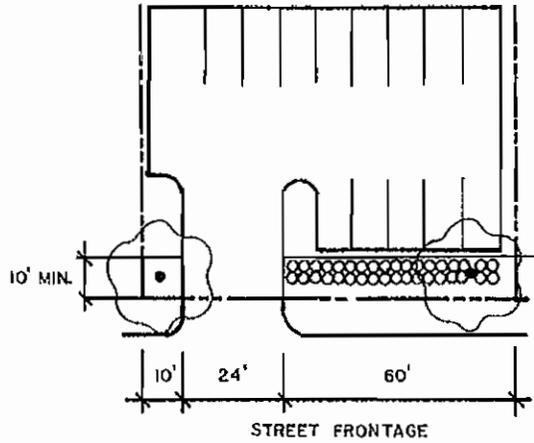


FIG. 1. PARKING LOT LANDSCAPED STRIP, OPTION 1

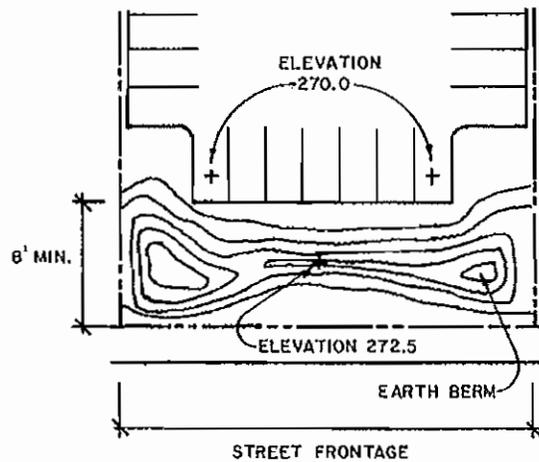


FIG. 2. LANDSCAPED STRIP, OPTION 2

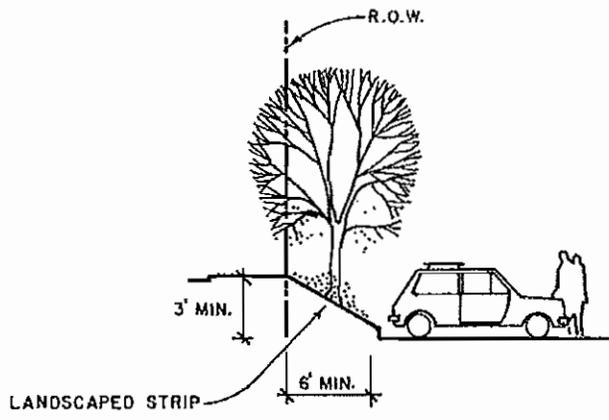


FIG. 3. LANDSCAPED STRIP, OPTION 3

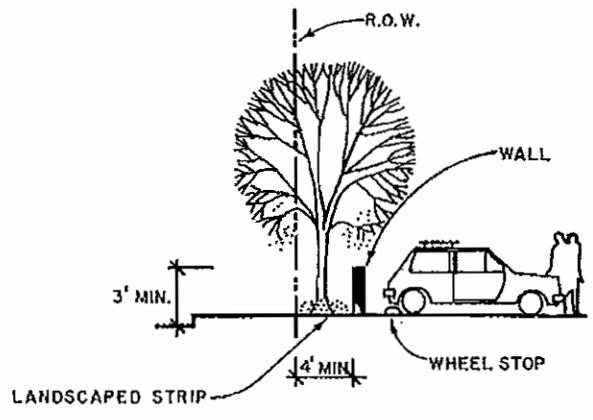


FIG. 4 PARKING LOT LANDSCAPED STRIP, OPTION 4

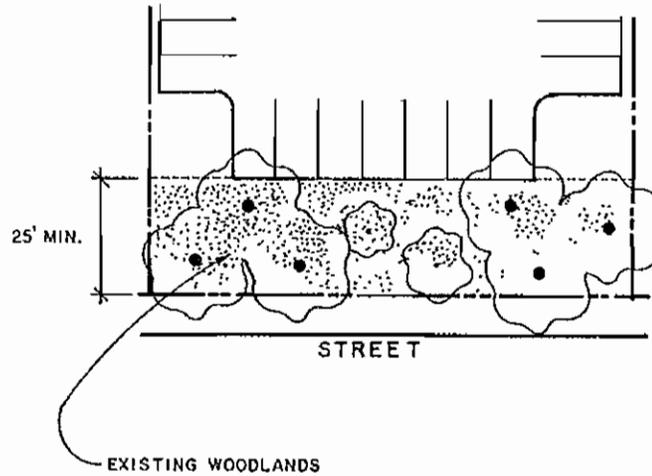


FIG. 5. PARKING LOT LANDSCAPED STRIP, OPTION 5

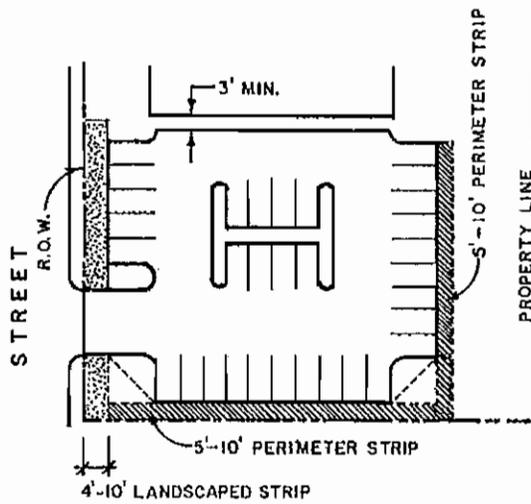
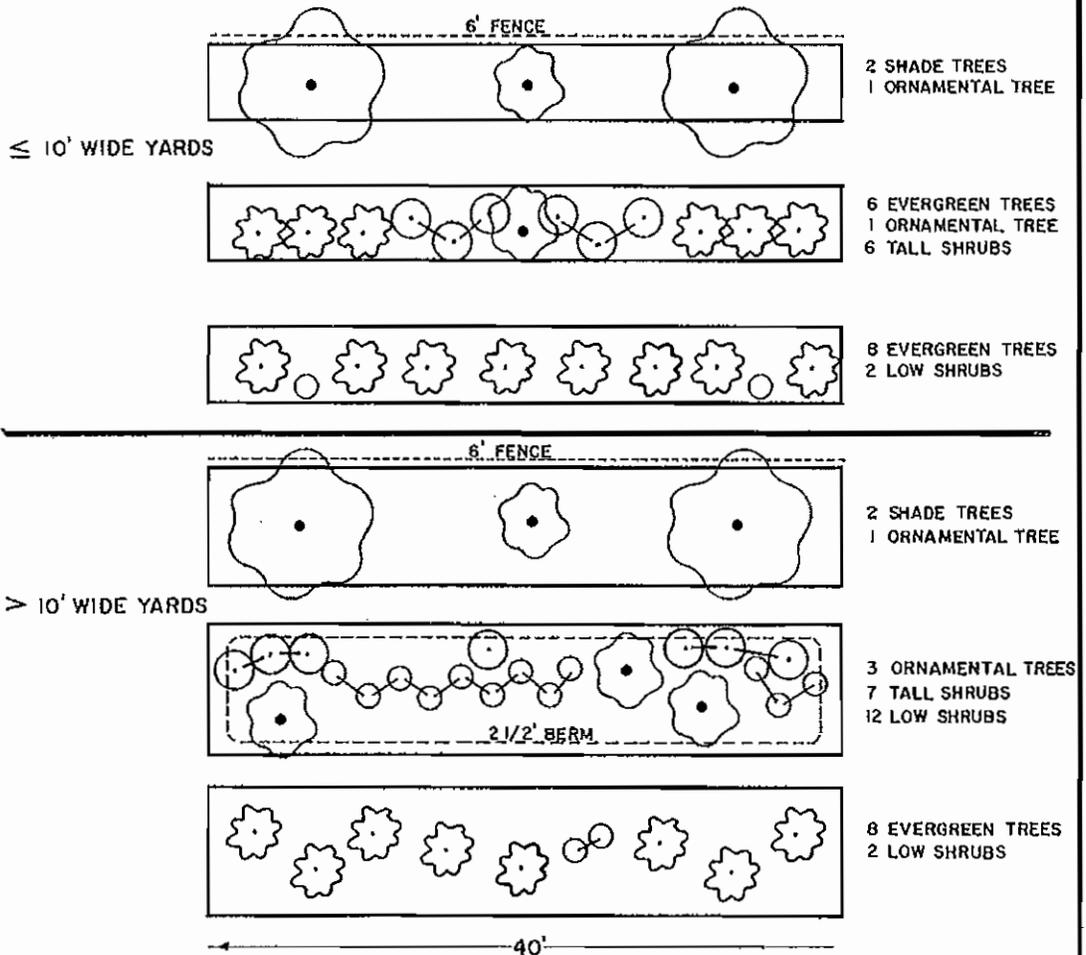


FIG. 7. PARKING LOT PERIMETER

## FULL LANDSCAPE SCREEN



NOTE: WHERE REQUIRED, FENCES OR WALLS SHALL BE A MINIMUM OF SIX (6) FEET IN HEIGHT AND SHALL BE CONSTRUCTED OF MATERIAL SUITABLE TO PROVIDE A SOLID SCREEN CAPABLE OF PROVIDING TOTAL VISUAL BLOCKAGE. FENCES OR WALLS SHALL BE USED IN COMBINATION WITH LANDSCAPING AS SHOWN.

**FIG. 6 LANDSCAPE SCREENING EXAMPLES**

PARTIAL LANDSCAPE SCREEN

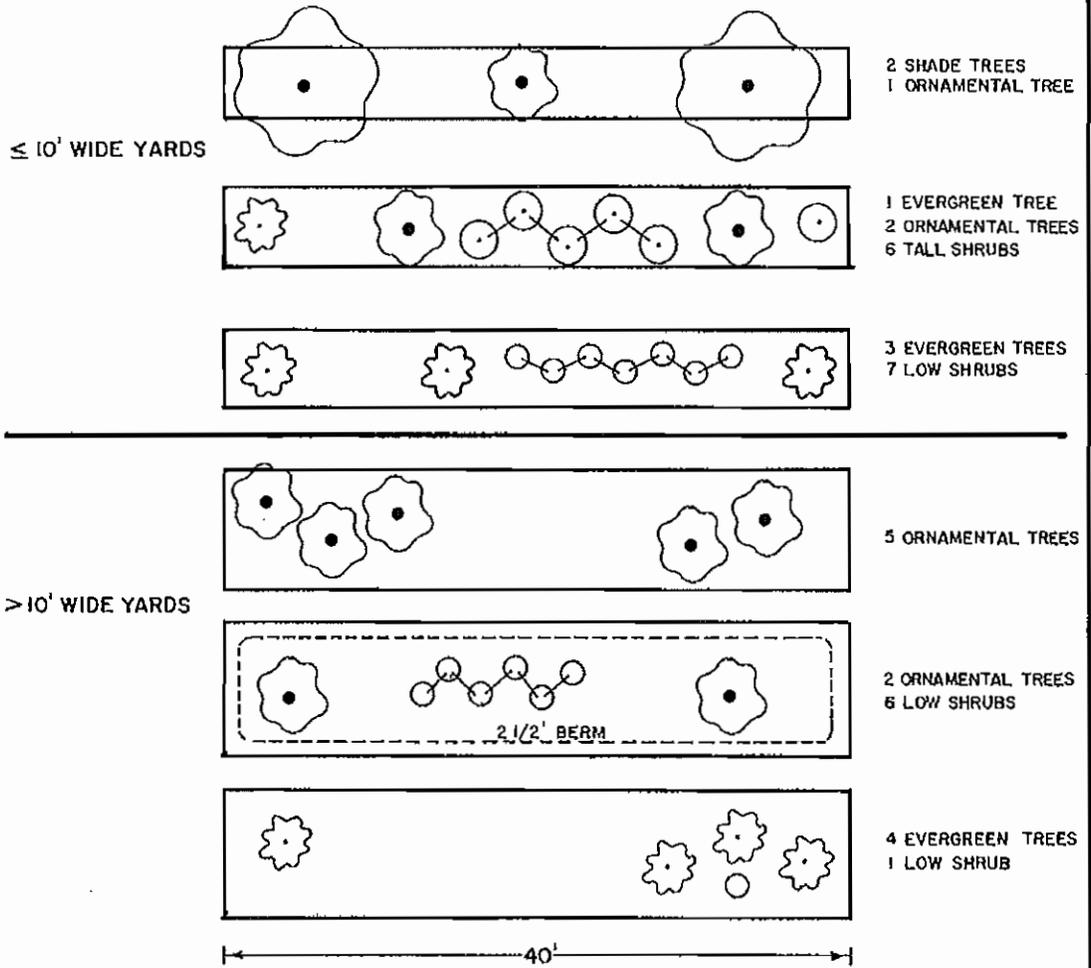
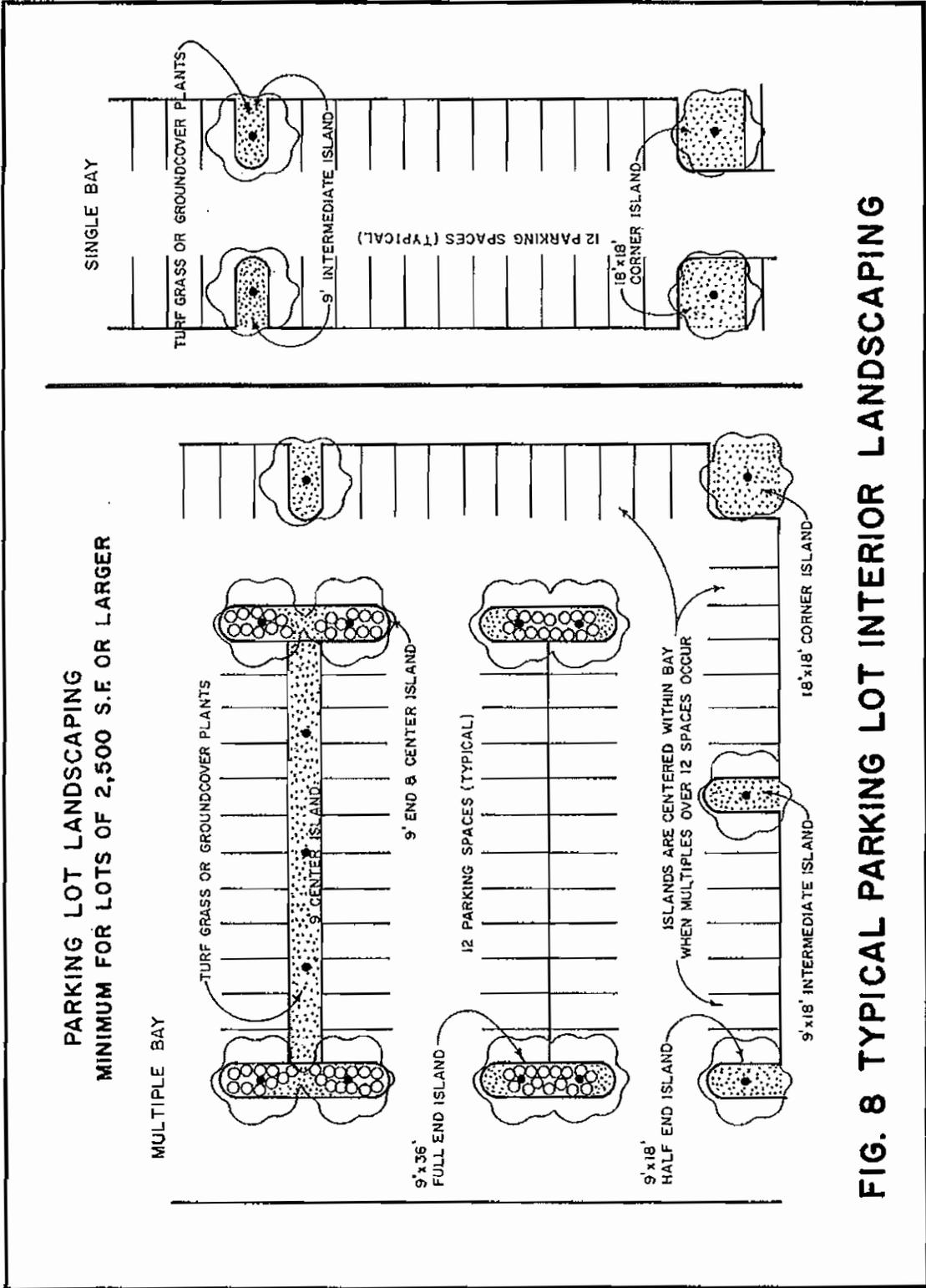
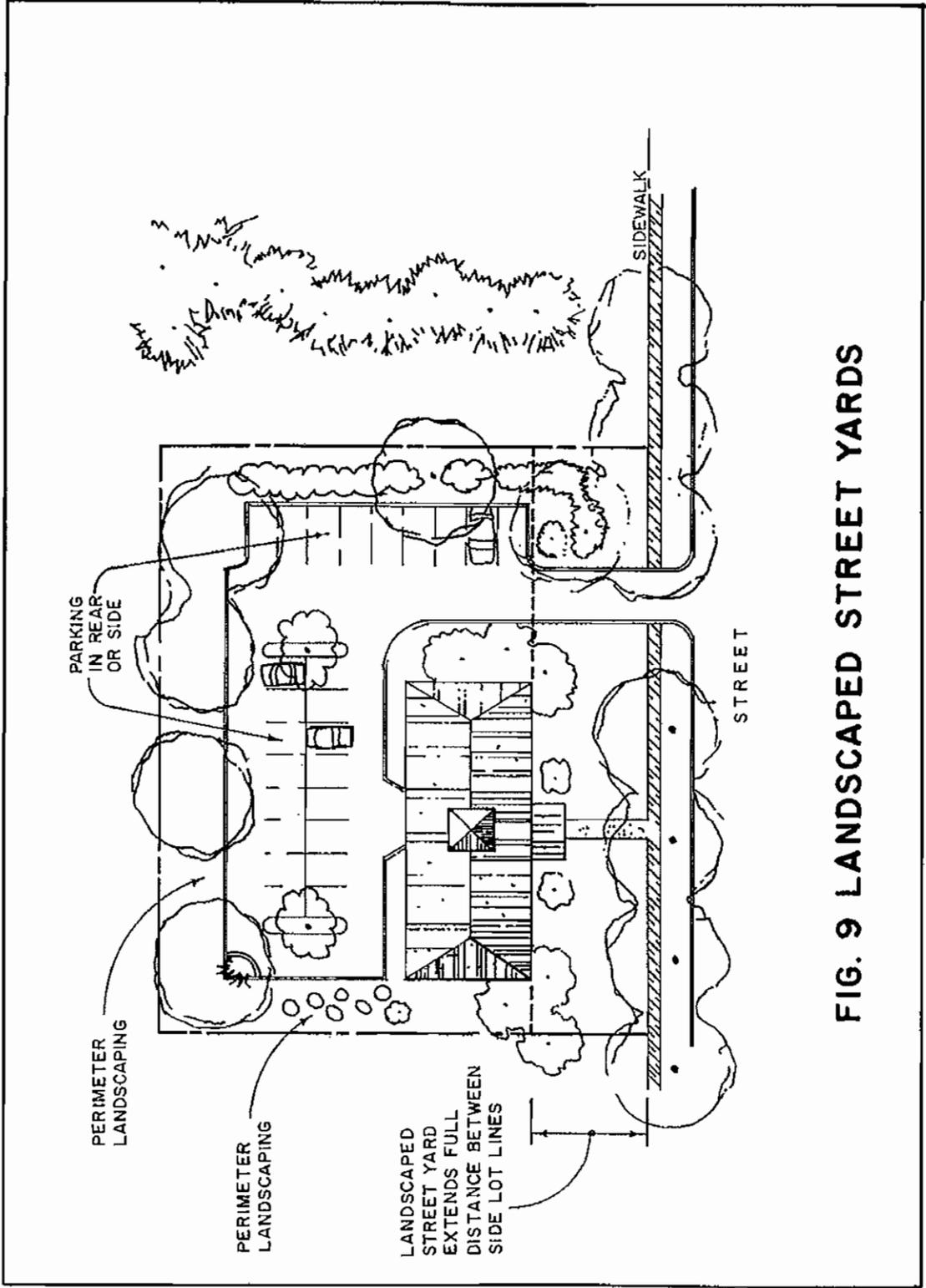


FIG. 6 LANDSCAPE SCREENING EXAMPLES

**PARKING LOT LANDSCAPING  
MINIMUM FOR LOTS OF 2,500 S.F. OR LARGER**



**FIG. 8 TYPICAL PARKING LOT INTERIOR LANDSCAPING**



**FIG. 9 LANDSCAPED STREET YARDS**

**H. Multi Household Dwellings**

**1. Intent**

It is the intent of this Section to regulate the location, design and density of multi-household dwellings in the Town of South Kingstown, and to outline administrative procedure for the establishment and planning of such dwellings. It is intended to create multi-household residential communities of long-term desirability by utilizing the potential advantage of the site, including suitable placement of the buildings and facilities in relation to the site and surrounding areas. It is further intended to require adequate open space, livability space, recreation areas and car parking space, to avoid overcrowding and to encourage good design practices. The establishment of multi-household dwellings appropriate to the character of the site and its location in the anticipated community pattern is encouraged herein, and it is further intended to avoid the overburdening of municipal services and facilities, and to ensure compatibility of multi-household dwellings with the natural environment.

**2. Two Multi-Household Types Created**

The provisions of this section shall apply to the following uses:

|               |   |
|---------------|---|
| Use Code 12   | Multi-Household Detached Structure,<br>up to 12 Units, LDP                |
| Use Code 12.1 | Multi-Household Land Development Project                                  |
| Use Code 12.2 | Multi-Household Detached Structure,<br>up to 12 Units - Elderly Only, LDP |
| Use Code 12.3 | Multi-Household Land Development Project -<br>Elderly Only                |

Two distinct types of multi-household dwellings are created and defined herein, and are permitted in the Town of South Kingstown:

- a) Multi-Household Detached Structures are single structure multi-household residential buildings on a single lot, which are designed to provide multiple residential occupancy. Such structures shall contain only multi-household residential uses and uses accessory thereto in a single principal structure, not to exceed twelve (12) dwelling units per structure in zoning districts where permitted in the Zoning Ordinance. Only one principal residential structure on a single lot is permitted.
- b) Multi-Household Land Development Projects are Land Development projects in which groups of two or more multi-household structures are located on the same lot, and which are planned, developed and managed as a unit, with required open spaces, recreation areas, off-street parking facilities and accessory uses, designed as a part of the entire project and primarily intended for the use of the occupants of the project. These are large-scale residential areas located only in RM Zoning Districts. The limitations on the number of dwelling units per multi-household structure set forth in subsection a) of

this Section are not applicable in a Multi-Household Land Development Project. A single building which contains more than 12 dwelling units shall be considered to be a Multi-Household Land Development Project.

### 3. Relation to Utilities and Public Facilities

Multi-Household Structures and Land Development Projects shall be located only in Zoning Districts where permitted in the Zoning Ordinance. Multi-Household Structures and Land Development Projects shall also be located on lots served by a public or private water system.

### 4. Relation to Transportation

Principal vehicular access to Multi-Household Structures and Land Development Projects shall be from major streets. Access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes as well as traffic dividers shall be provided where existing or anticipated heavy flows indicate need. In no case shall streets within a multi-household development connect to streets outside the development in such a way as to encourage use of minor streets in residential neighborhoods for through traffic.

### 5. Relation to Surrounding Property

Site planning for Multi-Household Structures and Land Development Projects shall provide protection from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences from within the development, as provided in subsections 6 & 7 below, or as necessary.

The Planning Board shall institute applicable mitigating measures necessary to insure protection of single household residential areas from potentially adverse influences of Multi-Household Structures and Land Development Projects.

### 6. Screening

Fences, walls, earthen berms or vegetative screening shall be provided along the perimeter of a Multi-Household Structure and Land Development Project where needed to provide a physical barrier and visual screen between the Multi-Household Dwelling Structure or Project and adjacent properties. Parking or rubbish disposal pens shall not be permitted within the vegetative screen or earthen berm area.

Specific landscape and screening requirements shall be determined by the Planning Board during Development Plan Review. The Planning Board shall require adequate buffering to insure sufficient screening between the Multi-Household Structure or Land Development Project and adjacent properties. Such requirements shall include compliance with those landscape design provisions set forth for Mixed Use (MU) Districts.

The following uses and areas within a Multi-Household Structure or Land Development Project shall be screened from adjacent single household residential districts or public streets:

- a) Off-street parking areas.
- b) Service areas for loading and unloading vehicles other than passenger, and for storage and collection of trash, garbage, materials intended for recycling and other refuse.
- c) Utility areas such as pumping stations, electric utility substations, HVAC systems and the like.
- d) Exterior lighting structures.

7. Front Yard Setbacks for Multi-Household Land Development Projects

Multi-Household Land Development Projects (Use Codes 12.1 & 12.3), when located along any public street, shall provide a minimum front yard setback of 100 feet along said public street. No building, accessory building, parking lot or utility area shall be located in any such front yard. In addition, a landscaped or natural buffer zone of 50-foot width, shall be maintained along said public street and may be used for any required yard, open space or recreation space, for access driveways (no parking allowed) or for other necessary entrance and exit facilities.

8. Density Requirements

Dwelling units in a Multi-Household Land Development Project (Use Codes 12.1 & 12.3) shall be limited in number to total density in accordance with the following table:

|                           | Maximum Density<br>units/developable acre |
|---------------------------|---|
| 1 - 2 bedrooms / unit     | 7.71                                      |
| 3 bedrooms or more / unit | 4.36                                      |

In calculating permitted density, land unsuitable for development, as defined herein, shall first be deducted from the tract proposed for development of any Multi-Household Land Development Project.

9. Supplementary Standards

The following supplementary standards shall be required for Multi-Household Land Development Projects and Structures, in addition to land use density requirements and other standards otherwise imposed by this Ordinance:

Permitted Uses - Uses permitted in a Multi-Household Land Development Project or Structure are limited only to residential uses and uses customarily accessory thereto, such as laundry and drying facilities, refuse collection, recreation facilities, lounges, rental offices, etc., which are primarily intended for the residents thereof.

Walkways - Pedestrian walkways shall be provided for all Multi-Household Land Development Projects and Structures where necessary, to provide safe and convenient access to and from such developments. Pedestrian crossings at edges of the development shall be safely located, marked and controlled.

Parking Lots - Setback from Buildings - No parking area, driveway or utility area shall be located within fifteen (15) feet of any wall of a principal building (except a garage) used for residential purposes along which is located an entrance or exit generally intended for use by residents thereof, or along which are located residential windows less than ten (10) feet above ground level.

Distance Between Buildings on Same Lot - In any Multi-Household Land Development Project, the minimum distance between two (2) buildings or any two (2) rows of buildings, substantially parallel to each other, shall be fifty (50) feet. The minimum distance between two (2) abutting ends of buildings in the same general plane or row, shall be twenty-five (25) feet, if such walls contain no windows serving habitable rooms or shall otherwise be fifty (50) feet.

Rubbish Disposal - Each building in a Multi-Household Land Development Project or Structure shall be provided with an enclosed waste pen of sufficient size to accommodate all trash and waste stored on the premises. The waste pen and all utility areas shall be properly screened and buffered from all buildings and property lines.

Floor Area of Accessory Uses - Permitted floor area for allowable accessory uses in Multi-Household Land Development Projects shall not exceed 2 1/2 percent of the floor area for residential use as defined herein. Accessory uses in Multi-Household Structures shall not exceed 800 sq. ft. in any district where permitted.

Open Space - Open space shall be provided for residents of multi-household dwellings as appropriate to the type of occupant (i.e., elderly, adults, families with children, etc.).

For dwellings proposed for occupancy by other than elderly residents, at least 10 percent of the developable land area of the development shall be dedicated to open space use. Such open space may be devoted to any of the following types of uses:

- Private open space, such as private rear yards or semi-private front yards
- Public open space, such as pedestrian parks, plazas, Town green, village commons, etc.
- Active recreation areas, such as playgrounds, play fields, tennis courts, etc.

For dwellings proposed for occupancy by elderly residents only (Use Codes 12.2 & 12.3) at least 100 sq. ft. of outdoor area per dwelling unit shall be provided, which shall be suitably designed and landscaped to meet the specific needs of the elderly and/or handicapped residents of the development.

The type, location and design of all open space areas shall be subject to the approval of the Planning Board.

h) Exterior Lighting - All exterior lighting shall be directed toward the interior of the multi-household structure or land development project site. Exterior lighting shall be so shaded, shielded, directed or shall be maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises. No exterior lighting shall shine on or into residential structures and/or properties to

an extent that would adversely affect the residents therein.

10. Procedure for Multi-Household Land Development Project Approval

No part of the construction of a Multi-Household Land Development Structure or Project shall be commenced until the plans for such project shall have been submitted to the Planning Board or TRC for review, hearing and action as follows:

- a) Multi-Household Detached Structures up to 12 units in a single building (Use Codes 12 & 12.2) shall follow the same procedures as set forth for minor subdivisions in these Regulations.
- b) Multi-Household Land Development Projects (Use Codes 12.1 and 12.3) shall follow the same procedures as set forth for major subdivisions in these Regulations.

All Multi-Household Land Development Projects shall comply with all regulations applicable to such projects set forth in the Zoning Ordinance, and these Regulations. Where the proposed project involves the subdivision of land, as defined in Title 45, Chapter 23 of the General Laws of Rhode Island, as amended, such project shall also comply with all regulations relating to the subdivision of land.

11. Site Plan Submission

A site plan for a proposed Multi-Household Structure (Use Codes 12 & 12.2) shall contain the information indicated on the applicable subdivision checklist for minor land developments and minor subdivisions. Plans for Multi-Household Land Development Projects (Use Codes 12.1 and 12.3) shall contain the information indicated on the applicable subdivision checklist for major land developments and major subdivisions.

In addition, the following information shall also be indicated on the plans:

- a) Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays, angle of parking;
- b) Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes; location and dimensions of pedestrian entrances, exits, walks and walkways;
- c) Drainage system and sanitary sewer;
- d) Location, height and material of walls, fences and plantings;
- e) Location and type of lighting;
- f) Ground cover, finished grades, slopes, banks and ditches;
- g) Schematic architectural drawings of proposed buildings, including location and general exterior dimensions and types of material of principal and accessory buildings;

- h) Location and description of proposed signs;
- i) The phases, if any, to be followed in the construction of the development;
- j) Location of all required or proposed recreation areas, open space areas or other proposed features.

**I. Design Standards for Inclusionary Dwelling Units in Major Subdivisions and Major Land Development Projects**

**1. Intent**

It is the intent of this Section to establish general design and procedural standards for the siting and construction of affordable dwelling units (inclusionary units) in major land developments and major subdivisions. By the application of these standards and procedural requirements it is intended to create subdivision neighborhoods and land developments projects that have long-term desirability, provide for housing opportunities for a broad range of households with varying incomes and housing needs and are compatible with the surrounding community.

a.) Inclusionary Dwelling Unit Design Considerations – required Inclusionary dwelling units per Section 502.6 of the South Kingstown Zoning Ordinance shall be similar in exterior design and construction methodology and materials to other dwellings or units with the subdivision or land development project. The Planning Board may permit such units to be smaller in size (bulk or footprint) or contain fewer bedrooms and baths than market rates units within the development. The interior design of required inclusionary dwelling units as well as the materials, finishes and fixtures utilized shall not be subject to the requirements of this Section. For conventional subdivisions or Flexible Design Residential Projects (FDRP's) such units may be designed as single-household units, duplexes, triplexes or in a quadraplex configuration. The Planning Board may also permit accessory apartments per Section 503.2 to be counted as inclusionary units within a development. In addition to the General Requirements set forth in Article III of the Subdivision and Land Development Regulations, in approving the overall design of the subdivision or land development project the Planning Board shall make affirmative Findings of Fact that the design of the units is consistent with the market rate unit in the overall project and that the project design meets the intent of this Section.

b.) Lot Configuration – The Planning Board may permit inclusionary dwelling units to be sited on smaller lots (in a subdivision setting) than the base-zoning district of the development parcel or otherwise modify lot requirements for such inclusionary units/lots in accord with Article IV, A.5 of these Regulations. Such modifications shall be considered a municipal government subsidy under these regulations.”

## ARTICLE V - PROCEDURE FOR REVIEW AND APPROVAL OF PLATS AND PLANS

### A. General Requirements

1. The Planning Board shall consider each application for subdivision approval according to the procedure set forth in this section, unless otherwise specifically provided.
2. An applicant for subdivision approval who wishes the Planning Board to take some official action on his or her application shall submit all of the materials required by the applicable section of Article XV of these Regulations (Checklists) to the Administrative Officer. If the requested action is not applicable under any of the Checklists provided in Article XV, such as a request for an extension of an approval, the applicant shall submit a written request to the Administrative Officer describing the requested action to be taken by the Planning Board. The matter will be placed on the next available agenda of the Planning Board only if the Administrative Officer determines that all of the required material has been submitted and only after a Certificate of Completeness has been issued in accordance with the applicable provisions of these Regulations.
3. Any submission of materials to the Administrative Officer shall be accompanied by a cover letter or letter of transmittal indicating the date, the materials being submitted and the requested action. No materials shall be accepted by the Administrative Officer without said cover letter. Upon receipt of any materials, the Administrative Officer shall stamp the date of receipt upon them.
4. Applicants for subdivision approval shall certify in writing and notarized that they are the owner of land being subdivided. If an application for subdivision approval is made by someone other than the owner of the land being subdivided, the applicant shall submit a notarized written statement from the owner authorizing such application. (See Article XV, H. for Owner Authorization Form - The owner's signature of all existing lots involved in an Administrative Subdivision shall appear on the plat for recording prior to endorsement by the Administrative Officer.)
5. Any application for subdivision which requires a public hearing shall be accompanied by a subdivision notification form (See Article XV, I.).

### B. Certification of a Complete Application

An application shall be complete for purposes of commencing the applicable time period for action when so certified by the Administrative Officer. Certification of a complete application shall be made in writing by the Administrative Officer upon a form entitled Certificate of Completeness. A copy of said Certificate shall be provided to the applicant. In the event such certification of the application is not made within the time specified in these Regulations for the type of plan being proposed, the application shall be deemed complete for purposes of commencing the review period unless the application lacks information required for such applications as specified in Article XV (Checklists), and the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application.

Notwithstanding the paragraph above, the Planning Board may subsequently require the applicant to correct any information found to be in error and/or to submit additional information specified in the Regulations but not required by the Administrative Officer prior to certification, as is necessary to make an informed decision.

Where review is postponed with the consent of the applicant, pending further information or revision of information, the time period for review shall be stayed and shall resume when the Planning Board determines that the required application information is complete.

For the purposes of calculating mandatory review periods as provided in these Regulations, all days shall be considered to be calendar days.

**C. Procedure for Approval**

The Planning Board shall consider applications for subdivision approval according to the following procedures:

**1. Pre-Application Meetings and Concept Review**

- a. An applicant wishing to obtain subdivision approval shall first contact the Administrative Officer to arrange a meeting with the Planning Department and other Town staff. At the staff meeting, the applicant and planning staff shall determine if a pre-application meeting with the Planning Board is required by these regulations or is desired by either the applicant or the Town.
- b. If a pre-application meeting is required or requested, the applicant shall submit all the information required by the Checklist for Pre-application Meetings and Concept Review in Article XV. The planning staff will review and comment on the checklist information and, if determined to be complete, will schedule the application to appear before the Planning Board.
- c. If no pre-application meeting is required or requested, the applicant will be advised by the Administrative Officer as to the requirements of the Subdivision Regulations and the procedure to be followed by the applicant for subdivision approval.
- d. One or more pre-application meetings shall be held before the Planning Board for all major land development or subdivision applications. Pre-application meetings may be held for administrative subdivisions and minor land development and minor subdivision applications, upon request of either the Town, acting through the Planning Department, or the applicant. Pre-application meetings shall allow the applicant to meet with the Planning Board for advice as to the required steps in the subdivision approval process. Where appropriate, town officials, boards and/or commission, planning staff and state agencies shall be notified of the pre-application meetings and invited to provide comments on the proposed subdivision or land development plan.

e. At the pre-application stage of an application, the applicant may request the Planning Board or the Technical Review Committee for an informal concept plan review for a development. The purpose of the concept plan review is also to provide the applicant with Planning Board or Technical Review Committee input in the formative stages of subdivision and land development concept design.

f. Pre-application meetings shall aim to encourage information sharing and discussion of project concepts among the participants. Pre-application meetings should include a review of the physical character of the land, and any environmental or physical constraints to development. Meetings should include a discussion initiated by the Planning Board regarding what form of land development may be appropriate to meet the goals and policies of the Comprehensive Plan with regard to preserving the character of the land, the natural environment and the ability of the Town to provide essential services. Pre-application discussions are intended for the guidance of the applicant and shall not be considered approval of a project or of any of its elements. No formal action need be taken by the Planning Board at the pre-application meeting.

## **2. Administrative Subdivision**

a. Any applicant requesting approval of a proposed administrative subdivision as herein defined shall submit to the Administrative Officer the items required by the Checklist for Administrative Subdivisions in Article XV.

b. The application shall be certified as complete or incomplete by the Administrative Officer within a fifteen (15) day period from the date of its submission according to the provisions of Section B. of this Article.

c. Within fifteen (15) days of certification of completeness the Administrative Officer, or Technical Review Committee, shall review the application and approve, deny, or refer it to the Planning Board with recommendations. The Officer or Committee shall report its actions to the Planning Board at its next regular meeting, to be made part of the record.

If no action is taken by the Administrative Officer or Technical Review Committee, within the fifteen (15) day mandatory review period, the application shall be placed on the agenda of the next regular Planning Board meeting.

d. If referred to the Planning Board, the Board shall consider the application and the recommendations of the Administrative Officer and/or the Technical Review Committee and shall either approve, approve with conditions, or deny the application within sixty-five (65) days of the certification of completeness. Failure of the Planning Board to act within the period prescribed shall constitute approval of the administrative subdivision plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.

e. Denial of an application by the Administrative Officer and/or the Technical Review Committee shall not be appealable and shall require the plan to be submitted as a minor subdivision application.

f. Approval of an administrative subdivision shall expire ninety (90) days from the date of approval unless within such period of time a plat in conformity with such approval is submitted for signature and recording as provided in Article VI.

### **3. Minor Land Development Projects and Minor Subdivisions**

a. Review Stages - Minor plan review shall consist of at least two stages: (1) preliminary; and (2) final. A pre-application meeting may also be held as provided in Section C.1. of this Article. The Planning Board may vote to combine the approval stages, provided that requirements for all stages so combined have been met by the applicant to the satisfaction of the Planning Board.

b. Submission Requirements - Any applicant requesting approval of a proposed minor subdivision or minor land development, as defined in these Regulations, shall submit to the Administrative Officer the plans and supporting materials provided in the Preliminary Plat Checklist for Minor Land Development and Minor Subdivision as provided in Article XV.

c. Certification of Preliminary Plat - The application shall be certified complete or incomplete by the Administrative Officer within twenty-five (25) days of its receipt according to the provisions of Section B. of this Article.

d. Technical Review Committee - The Technical Review Committee shall review the preliminary plan application and shall comment and make recommendations to the Planning Board. When reviewed by the Technical Review Committee:

(1) If the land development or subdivision plan is approved by a majority vote of the Committee members, the application shall be forwarded to the Planning Board with a recommendation for preliminary plan approval without further review; or,

(2) If the plan is not approved by a majority vote of the Committee members, the application shall be referred to the Planning Board for their decision on the application;

e. Re-assignment to Major Review - The Planning Board may re-assign a proposed minor land development or minor subdivision to major review only when the Planning Board is unable to make the positive findings required in Article III, Section A.

f. Decision (No Street Extension or Creation) - If no street extension or creation is required, the Planning Board shall approve, deny, or approve with conditions the preliminary plan within sixty-five (65) days of the issuance of the Certificate of Completeness by the Administrative Officer as provided in subsection c. of this Section, above. Provided, however, that if an

extension of time is agreed to by the applicant and the Board as provided in Section B. of this Article, this time period shall be stayed.

g. Decision (Street Extension or Creation) - If a street extension or creation is required, the Planning Board shall hold a public hearing prior to any action according to the requirements set forth in Section C.4.r. and s. of this Article. The Planning Board shall approve, deny, or approve with conditions the preliminary plan within ninety-five (95) days of the issuance of the Certificate of Completeness by the Administrative Officer as provided in Subsection c. of this Section, above. Provided, however, that if an extension of time is agreed to by the applicant and the Board as provided in Section B. of this Article, this time period shall be stayed.

h. Failure to Act - Failure of the Planning Board to act within the period prescribed in subsection f. or g. of this Section shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.

i. Expiration of Preliminary Approval - The approved preliminary plan shall be vested for a period of one (1) year from the date of preliminary approval and vesting may be extended for a longer period for good cause shown, subject to the provisions of Article VIII.C., if requested in writing by the applicant and approved by the Planning Board. The vesting for the preliminary approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

j. Final Plan - The Planning Board shall delegate final plan review and approval to the Administrative Officer, who shall report his/her actions to the Planning Board at its next regular meeting, to be made part of the record. The Administrative Officer shall be authorized to sign (endorse) the final plat or plans for recording as specified in Article VI. Endorsement of the final plat or plans by the Administrative Officer shall constitute the act of "final approval".

k. Expiration of Final Approval - Final approval of a minor land development or subdivision plan shall expire ninety (90) days from the date of approval by the Administrative Officer unless within such period a plat or plan, in conformity with such approval, and as defined in Article II is recorded as specified in Article VI. Final approval may be extended for a longer period for cause shown, and subject to the provisions of Article VIII.C., if requested by the applicant in writing and approved by the Planning Board.

l. Completion of Required Improvements - All required improvements shall be completed within one (1) year of the date of final approval. The Planning Board may, for good cause shown, and subject to the provisions of Article VIII.C., extend the period for completion of all required improvements, if requested by the applicant in writing.

#### **4. Major Land Development Projects and Major Subdivisions**

a. Review Stages - Major Plan review shall consist of four stages of review: (1) pre-application meeting(s); (2) conceptual master plan; (3) preliminary plan; and (4) final plan.

Also required is a public informational meeting and a public hearing. The Planning Board may vote to combine review stages and to modify and/or waive requirements as specified in Article VIII. Review stages may be combined only after the Planning Board determines that all necessary requirements for all stages so combined have been met by the applicant.

b. Submission Requirements—Preapplication - Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials provided in the Pre-application Checklist for Major Land Development and Major Subdivision as provided in Article XV. The procedure and criteria for pre-application meetings and concept review as provided in Section C.1. of this Article shall apply.

At the conclusion of the pre-application meeting(s) the applicant may proceed to the conceptual master plan stage of review.

c. Submission Requirements-Conceptual Master Plan - Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials provided in the Conceptual Master Plan Checklist for Major Land Development and Major Subdivision as provided in Article XV.

The purpose of the conceptual master plan stage of review is to provide the applicant with the opportunity to present an overall plan for a proposed project site outlining general, rather than detailed, development intentions. The conceptual master plan describes the basic parameters of a major development proposal, rather than giving full engineering details.

Initial comments on the conceptual master plan shall be solicited from local agencies, adjacent communities, state agencies, and federal agencies, as required in the Conceptual Master Plan Checklist. The Administrative Officer shall coordinate review and comments by participating agencies.

d. Certification of Conceptual Master Plan Application - The application shall be certified complete or incomplete by the Administrative Officer within ninety (90) days of its receipt according to the provisions of Section B. of this Article.

e. Technical Review Committee - The Technical Review Committee shall review the application for conceptual master plan approval and shall comment and make recommendations to the Planning Board within the time limits for Planning Board action as stated in Section 4.g. of this Article.

f. Informational Meeting - A public informational meeting shall be held prior to the Planning Board decision on the conceptual master plan, unless the conceptual master plan and preliminary plan approvals are being combined, in which case the public informational meeting shall be optional, based on Planning Board determination. In such case, review

stages may be combined only after the Planning Board determines that all necessary requirements for all stages so combined have been met by the applicant.

- (1) Public notice for the informational meeting is required. Notice shall be given by publication in a newspaper of general circulation within the Town at least once each week for two (2) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, but may not include the day the hearing is to be held. The first newspaper advertisement shall appear at least seven (7) days prior to the date of the meeting. The placement and scheduling of all newspaper notice shall be the responsibility of the Town. The content of all advertisements shall be prepared by the Town, and approved by the applicant.

Postcard notice shall be mailed by the applicant to all property owners within the notice area. Postcards shall be of a color and size prescribed by the Administrative Officer. The notice requirements and notice area for informational meetings shall be as specified in subsections r. and s. of this Section, below.

In addition to the required postcard notice, the Town shall also provide separate, supplemental notice as provided in Article V, Section C.4.r., which shall be mailed to all owners of property within the notice area as provided in Section C.4.s. These notice and informational materials shall be sent by the Town via regular mail not less than 10 days prior to the date of the informational meeting.

The applicant shall also provide an on-site sign or signs notifying the public of the pending application before the Planning Board as specified in subsection r. of this Section, below.

- (2) At the public informational meeting the applicant, or his or her representative(s), shall present the proposed development project for the benefit of the Planning Board and the public. The Planning Board shall allow oral and written comments from the general public. All public comments shall be made part of the public record of the project application.

g. Decision - The Planning Board shall, within one hundred and twenty (120) days of certification of completeness of the conceptual master plan application as provided in Section C.4.d. of this Article, or within such further time as may be consented to by the applicant as provided in Section B. of this Article, approve of the conceptual master plan as submitted, approve with changes and/or conditions, or deny the application according to the requirements of Section E. of Article XI.

h. Failure to Act - Failure of the Planning Board to act within the period prescribed in subsection 4.g. of this Section shall constitute approval of the conceptual master plan and a certificate of the Administrative Officer as to the failure of the Planning Board to

act within the required time and the resulting approval shall be issued on request of the applicant.

i. Expiration of Conceptual Master Plan Approval - Approval of a major land development or major subdivision conceptual master plan shall expire one (1) year\* from the date of conceptual master plan approval, with a one (1) year extension upon written request by the applicant, who must appear before the Planning Board for the annual review. Vesting may be extended for a period beyond one year, for good cause shown, subject to the provisions of Article VIII.C., if requested by the applicant in writing, and approved by the Planning Board. Conceptual master plan vesting shall include any applicable provisions of the zoning ordinance that were in place at the time of approval, conceptual layout and all conditions shown on the approved conceptual master plan drawings and supporting materials.

The initial two year vesting for the approved conceptual master plan shall constitute the vested rights for the development as required in Section 45-24-44 of the Rhode Island Zoning Enabling Act of 1991.

j. Submission Requirements--Preliminary Plan - Any applicant requesting approval of a proposed major subdivision or major land development, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials provided in the Preliminary Plat Checklist for Major Land Developments and Major Subdivisions as provided in Article XV.

k. Certification of Preliminary Plan Application - The application shall be certified complete or incomplete by the Administrative Officer within sixty (60) days of its receipt according to the provisions of Section B. of this Article.

l. Technical Review Committee - The Technical Review Committee shall review the application for preliminary plan approval and shall comment and make recommendations to the Planning Board within the time limits for Planning Board action as stated in Section 4.o. of this Article, below.

m. Public Hearing - Prior to a Planning Board decision on the preliminary plan, a public hearing, which adheres to the requirements for notice described in Section 4.r. and s. of this Article must be held.

n. Public Improvement Guarantees - Proposed arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees shall be reviewed and approved by the Planning Board at the time of preliminary plan approval.

o. Decision - The Planning Board shall, within one hundred and twenty (120) days of certification of completeness of the preliminary plan application as provided in Section

\*Per Public Law 2008-2009 the vesting period has been changed to two (2) years with the right to extend for two (2) one-year extensions.

C.4.k. of this Article, or within such further time as may be consented to by the applicant as provided in Section B of this Article, approve of the preliminary plan as submitted, approve with changes and/or conditions, or deny the application according to the requirements of Section E. of Article XI.

p. Failure to Act - Failure of the Planning Board to act within the period prescribed in Section C.4.o. of this Article shall constitute approval of the preliminary plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.

q. Expiration of Preliminary Approval - The approved preliminary plan shall be vested for a period of one (1) year\* from the date of preliminary approval and vesting may be extended for a longer period for good cause shown, subject to the provisions of Article VIII.C., if requested in writing by the applicant and approved by the Planning Board. The vesting for the preliminary plan approval shall include all general and specific conditions as shown on the approved preliminary plan drawings and supporting material.

r. Public Hearing and Notice Requirements - A public hearing on the preliminary plan shall be required for a major land development project or a major subdivision, or where a street extension or creation requires a public hearing for a minor land development project or minor subdivision. Public notice of the hearing shall be given by publication in a newspaper of general circulation within the Town at least once each week for two (2) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, but may not include the day the hearing is to be held. The first newspaper advertisement shall appear at least fourteen (14) days prior to the date of the meeting. The placement and scheduling of all newspaper notices shall be the responsibility of the Town. The content of all advertisements shall be prepared by the Town, and approved by the applicant.

Newspaper advertisements shall be printed in the legal section of the classifieds using a type size at least as large as the normal type size used by the newspaper in its news articles and shall contain the information specified below. Written notice shall also be sent by the applicant, upon forms to be provided to the applicant by the Town, to each owner of property within the notice areas as specified in subsection s. of this Section, below. The applicant shall receive a copy of the notice from the Planning Department. Notice shall be mailed by certified mail, return receipt requested, not less than ten (10) days prior to the date of the hearing. As proof of such mailing, a copy of all return receipts shall be provided to the Planning Department by the applicant prior to or at the time of the public hearing.

All mail and newspaper notices required by this subsection shall specify (1) the date, time and place of public hearing; (2) the assessor's plat and lot number of the subject property; (3) the street address of the subject property, or if no street address is available, the name of the street(s) on which or near which the subject property is located and the distance and direction from the nearest existing street intersection in

\*Per Public Law 2008-2009 the vesting period has been changed to two (2) years with the right to extend for two (2) one-year extensions.

tenths (1/10's) of a mile; (4) advise interested parties where and when a copy of the plans of the proposed major subdivision or major land development project may be examined; and (5) contain a statement that the proposed major subdivision or major land development project may be revised by the Planning Board as a result of further study or because of the views expressed at the public hearing.

In addition to the legal notice requirements cited above, the Town shall also provide a separate, supplemental notice to all property owners within the notice area as per Section C.4.s. of this Article. At a minimum this supplemental notice shall consist of a reduced general plan of plans of the proposed development, no smaller than 11" X 17", which depicts the entire development parcel, means of access/egress to the site, number and sizes of proposed lots, typical building locations, proposed location of utilities and environmental features of the site. In addition, the Town shall include, with the supplemental notice, an informational pamphlet which describes the general requirements of the planning and subdivision process. This pamphlet shall be prepared by the South Kingstown Planning Board. These notice and informational materials shall be sent by the Town via regular mail not less than 10 days prior to the hearing.

The applicant shall also provide an on-site sign or signs notifying the public of the scheduled public hearing pending before the Planning Board. This sign(s) shall be considered to be a supplemental notice and shall be of a weather-resistant design, measuring a minimum 20" X 30" in size, erected in a location upon the site proposed for development which is visible from the nearest public or private street and fixed upon a support that is of sufficient height to make the sign visible from the nearest public or private street. Such Sign shall contain a basic project description and notice of the informational hearing, and shall be maintained on the site by the applicant until the public hearing is closed. The Administrative Officer shall determine if additional notification signs are required in order to provide sufficient public notice, up to a maximum of two (2) signs. Signage specifications and content shall be provided to the applicant by the Administrative Officer.

s. Notice Area - The distance for notice of the public hearing shall be two hundred (200) feet from the perimeter of the parcel being subdivided in all zoning districts except R 80 and R 200, in which zoning districts the distance for notice of the public hearing shall be five hundred (500) feet. The applicant is responsible for determining the correct names and addresses of all property owners required to be notified, and shall at a minimum, be as accurate as the most current names and addresses listed by the Tax Assessor.

Additional mail notice for notice areas which fall within watersheds shall also be sent as required in the R. I. General Laws Section 45-23-53 (B) and (C).

Notice of the public hearing shall be sent by the Administrative Officer to the Administrative Officer of an adjacent municipality if (1) the notice area extends into the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) in the opinion of the Planning Board, there is a potential for significant negative impact on the adjacent municipality.

The cost of all such mail notice shall be borne by the applicant.

t. Submission Requirements-Final Plan - Any applicant requesting final approval of a proposed major subdivision or major land development, as defined in these Regulations, shall first submit to the Administrative Officer the plans and supporting materials required by the Final Plat Checklist for Major Land Development and Major Subdivision as provided in Article XV, in addition to any material required by the Planning Board when the application was given preliminary approval.

u. Certification of Final Plat - The application for final plan approval shall be certified complete or incomplete by the Administrative Officer within forty-five (45) days of its receipt according to the provisions of Section B. of this Article. If the Administrative Officer certifies the application as complete and does not require submission to the Planning Board as per subsection v. of this Section below, the final plan shall be considered approved.

v. Referral to the Planning Board - If the Administrative Officer determines that an application for final approval does not meet the requirements set by these Subdivision Regulations or by any other local regulations, or by the Planning Board at preliminary approval, the Administrative Officer shall refer the final plans to the Planning Board for review. The Planning Board shall, within forty-five (45) days after the issuance of the Certificate of Completeness of the application for final plan approval by the Administrative Officer in subsection u. of this Section, or within such further time as may be consented to by the applicant, approve or deny the final plan as submitted.

w. Failure to Act - Failure of the Planning Board to act within the period prescribed in subsection v. of this Section shall constitute approval of the final plan and a certificate of the Administrative Officer as to the failure of the Planning Board to act within the required time and the resulting approval shall be issued on request of the applicant.

x. Recording - The final plan approval of a major subdivision or land development project shall expire one (1) year from the date of approval by the Planning Board in subsection v. or by the Administrative Officer in subsections u. or w. of this Section unless, within that period, the plat or plan shall have been submitted for signature (endorsement) and recording as specified in Article VI. The Planning Board may, for good cause shown, extend the period for recording for an additional period, if requested by the applicant in writing.

y. Completion of Required Improvements - All required improvements shall be completed within two (2) years of the date of final approval. The Planning Board may, for good cause shown, and subject to the provisions of Article VIII.C., extend the period for completion of all required improvements, if requested by the applicant in writing.

#### **D. Precedence of Approvals Between Planning Board and Other Local Permitting Authorities**

##### **1. Zoning Board**

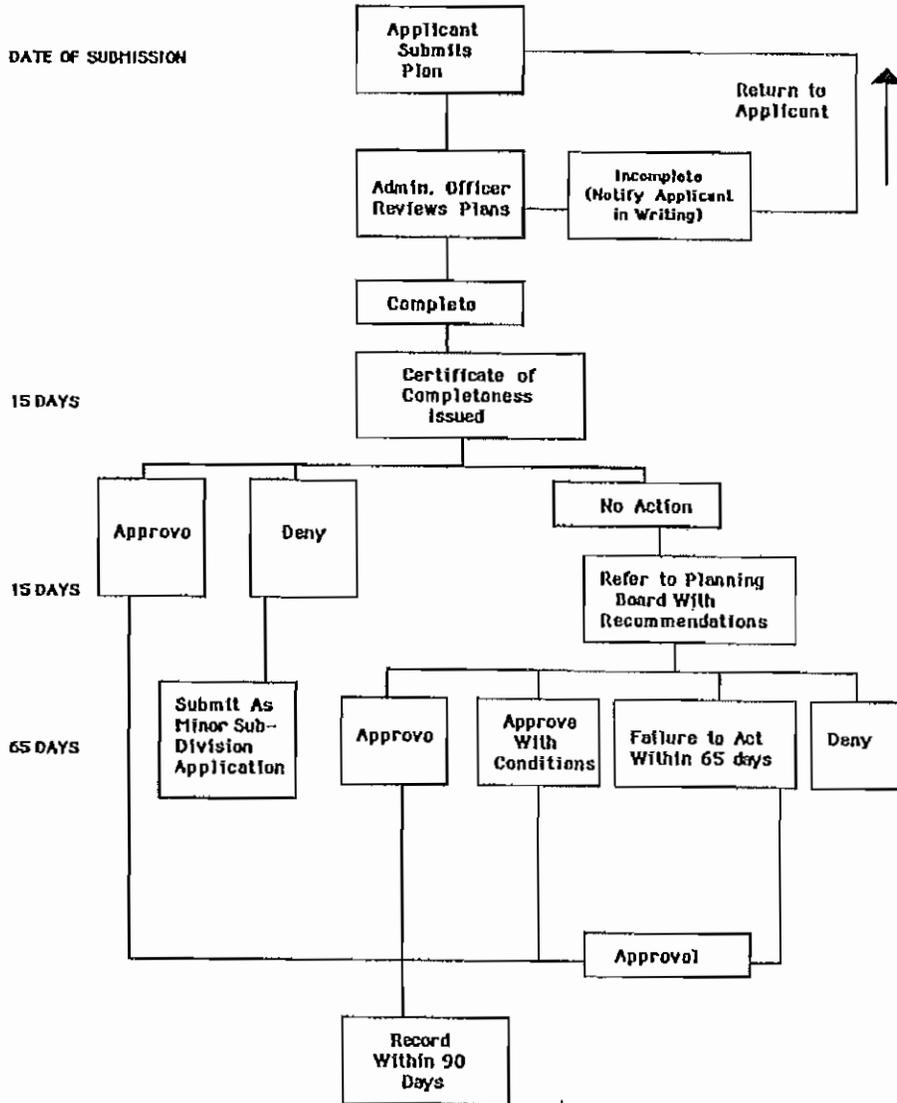
a. Where an applicant requires both a variance from the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board, as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain conditional Zoning Board relief, and then return to the Planning Board for subsequent required approval(s).

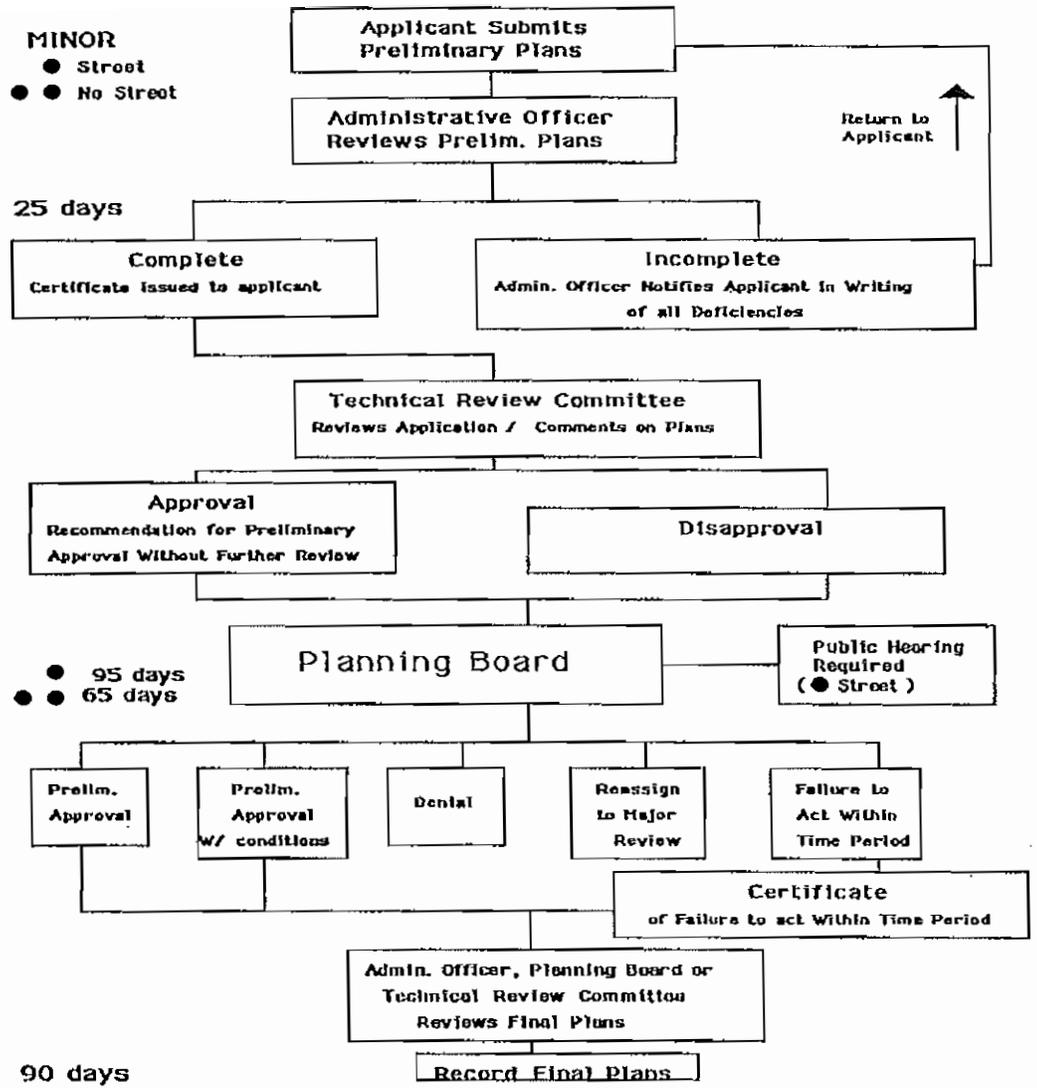
b. Where an applicant requires both a special-use permit under the zoning ordinance and Planning Board approval, the applicant shall first obtain an advisory recommendation from the Planning Board as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional special-use permit from the Zoning Board, and then return to the Planning Board for subsequent required approval(s).

##### **2. Town Council**

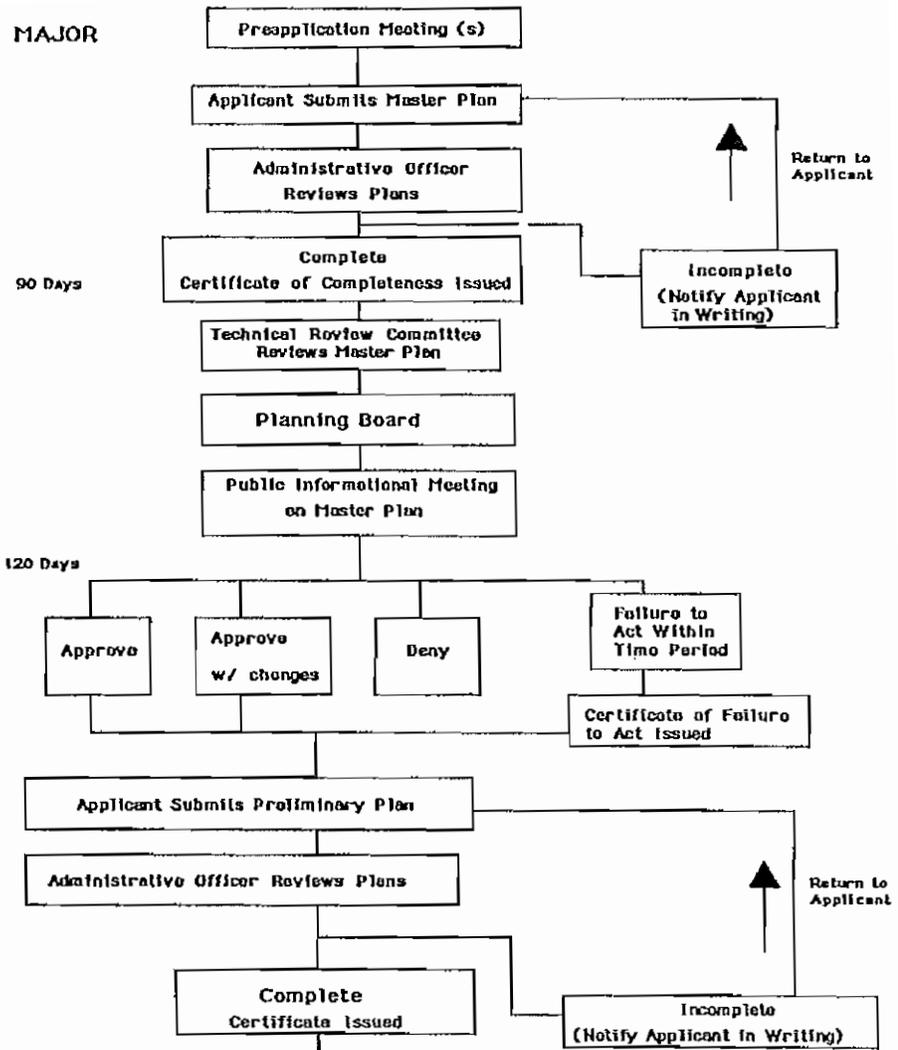
Where an applicant requires both Planning Board approval and Town Council approval for a zoning ordinance or zoning map change, the applicant shall first obtain an advisory recommendation on the zoning change from the Planning Board as well as conditional Planning Board approval for the first approval stage for the proposed project, which may be simultaneous, then obtain a conditional zoning change from the Town Council, and then return to the Planning Board for subsequent required approval(s).

**ADMINISTRATIVE  
SUBDIVISION**



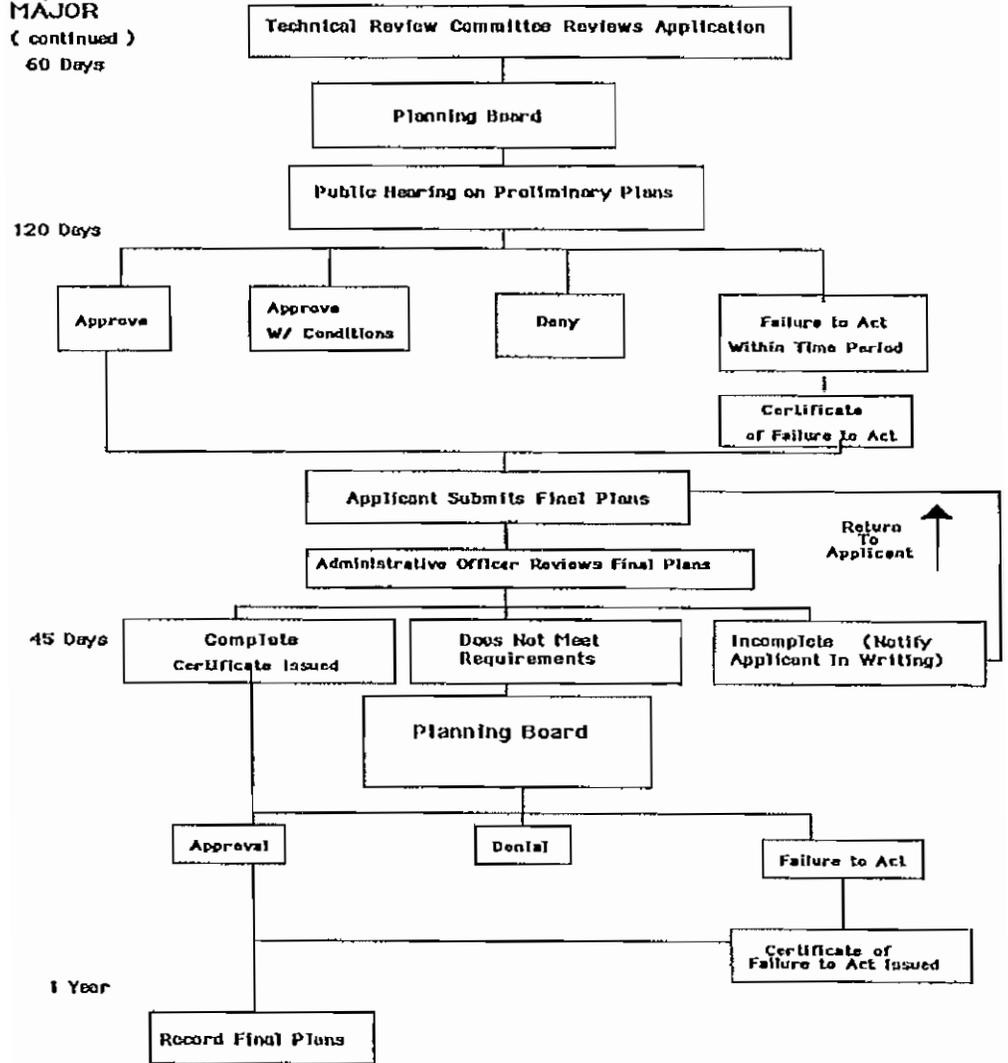


MAJOR



(continued next page)

MAJOR  
( continued )  
60 Days



## ARTICLE VI - RECORDING OF PLATS AND PLANS

### A. Signing and Recording of Plats and Plans

#### 1. Endorsement

All approved final plans and plats for subdivisions and land development projects shall be endorsed (signed) by the appropriate Planning Board or Town official as an indication of final approval. Plats and plans for major land developments and major subdivisions shall be signed by the Planning Board chairperson, or in the absence of the chairperson, by the secretary of the Planning Board. Plats and plans for administrative subdivisions and for minor land developments and minor subdivisions shall be signed by the Administrative Officer or his/her designee. All endorsements shall include the date of such endorsement.

No endorsement of plans and plats shall be made until (a) the Administrative Officer has certified in writing that all of the required improvements have been made, or (b) the Finance Director has certified in writing that acceptable improvement guarantees have been received in accordance with the provisions of Article VII.

#### 2. Recording

Upon endorsement, all plans and plats shall be submitted to the Administrative Officer prior to recording and filing in the land evidence records of the Town. The material to be recorded shall include all plat drawings and other pertinent information as indicated on the appropriate Final Plat Checklist in Article XV. A copy of the written decision of the Board, signed by the appropriate Planning Board or Town official, including all conditions of approval, shall also be recorded. No plans, plats or supporting materials shall be recorded until the Administrative Officer has certified, in writing, that all required fees have been paid.

Other parts of the applications record for subdivisions and land development projects, including all meeting records, approved master plan and preliminary plans, site analyses, impact analyses, environmental impact statements, all legal agreements, records of the public hearing and the entire final approval set of drawings shall be kept permanently by the Town departments responsible for implementation and enforcement. One copy shall be kept on file by the Planning Department.

Construction drawings need not be recorded. However, a complete blueline or photocopy set of construction drawings, including street plans and profiles, cross sections, grading plans, drainage plans, landscaping plans, soil erosion and sediment control plans, utility plans and any other construction plans, details and specifications required as a condition of approval shall be filed with the Administrative Officer prior to recording of the plat. One copy of all construction drawings shall be kept by the Department of Public Services.

The Administrative Officer shall notify the statewide "911" emergency authority and the local police and fire authorities servicing the new plat with the information required by each of the authorities.

## **B. Changes to Recorded Plats and Plans**

### **1. General**

For all changes to the approved plans of land development projects or subdivisions subject to these Regulations, an amendment of the final development plans shall be required prior to the issuance of any building permits for construction upon the subject property. Any changes approved to the final plan shall be recorded as amendments to the final plan in accordance with the procedure established for recording of plats and plans as provided in Section A. of this Article, above.

Any changes to approved Institutional Master Plans shall conform to Section C. below.

### **2. Minor Changes**

Minor changes to a land development or subdivision plan shall be approved administratively by the Administrative Officer. The Administrative Officer may, at his/her discretion, authorize such changes without review and approval of the Planning Board and without a public hearing thereon. All such changes shall be made a part of the permanent record of the project application. This provision shall not prohibit the administrative Officer from requesting a recommendation from either the Technical Review Committee or the Planning Board. Denial of the proposed change(s) by the Administrative Officer shall be referred to the Planning Board for review as a major change according to the procedure provided in Section VI(B)(3), below. Upon written authorization of the approval of a minor change by the Administrative Officer, the Zoning Enforcement Officer may issue a building permit for any proposed construction upon the subject property.

For the purpose of these Regulations, the term "minor changes" shall mean any change which, in the opinion of the Administrative Officer, is consistent with the intent of the original approval. Such minor changes shall include, but are not necessarily limited to the following:

- a. Amendments to utility plans which are acceptable to the Town's Public Services Director or to the appropriate utility company;
- b. Lot line revisions which can be reviewed and approved as an administrative subdivision according to the provisions of Article V., Section C.2.;
- c. Amendments to grading plans or drainage plans which are acceptable to the Director of Public Services and which do not require approval of any state or federal reviewing authorities:

- d. Amendments to construction plans which are required because of unforeseen physical conditions on the parcel being subdivided;
- e. Modifications to any construction plans for off-site improvements which are acceptable to the Director of Public Services; or,
  
- f. Modifications which are required by outside permitting agencies such as, but not limited to the Department of Environmental Management, the Coastal Resources Management Council, and the Department of Transportation.

### 3. Major Changes

Major changes to a land development or subdivision plan may be approved only by the Planning Board. The procedure for approval of any such major changes shall follow the same review and public hearing process as required for preliminary approval to a major land development and major subdivision as provided in Article V., Section C.4.(j. through m.).

For the purpose of these Regulations, the term "major changes" shall mean changes which, in the opinion of the Administrative Officer, are clearly contrary to the intent of the original approval. Such major changes shall include, but are not necessarily limited to the following:

- a. Changes which would have the effect of creating additional lots or dwelling units for development;
- b. Changes which would be contrary to any applicable provision of the Zoning Ordinance or which require a variance or special use permit from the Zoning Board of Review; or,
- c. Changes which may have significant negative impacts on abutting property or property in the vicinity of the proposed subdivision or land development project.

## C. Changes to Approved Institutional Master Plan

### 1. General

Any proposed changes to the approved Institutional Master Plans pursuant to Section 603 of the Zoning Ordinance, shall be subject to the provisions of this section, prior to the issuance of any building permits for construction upon the subject property.

### 2. Minor Changes

Minor changes to an approved Institutional Master Plan shall be approved administratively by the Administrative Officer. The Administrative Officer may, at his/her discretion, authorize such changes without review and approval of the Planning Board and without a public hearing thereon. All such changes shall be made a part of the permanent record of the plan. This provision shall not prohibit the Administrative Officer from requesting a recommendation from either the Technical

Review Committee or the Planning Board. Denial of the proposed change(s) by the Administrative Officer shall be referred to the Planning Board for review as a major change according to the procedure provided in Section VI (C)(3) below. Upon written authorization of the approval of a minor change by the Administrative Officer, the Building Official may issue a building permit for any proposed construction upon the subject property.

For the purpose of these Regulations, the term "minor changes" shall mean any change which, in the opinion of the Administrative Officer, is consistent with the intent of the approved Master Plan and which:

- a. Does not result in an increase in building floor area of more than 500 sq. ft.;
- b. Does not result in the net loss of required parking or off-street loading area;
- c. Does not result in a change of use to a use not identified and approved in the Master Plan;
- d. Does not result in a significant increase in intensity of use; and,
- e. Does not result in significant negative impacts on abutting property or property in the vicinity of the institution.

The Administrative Officer shall make all such changes in writing, which shall be made a part of the permanent record of the project application.

### 3. Major Changes

Major changes to an approved Institutional Master Plan may be approved only by the Planning Board. The procedure for approval of any such major changes shall follow the same review process as required for the Master Plan approval.

For the purpose of these Regulations, the term "major changes" shall mean changes which, in the opinion of the Administrative Officer, are clearly contrary to the intent of the original approval. Such major changes shall include, but are not necessarily limited to, the following:

- a. Changes which would result in new construction on the institution's campus;
- b. Changes in land holdings by the institution;
- c. Changes which would be contrary to any applicable provision of the Zoning Ordinance or which require a variance or Special Use Permit from the Zoning Board of Review; or,
- d. Changes which may have significant negative impacts on abutting property or property in the vicinity of the institution.

## ARTICLE VII - GUARANTEES OF REQUIRED IMPROVEMENTS

### A. Definition and Purpose

An *improvement guarantee* is a security instrument accepted by the Town to ensure that all improvements, facilities, or work required by these Regulations or as a condition of approval of a subdivision plan by the Planning Board will be completed in compliance with the approved plans and specifications.

Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility and other physical improvements and to ensure compliance with other nonstructural conditions of final plat approval (if any). The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the subdivider.

### B. General Procedures

Before any land development or subdivision plan is endorsed by the Planning Board, and before the recording of any subdivision plats, the Planning Board shall be required to approve agreements for the completion of all required improvements. Such agreements may, at the option of the subdivider, take the form of (1) completion of actual construction of all improvements; (2) completion of actual construction of all improvements with the exception of those improvements provided in VII.C.1 below which shall require improvement guarantees; or (3) a combination thereof.

At the preliminary plat review stage, the subdivider shall submit either of the following: (1) a letter to the Planning Board indicating his/her intent to complete the required improvements prior to the Planning Board's endorsement of the final plat; or (2) a letter to the Board indicating his/her intent to complete the required improvements prior to the Planning Board's endorsement of the final plat with security sufficient to cover the cost of required improvements provided in Article VII, Section C., Item 1. at an amount established by the Board.

1. If all improvements are to be constructed without a financial guarantee, all work, including mylar as-built record drawings certified by a Professional Engineer licensed by the State of Rhode Island, shall be completed prior to endorsement and recording. Inspections shall be made by the Public Services Department at all required stages of construction as specified in Article XIII. All construction shall be inspected and approved under the direction of the Administrative Officer and according to the procedures in Article XIII. Upon completion of all required improvements, the Administrative Officer shall certify in writing of such completion, and a copy shall be provided to the subdivider upon request. The final plat shall be endorsed by the appropriate Planning Board or Town official and the plat shall be recorded as provided in Article VI, at which time the lots within the subdivision may be transferred or sold.

2. If improvements are to be guaranteed, the provisions of Section C. of this Article, below, shall apply.

3. Improvements which are proposed to be privately owned and maintained, such as, but not limited to, streets, utilities, and drainage systems, shall be covered by an improvement guarantee if required by the Planning Board.

### **C. Procedures for Financial Guarantees**

1. Amount - Improvement guarantees shall be considered for the following subdivision improvements only:

- a. final asphalt or other approved paving surface;
- b. sidewalks;
- c. right-of-way plantings, or other required landscaping, where applicable;
- d. as-built record drawings; and,
- e. off-site improvements required by the Planning Board as a condition of final approval.

All other subdivision improvements shall be constructed in accordance with Article VII, Section B., Item 1. Improvement guarantees for Items C.1. a, b, c, d and e above shall be in an amount and with all necessary conditions to secure for the Town the actual construction and complete installation of said required improvements, and the satisfactory completion of all conditions of final approval within the time periods required for completion provided in Article V. The amount shall be based upon actual cost estimates which would be required for the Town to complete all improvements required as a condition of final approval. These estimates shall be initially prepared by the Director of Public Services and submitted to the Administrative Officer, who shall review the estimates, if requested, with the subdivider. If the subdivider disagrees with the estimated amount, he/she shall have the opportunity to submit a revised estimate along with supporting justification for the revisions. The Technical Review Committee shall review the Director of Public Services' amount of the improvement guarantee, or the subdivider's revision, and make a recommendation to the Planning Board, who shall review and approve the final amount. The Board may set the guarantee in a reasonable amount in excess of the estimated costs in order to anticipate for increases in economic or construction conditions. However, the amount of such increase shall not exceed 120 percent of the estimated cost of improvements as recommended by the Technical Review Committee.

All work, with the exception of Items C.1. a, b, c and d above shall be completed prior to endorsement and recording. Progress mylar as-built record drawings certified by a Professional Engineer licensed by the State of Rhode Island and depicting all improvements with the exception of final asphalt paving surface, sidewalks, and right-of-way plantings, where applicable, shall also be completed prior to endorsement and recording. Inspections shall be made by the Public Services Department at all required stages of construction as specified in Article XIII. All construction shall be inspected and approved under the direction of the Administrative Officer and according to the procedures in Article XIII. Upon completion of all required improvements, the Administrative Officer shall certify in writing of such completion, and a copy shall be provided to the subdivider upon request. The final plat shall be endorsed by the appropriate Planning Board or Town official and the plat shall be recorded as provided in Article VI, at which time the lots within the subdivision may be transferred or sold.

At the expiration of the final plan approval period, if all required improvements are not complete, the Planning Board shall review the status of improvements and may (1) require the subdivider to extend the duration of the entire improvement guarantee; or (2) authorize the Administrative Officer to take the steps necessary to ensure completion of the remaining work by using improvement guarantee funds.

If at any time during the guarantee period the procedures, implementation measures, methods, materials, and/or schedules of construction are determined by the Planning Board not to be in compliance with the approved plans, the Board may, after proper notification to the subdivider, authorize the use of improvement guarantee funds to insure proper compliance.

2. Required Form - The security shall be in the form of a financial instrument acceptable to the Finance Director and shall enable the Town to gain timely access to the secured funds, for cause. Performance and maintenance guarantees may be provided by a variety of means including, but not limited to, the following:

a. Security bond. The subdivider may obtain a security bond from a surety bonding company authorized to do business in the State of Rhode Island.

b. Letter of credit. The subdivider may provide an irrevocable letter of credit from a bank or other reputable institution.

c. Escrow account. The subdivider may deposit cash, or other instruments readily convertible into cash at face value, either with the Town or in escrow with a bank.

3. Releases - At the expiration of the final plan approval period, if all required improvements are complete, any improvement guarantee shall be returned to the subdivider. A written request for release of any improvement guarantee shall be made to the Administrative Officer, who shall refer such request to the Technical Review Committee. After inspection of all required improvements, the Technical Review Committee shall recommend that the Planning Board (a) authorize the Finance Director to return all improvement guarantees to the subdivider, or, (b) that no releases be made. Partial releases or reductions in the guarantee amount shall not be authorized. The Planning Board shall act on all such releases of improvement guarantees.

4. Phased Subdivisions - In the case of land development projects or subdivisions which are approved and constructed in phases, the Planning Board shall specify improvement guarantees in accordance with Article VII, Sections B. and C., related to each particular phase. If any off-site improvements or other improvements or conditions which are not directly related to a particular phase are required as a condition of approval, the Board shall, in setting the guarantee amount for each phase, clearly specify when such guarantees are to be provided.

5. Maintenance Guarantees - The Planning Board shall require that a maintenance guarantee be provided by the subdivider for all improvements whether or not such improvements are being dedicated to the Town for public acceptance and maintenance. The amount of the maintenance guarantee shall be five percent (5%) of the total estimated cost of all required improvements. The initial period for such maintenance guarantee shall be one (1) year and shall commence upon completion of all subdivision improvements; receipt of mylar as-built record drawings certified by a

Professional Engineer licensed by the State of Rhode Island; and in the case of public improvements, acceptance of streets by the Town Council. At the end of the one-year maintenance period, the Director of Public Services shall inspect all improvements subject to the guarantee and shall certify in writing to the Administrative Officer as to their condition. If found to be unacceptable, the Administrative Officer shall recommend an extension of the guarantee period to the Finance Director, and the original funds shall not be returned to the subdivider. If all improvements are in good condition and have not been damaged, the maintenance guarantee shall be returned to the subdivider.

In cases where the Planning Board finds there are extenuating circumstances, the initial maintenance period may be established for a period longer than one year. The reasons for establishing a longer maintenance period and the nature of the extenuating circumstances shall be made a part of the record.

6. Acceptance of Improvements - Upon completion of all required improvements, the subdivider shall convey all public improvements to the Town for ownership and maintenance. Private facilities, such as private roads, open space and privately maintained drainage systems shall not be conveyed to the Town. The subdivider shall first request the Department of Public Services to conduct a final inspection as provided in Article XIII, Section J. The Director of Public Services shall certify to the Administrative Officer in writing that all required improvements have been satisfactorily completed.

The subdivider shall also request, in writing to the Administrative Officer, that public improvements, streets, land, easements or other facilities be accepted by the Town. This request shall contain a description of all facilities to be accepted and shall be accompanied by an accurate description of all streets, easements, land or other facilities by metes and bounds and by reference to the final plat drawing(s) and by a warranty deed transferring ownership to the Town and describing any special conditions or other requirements.

Upon certification of completion of all required improvements, and upon receipt of all required information from the applicant, the Administrative Officer shall place the request for acceptance upon the next available agenda of the Technical Review Committee. If all requirements of these Regulations have been met by the subdivider, the Technical Review Committee shall recommend acceptance by the Town Council of all such improvements and shall transmit such recommendation to the Town Council in writing. In such recommendation for acceptance by the Town Council, the Technical Review Committee shall also recommend an amount for a maintenance bond in accordance with these Regulations and shall recommend to the Town Council that no public improvements or facilities be accepted for ownership and maintenance until such maintenance bond has been submitted as required in Section 5 of this Article.

Upon their acceptance by the Town Council, all improvements shall be permanently owned and maintained by the Town as part of the municipal system and the subdivider shall be no longer responsible for their care, repair, or maintenance.

## ARTICLE VIII. WAIVERS AND MODIFICATIONS

### A. Waiver of Development Plan Approval (Reserved)

### B. Waiver or Modification of Regulations

1. The Planning Board shall have the authority to waive or modify one or more of the requirements for subdivision or land development approval contained in these regulations if the Planning Board finds that:

- a. the waiver or modification is reasonable and within the general purposes and intents of these regulations; and,
- b. literal enforcement of the regulation is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question; or waiver or modification of the regulation is in the best interest of good planning practice or design as evidenced by consistency with the Comprehensive Community Plan and the Zoning Ordinance.

### C. Reinstatement or Extension of Applications

1. When an applicant has exceeded a deadline established by these regulations for (a) submission of material for a subdivision or land development project; or, (b) recording an approved final plat or plan or required supporting material thereby rendering a previously-granted approval invalid; or, (c) has requested an extension of an approval previously granted by the Planning Board or Administrative Officer prior to the actual expiration date, the application may be reinstated or extended by the Planning Board under the conditions listed below:

- a. the subdivision is consistent with the Comprehensive Community Plan;
- b. the Subdivision Regulations are substantially the same as they were at the time of original approval;
- c. the zoning of the subdivision parcel is substantially the same as it was at the time of original approval;
- d. physical conditions on the subdivision parcel are substantially the same as they were at the time of original approval;
- e. any applicable State or federal regulations are substantially the same as they were at the time of original approval; and,

f. any required fee, including Fair Share Development Fees as provided in the Zoning Ordinance and/or Capital Improvement Program, is the same as it was at the time of the original approval. The Board shall, in approving such request, condition its approval on the payment of the current Fair Share Development Fee in effect at the time of the granting of said extension, and as amended annually in the Capital Improvement Program.

2. Application for reinstatement of a previously-approved subdivision shall be made to the Planning Board in writing by the subdivider, stating the amount of time requested and the reasons for such request. The Planning Board, in approving or denying the request for an extension or reinstatement, shall make findings of fact which shall be made part of the record.

#### **D. Decisions on Waivers and Modifications**

1. The Planning Board shall approve, approve with conditions, or deny a request for a waiver or modification by the following procedure:

a. The Planning Board's decision shall be made within 45 days of the date the request for the waiver or modification was first considered by the Planning Board, unless the applicant waives that deadline.

b. The Planning Board's decision shall be in writing, and shall contain findings of fact addressing the conditions contained in Section VIII.B.1.

## ARTICLE IX. ENFORCEMENT AND PENALTIES

### A. Violations

1. Any person who fails or refuses to adhere to all of the terms and conditions of any subdivision of land or development plan that has been approved by the Planning Board or the Administrative Officer shall be in violation of these regulations.
2. Any owner, or agent of the owner, who transfers, sells, or negotiates to sell any land by reference to or exhibition of, or by other use, a plat of the subdivision before the plat has been approved by the Planning Board and recorded in the Land Evidence Records shall be in violation of these regulations.
3. Any person who, having submitted an application for subdivision or development approval, begins construction of the subdivision or development, or constructs any structure or improvement on the parcel, without having first received final approval from the Planning Board or the Administrative Officer, shall be in violation of these Regulations. The phrase "beginning construction of the subdivision" shall mean construction of improvements required by these Regulations as a condition of subdivision approval, but specifically excluding preparatory work such as ground water level testing, soil/water percolation testing, surveying and mapping, and clearing of vegetation.

### B. Penalties for Violations

1. Any person adjudged in violation of these regulations shall be liable for penalties not to exceed Five Hundred Dollars (\$500) per day, and each day of existence of a violation shall be deemed a separate offense.

### C. Injunctive Relief

1. The Town of South Kingstown shall have the authority to bring suit in Washington County Superior Court to restrain the violation of, or compel compliance with, the provisions of these regulations.
2. An action for injunctive relief brought by the Town of South Kingstown in the Superior Court may be consolidated with an action seeking penalties for violations of these regulations.

## ARTICLE X. ADOPTION AND AMENDMENT OF REGULATIONS

A. The Planning Board shall adopt and amend these Subdivision and Land Development Regulations according to the following procedure:

1. Notice of a public hearing on any proposed adoption or amendment shall be published in a newspaper of general circulation within the town at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles. The advertisement shall:

- a. specify the date, time and place of the public hearing;
- b. indicate that adoption, amendment or repeal of the South Kingstown Subdivision and Land Development Regulations is under consideration;
- c. contain a statement of the proposed amendment that may be printed once in its entirety, or may summarize or describe the matter under consideration;
- d. advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and,
- e. state that the proposed amendment may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing, provided that any such alteration or amendment must be presented for comment in the course of the public hearing.

2. Notice of the Public Hearing shall be sent to the following:

- a. The Associate Director of the Division of Planning of the Rhode Island Department of Administration. Said notice, which may be a copy of the newspaper advertisement, shall be sent at least two (2) weeks prior to the public hearing.
- b. The city or town planning board of any municipality 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, located within two thousand (2,000) feet of South Kingstown's boundaries. Said notice shall be sent by first class mail.
- c. 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 a surface watershed that is used or is suitable for use as a public water source located within South Kingstown or within two thousand (2,000) feet of South Kingstown's boundaries, provided that the governing body of the state or municipal water department or agency, special water district, or private water company has filed with the South Kingstown building inspector

a map survey showing the areas of surface water resources and/or watersheds, and parcels of land within two thousand (2,000) feet of the areas of surface water resources and/or watersheds, pursuant to R.I. Gen. Laws Sec. 45-24-53(E).

3. The Planning Board shall conduct a Public Hearing at the date, time and place specified in the newspaper advertisement and notices. At the hearing, opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations.

B. Printed copies of these regulations, including all appendices, shall be available to the general public and shall be revised to include all amendments. A reasonable charge may be made for copies. Upon publication of any adoption or amendment, copies shall be sent to the planning division of the Rhode Island Department of Administration, and to the state Law Library.

## ARTICLE XI - ADMINISTRATION OF THE REGULATIONS AND AMENDMENTS

### A. The Administrative Officer

#### 1. Administration

Administration of these Subdivision and Land Development Regulations shall be under the direction of the Administrative Officer, who shall report to the Planning Board. The Director of Planning of the Town of South Kingstown is hereby designated as the Administrative Officer.

#### 2. Appointment

Appointment of the Director of Planning shall be the responsibility of the Town Manager as designated in the Town Charter.

#### 3. Duties and Responsibilities

The duties and responsibilities of the Administrative Officer shall include, but shall not be limited to:

- a. Coordination of the review, approval, recording, and enforcement provisions of these Regulations;
- b. Coordination of the review and approval procedures for subdivisions and land development projects with adjacent municipalities as is necessary to be consistent with applicable federal, state, and local laws and as directed by the Planning Board;
- c. Enforcement of these Regulations as provided in Article IX of these regulations; and,
- d. Serve as the chair of the Technical Review Committee.

#### 4. Qualifications

The qualifications of the Administrative Officer shall be determined by the Town Manager as provided in the official job description for the Director of Planning.

### B. The Technical Review Committee

#### 1. Establishment

There is hereby established a committee appointed by the Planning Board, to be known as the Technical Review Committee (TRC), which is established to conduct technical reviews of applications for subdivisions and land development projects subject to Planning Board jurisdiction. All

such reviews shall be advisory in nature, and in no case shall the recommendations of the TRC be binding on the Planning Board in its activities or decisions.

## 2. Membership

Membership of the Technical Review Committee shall consist of (1) the Director of Planning (or designee); (2) the Director of Public Services (or designee); and (3) the Town Engineer (or designee); (4) the Zoning Enforcement Officer (or designee) and (5) a Duty Member of the Planning Board of the Town of South Kingstown. The Chairman of the Planning Board shall assign one Duty Member of the Board either (1) to each subdivision or development project or (2) monthly, for all projects being heard on the agenda, depending on the current workload of the Board. The Chairman shall have the authority to assign or reassign the Duty Member for good cause. Written procedures shall be adopted by the Planning Board establishing the Committee's responsibilities and procedures as part of the Planning Board's by-laws.

## 3. TRC Advisory Review

The following type of applications shall be subject to full Planning Board review as specified in these Regulations. The TRC shall review such applications only if referred to the TRC by the Planning Board or the Director of Planning. The TRC shall make an advisory recommendation to the Planning Board, but in no case shall the recommendations of the TRC be binding on the Planning Board in its activities or decisions:

- Any application or action requiring a public hearing before the Planning Board;
- Major Subdivision or Land Development Project;
- Minor Subdivisions involving Street Creation;
- Zone Change recommendations to the Town Council;
- Pre-application review of Major Subdivisions

## 4. TRC Minor Review

The application types listed below shall be considered Minor in nature and shall be reviewed by the TRC subject to confirmation by the Planning Board. For all such minor applications listed below, the TRC shall conduct the full review for vote by Consent Agenda of the Planning Board. The TRC shall forward its recommendation, along with all other essential project information to the Planning Board prior to the Planning Board meeting at which the application is scheduled.

- Minor Subdivision involving no street creation or extension;
- Development Plan Review under Section 505.1 of the Zoning Ordinance
- Review of EIS under Section 601.8 of the Zoning Ordinance
- Pre-application review of Minor Subdivisions (if requested)
- Setting, reducing or releasing performance bonds
- Requests for reinstatement or extension of applications
- Recommendations to the Town Council on matters other than zoning amendments

#### 5. Consent Agenda

Consent Agenda items are considered to be routine by the Planning Board and will be enacted by one motion. There will be no separate discussion of these items unless any member of the Planning Board or public, or the subdivider, at the time of consideration of Consent Agenda items, requests an item be removed from the Consent Agenda. In this event the item and shall be discussed and voted on by the Planning Board in the normal course of the agenda.

#### 6. Records

Reports of the Technical Review Committee to the Planning Board shall be in writing and shall be kept as part of the permanent documentation of the development application.

### C. The Planning Board of Appeal

Appeals of decisions of the Planning Board or the Administrative Officer on matters of review and approval of land development and subdivision projects shall be made to the Planning Board of Appeal in accordance with the provisions of Title 45, Chapter 23 of the General Laws of RI, and with the Subdivision and Land Development Ordinance passed by the South Kingstown Town Council on September 28, 1992.

### D. Administrative Fees

#### SECTION 1. IN GENERAL

1.1 Procedural History. On     (date)    , 2002 the Planning Board held a public hearing, pursuant to Article X of the Subdivision and Land Development Regulations, to consider proposed regulations governing fees. At the close of the public hearing, the Planning Board voted to adopt regulations governing fees and a new schedule of fees for review conducted by the Planning Board and its consultants on the various types of applications which come before it. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board's rules governing the imposition of fees and its current fee schedules.

1.2 Purpose. These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical, design and legal review of applications to the Planning Board; to establish a review procedure in the selection of consultants; to encourage better design of residential development; and to promote more informed decision-making by the Planning Board.

## SECTION 2. FEE STRUCTURES AND REGULATIONS.

- 2.1 General. The Planning Board shall impose reasonable fees for the review of applications which come before it. The Planning Board may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.
- 2.2 Approval by Town Council Required. No fee imposed by the Planning Board shall become effective until the Town Council shall have approved such fee by resolution.
- 2.3 Method of Payment. The payment of administrative fees and technical review fees shall be by certified or bank check only or by such other method as approved by the Finance Director.

## SECTION 3. ADMINISTRATIVE FEES.

3.1 Applicability. An Administrative Fee shall be assessed to offset the expense of review by the Planning Board and Town Departments with regard to all applications set forth in Section 3.3, below.

3.2 Submittal. Administrative Fees shall be submitted at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work by the Town shall commence until the fee has been paid in full.

3.3 Schedule of Administrative Fees. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the South Kingstown Zoning Ordinance, the Subdivision and Land Development Regulations, and any checklists which may have been compiled from time to time for the benefit of applicants.

- A. Administrative Subdivisions - \$100.00  
No filing fee shall be required for recording of property surveys where no adjustment to boundaries of existing lots is proposed.
- B. Minor Land Development and Minor Subdivision
1. Pre-application Meeting and Concept Review - \$100.00
  2. Preliminary - \$200.00 + \$20.00 per unit
  3. Final - \$100.00 + \$20.00 per unit
- C. Major Land Development and Major Subdivision
1. Pre-application Meeting and Concept Review - \$100.00

2. Conceptual Master Plan - \$200.00 + \$20.00 per unit
3. Preliminary - \$200.00 + \$20.00 per unit
4. Final - \$100.00 + \$20.00 per unit

D. Route 1 Special Management District: Filing fees for development in the Route 1 Special Management District shall be as follows:

1. Pre-application Meeting and Concept Review: \$500

2. Conceptual Master Plan:

Residential Uses - \$100 + \$10 per lot or dwelling unit, whichever is greater

Non-Residential or Mixed Uses -

- New land development projects with a total GLFA less than 5,000 sq. ft.---\$500
- New land development projects with a total GLFA of 5,000 sq. ft. or more---\$1,000
- Developments not involving new building construction or significant enlargement of an existing building---\$500

3. Preliminary:

Residential Uses - \$100 + \$10 per lot or dwelling unit, whichever is greater

Non-Residential or Mixed Uses -

- New land development projects with a total GLFA less than 5,000 sq. ft.---\$500
- New land development projects with a total GLFA of 5,000 sq. ft. or more---\$1,000
- Developments not involving new building construction or significant enlargement of an existing building---\$500

4. Final:

Residential Uses - \$100 + \$10 per lot or dwelling unit, whichever is greater

Non-Residential or Mixed Uses -

- New land development projects with a total GLFA less than 5,000 sq. ft.---\$250
- New land development projects with a total GLFA of 5,000 sq. ft. or more---\$500
- Developments not involving new building construction or significant enlargement of an existing building---\$250

E. Changes in use of land or buildings or combination thereof to an approved Land Development Project for review by the Administrative Officer:

- Where no significant expansion or physical alteration of building exterior or land is involved: No fee
- Where such significant alterations are involved, the same fee for new construction for preliminary review by the Planning Board shall be required

3.4 Fees for Revised Applications. Where an Administrative Fee has been calculated by the number of lots or units proposed, and the application is revised after payment of said fee, the following rules shall apply:

- A. If the number of proposed lots or units increases after the initial submittal, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots or units. No review of these additional lots or units shall take place until this additional fee is paid to the Planning Board office, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
- B. If the number of proposed lots or units decreases, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the Planning Board, no cost associated with the review of those lots or units has been yet incurred.

3.5. Fee Waivers. The Planning Board may, upon approval of the Town Council, waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

3.6 Refund. Once the review process has been commenced, the Planning Board shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant, except as provided in Section 3.4.B, above.

#### SECTION 4. PROJECT REVIEW FEES.

4.1 Applicability. In addition to an Administrative Fee, for all subdivisions and land development projects, except those specified in Section IV.A.2.c, including FDRPs, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. The fee shall ultimately equal the actual cost to the Town for such consultant. In hiring outside consultants, the Town may engage engineers, planners, lawyers, landscape architects, architects, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, and regulations. Such assistance may include, but shall not be limited to, analyzing an application, design review of applications to determine consistency with the "South Kingstown Residential Design Manual, Town of South Kingstown, Rhode Island," prepared by Dodson Associates, dated January 1999 and as subsequently amended, incorporated by reference in the Community Comprehensive Plan, Town of South Kingstown (hereinafter, the "Design Manual"); assessing the archaeological, traffic or environmental impact of a development proposal, review of unique site features including trees; monitoring

or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

4.2 Submittal. Initial project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established by the Finance Director (Escrow Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

4.3 Schedule of Initial Project Review Fees. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the South Kingstown Zoning Ordinance, the Subdivision and Land Development Regulations, and any checklists which may have been compiled from time to time for the benefit of applicants. Where more than one type of application has been submitted for Planning Board action, only the largest of the applicable Initial Project Review Fees shall be collected for deposit into the Escrow Account, and not the sum of those fees.

\$500/lot or dwelling unit for the first five lots or dwelling units, (whichever is greater) including existing dwellings, if present;  
plus \$150/lot or dwelling unit for every lot or dwelling unit thereafter

4.4 Replenishment. When the balance in an applicant's Escrow Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Planning Board may consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.

4.5 Inspection Phase. As a condition of Final Plan approval, the Planning Board may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

4.6 Handling of Project Review Fees. The Project Review Fee is to be deposited into a special account as established by the Finance Director.

- A. Outside consultants retained by the Town to assist in the review of an application shall be paid from this account.
- B. Project Review Fees shall be turned over to the Finance Director by the Administrative Officer for deposit into an Escrow Account.
- C. The Finance Director shall prepare a report on activity in the Escrow Account on an annual basis.

- D. An accounting of an applicant's funds held in the Escrow Account may be requested by the applicant at any time.
  - 1. The Finance Director shall respond to the request in a timely fashion.
  - 2. This accounting shall include the following information:
    - a. The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared by the Finance Director, based on the latest statement from the banking institution.
    - b. A report of all checks authorized for issuance since that last banking statement.
- E. An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- F. Excess fees in the Escrow Account, including accumulated interest, shall be returned to the applicant or the applicant's successor in interest. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest. Excess fees shall be returned at the conclusion of the review process which is defined as either:

With the disapproval of a Subdivision or Land Development Plan; or,

With the release of the performance bond or other financial guarantees at the end of construction of an approved Final Plan; or,

- 3. With the final inspection after approval or disapproval on all other types of applications under the Zoning Ordinance or Subdivision and Land Development Regulations.

4.7. Appeal. The choice of a consultant hired by the Town for the review of an application may be appealed as provided in Article XII.

- A. Two circumstances may disqualify the selected consultant. These conditions constitute the only grounds for an appeal.
  - 1. Conflict of interest: A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process.
  - 2. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.
- B. The required time limits for action upon an application by the Planning Board shall be extended by duration of the appeal.

#### SECTION 5. EXTENSIONS

Applications for extension of approvals or deadlines established by these Regulations under Article VIII, Section C (amended August 13, 1996)

- a. Re-instatement of expired approval: (\$300)
- b. Extension of deadline or approval: (\$100)

#### SECTION 6. INSPECTION FEES:

Two percent (2%) of the total amount of the original performance bond including all required improvements. In the absence of a performance bond, inspection fees in the amount of two percent (2%) of the total estimated cost of all required improvements as estimated in accordance with the procedure established in Article VII. Inspection fees shall be paid in full before construction begins of any improvements requiring inspection.

#### E. Meetings, Votes, Decisions, and Records

- 1. All records of the Planning Board proceedings and decisions shall be written and kept permanently available for public review. Completed applications for proposed land development and subdivision projects under review by the Planning Board shall also be available for public review.
- 2. Participation in a Planning Board meeting or other proceedings by any party shall not be a cause for civil action or liability except for acts not in good faith, intentional misconduct, knowing violation of law, transactions where there is an improper personal benefit, or malicious, wanton, or willful misconduct.

3. All final written comments to the Planning Board from the Administrative Officer, municipal departments, the Technical Review Committee, state and federal agencies, and local boards of commissions shall be part of the permanent record of the development application.
4. All votes of the Planning Board shall be made part of the permanent record and shall show the members present and their votes. A decision by the Planning Board to approve any land development or subdivision application shall require a vote for approval by a majority of the current Planning Board membership.

## ARTICLE XII. APPEALS

### **A. Procedure for Appeals to the Planning Board of Appeal**

1. Any party aggrieved by a decision of the Planning Board or the Administrative Officer shall have the right to appeal that decision to the Planning Board of Appeal by the following procedure:
  - a. The appeal must be taken within twenty (20) days of the day the decision is recorded and posted in the Town Clerk's Office.
  - b. The appeal shall be in writing, on a form provided by the clerk of the board, and shall state clearly and unambiguously the issue or decision that is being appealed, the reason for the appeal, and the relief sought.
  - c. The appeal shall either be sent by certified mail, with a return receipt requested, or shall be hand-delivered, to the office of the clerk of the Board of Appeal.
  - d. Upon receipt of an appeal, the clerk of the board of appeal shall require the Planning Board or the Administrative Officer to transmit forthwith to the Board of Appeal all papers, documents and plans, or a certified copy thereof, constituting the record of the action that is being appealed.
2. An appeal shall stay all proceedings in furtherance of the action being appealed.

### **B. Public Hearings on Appeals to the Planning Board of Appeal**

1. The Planning Board of Appeal shall conduct a public hearing on each appeal within forty-five (45) days of receipt of the appeal by the board's clerk. The public hearing shall be conducted at a meeting called and advertised especially for that purpose, and shall be conducted separately from any Zoning Board of Review meeting that may be advertised for the same date and place. The Planning Board of Appeal shall maintain a complete record of all its proceedings, including minutes of meetings and records of votes taken, which shall be separate from the minutes and records of the Zoning Board of Review.
2. Notice of the public hearing shall be published in a newspaper of general circulation within the town at least fourteen (14) days prior to the date of the public hearing. Notice shall be sent by first class mail to the parties to the appeal and to those persons required to be notified by Section V(C) of these regulations. The party who filed the appeal shall bear the cost of advertising and notice.
3. At the hearing, any party may appear in person, or may be represented by an agent or attorney.
4. The board shall render a decision on the appeal in the following manner:

- a. The board shall not substitute its own judgment for that of the Planning Board or Administrative Officer, but shall consider the issue upon the findings and record of the Planning Board or Administrative Officer. The board shall not reverse a decision of the Planning Board or Administrative Officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record.
- b. The concurring votes of three (3) of the five (5) members of the board sitting at the hearing shall be necessary to reverse any decision of the Planning Board or Administrative Officer.
- c. In the instance where the board overturns a decision of the Planning Board or Administrative Officer, the proposed project application shall be remanded to the Planning Board or Administrative Officer, at the stage of processing from which the appeal was taken, for further proceedings before the Planning Board or Administrative Officer and/or for final disposition, which shall be consistent with the board's decision.
- d. The board shall render a decision within ten (10) days of the close of the public hearing. The decision shall be in writing and shall include reasons for the decision.

### **C. Appeals to the Superior Court**

#### **1. Appeals of decisions of the Planning Board of Appeal**

- a. An aggrieved party may appeal a decision of the South Kingstown Planning Board of Appeal to the Washington County Superior Court by filing a complaint setting forth the reasons of appeal within twenty (20) days after the decision has been recorded and posted in the Town Clerk's Office. When the complaint is filed by someone other than the original applicant or appellant, the original applicant or appellant and the members of the Planning Board shall be made parties to the proceedings.
- b. Within thirty (30) days after being served with a copy of the complaint, the board shall file the original documents acted upon by it and constituting the record of the case appealed from, or certified copies thereof, together with such other facts as may be pertinent, with the clerk of the court.
- c. The appeal shall not stay proceedings upon the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms and make such other appropriate orders as it deems necessary for an equitable disposition of the appeal.
- d. The court shall review the appeal pursuant to R.I. Gen. Laws Sec. 45-23-71.

#### **2. Appeals of Enactment or Amendment of Regulations**

- a. Any legal resident or landowner of South Kingstown, or any association of residents or landowners of South Kingstown, may appeal an enactment or amendment of these

Subdivision and Land Development Regulations by the Planning Board by filing a complaint in the Washington County Superior Court within thirty (30) days after such enactment or amendment has become effective.

b. The complaint shall set forth with specificity the area or areas in which the enactment or amendment is not consistent with:

(i) Title 45, Chapter 22.2 of the Rhode Island General Laws, known as the Comprehensive Planning and Land Use Regulation Act;

(ii) Title 45, Chapter 24, Section 27 et. seq. of the Rhode Island General Laws, known as the Zoning Enabling Act of 1991;

(iii) The South Kingstown Comprehensive Community Plan of 1992; or,

(iv) The South Kingstown Zoning Ordinance.

c. The appeal shall not stay the enforcement of the regulations, as enacted or amended, but the court may, in its discretion, grant a stay on appropriate terms, which may include the filing of a bond, and make such other orders as it deems necessary for an equitable disposition of the appeal.

d. The court shall conduct the review without a jury. If the court finds that the enactment or amendment is not consistent with the statutory, ordinance, or regulatory provisions enumerated in Section XII(C)(2)(b) above, the court shall invalidate the enactment or the amendment, or those parts of such enactment or amendment that are not consistent. The court shall not revise the regulations to be consistent, but may suggest appropriate language as part of the court decision.

e. The court may in its discretion, upon motion of the parties or on its own motion, award reasonable attorney's fees to any party to an appeal, as set forth herein, including a municipality.

## ARTICLE XIII - DESIGN AND PUBLIC IMPROVEMENT STANDARDS

### A. General

The subdivider, at his own expense, shall construct all improvements where required by the Planning Board in granting approval for any subdivision or land development project subject to these Regulations.

### B. Street Design Standards

The following design standards shall be followed where applicable in the design and construction of any subdivision:

#### 1. Frontage on Improved Streets

The area to be subdivided shall have frontage on an existing improved public street. If such an existing street has not been improved to the standards and specifications as required in these Regulations, the Board may require the subdivider to make certain improvements along the part of the street abutting the property or leading to the property being subdivided where necessary for drainage, safety, traffic or other reasons as deemed proper by the Board. See Section H of this Article.

For the purposes of these Regulations, streets platted but not improved or accepted for maintenance by the Town or State, shall not be considered existing improved public streets. Where these streets are incorporated within the subdivision, they shall be improved by the developer to meet the Subdivision Regulation standards.

#### 2. Street Classification

Street design within a proposed subdivision shall conform to a street hierarchy system as established herein. Requirements for right-of-way and pavement width, on-street parking, drainage and other utilities, sidewalks, bicycle path and other design standards shall be tailored to street function.

Street Classification shall be determined by the Planning Board. The following references are used in making the determinations:

a. Technical Paper Number 130 Highway Functional Classification System For the State of Rhode Island 1995-2005 (Adopted May 1988) October 1988. Division of Planning, Rhode Island Department of Administration, 265 Melrose Street, Providence, RI 02907.

b. A Policy on Geometric Design of Highways and Streets 1990. American Association of State Highway and Transportation Officials.

c. Recommended Guidelines for Subdivision Streets. Institute of Transportation Engineers, Washington, DC: ITE, 1984.

d. Trip Generation, 1987 edition, Washington, DC : Institute of Transportation Engineers.

The following major categories of street classification are established:

a. Arterial - A major public street that serves as an avenue for the circulation of traffic into, out of, or around the Town and carries high volumes of traffic and provides for high levels of mobility. See Figure 1.

b. Collector - A public street whose principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties. These streets provide a balance between land access and mobility. See Figure 2.

c. Local Public - Public streets whose primary function is to provide access to abutting residential properties, which are accepted for ownership and maintenance by the public. The following sub-categories of Local Public streets are established:

- Local Public "A" - an internal through street providing access to more than 20 lots. See Figure 3

- Local Public "B" - a long permanent dead-end or through street providing direct access to 11 - 20 lots. See Figure 3

- Local Public "C" - a short dead-end or through street providing direct access to no more than 10 lots. See Figure 3

- Local Public "D" - a short dead-end or through street providing direct access to no more than 5 lots. See Figure 3

- Local Public "E" - optional design for any of the above street categories which provides for drainage swales. See Figure 4

d. Local Private - Privately owned and maintained streets whose primary function is to provide access to abutting residential properties. Streets within residential compounds serving up to twenty (20) residential dwellings and streets in minor residential subdivisions serving up to five (5) residential dwellings on a private street also fall within this classification.

### 3. Street Rights of Way and Pavements

Street rights-of-way and pavements shall conform to the widths and pavement details shown in Table 1 below and as illustrated in Figures 1-10. Figures 1-2 illustrate typical cross-sections of arterial and collector streets, respectively. Specific design criteria will be determined by the Board on a case-by-case basis.

Figure 3 is a typical cross section of a local public street proposed for acceptance and maintenance by the Town. Where the subdivider proposes the use of grass swales in lieu of a continuous piped stormwater drainage system, either of the alternative cross sections shown in Figure 4 may be used, subject to the approval of the Planning Board. Refer to Section D of this Article entitled Drainage for more specific design criteria.

Figures 5a and 5b show details of the pavement surface to be used in residential compounds and in minor subdivisions creating local private streets. (See below and Table 1).

Figure 6 shows a cross section of a street in a residential compound. Right of way and pavement width do not vary, but pavement type does vary. A gravel surface as shown in Figure 5a. is permitted where the proposed street will serve 10 or fewer lots or where the total street length will not exceed 1,000 feet. Paving in accordance with Figure 5b. is required for all residential compounds which exceed the above parameters regarding number of lots and street length. Should the length of street or the number of lots served in any existing compound having a gravel street surface be increased in the future, or should an additional compound be added so that the above parameters are exceeded, the Planning Board may require paving of the entire length of street in the original compound.

Figure 7 shows two typical plans for minor subdivisions involving no new street creation or extension, and illustrates a common shared driveway (individual layout may vary). There are no requirements for ROW width or pavement standards for shared driveways involving only 2 lots. The Planning Board will review these on a case-by-case basis. Where common driveways serving more than 2 lots are proposed, but no new street is being created, the Planning Board may require a ROW and pavement meeting the same standards required for private streets in minor subdivisions or residential compounds serving an equivalent number of lots.

Figure 8 shows a typical plan for a minor subdivision of 2-5 lots which creates a local private street (individual layout may vary). Right-of-way width and pavement width are the same for all private streets constructed in minor subdivisions. Pavement type varies depending upon the zoning district in which the subdivision is located. Subdivisions located in the following zoning districts shall provide a paved surface as shown in Figure 5b: RM, R10, R20, and all Commercial (C), Mixed Use (MU) and Industrial (Ind). Subdivisions located in all other zoning districts may be constructed with a gravel surface conforming to Figure 5a.

Figure 9 illustrates various optional turnaround designs to be used in the various types of public and private streets permitted under these Regulations.

Figure 10 illustrates the hierarchy of streets designated herein. This is provided for illustrative purposes only.

#### 4. Geometric Data

Table 1 below shall be used as a guide in designing streets within a subdivision.

**ARTICLE XIII - TABLE 1  
GUIDE TO DESIGNING STREETS WITHIN A SUBDIVISION**

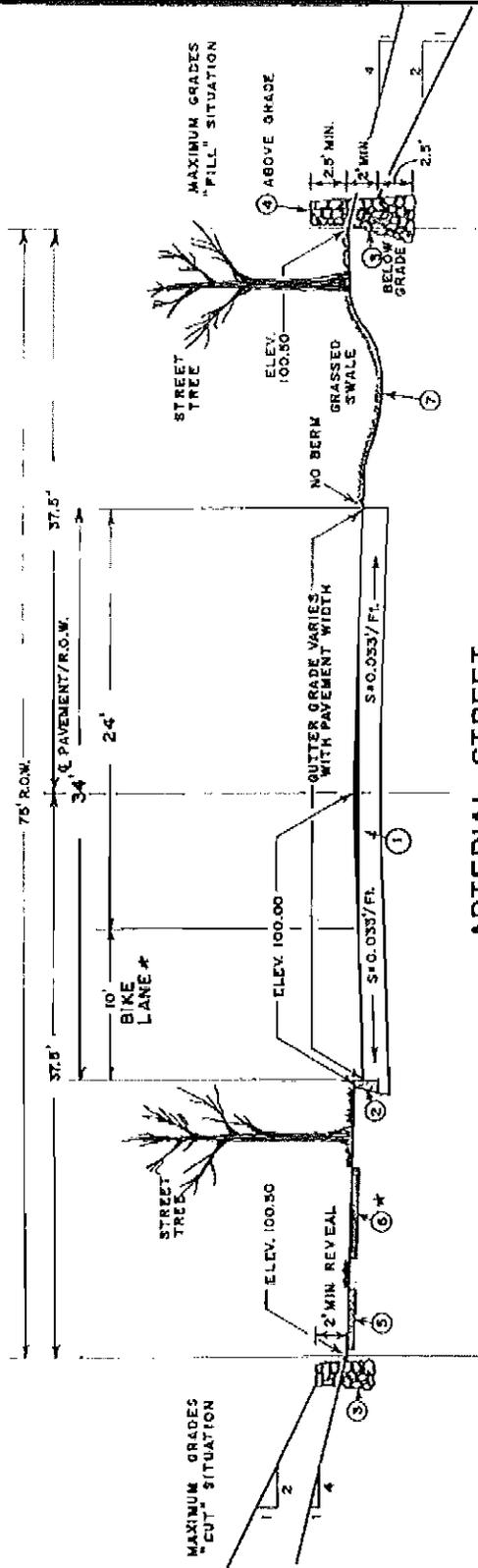
|  | Fig. 1<br>Arterial | Fig. 2<br>Collector | Fig. 3,4<br>Local Streets (Public) |                  |                  |                                      |            | Fig. 5a, 5b, 6, 9<br>Residential<br>Compound<br>(Private) | Fig. 8, 9<br>Minor Subdivision<br>(Private) |
|--|--------------------|---------------------|------------------------------------|------------------|------------------|--------------------------------------|------------|---|---|
|  |                    |                     | A                                  | B                | C                | D                                    | E          |   |   |
| ROW Width  | 75'                | 60'                 | 50'                                | 50'              | 40'              | 50' <sup>a</sup><br>40' <sup>b</sup> | 60'        | 40'   | 40'   |
| Pavement Type  |                    |                     | BC                                 | BC               | BC               | BC                                   | B          | G/P   | G/P   |
| Road Pavement Width  | 34'                | 30'                 | 26' <sup>*</sup>                   | 24' <sup>*</sup> | 22' <sup>*</sup> | 20'                                  | 26'        | 18'   | 18'   |
| Bike Width   | 10'/6'             | 6'                  |                                    |                  |                  |                                      |            |   |   |
| Number Lots  | N/A                | N/A                 | >20                                | 11-20            | 6-10             | 1-5                                  | 7+         | 2-20  | 2-5   |
| Maximum Grades<br>--centerline<br>--within 150' of<br>centerline intersections | 7%<br>2.5%         | 7%<br>2.5%          | 9%<br>2.5%                         | 9%<br>4%         | 9%<br>6%         | 9%<br>4%                             | 9%<br>2.5% | 10%<br>N/A  | 10%<br>N/A                                  |
| Minimum Grades<br>--centerline   | 1%                 | 1%                  | 1%                                 | 1%               | 1%               | 1%                                   | 1%         | .05%  | .05%  |
| Minimum Length for<br>Vertical Curves  | 200'               | 150'                | 100'                               | 100'             | 100'             | 100'                                 | 100'       | As determined by<br>DPS                                   | As determined by<br>DPS                     |
| Minimum Radius of<br>Centerline Curve  | 250'               | 200'                | 150'                               | 150'             | 100'             | 150'                                 | 150'       | 100'  | 100'  |

- \* Includes Bituminous Curb (See Fig. 3)
- BC Bituminous Concrete (See Fig. 3)
- G Gravel (See Fig. 5a)
- P Paved (See Fig. 5b)
- <sup>a</sup> With further development potential
- <sup>b</sup> With no further development potential

**ARTICLE XIII - TABLE 1  
GUIDE TO DESIGNING STREETS WITHIN A SUBDIVISION (CONT.)**

|                              | Fig. 1<br>Arterial | Fig. 2<br>Collector | Fig. 3,4<br>Local Streets (Public) |      |      |      |      | Fig. 5a, 5b, 6& 9<br>Residential<br>Compound<br>(Private) | Fig. 8, 9<br>Minor Subdivision<br>(Private) |
|------------------------------|--------------------|---------------------|------------------------------------|------|------|------|------|---|---|
|                              |                    |                     | A                                  | B    | C    | D    | E    |   |   |
| Minimum Sight Distance       | 300'               | 250'                | 200'                               | 150' | 100' | 150' | 100' | 100'  |   |
| Cul-de-sac Turnaround**      | See<br>Fig. 10     |                     |                                    |      |      |      |      |   |   |
| --ROW Diameter               | N/A                | N/A                 | 100'                               | 100' | 100' | 100' | 100' | 100'  |   |
| --Pavement Diameter*         | N/A                | N/A                 | 80'                                | 80'  | 80'  | 80'  | 80'  | 80'   |   |
| --Maximum Grade              | N/A                | N/A                 | 4.5%                               | 4.5% | 4.5% | 4.5% | N/A  | N/A   |   |
| --Minimum Grade              | N/A                | N/A                 | 2%                                 | 2%   | 2%   | 2%   | N/A  | N/A   |   |
| Intersection Fillet Curve    |                    |                     |                                    |      |      |      |      |   |   |
| --Minimum ROW<br>Radius      | 25'                | 25'                 | 15'                                | 15'  | 15'  | 15'  | 15'  | 10'-15'   |   |
| --Minimum Pavement<br>Radius | 35'                | 35'                 | 25'                                | 25'  | 25'  | 25'  | 25'  | 25'   |   |
| Pavement Crown               | 7"                 | 6"                  | 5"                                 | 5"   | 5"   | 5"   | 4"   | 4"  |   |

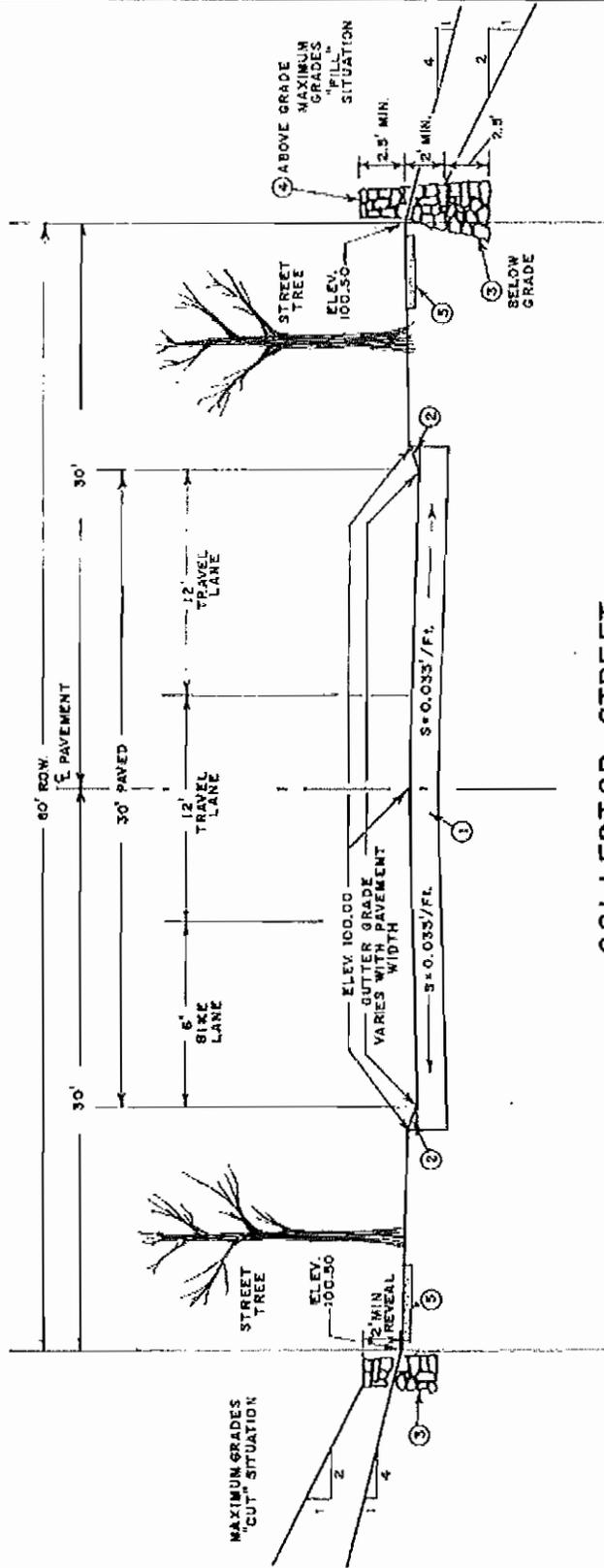
\* Includes Bituminous Curb (See Fig. 3)  
 \*\* See Fig. 9 for Hammerhead Turnaround (Optional)  
 BC Bituminous Concrete (See Fig. 3)  
 G Gravel (See Fig. 5a)  
 P Paved (See Fig. 5b)



ARTERIAL STREET

- 1) ROADWAY CROSS SECTION AND MATERIALS SHALL CONFORM TO T.S.K. STANDARDS FOR ROAD CONSTRUCTION AND UTILITY LOCATIONS
- 2) PRE CAST CONCRETE CURBING - RIDOT STD. 711 OR APPROVED EQUAL
- 3) RETAINING WALL - RI DOT STD. 101 OR APPROVED EQUAL
- 4) STONE WALL - RI DOT STD. 103 OR APPROVED EQUAL
- 5) CONCRETE SIDEWALK - T.S.K. STANDARD 5" THICK BY 4" WIDE (MINI), 4000B MIX
- 6) BITUMINOUS CONCRETE CLASS III (SEPARATED SECTION VEHICLES TRAFFIC) CROSS SECTION AND MATERIALS TO T.S.K. STANDARDS
- 7) GRASSED SWALE DESIGN SHALL CONFORM TO USDA SOIL CONSERVATION SERVICE AND R.D.M. SOIL EROSION AND SEDIMENT CONTROL HANDBOOK (RISECH) STANDARDS. LOCATION MAY VARY WITHIN SHOULDER.
- \* 10' WIDE CLASS III BIKE LANE MAY BE USED IN LIEU OF 8' WIDE CLASS II BIKE PATH

|                                       |   |
|---------------------------------------|---|
| <b>TOWN OF SOUTH KINGSTOWN, R. I.</b> |   |
| FIGURE<br><b>1</b>                    | TYPICAL CROSS SECTION<br>ARTERIAL STREET<br>(TOWN ACCEPTED) |
| DEPT. PLANNING                        | DATE 3/93   |
| SCALE NOT TO SCALE                    | DRN. PJE  |
| NOTES                                 | REVISED 8/95, 9/95  |
| APPR.                                 |   |



COLLECTOR STREET

- 1) ROADWAY CROSS SECTION AND MATERIALS SHALL CONFORM TO T.S.K. STANDARDS FOR ROAD CONSTRUCTION AND UTILITY LOCATION.
- 2) ALL CURVES SHALL BE DESIGNED AND APPROVED BY THE TOWN ENGINEER.
- 3) RETAINING WALLS SHALL BE 4' HIGH AT ALL CURVE INTERSECTIONS.
- 4) APPROVED EQUAL
- 5) CONCRETE SIDEWALK - T.S.K. STANDARD 5" THICK BY 4" WIDE (MIN), 4000 LB. MIX

TOWN OF SOUTH KINGSTOWN, R.I.

FIGURE

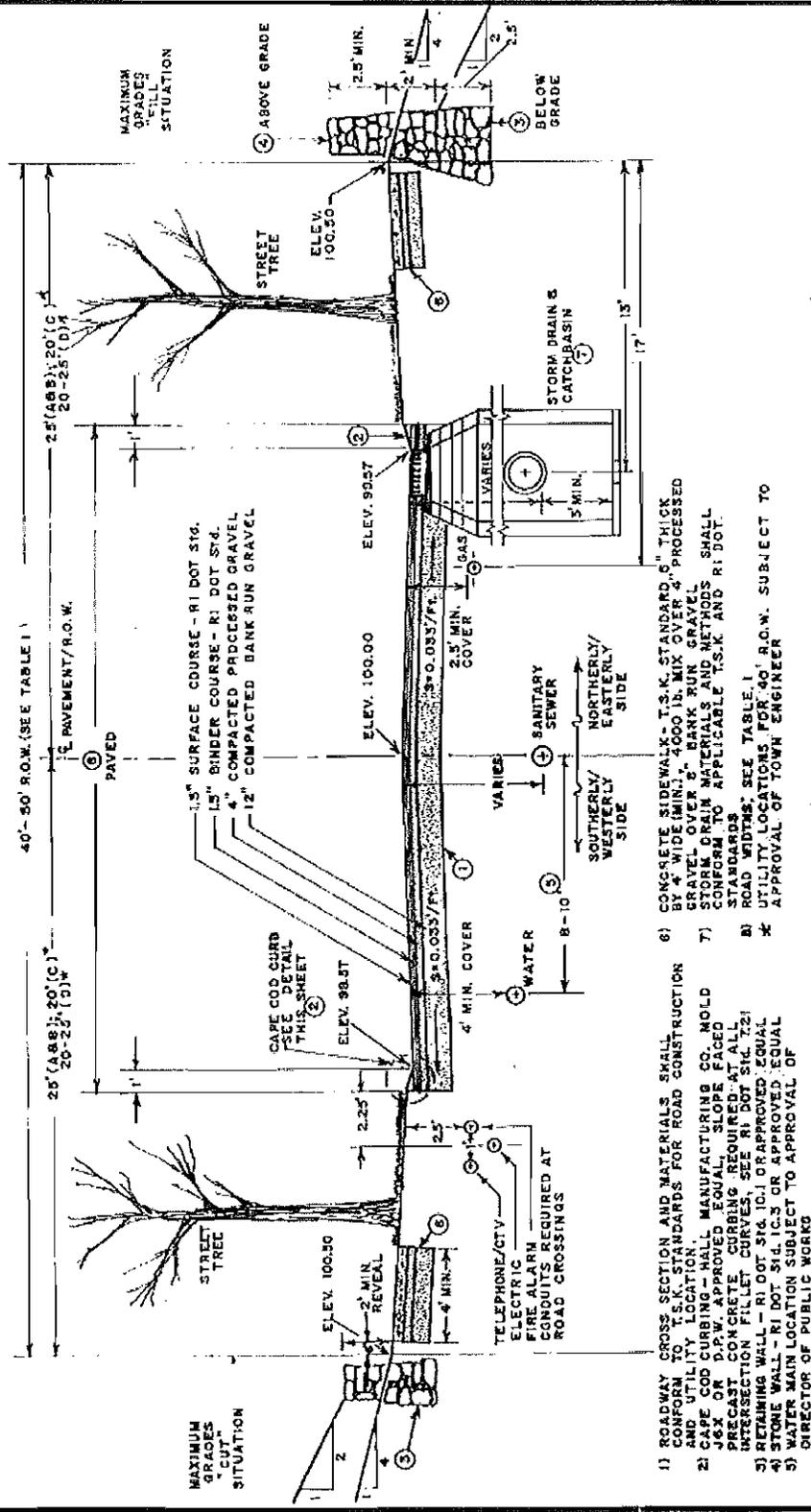
2.

TYPICAL CROSS SECTION  
COLLECTOR STREET  
(TOWN ACCEPTED)

DEPT. PLANNING      DATE 3/95      DRN. PJE      APPR.

SCALE NOT TO SCALE      REVISED 8/95

NOTES



**TOWN OF SOUTH KINGSTOWN, R. I.**

**FIGURE 3**

**TYPICAL CROSS SECTION LOCAL STREETS A, B, C, D (TOWN ACCEPTED)**

DEPT. PLANNING      DATE 3/93      DRN. PJE      APPR.

SCALE NOT TO SCALE      REVISED 11/95

NOTES

1) ROADWAY CROSS SECTION AND MATERIALS SHALL COMPLY WITH LOCAL STANDARDS FOR ROAD CONSTRUCTION

2) CAPE COD CURBING - HALL MANUFACTURING CO. MOLD JACK OR D.P.W. APPROVED EQUAL SLOPE FACED PRECAST CONCRETE CURBING REQUIRED AT ALL INTERSECTION FILLET CURVES, SEE RI DOT STG. 721

3) RETAINING WALL - RI DOT STG. 10.1 OR APPROVED EQUAL

4) STONE WALL - RI DOT STG. 10.3 OR APPROVED EQUAL

5) WATER MAIN LOCATION SUBJECT TO APPROVAL OF DIRECTOR OF PUBLIC WORKS

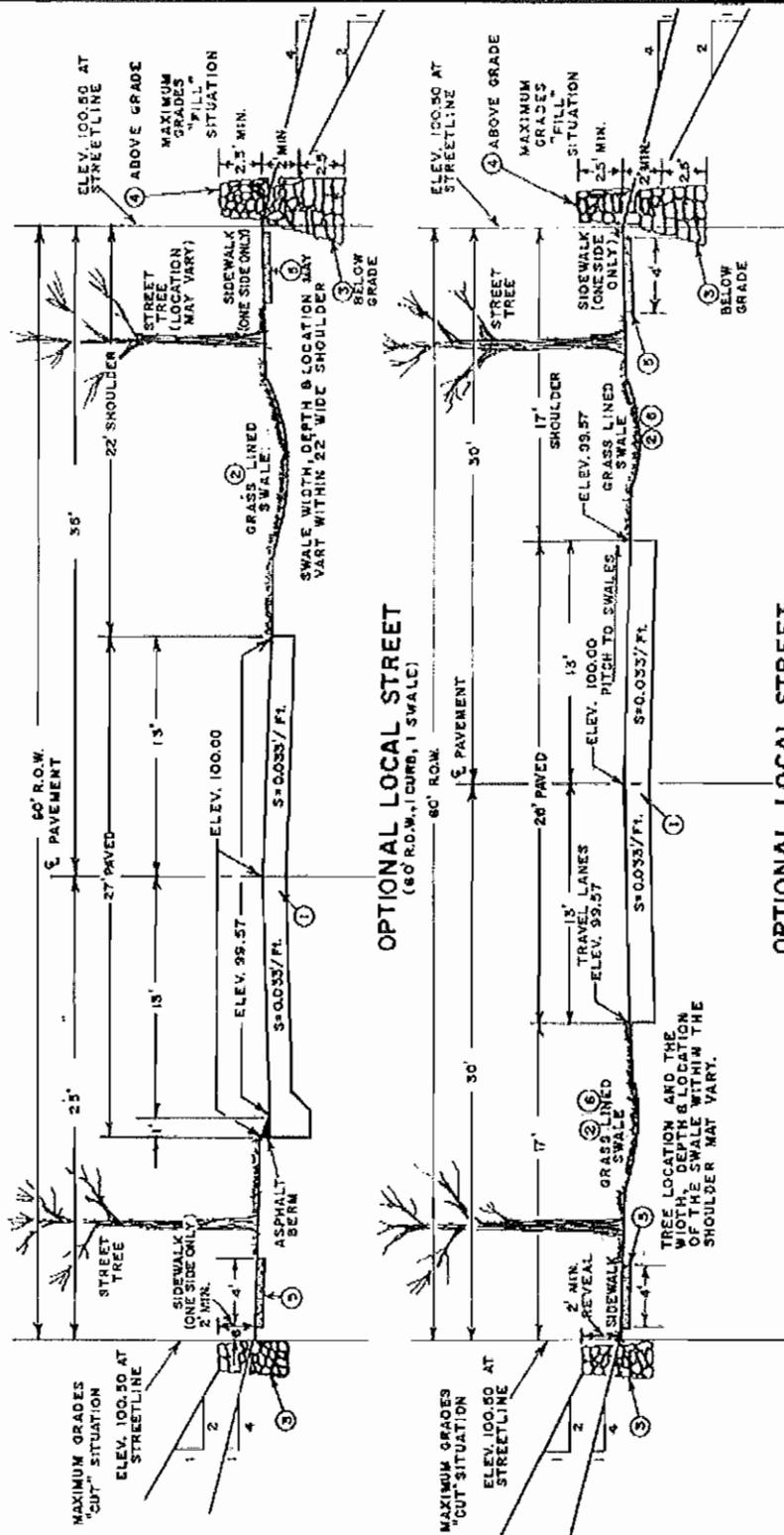
6) CONCRETE SIDEWALK - T.S.K. STANDARD 6" THICK BY 4' WIDE (MIN.), 4000 P.S.I. MIX OVER 4" PROCESSED SAND

7) STORM DRAIN MATERIALS AND METHODS SHALL CONFORM TO APPLICABLE T.S.K. AND RI DOT STANDARDS

8) ROAD WIDTHS: SEE TABLE 1

\* UTILITY LOCATIONS FOR 40' R.O.W. SUBJECT TO APPROVAL OF TOWN ENGINEER

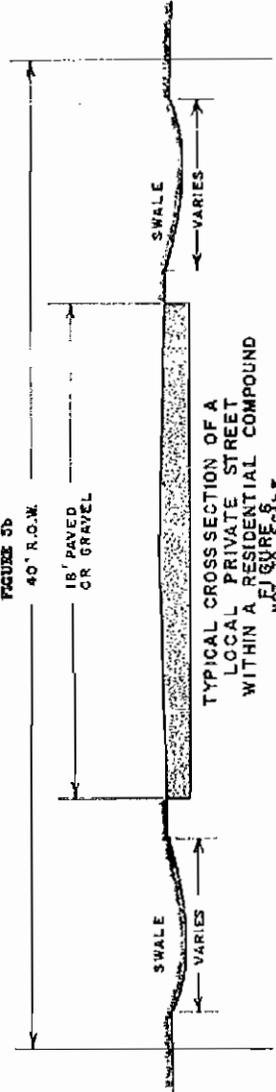
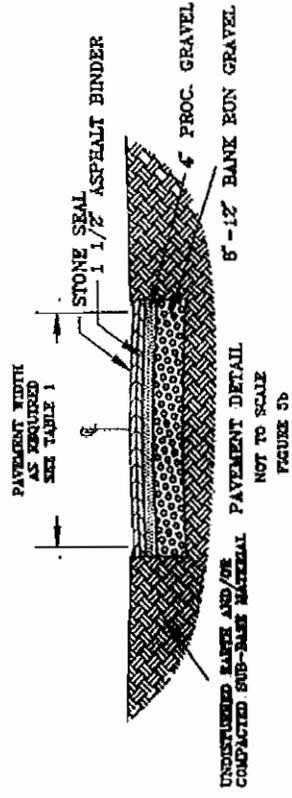
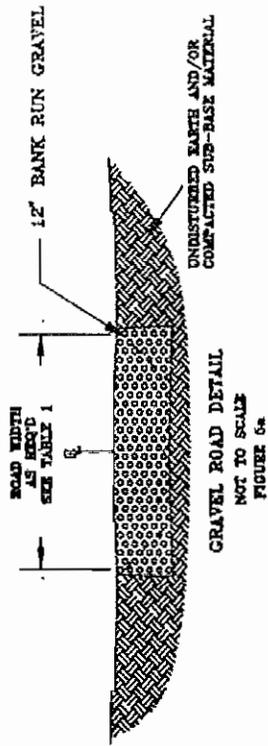
NOTE: HALL MANUFACTURING CO. MOLD JACK OR APPROVED EQUAL



- 1) ROADWAY CROSS SECTION & MATERIALS SHALL CONFORM TO T.S.K. STANDARDS FOR ROAD CONSTRUCTION AND UTILITY LOCATION.
- 2) CURBED SWALE DESIGN SHALL CONFORM TO T.S.K. STANDARDS FOR SERVICE AND REPAIRS. CURB DESIGN SHALL CONFORM TO HANDBOOK (RISECN) STANDARDS.
- 3) RETAINING WALL - RI DOT STD. 10.1 OR APPROVED EQUAL.
- 4) STONE WALL - RI DOT STD. 10.3 OR APPROVED EQUAL.
- 5) CONCRETE SIDEWALK - T.S.K. STANDARD 5" THICK BY 4" WIDE (MIN.), 4000 LB. MIX OVER GRASS/ACCESSIBLE GRAVEL OVER 8" BANK RUN.
- 6) MINIMUM CROSS SECTION SIDE SLOPE FOR SWALES IS 3:1

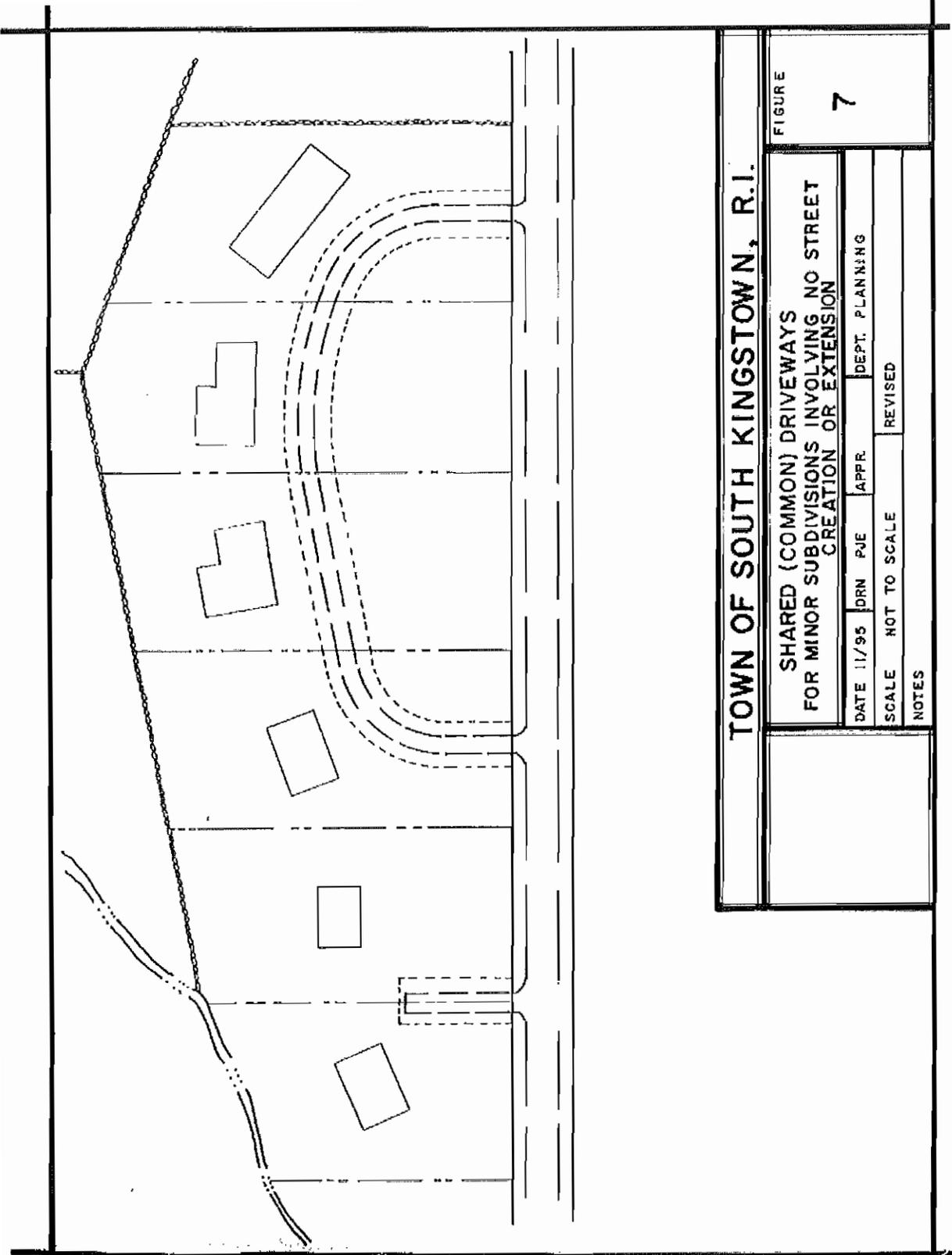
**TOWN OF SOUTH KINGSTOWN, R.I.**

|                            |  |  |                  |
|----------------------------|--|--|------------------|
| <p>FIGURE<br/><b>4</b></p> |  | <p>TYPICAL CROSS SECTIONS<br/>OPTIONAL LOCAL STREETS (E)<br/>(TOWN ACCEPTED)</p> |                  |
|                            |  | <p>DEPT. PLANNING</p>  | <p>DATE 3/93</p> |
| <p>SCALE NOT TO SCALE</p>  |  | <p>REVISED 11/95</p>   |                  |
| <p>NOTES</p>               |  |  |                  |



|                                       |                |               |                      |
|---------------------------------------|----------------|---------------|----------------------|
| <b>TOWN OF SOUTH KINGSTOWN, R. I.</b> |                |               |                      |
| <b>RESIDENTIAL COMPOUND STREETS</b>   |                |               |                      |
| FIGURES<br>5a, 5b<br>& 6              | DEPT. PLANNING | DATE 4/93     | DRN. P.A.E.<br>APPR. |
| SCALE NOT TO SCALE                    |                | REVISED 11/95 |                      |
| NOTES                                 |                |               |                      |

- MINIMUM SURFACE REQUIREMENTS FOR RESIDENTIAL COMPOUND STREETS
- GRAVEL SURFACE (FIGURE 5a) FOR 1-10 LOTS OR LESS THAN 1000' OF STREET LENGTH
  - PAVED SURFACE (FIGURE 5b) FOR MORE THAN 10 LOTS OR MORE THAN 1000' OF STREET LENGTH



**TOWN OF SOUTH KINGSTOWN, R.I.**

**SHARED (COMMON) DRIVEWAYS  
FOR MINOR SUBDIVISIONS INVOLVING NO STREET  
CREATION OR EXTENSION**

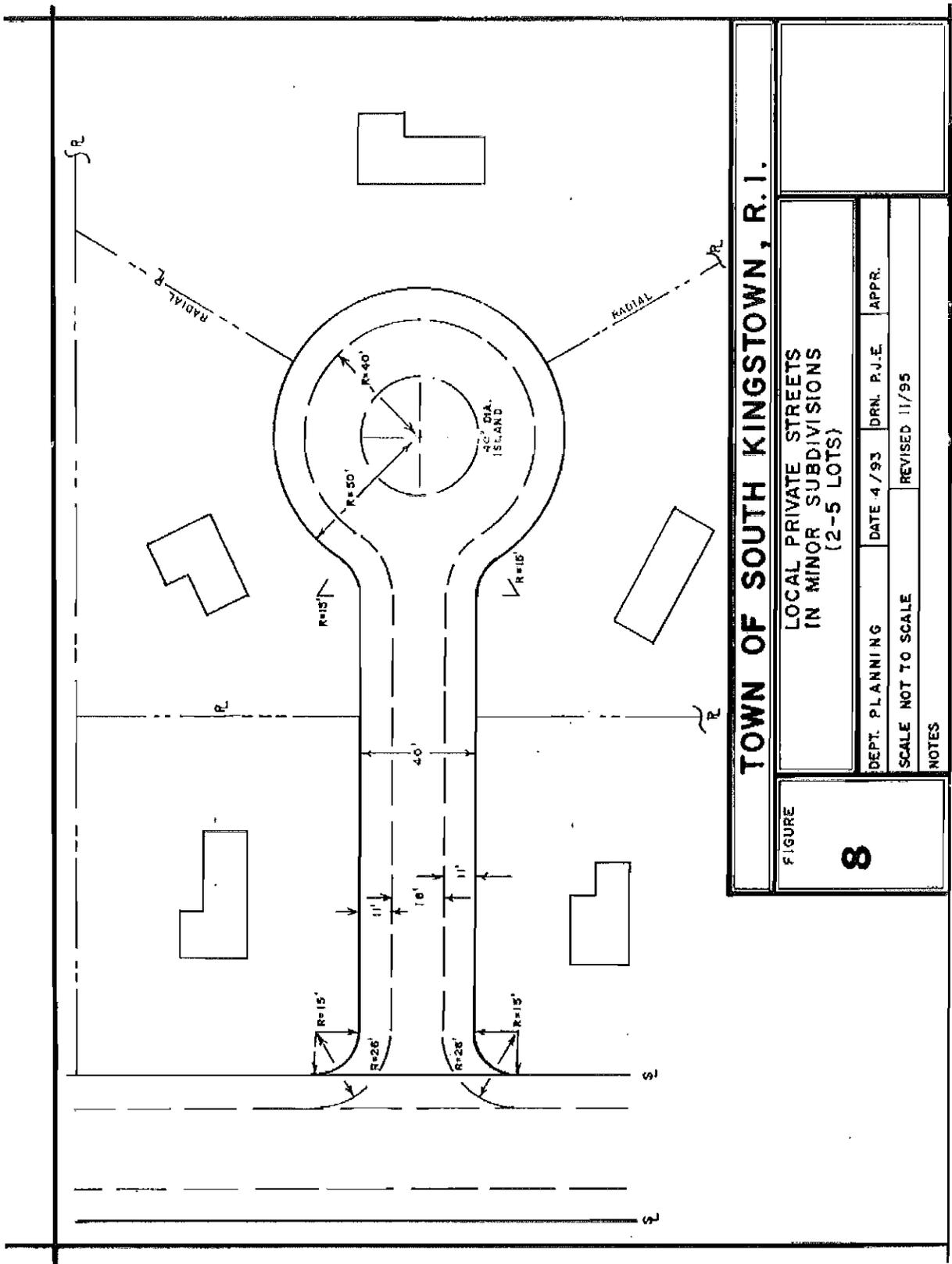
DATE 11/95 | DRN PJE | APPR. | DEPT. PLANNING

SCALE NOT TO SCALE | REVISED

NOTES

FIGURE

7

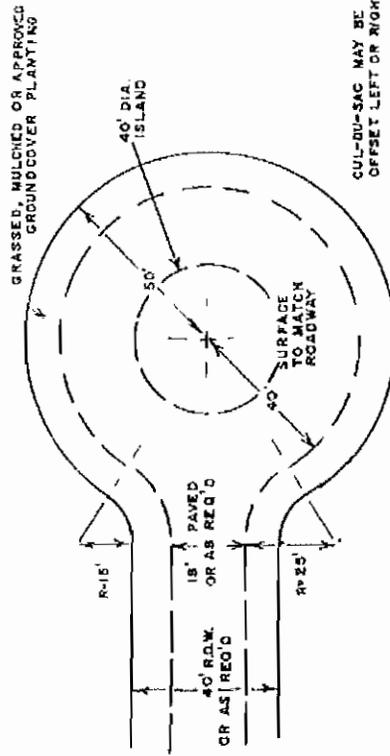


**TOWN OF SOUTH KINGSTOWN, R.I.**

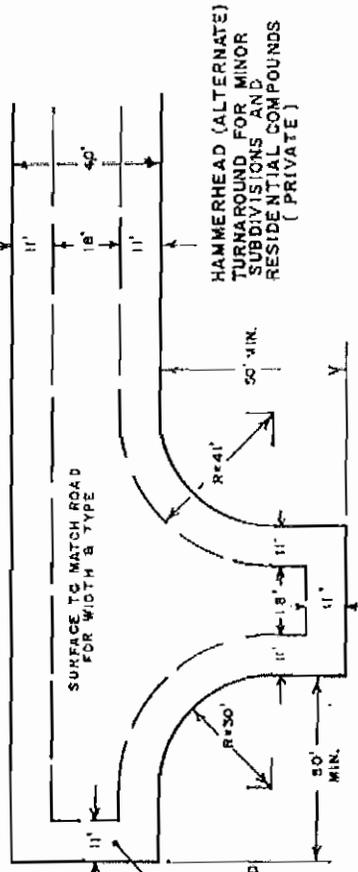
LOCAL PRIVATE STREETS  
IN MINOR SUBDIVISIONS  
(2-5 LOTS)

FIGURE  
**8**

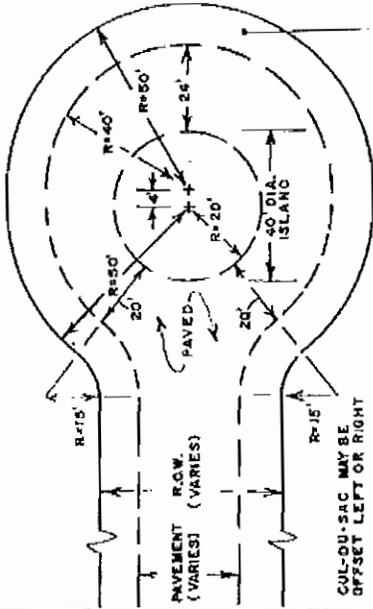
|                    |           |               |       |
|--------------------|-----------|---------------|-------|
| DEPT. PLANNING     | DATE 4/93 | DRN. P.J.E.   | APPR. |
| SCALE NOT TO SCALE |           | REVISED 11/95 |       |
| NOTES              |           |               |       |



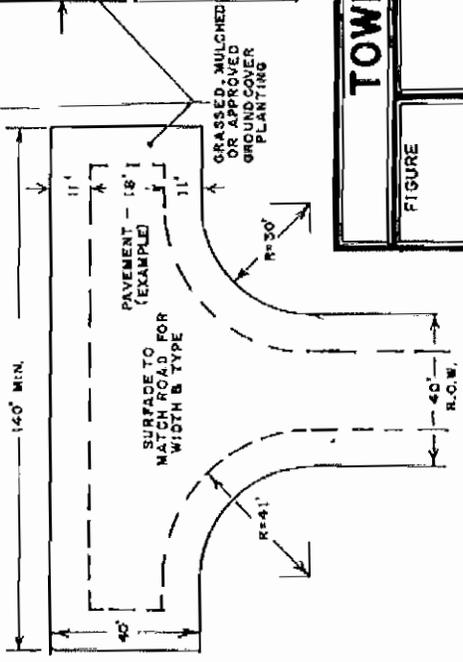
RESIDENTIAL COMPOUND OR MINOR SUBDIVISION (PRIVATE)



TOWN OF SOUTH KINGSTOWN, R. I.



LOCAL PUBLIC STREET (A, B, C, D or E) (TOWN ACCEPTED)



HAMMERHEAD TURNAROUND TYPICAL MINOR SUBDIVISION RESIDENTIAL COMPOUNDS (PRIVATE)

FIGURE

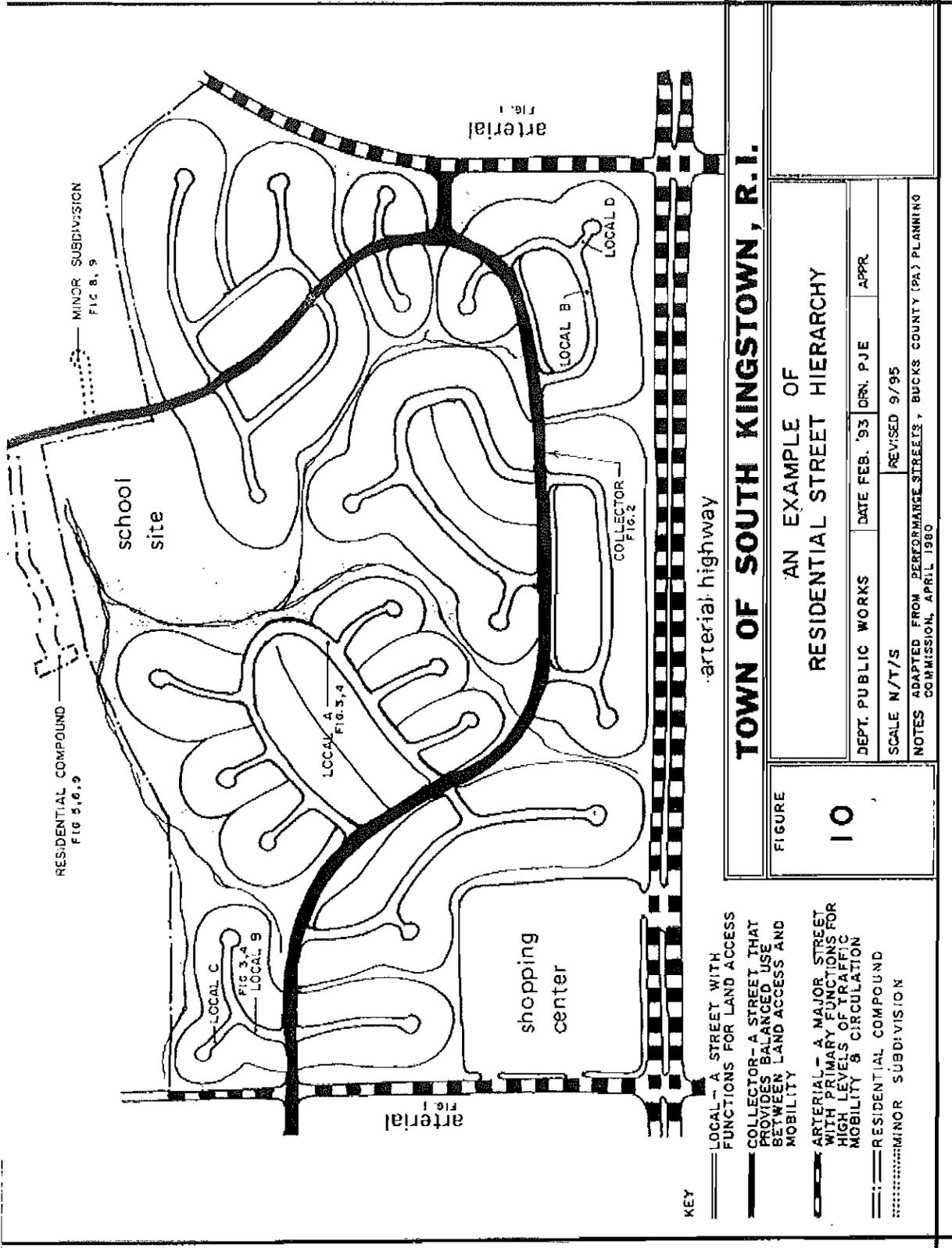
9

TURNAROUND DESIGNS

DEPT. PLANNING DATE 4/93 DRN. P.L.E. APPR.

SCALE NOT TO SCALE REVISED 11/95

NOTES



**TOWN OF SOUTH KINGSTOWN, R.I.**

|   |   |               |                |
|---|---|---------------|----------------|
| FIGURE<br><b>10</b>   | AN EXAMPLE OF<br>RESIDENTIAL STREET HIERARCHY |               |                |
|   | DEPT. PUBLIC WORKS                            | DATE FEB. '93 | DRN. PJE APPR. |
| SCALE N/T/S   |   | REVISED 9/95  |                |
| NOTES ADAPTED FROM PERFORMANCE STUDIES, BUCKS COUNTY (PA) PLANNING COMMISSION, APRIL 1980 |   |               |                |

## 5. Street Layout and Arrangement

The arrangement of streets shall be considered in relation to the existing street system, and to existing topographic and natural conditions. The road system shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical circulation pattern; to respect natural features and topography; and to create an attractive streetscape.

Wherever possible in residential subdivisions, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic. However, in major subdivisions, access shall be designed to avoid street systems which have only one principal means of egress. In order to provide for alternative access, at least two vehicular access streets may be required by the Planning Board, in major subdivisions when determined by the Board to be feasible. Proposed streets within a major subdivision shall provide for their continuation or projection to intersect with principal streets on the perimeter of the subdivision or with adjacent vacant property in order that the streets may be extended at a future time.

## 6. Private Streets

Private streets shall not be permitted except for residential compounds and minor subdivisions as authorized in Article IV of these Regulations.

## 7. Street Intersections

Street intersections shall either coincide precisely with, or be offset by at least 200 feet from other intersections. Intersections shall be at 90 degree angles. Lesser angles between 75 degrees and 90 degrees may be approved by the Director of Public Services.

## 8. Dead-End Streets (Cul-de-sacs)

All dead end streets shall end in a cul-de-sac turnaround constructed according to the table of geometric data above, and shall be clearly marked at their entrances. The Planning Board may limit the length of the dead end street (cul-de-sac) where necessary, to ensure the adequate and safe circulation of vehicular traffic.

## 9. Street Names

An extension of an existing street shall have the same name as the existing street. Names of other proposed streets shall be substantially different from any existing street name in the Town of South Kingstown. All newly proposed street names shall be checked for duplication, pronunciation and other similarities and approved by the Department of Public Services. Street numbers shall be assigned as provided in the South Kingstown Code of Ordinances. Revisions to street names on approved and recorded subdivisions shall be treated in accordance with the provisions of Article VI, Section B, entitled Changes to Recorded Plats and Plans.

## 10. Access to Adjoining Property

When considered desirable by the Planning Board to provide access to adjoining property, proposed streets shall be continued and improved to the property line. The reservation of strips of land preventing such access shall not be permitted. The Planning Board may require provision of a temporary turnaround until such time as the adjacent tract is developed. A bond may be required to insure completion of the street or construction of a permanent cul-de-sac within a reasonable period of time.

Access to adjoining property for pedestrian and/or bicycle circulation shall be required wherever the Planning Board determines that such connection will increase accessibility between adjoining subdivisions, to existing or proposed sidewalks or bicycle paths, from subdivisions to major public or private schools, recreation areas or other facilities or where the public safety will be significantly enhanced by such pedestrian and/or bicycle connections.

## 11. Street Signs

Street name and traffic signs, approved the Department of Public Services, shall be installed by the developer or by the Department of Public Services at the developer's expense.

## 12. Street Lighting

In all new subdivisions where utilities are being installed underground, provisions shall be made for street lighting connections only where required by and approved by the Director of Public Services.

## 13. Street Trees

Where natural tree growth is determined by the Planning Board to be insufficient, the Planning Board shall require the subdivider to plant street trees appropriate for the terrain, soil and climatic conditions encountered in the subdivision, and in accordance with the following standards:

a. Location - Street trees shall be located as shown in Figure 3 or on the portion of building lots within 10 feet of the street right-of-way line, if assurance can be given by the subdivider that the trees will not be disturbed by building activities. In either case, no street trees shall be located so as to interfere with overhead or underground utility lines.

Trees shall be spaced approximately 30 feet to 50 feet on center, depending on anticipated ultimate size.

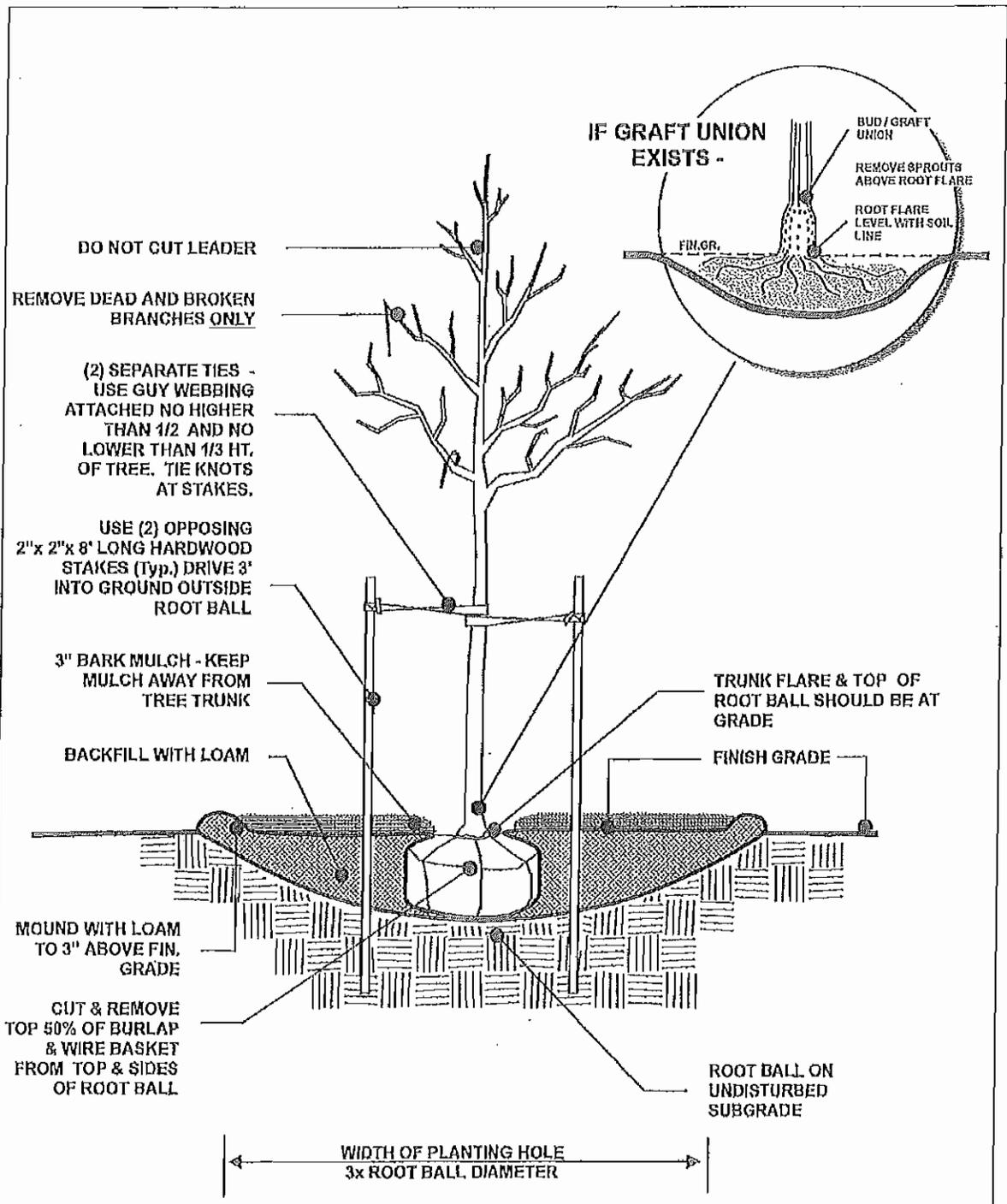
b. Type - The species selected are to be suitable for Zone 6 hardiness and shall be selected from the publication entitled "Sustainable Trees and Shrubs for Southern New England," (University of Rhode Island and University of Massachusetts Cooperative Extension Systems, 1995) and shall be selected for suitability for the location. Where multiple trees are to be planted, monoculture planting should be avoided.

c. Size - Species shall be 1 1/2 to 2 inches caliper, measured one-foot from ground level in place, and 6 feet to 8 feet of height in place.

d. Quality - Street trees shall be balled and burlapped with good root development and branching characteristics. Trees shall have a well-defined central leader. All trees shall be of licensed nursery stock. Native species should be used whenever possible. Dead and broken branches shall be removed. No more than 25% of branches shall be removed at time of planting.

e. Planting – The subdivider shall engage a Rhode Island Licensed Arborist to be on site during planting to ensure that the following standards and procedures are observed during planting:

- The top 50% of burlap and wire basket shall be removed.
- Enough soil from the top of the root ball shall be removed to expose trunk/root flare.
- Torn or ragged roots shall be pruned to make a clean termination.
- Trees shall be planted in bowl-shaped hole three (3) times the width of the root ball.
- The soil at the bottom of the hole shall be compacted to resist settling of the tree.
- Soil that is nutrient deficient shall be amended by the addition of compost prior to backfilling the hole.
- Trees shall be planted at a depth that allows full exposure of trunk/root flare.
- Trees shall be staked and guyed, using arbor tape that is not pulled taut.
- Soil from the planting hole shall be built up along the perimeter, to act as a dam to retain water.
- Trees shall be mulched with 2 (two) to 3 (three) inches of mulch, keeping mulch 3 (three) inches away from trunk.



# TREE PLANTING DETAIL - TYPICAL

TOWN OF SOUTH KINGSTOWN, R.I.

FIGURE 11



f. Screening - Where a proposed residential development abuts an existing or proposed commercial or industrial area, a dense evergreen buffer at least 10 feet in depth, shall be planted along the common boundary between the residential development and such commercial or industrial development.

g. Inspection - The Town Tree Warden shall determine the suitability of the street trees being proposed, and certify proper planting techniques and maintenance have been followed.

h. Maintenance - Street trees shall be maintained by the subdivider from the time of planting until the time of the release of the maintenance bond following acceptance of streets by the Town Council as provided in Article VII. If there is no maintenance bond required, the Planning Board may require separate guarantee provisions for maintenance of required street trees by the subdivider for a maximum period of two (2) years from the date of planting. Any trees which are not healthy at the end of the guarantee period shall be replaced at the subdivider's expense.

#### 14. Landscaping Standards

a. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character.

b. Landscaping may include plant materials such as trees, shrubs, ground covers, grass, flowers, etc. but may also include other materials such as rocks, wetlands, stone walls, paving materials, planters, signage, and street furniture. Areas which may be required to provide landscaping shall include, but are not necessarily limited to the following:

- (1) Drainage facilities, such as retention/detention basins, or drainage swales
- (2) Entrance features
- (3) Open space areas
- (4) Proposed recreation facilities
- (5) Buffer areas
- (6) Lot areas which are disturbed during the construction process or where extensive grading removes a significant amount of natural vegetation
- (7) Areas subject to regrading or stabilization for soil erosion and sediment control purposes

c. Landscape Plan - A landscape plan prepared by a registered landscape architect shall be submitted to the Planning Board when the Board determines that (a) existing landscaping is insufficient; (b) the site of the proposed subdivision has been disturbed so as to require significant new vegetation; or (c) additional landscaping is necessary to protect, preserve, or enhance significant visual characteristics of the site. If a requirement for a landscape plan is required by the Board, the applicant shall be advised of this requirement at the preliminary review stage of an administrative or minor subdivision, and at the master plan stage of a major subdivision. The plan shall identify existing and proposed trees, shrubs and ground covers; natural features such as stone walls and rock outcroppings; man-made elements such as retaining walls, fences, signs, planters, etc; proposed grading at two-foot contour intervals; lighting; specifications for loaming, fertilizing and seeding; and

other proposed landscaping elements. The plan shall indicate the location of all proposed landscaping and shall include construction details as necessary. A planting schedule shall be included to indicate proposed planting by species, size at time of planting and maintenance requirements. Where existing plantings are to be retained, the plan shall indicate proposed methods of protecting them during construction.

d. Tree Protection During Construction – A construction fence ("snow fencing") shall be erected outside of the dripline of the tree, defining the protection area free from construction equipment, materials, and foot traffic. If such traffic cannot be routed away from inside of the dripline, 10 (ten) inches of wood chips shall be placed on the ground around the tree 4 (four) inches away from the trunk, extending to the dripline; and removed upon the completion of construction. Prior to construction, the Tree Warden shall determine the best possible method(s) of tree protection for each tree to be protected during construction. The Tree Warden, or his/her appointed deputy, shall approve the installation prior to any land disturbance. If any excavation, required for building foundations or utility tunnels, encounters tree root interference, the Tree Warden, or deputy, shall be called in to make the proper pruning cuts. The grade of the soil within the dripline of the tree(s) to be saved must not be raised or lowered. If a grade change is unavoidable, the Tree Warden shall be consulted to explore the possibility of transplanting the tree(s) or replacing the tree(s) in that area. Soil and conservation materials shall not be placed within the dripline of any tree(s) to be saved.

#### 15. Monuments

Monuments (concrete boundary markers) shall be of the type furnished by the Town and paid for by the developer and placed by a Registered Land Surveyor on the street line at the beginning and end of all horizontal curves on both sides of each subdivision (public) street and shall not be more than five hundred feet apart. Monuments shall be set four inches above finished grade of the center of the street.

#### 16. Sidewalks

Sidewalks shall be required to be installed on one side of all proposed new public streets in subdivisions located in RM, R10 and R20 zoning districts, and in all Flexible Design Residential Projects or multifamily developments except for short cul-de-sac streets serving five (5) or fewer lots or dwellings. Sidewalks may be required to be installed along new streets in other areas if the Planning Board finds any of the following:

- a. The subdivision is located within an area within one mile of a public or private school; or,
- b. The subdivision is located in reasonable proximity to major public or private facilities such as churches, shopping areas, playgrounds, etc. where there is a reasonable likelihood that pedestrian traffic to/from/within the proposed subdivision would result; or,
- c. The subdivision is located within an area with high vehicular traffic volumes and where there would be a likelihood of significant danger to pedestrians.

Sidewalks may be required to be installed as off-site improvements in accordance with the provisions of Section H. of this Article.

### 17. Bicycle Paths

Bicycle paths shall be incorporated into the proposed subdivision where necessary to extend an existing bicycle path; to intersect with proposed State bicycle facilities; to connect adjacent subdivision where vehicular connections would be impractical; or where adjacent or nearby public or private school, recreation areas or other similar facilities would be likely to generate significant bicycle

### 18. Curbing at Intersection Fillet Curves

Slope faced precast concrete curbing meeting RI DOT Standard 7.21 shall be installed at all intersection fillet curves in lieu of extruded Cape Cod curbing as illustrated in Figure 3. Precast concrete wheelchair ramp curbs meeting RI DOT Standard 7.19 shall be installed where required by the Director of Public Services.

### 19. Engineering and Land Survey

Wherever it is mandated by these Regulations that certain tasks associated with subdivision plans and improvements be performed by registered professional engineers and/or registered land surveyors, all such tasks shall be performed according to existing and amended standards of the State of Rhode Island and Providence Plantations Board of Registration for Professional Engineers and Board of Registration for Land Surveyors.

## C. Lot Design Standards

### 1. Side Lot Lines

Side lot lines shall be at right angles to street lines or radial to curved street lines unless the Planning Board determines that a variation from this rule will provide a better street or lot plan.

### 2. Developable Land Area

All lots shall be designed so as to contain the minimum land area required by the Zoning Ordinance exclusive of Land Unsuitable for Development as defined in Article III.C.

### 3. Easements

Easements may be required by the Planning Board where necessary for the proper location and placement of improvements on private land as described below. The Board may, in its own discretion, require the dedication of land to the Town in lieu of easements if such dedication would provide greater control over and access to the intended use.

a. Water Courses - Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and of such width as will be adequate for the purpose.

b. Sanitary Sewers - Easements across lots or centered on rear or side lot lines shall be provided for sanitary sewers where they are required. The Planning Board may require

permanent easements of such width as recommended by the Technical Review Committee, plus temporary construction easements if necessary. The nominal width for a sewer easement shall be thirty (30) feet.

c. Drainage Easements - Easements to install and maintain underground drainage facilities on private land shall be dedicated to the Town where required. The nominal width for such a drainage easement shall be twenty (20) feet. Where above-ground drainage flows are directed over private property which does not contain natural watercourses or wetlands, or where publicly owned and maintained drainage systems outfall on private land, a drainage easement shall be dedicated to the Town over the area and at a location adequate for the intended purpose. Easements into and upon aboveground drainage facilities such as stormwater detention or retention basins shall be granted to the Town wherever stormwater from Town-owned streets or other improvements is intended to be directed to such basins.

d. Grading Easements - The Planning Board may require the dedication of an easement to the Town in order to grade or to maintain grading on private property where such grading is necessary to establish or maintain adequate drainage, sight distances, or topographic features required as a condition of subdivision approval.

e. Sight Distance Easements - Where deemed necessary by the Planning Board to establish or maintain adequate sight distances for vehicular traffic, the dedication of an easement to the Town may be required which would prohibit the erection or maintenance of any visual obstruction such as a structure, tree, shrub, wall, earthen embankment, hill or any other obstruction.

f. Bicycle or Pedestrian Access Easements - Bicycle and pedestrian access shall be provided where required on a separate strip of land dedicated to the Town or on an easement having a minimum width of 15 feet.

g. Other Easements - All other required easements shall be of sufficient width and area for the intended purpose. All utility easements shall be a minimum width of 20 feet and contain at least one concrete bound.

#### 4. Lot Configurations

The Planning Board shall have the right to prohibit or require modification to lots which are shaped or configured in such a manner as to conflict with the use of the land for the intended purpose. In particular, long, narrow strips of land shall be avoided in creating residential lots. Unusual shapes, angles, and dimensions shall be avoided in lot layout and design. The Board may, in reviewing a proposed subdivision, require modification to the proposed lot layout as it deems necessary to achieve the purposes of these Regulations.

#### D. Drainage

The drainage system may be comprised of natural and man-made elements. These include grass swales, retention and detention basins, curbs, catchbasins, culverts, and stormwater pipes. The subdivider is encouraged to incorporate natural elements into the drainage design whenever possible. These elements (i.e.

grass swales, wet basins) not only collect and transport stormwater, but also mitigate pollution, reduce sedimentation, provide visual amenities and provide potential wildlife habitat.

Where a drainage plan and drainage calculations are required by the appropriate Plat Checklist in Article XV, the plan and calculations shall be prepared by a Registered Professional Engineer. The stormwater drainage calculations, runoff rates and system design shall be based on the application of the appropriate method as follows:

The Rational Method - This method is the preferred method for small systems of 3 acres or less, where no wetlands, ponds, or other storage depressions are present, and where drainage is toward the point of analysis.

TR-55 - This is the preferred method for calculating runoff volumes, peak discharge rate, and flood storage requirements for site development between one acre and two thousand acres.

TR-20 - This is for large complex watersheds and systems beyond the scope of TR-55.

The drainage plan and drainage calculations shall contain the following information:

1. An estimate of the quantity of storm water surface run-off presently flowing from the land proposed to be subdivided, and that which would be generated by the proposed subdivision, calculated on the basis of a 25-year frequency rainfall.
2. An estimate of the quantity of storm water surface run-off entering the subdivision naturally from upstream areas within the watershed under present conditions, calculated on the basis of a 25-year frequency rainfall.
3. An analysis of the capability of existing watercourses, storm sewers, culverts and other drainage facilities within the land proposed to be subdivided to handle the run-off as calculated under 1 and 2 above, and proposals to handle such surface run-off. Design criteria for drainage improvements shall conform to the State Specifications cited above as modified by the Town of South Kingstown. Culvert and storm sewers shall be designed for a 25-year frequency rainfall, with a minimum pipe size of 15 inches, and a minimum pipe gradient of 1 percent.
4. Proposals for disposal of surface run-off, downstream from the subdivision without damage to land and improvements and to the receiving water body.
5. The drainage plan shall further indicate how the following specific requirements will be met:
  - a) That each lot will be adequately drained;
  - b) That natural drainage patterns will be maintained whenever possible;
  - c) That all existing watercourses will be left open, unless approval to enclose is granted by the Planning Board;

- d) That all new open watercourses will be seeded, sodded or paved, depending on grades and soil types;
- e) That a continuous drainage system will be installed and connected to a natural or manmade water course or to an existing piped storm drainage system. The ultimate destination of such continuous drainage shall be a permanent natural body of water or wetland. Where the Planning Board determines that such ultimate destination is impractical, the Board shall require the construction of a retention area capable of accommodating proposed storm-water volumes based on a 100-year frequency rainfall;
- f) Where any part of the drainage system is proposed for location outside the public street right-of-way, provisions for future maintenance approved by the Planning Board will be provided;
- g) That all necessary easements to off-street watercourses will be obtained by the subdivider; and,
- h) Where volume velocity of the surface run-off is high, the flow thereof shall be controlled by rip-rap, sediment basins, flow spreaders, or other applicable devices and/or techniques recommended in the Rhode Island Soil Erosion and Sediment Control Handbook.

6. The proposed drainage system shall be designed to accommodate stormwater such that post construction conditions do not result in peak run-off increases in rate or volume from pre-construction conditions.

7. The plan should include an assessment of structural integrity to withstand discharge from a 2 to 200 year storm.

8. If stormwater detention or retention basins are proposed, the drainage plan shall include evidence that the size and/or number of said basin(s) has been limited so as to avoid creation of a single large, deep basin. Alternate designs and/or other stormwater management techniques shall be investigated in the drainage plan to determine if such large basins can be avoided by creation of grassy swales and a series of smaller basins in lieu of a single large basin. In no case shall the depth of a basin exceed 6 feet, with side slopes not to exceed 20 percent (5:1). The Planning Board shall require such basins to be designed and landscaped so as to achieve a natural appearance which is aesthetically pleasing and compatible with the natural environment.

9. Where construction of stormwater detention or retention areas is required, the drainage plan shall indicate the amounts of cut and fill being proposed to the existing topography. The Board shall require the subdivider to demonstrate that the minimum practicable disturbance to the natural or existing grade of the site is being proposed. The Board shall require that the minimum amount of soil, topsoil, sand, gravel or other earth material will be removed from the subdivision parcel while still achieving the objectives of the drainage design.

## **E. Utilities**

1. Sanitary Sewers - Sanitary sewers shall be required in all subdivisions and land development projects where such sewer service is required in accordance with the procedures and standards set forth in Chapter 19 of the South Kingstown Code of Ordinances entitled Utilities.
2. Water Lines - When a public water system is available, water lines shall be installed and water stops shall be provided for each lot in accordance with the Rules and Regulations of the appropriate water utility company. Water lines shall be generally located on the southerly or westerly side of the street wherever possible or as required by the Planning Board.
3. Gas Lines - Natural gas lines may be installed in any subdivision or land development project at the discretion of the subdivider. If proposed, gas lines shall be located on the northerly or easterly side of the street wherever possible or as required by the Planning Board.
4. Communication Lines (Electric, Telephone, and Cable TV) - All electric, communication (telephone, fire alarm and cable TV) and street lighting lines shall be installed underground. In cases where underground installation is not feasible due to physical conditions of the site or other limitation, an alternative location for these utility lines shall be approved by the Planning Board, if prior approval thereof has been obtained by the utility company involved.

Communication lines are not required to be placed underground for (1) residential compounds; or (2) for minor subdivisions where no street creation is required. For minor subdivisions where a private street is required and the Town will not be requested to accept the street for ownership and maintenance, the Board may require communication lines to be placed underground. In making this determination, the Board shall consider the extent of existing vegetation and tree cover, the existing topography and natural features, the character of the surrounding area, and the degree to which placement of communication lines underground will promote high quality and appropriate design of the subdivision.

5. Fire Alarm - Provision for connection to the fire alarm system of the Town of South Kingstown shall be required for all land development projects and subdivisions having streets proposed for dedication to the Town for ownership and maintenance. Fire alarm systems in subdivisions proposing privately owned streets may be installed at the discretion of the subdivider. Standards for fire alarm systems shall meet the minimum requirements of the International Municipal Signal Association. Fire alarm boxes shall be located within the street right-of-way at a maximum separation of 1,000 feet between boxes or as directed by the Communications Department of the Town.
6. Fire Hydrants - Fire hydrants shall be installed in all subdivisions where public water supply systems are installed. Hydrant type, location, and spacing shall meet the minimum requirements of the National Fire Protection Assn. or as directed by the appropriate Fire District.

## **F. Erosion and Sediment Control**

All major land developments and major subdivisions shall submit a soil erosion and sediment control

plan as required herein. Minor land developments, minor subdivisions and administrative subdivisions shall not be required to submit such plans if the land disturbing activity involved in construction of subdivision improvements meets all of the following criteria:

- a. Construction activity will not take place within 100 feet of any wetland or coastal feature;
- b. Slopes at the site of land disturbance do not exceed ten percent (10%);
- c. The total area of such activity does not exceed ten thousand (10,000) square feet;
- d. Proposed grading does not exceed two (2) feet of cut or fill at any point;
- e. The grading does not involve a quantity of fill greater than sixty (60) cubic yards; except where fill is excavated from another portion of the subdivision parcel and the quantity of fill does not exceed one hundred eighty-five (185) cubic yards.
- f. Has all disturbed surface areas promptly and effectively protected to prevent soil erosion and sedimentation.

#### 1. Plan preparation

The erosion and sediment control plan shall be prepared by a registered engineer, a registered landscape architect, a soil and water conservation society certified erosion and sediment control specialist, or a Certified Professional Soil Scientist.

#### 2. Plan contents

The erosion and sediment control plan shall include sufficient information about the proposed activities and land parcel(s) to form a clear basis for discussion and review and to assure compliance with all applicable requirements of these Regulations. The plan shall be consistent with the data collection, data analysis, and plan preparation guidelines in the current "Rhode Island Soil Erosion and Sediment Control Handbook," prepared by the U.S. Department of Agriculture, Soil Conservation Service, R.I. Department of Environmental Management, R.I. Conservation Committee, and at a minimum, shall contain:

- a. A narrative describing the proposed land disturbing activity and the soil erosion and sediment control measures and stormwater management measures to be installed to control erosion that could result from the proposed activity. Supporting documentation, such as a drainage area, existing site conditions, and soil maps shall be provided as required by the Planning Board.
- b. Construction drawings illustrating in detail all land disturbing activity including existing and proposed contours, cuts and fills, drainage features, and vegetation; limits of clearing and grading, the location of soil erosion and sediment control and stormwater management measures, detail drawings of control measures; stock piles and borrow areas; sequence and staging of land disturbing activities; and other information needed for construction.

c. Other information or construction plans and details as deemed necessary by the Planning Board for thorough review of the plan prior to action being taken as prescribed in these Regulations.

### 3. Performance Principles

The contents of the erosion and sediment control plan shall clearly demonstrate how the principles, outlined below, have been met in the design and are to be accomplished by the proposed development project.

a. The site selected shall show due regard for natural drainage characteristics and topography.

b. To the extent possible, steep slopes shall be avoided.

c. The grade of slopes created shall be minimized.

d. Post development runoff rates should not exceed pre development rates, consistent with other stormwater requirements which may be in effect. Any increase in storm runoff shall be retained and recharged as close as feasible to its place of origin by means of detention ponds or basins, seepage areas, subsurface drains, porous paving, or similar techniques.

e. Original boundaries, alignment, and slope of watercourses within the project locus shall be preserved to the greatest extent feasible.

f. In general, drainage shall be directed away from structures intended for human occupancy, municipal or utility use, or similar structures.

g. All drainage provisions shall be of such a design and capacity so as to adequately handle storm water runoff, including runoff from tributary upstream areas which may be outside the locus of the project.

h. Drainage facilities shall be installed as early as feasible prior to any additional site clearance or disturbance.

i. Fill located adjacent to watercourses shall be suitably protected from erosion by means of rip-rap, gabions, retaining walls, vegetative stabilization, or similar measures.

j. Temporary vegetation and/or mulch shall be used to protect bare areas and stockpiles from erosion during construction; the smallest areas feasible shall be exposed at any one time; disturbed areas shall be protected during the nongrowing months, November through March.

k. Permanent vegetation shall be placed immediately following fine grading.

l. Trees and other existing vegetation shall be retained whenever feasible; the area within the dripline shall be fenced or roped off to protect trees from construction equipment.

m. All areas damaged during construction shall be resodded, reseeded, or otherwise restored. Monitoring and maintenance schedules, where required, shall be predetermined.

#### 4. Maintenance of Measures

Maintenance of all erosion-sediment control devices under this ordinance shall be the responsibility of the subdivider. The erosion-sediment control devices shall be maintained in good condition and working order on a continuing basis. Watercourses originating and located completely on private property shall be the responsibility of the subdivider to their point of open discharge at the property line or at a communal water-course within the property. If proper maintenance procedures are not followed, the Planning Board may authorize the Administrative Officer to take the steps necessary to ensure proper maintenance by using improvement guarantee funds as provided in Article VII.

#### 5. Periodic Inspections

The Director of Public Services may require inspections at such intervals as he/she may deem necessary to assure proper compliance with the approved Erosion and Sediment Control Plan. Copies of all inspection reports shall be made available to the subdivider upon request.

### G. Site Design

1. Purpose - The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to the community. To promote this purpose, land development projects and subdivisions shall conform to the following standards which are designed to result in a well-planned community without adding unnecessarily to development costs.

2. Site Analysis - An analysis of the subdivision site and nearby areas shall be required by the Planning Board for all major subdivisions. The scope and content of the site analysis shall be discussed during the pre-application meeting and shall be presented by the subdivider during the Conceptual Master Plan stage of review. Such an analysis may be required by the Planning Board for minor subdivisions if the Board finds that the proposed development may have a negative impact on the existing natural and built environment or would be inappropriate for the character of the surrounding neighborhood.

Such a site analysis shall include written and/or graphic analysis of the following characteristics of the development site: site context; geology and soil; agricultural lands; wetlands; coastal features; topography; climate; ecology; existing vegetation, structures, and road networks; visual features; past and present use of the site; and a preliminary assessment describing the potential effects of the proposed project on the natural resources of the site.

#### 3. Subdivision and Site Design

a. Design of the development shall take into consideration all existing Town and regional plans for the surrounding community.

b. Development of the site shall be based on the characteristics of the site and upon the site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features, historic and cultural resources, and areas of scenic value which contribute to the character of the town.

c. The following specific areas shall be preserved as undeveloped open space or lot area, to the extent consistent with the reasonable utilization of land, and in accordance with applicable state or Town regulations:

- 1) Unique and/or fragile areas, including freshwater wetlands and coastal features;
- 2) Significant trees or stands of trees, or other vegetative species that are rare to the area or are of particular horticultural or landscape value;
- 3) Lands in the flood plain, as defined in Article II;
- 4) Steep slopes in excess of 20 percent as measured over a 10-foot interval unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken;
- 5) Habitats of endangered wildlife, as identified on applicable federal or /state lists;
- 6) Historically significant structures and sites, as listed on federal or state lists of historic places; and,
- 7) Agricultural lands

d. The development shall be laid out to avoid adversely affecting ground water and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, traffic, drainage, and utilities on neighboring properties.

e. The development shall be designed to minimize the amount of regrading and earth removal to the site and to preserve the existing natural terrain to the maximum practical extent.

#### 4. Residential Development Design

a. The Planning Board may vary street locations, lot shapes and dimensions, yards, and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that the lots' areas and dimensions, yards, and setbacks within the subdivision conform to the minimum requirements of the zoning ordinance, and provided that such standards shall be appropriate to the type of development permitted.

- b. Residential lots shall front on local streets wherever possible.
- c. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.
- d. The placement of dwelling units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and scenic values.
- e. Lots shall be designed so that proposed buildings have adequate privacy from adjacent streets.
- f. Vegetated buffer areas shall be required where necessary to avoid adverse impacts to and/or from adjacent uses. The Planning Board may require the planting of vegetated buffers and/or the preservation of existing vegetation along perimeter property lines of the subdivision parcel in order to mitigate such adverse impacts. The Board may also require easements along property lines wherever necessary to preserve existing or proposed vegetation. If required, said easements shall be enforceable by the Town.
- g. Lot lines shall follow stone walls wherever possible.

#### 5. Commercial and Industrial Development Design

Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable; factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings; sufficient access shall be provided; and adverse impacts buffered.

#### 6. Circulation System Design

- a. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- b. In residential subdivision, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.
- c. The pedestrian system shall be located as required for safety. In conventional developments, walks shall be placed parallel to the street, as shown in the typical street cross-sections in Article XIII, with exceptions permitted to preserve natural features or to provide visual interest. In Flexible Design Residential Projects and Land Development Projects, walks may be placed away from the road system with permission of the Planning Board.

## 7. Landscape Design

- a. Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required shall be allowed to vary with type of development.
- b. The plant or other landscaping material that best serves the intended function shall be selected. Landscaping materials shall be appropriate for the local environment, soil conditions, and availability of water. The use of grasses that require minimal watering and fertilization is encouraged, particularly in areas that are ecologically sensitive.

## 8. Existing Resources and Site Analysis Map

*All subdivisions and Land Development Projects, whether or not proposed to be developed as a Flexible Design Residential Project, shall be required to prepare an Existing Resources and Site Analysis Map. Provided, however that administrative subdivisions and subdivisions that create lots which are not for the purpose of present or future development shall not be required to provide such Map. The purpose of this Map is to provide the Planning Board with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.*

The Planning Board shall review the Map to assess its accuracy, conformance with municipal ordinances, and likely impact upon the natural and cultural resources on the property. Unless otherwise specified by the Planning Board, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36"). The following information shall be included in this Map:

- a. An aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
- b. Topography, the contour lines of which shall generally be at two-foot intervals, determined by photogrammetry (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Administrative Officer, who may require greater or lesser intervals on exceptionally steep or flat sites. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated.

Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

c. The location and delineation of ponds, streams, ditches, drains, vernal pools and natural drainage swales, 100-year floodplains and wetlands, as defined in the Zoning Ordinance. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.

d. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland. Trees with a caliper in excess of fifteen inches, if located within an area proposed for disturbance or alteration shall also be indicated. Vegetative types shall be described by plant community, relative age and condition.

e. Soil series, types and map units, as mapped by the U.S. Department of Agriculture, Soil Conservation Service in the latest published soil survey for the State, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).

f. Ridge lines of existing hills and watershed boundaries shall be identified.

g. A viewshed analysis showing the location and extent of views both from and within the proposed development parcel as well as views into the property from adjacent public or private streets and properties.

h. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, coastal features, etc. based on available published information or more detailed data obtained by the applicant.

i. All existing man-made features including but not limited to streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, and storm and sanitary sewers.

j. Location of all historically significant sites or structures on the tract, including but not limited to cemeteries, stone walls, and known archaeological resources.

k. Location of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

I. Location of all easements and other encumbrances of property which are or have been filed of record with the Land Evidence Records of the Town.

#### H. Off-Site Improvements

1. Purpose - This section is intended to ensure that subdividers provide off-site infrastructure improvements in order to mitigate the impacts which are directly or indirectly attributable to new development. Such improvements may be required by the Planning Board if the Board finds that there is a reasonable relationship between the requested improvement and the proposed new development. Off-site improvements may include, but are not limited to improvements to the following:

- |                         |                     |
|-------------------------|---------------------|
| a. sanitary sewers      | d. sidewalks        |
| b. water supply systems | e. bicycle paths    |
| c. roadways             | f. drainage systems |

2. Definition and Principles - As a condition of final approval, the Planning Board may require a subdivider to construct reasonable and necessary improvements located off of the proposed land being subdivided. "Necessary" improvements are those clearly and substantially related to the subdivision or land development being proposed. The Planning Board shall provide in its resolution of final approval the basis for requiring such off-site improvements. In its resolution, the Board must find that a significant negative impact on existing conditions will result if the off-site improvements are not made, and are clearly documented in the public record. The mitigation required as a condition of approval must be related to the significance of the identified impact. All required off-site improvements must reflect the character defined for that neighborhood or district by the Comprehensive Community Plan.

#### I. Areas of Special Flood Hazard

The Planning Board shall examine each proposed subdivision to ensure that:

- a. If any part of the proposed subdivision is located within an area of special flood hazard as identified in Article II, it is consistent with the need to minimize flood damage.
- b. It provides for adequate protection against flood damage with respect to materials, design, and methods of construction.
- c. All public utilities and facilities such as sewers, gas, electrical and water systems are elevated and constructed to minimize or eliminate damage from flooding.
- d. Adequate drainage is provided so as to reduce exposure to flood hazards.

#### J. General Construction Procedures

The following procedures shall be followed by the subdivider and by contractors under the direction of the subdivider in the construction of any subdivision or related improvement:

1. Pre-construction meeting - A pre-construction meeting shall be held with the Director of Public Services at least seven (7) days prior to the start of any subdivision improvements. The subdivider (or his duly authorized representative) and the on-site project manager shall attend this meeting.
2. Notification - No step in the construction of required improvements shall commence until the Director of Public Services has been notified at least twenty-four (24) hours in advance of the phases of construction listed in 3, below.
3. Inspection of Improvements - Inspection and approval by the Director of Public Services shall be required for the following phases of subdivision improvements:
  - a. During and following installation of all underground drainage structures, systems and utilities prior to backfilling;
  - b. During and following the preparations of the road sub-grade and shoulders;
  - c. During and following the spreading and compaction of the sub-base course;
  - d. During and following the spreading and compaction of the base course prior to the application of the asphalt binder course;
  - e. Immediately prior to and during the application and compaction of the asphalt surface course on the roadway and, if required, sidewalks; and,
  - f. Following completion of all improvements and installation of bounds.
  - g. At periodic intervals as required to ensure compliance with the approved Erosion and Sediment Control Plan.

The Director of Public Services may require inspection at such other intervals as he may deem necessary to assure proper construction of improvements.

4. Request for Inspection - Whenever an inspection is required the developer shall request the Director of Public Services to make such inspection. The Director of Public Services or his representative shall within 48 hours exclusive of Saturday, Sunday and holidays, make such inspection and give to the developer written approval or disapproval of the improvements inspected by him. No subsequent step or phase shall commence until an inspection has been made and approval granted.

5. As-Built Drawings - Upon completion of construction of all required improvements for streets (public, private, and residential compound), and before the performance bond is released and the maintenance bond is accepted, the subdivider shall furnish two sets of transparent mylar as-built drawings of required improvements to the Administrative Officer. The drawings shall accurately show all features listed below as designed on approved subdivision plans and as actually built and constructed in the field so that all features can be located by public and private agencies:

- a. Department of Public Services

- (1) Accurate horizontal and vertical locations of:
  - (a) All roads, walks, and utilities within the street right-of way
  - (b) All catch basins, retention and/or detention basins, manholes, and pipeline shutoff valves
  - (c) All overhead utility poles, or underground power, telephone, cable TV, and fire alarm cables and boxes
  - (d) All street lines (3 level profile) and spot driveway elevations at street right-of-way lines and at street center lines opposite driveways
  
- (2) Accurate monumentation
  - (a) All horizontal changes in direction on both sides of subdivision streets
  - (b) P.K.'s installed in finished centerline of road at all changes in direction
  - (c) Concrete monuments (must be installed 4 inches above finished centerline of road; purchased from the Town of South Kingstown)
  
- (3) Plans
  - (a) Plans must be drawn to scale as required for final subdivision plans, including title, revision date, and reference notes
  - (b) Plans must contain Professional Land Surveyor's certification that all horizontal and vertical locations are accurate
  - (c) Plans must contain Professional Engineer's certification that all systems including roads and utilities will function as designed and constructed

b. Town of South Kingstown Utilities Department

Where utilities are proposed for ownership and maintenance by the Town, or where privately-owned collection/distribution systems are proposed for connection to the Town system, the location of water and/or wastewater facilities shall be shown on the plans in a manner conforming to the latest Municipal Water/Wastewater As-Built Drawing Checklist provided by the South Kingstown Utilities Department.

6. Inspection Fees - Inspection fees shall be paid in the amount established in Article XI, and shall be paid in full before construction begins of any improvements requiring inspection.

**K. Incentives for Waiver or Modification**

The Planning Board may grant waivers or modifications from the Design and Public Improvement Standards set forth in this Article in cases where the subdivider voluntarily agrees to substantially reduce the maximum residential density of the proposed subdivision as permitted by zoning. Such incentives shall be limited to major subdivisions or land development projects.

## ARTICLE XIV - CONSTRUCTION METHODS AND SPECIFICATIONS

### A. Specifications

Construction of streets shall be in accordance with the Typical Cross Section of a street contained herein and the "Standard Specifications for Road and Bridge Construction" current edition, as amended) published by the State of Rhode Island; Department of Public Services, Division of Roads and Bridges unless otherwise noted. Drainage systems shall be constructed in accordance with the "Standard Specification for Miscellaneous Drainage Systems" as adopted by the Town of South Kingstown. Sidewalks shall be constructed in accordance with the "Specifications for the Installation of Concrete Sidewalks and Curbs for the Town of South Kingstown" as adopted by the Town of South Kingstown.

The above technical manuals are adopted as an appendix to these Regulations. A copy of each is available from the Administrative Officer.

### B. Soil Erosion and Sediment Control

All soil erosion and sediment control measures required by these Regulations shall be constructed in accordance with the standards and procedures set forth in the Rhode Island Soil Erosion and Sediment Control Handbook, prepared by the U. S. Department of Agriculture Soil Conservation Service, the RI Department of Environmental Management and the RI State Conservation Committee, 1989, and any amendments thereto. Said Handbook is adopted as an Appendix to these Regulations and is available for review from the Administrative Officer.

ARTICLE XV

# CHECKLISTS

## CHECKLIST - ADMINISTRATIVE SUBDIVISION

The applicant shall submit to the Administrative Officer at least **two (2)**\* blue line or photocopies of the proposed plat. The scale shall be sufficient to show all of the information required and shall be subject to the approval of the Administrative Officer. At a minimum, the following information shall be provided:

1. \_\_\_\_ Name and address of the property owner and applicant
2. \_\_\_\_ Date of plan preparation, with revision date(s) (if any)
3. \_\_\_\_ Graphic scale and true north arrow
4. \_\_\_\_ Plat and lot numbers of the parcel being re-subdivided
5. \_\_\_\_ Zoning district(s) of the parcel being re-subdivided. If more than one district, zoning boundary lines must be shown
6. \_\_\_\_ Existing property lines, easements and rights of way
7. \_\_\_\_ Proposed property lines, drawn so as to distinguish them from existing property lines
8. \_\_\_\_ Existing and proposed area(s) of the parcel(s) being re-subdivided
9. \_\_\_\_ Approximate location of wooded areas, wetlands and coastal features (if any)
10. \_\_\_\_ Location and size of existing buildings, structures, utilities and improvements
11. \_\_\_\_ Location, width and names of existing public and private streets within or immediately adjacent to the parcel being re-subdivided
12. \_\_\_\_ Certification (stamp) of a Registered Land Surveyor that the plan is correct
13. \_\_\_\_ Filing fee (\$100 - Not required for original property surveys)
14. \_\_\_\_ The owner's signature of all existing lots involved in the subdivision shall appear on the mylar plat prior to endorsement by the Administrative Officer.

**REVISED DEEDS NEEDED FOR RECORDING**

\* Administrative note

## CHECKLIST FOR PREAPPLICATION MEETINGS AND CONCEPT REVIEW

The applicant shall submit to the Administrative Officer at least **six (6)**\* blue line or photocopies of conceptual plans. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the Administrative Officer. At a minimum, the following information shall be provided:

1. Concept Plans - A map or plan of the subdivision parcel showing the following information:
  1. \_\_\_ Name of the proposed subdivision
  2. \_\_\_ Name and address of property owner and applicant
  3. \_\_\_ Date of plan preparation, with revision date(s) (if any)
  4. \_\_\_ Graphic scale and true north arrow
  5. \_\_\_ Plat and lot number(s) of the land being subdivided
  6. \_\_\_ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown
  7. \_\_\_ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
  8. \_\_\_ Area of the subdivision parcel and proposed number of buildable lots, dwellings or other proposed improvements
  9. \_\_\_ Location and dimensions of existing property lines within or adjacent to the subdivision parcel, easements and rights-of-way
  10. \_\_\_ Location, width and names of existing streets within and immediately adjacent to the subdivision parcel
  11. \_\_\_ Names of abutting property owners and property owners immediately across any adjacent streets
  12. \_\_\_ Location of wooded areas, notation of existing ground cover, and approximate location(s) of stone walls
  13. \_\_\_ Location of wetlands, watercourses or coastal features within and immediately adjacent to the subdivision parcel
  14. \_\_\_ Areas of agricultural use (if applicable)
  15. \_\_\_ Approximate topography with minimum contour intervals of 5 feet

16. \_\_\_ Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision
17. \_\_\_ Proposals, if any, for connection with existing water supply and sanitary sewer systems or a notation that wells and ISDS are proposed
18. \_\_\_ Provisions for collecting and discharging stormwater
19. \_\_\_ Location of historic cemeteries within or immediately adjacent to the subdivision (if any)
20. \_\_\_ Proposed improvements including streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines.
21. \_\_\_ Notation on plan if the subdivision parcel(s) are located within any of the following areas:
  - \_\_\_ Natural Heritage Areas (RIDEM)
  - \_\_\_ Narrow River Special Area Management Plan (CRMC)
  - \_\_\_ Salt Ponds Special Area Management Plan (CRMC)
  - \_\_\_ Groundwater Protection Overlay District (Town)
22. \_\_\_ Alternate conceptual designs for land development (if applicable) showing approximate areas of alteration and identification of land areas and natural features to be preserved

2. Supporting Materials - The applicant shall submit to the Administrative Officer ten (10) copies of a narrative report providing a general description of the existing physical environment and existing use(s) of the property along with a general description of the uses and type of development proposed by the applicant. The narrative report shall include reduced copies of all plans required in No. 1 above plus the following:

1. \_\_\_ An aerial photograph or a blue line copy of an existing aerial photograph of the proposed subdivision parcel and surrounding area
2. \_\_\_ A copy of the soils map of the subject parcel with a general analysis of soil types and suitability for proposed development, including information on approximate water table elevations and flood potential
3. \_\_\_ An estimate of the approximate population of the proposed subdivision
4. \_\_\_ An estimate of the number of school-aged children to be housed in the proposed subdivision
5. \_\_\_ Vicinity map to show the area within one-half mile of the proposed subdivision parcel(s). All streets, schools, parks, public facilities and zoning district boundaries shall be shown. Major watercourses, wetlands and other hydrological features including watershed boundaries shall be shown
6. \_\_\_ Filing Fee - \$100

7. \_\_\_\_ Existing Resources and Site Analysis Map (for Flexible Design Residential Projects)

3. Supplementary Checklist for Special Management Districts - In addition to all applicable items required on the above checklist, an applicant for approval of development within the Route 1 Special Management District shall submit to the Administrative Officer copies of the information listed below. Information shall be conceptual in nature and provided in the form of plans, drawings or explanatory text in sufficient detail to indicate conformity with applicable provisions of zoning and the Comprehensive Plan. The Administrative Officer shall determine the actual number of copies of each document to be provided, up to a maximum of twenty (20) copies.

1. \_\_\_\_ Location and nature of proposed buildings, including schematic illustrations of proposed exterior appearance
2. \_\_\_\_ Proposed use and treatment of open space
3. \_\_\_\_ Schematic signage plan
4. \_\_\_\_ Filing Fee - \$500

\* Administrative note

**PRELIMINARY PLAT CHECKLIST  
MINOR LAND DEVELOPMENTS AND MINOR SUBDIVISIONS**

1. Preliminary Plat Map(s)

The applicant shall submit to the Administrative Officer at least **six (6)**\* copies of the preliminary site plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

1. \_\_\_ Name of the proposed subdivision
2. \_\_\_ Name and address of property owner and applicant
3. \_\_\_ Name, address and telephone number of engineer or land surveyor
4. \_\_\_ Date of plan preparation, with revision date(s) (if any)
5. \_\_\_ Graphic scale and true north arrow
6. \_\_\_ Plat and lot number(s) of the land being subdivided
7. \_\_\_ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown
8. \_\_\_ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
9. \_\_\_ Area of the subdivision parcel(s) and proposed number of buildable lots
10. \_\_\_ Location and dimensions of existing property lines within or forming the perimeter of the subdivision parcel(s)
11. \_\_\_ Easements and rights-of-way within or adjacent to the subdivision parcel(s)
12. \_\_\_ Location, width and names of existing streets within and immediately adjacent to the subdivision parcel
13. \_\_\_ Names of abutting property owners and property owners immediately across any adjacent streets
14. \_\_\_ Location of wooded areas and notation of existing ground cover
15. \_\_\_ Location of wetlands, watercourses or coastal features within or within 200 feet of the perimeter of the subdivision parcel
16. \_\_\_ Areas of agricultural use

17. \_\_\_ Existing contours at intervals of five feet
18. \_\_\_ Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision
19. \_\_\_ Location and dimension of all existing utilities within and immediately adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or other above or underground utilities
20. \_\_\_ Location of historic cemeteries on or immediately adjacent to the subdivision parcel(s) (if any)
21. \_\_\_ Location of any unique natural and/or historic features, including stone walls
22. \_\_\_ Notation on plan if the subdivision parcel(s) are located within any of the following areas:
  - \_\_\_ Natural Heritage Areas (RIDEM)
  - \_\_\_ Narrow River Special Area Management Plan (CRMC)
  - \_\_\_ Salt Ponds Special Area Management Plan (CRMC)
  - \_\_\_ Groundwater Protection Overlay District (Town)
23. \_\_\_ Proposed streets, lots, lot lines, with approximate lot areas and dimensions. Proposed lot lines shall be drawn so as to distinguish them from existing property lines
24. \_\_\_ Grading plan in sufficient detail to show proposed contours for all grading proposed for on and off-site street construction, drainage facilities and grading upon individual lots if part of proposed subdivision improvements (if applicable)
25. \_\_\_ Proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer, if required by the Technical Review Committee
26. \_\_\_ Proposed utilities plan, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, or other proposed above or underground utilities, as applicable
27. \_\_\_ Location, dimension and area of any land proposed to be set aside as open space
28. \_\_\_ Up to twenty-five (25) copies of the proposed subdivision plan reduced to no larger than 11" x 17" (actual number of copies to be determined by the Administrative Officer)
29. \_\_\_ Base flood elevation data
30. \_\_\_ Certification by a Registered Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements of these Regulations
31. \_\_\_ Proposed construction access road(s) or route(s)

## 2. Supporting Materials

1.  Filing Fee: - \$200 + \$20 per unit
2.  A vicinity map, drawn to a scale of 1"=400' or as necessary to show the area within one-half mile of the subdivision parcel showing the locations of all streets, existing lot lines, and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labeling the specific use
3.  Soils map of the area. If any prime agricultural soils are within the subdivision parcel(s) the soils map shall be marked to show location of said prime agricultural soils
4.  Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service (if proposed)  
  
Water Company or District \_\_\_\_\_  
Date of Letter \_\_\_\_\_
5.  Written confirmation that the Department of Public Services has reviewed plans for proposed sewer service, and indicating whether sewer service is (is not) available and will (will not) be required.
6.  If Individual Sewage Disposal Systems are proposed, confirmation from the State Department of Environmental Management that the soils are adequate for the use of ISDS. Either of the following:  
  
 Preliminary Subdivision Suitability Report No. \_\_\_\_\_  
(3-5 lots)  
  
 Water table verification No. \_\_\_\_\_  
(2 lots)
7.  Written comments from the Technical Review Committee (*provided by the Administrative Officer*)
8.  The names and addresses of all property owners, agencies or communities requiring notification as required by these Regulations (*required only if a street extension or creation is involved*)  
  
 Notification Required       Notification Not Required
9.  Copies of return receipts for certified mail notices (*if required in No. 8, above*)
10.  Either of the following:  
  
 A letter to the Planning Board the subdivider's intent to complete the required improvements prior to endorsement and recording; or,  
 A letter to the Planning Board requesting that security sufficient to cover the cost of required improvements be established by the Board
11.  Owner Authorization Form (See attached)

12.\_\_\_\_ Subdivision Notification Form (See attached)

\*Administrative note

**FINAL PLAT CHECKLIST  
MINOR LAND DEVELOPMENTS AND MINOR SUBDIVISIONS**

The applicant shall submit to the Administrative Officer two (2) paper\* copies of final site plans and supporting materials as indicated below:

1. Plat Plans to be Recorded - One copy of the final plat plan drawn on mylar to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. In addition, five (5) blue line or photocopies shall also be submitted. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The following information shall be shown on the plans:

- 1.\_\_\_\_ Name of the proposed subdivision
- 2.\_\_\_\_ Notation that the subdivision is located in the Town of South Kingstown, RI
- 3.\_\_\_\_ Name and address of property owner and applicant
- 4.\_\_\_\_ Name, address and telephone number of engineer or land surveyor
- 5.\_\_\_\_ Date of plan preparation, with revision date(s) (if any)
- 6.\_\_\_\_ Graphic scale and true north arrow
- 7.\_\_\_\_ Plat and lot number(s) of the parcel being subdivided
- 8.\_\_\_\_ Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown
- 9.\_\_\_\_ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
- 10.\_\_\_\_ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided
- 11.\_\_\_\_ Location, width and names of proposed and existing streets within and immediately adjacent to the parcel being subdivided. The plan legend shall specifically note the street(s) or road(s) upon which the subject property abuts.
- 12.\_\_\_\_ Names of abutting property owners and property owners immediately across any adjacent streets
- 13.\_\_\_\_ Location of proposed permanent bounds
- 14.\_\_\_\_ Location of all interior lot lines and street lines with accurate dimensions indicated
- 15.\_\_\_\_ Location and number of all proposed lots, with accurate areas indicated
- 16.\_\_\_\_ Location and notation of type of proposed easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated

17. \_\_\_ Notation of special conditions of approval imposed by the Planning Board (if any)
18. \_\_\_ Notation of any permits and agreements with state and federal reviewing agencies (if any)
19. \_\_\_ Certification by a Registered Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to Procedural and Technical Standards For the Practice of Land Surveying In the State of Rhode Island and Providence Plantations as Prepared by the Rhode Island Society of Professional Land Surveyors, Inc., May 1992, as amended

2. Construction Drawings - Five blue line or photocopies of construction plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

1. \_\_\_ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the Planning Board as a condition of approval.
2. \_\_\_ Certification (stamp) of a Registered Professional Engineer that the construction drawings are correct
3. \_\_\_ Proposed street plan and profiles drawn at a scale of 1"= 40' horizontal and 1"= 4' vertical if required by the Planning Board
4. \_\_\_ Street cross-sections, if required by the Planning Board
5. \_\_\_ Proposed landscaping plan, if required by the Planning Board
6. \_\_\_ Soil erosion and sediment control plan (if required)
7. \_\_\_ Proposed construction road(s) or route(s)
8. \_\_\_ Location of proposed underground utilities, if required by the Planning Board

### 3. Supporting Materials

1. \_\_\_ Filing Fee - \$100 + \$20 per unit
2. \_\_\_ Two original signed copies of all legal documents describing the property, including proposed easements and rights-of-way, dedications, restrictions, or other required legal documents.  
Specify: \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_ Written confirmation from the RI Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed subdivision, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.

4. \_\_\_ In lieu of item 3 above, an affidavit signed by a qualified professional (a wetlands biologist, a Registered Professional Engineer or a Registered Landscape Architect) stating that there are no freshwater wetlands present on or within 200 feet of the property being subdivided.
5. \_\_\_ Written approval of the proposed subdivision, including any required off-site construction, from the RI Coastal Resources Management Council in the form of an Assent as provided in the Rhode Island Coastal Resources Management Program, or any applicable Special Area Management (SAM) Plans, or any subsequent amendments thereto.
6. \_\_\_ In lieu of item 5 above, an affidavit signed by a qualified professional or a letter from the Coastal Resources Management Council indicating that the provisions of the Coastal Resources Management Program do not apply.
7. \_\_\_ A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or other right-of-way (if necessary).

4. Payment of Required Fees - Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the Planning Board and recording of final plans:

1. \_\_\_ Final plat recording fee - Amount \_\_\_\_\_
2. \_\_\_ Performance bond or other financial guarantees  
     Initial amount \_\_\_\_\_  
     Date set by Planning Board \_\_\_\_\_
3. \_\_\_ Fees in-lieu-of land dedication - Amount \_\_\_\_\_
4. \_\_\_ Inspection fee - Amount \_\_\_\_\_
5. \_\_\_ Maintenance bond for acceptance of public improvements (if applicable)  
     Amount \_\_\_\_\_  
     Date of Council Acceptance \_\_\_\_\_  
     Description \_\_\_\_\_  
     Date of Expiration of Maintenance Bond \_\_\_\_\_

\*Administrative note

**CONCEPTUAL MASTER PLAN CHECKLIST**  
**MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISION**

The applicant shall submit to the Administrative Officer at least **six (6)**\* blue line or photocopies of master plan maps required below. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the Administrative Officer. Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors.

At a minimum, the following information shall be provided:

1. Conceptual Master Plan Drawing(s) - A map or plan of the subdivision parcel showing the following information:

1. \_\_\_ Name of the proposed subdivision
2. \_\_\_ Name and address of property owner and applicant
3. \_\_\_ Name, address and telephone number of person or firm preparing the conceptual master plan
4. \_\_\_ Date of plan preparation, with revision date(s) (if any)
5. \_\_\_ Graphic scale and true north arrow
6. \_\_\_ Plat and lot number(s) of the land being subdivided
7. \_\_\_ Zoning district(s) of the land being subdivided. If more than one district, zoning boundary lines must be shown
8. \_\_\_ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
9. \_\_\_ Area of the subdivision parcel and proposed number of buildable lots, dwellings or other proposed improvements
10. \_\_\_ Location and dimensions of existing property lines within or adjacent to the subdivision parcel, easements and rights-of-way
11. \_\_\_ Location, width and names of existing streets within and immediately adjacent to the subdivision parcel
12. \_\_\_ Names of abutting property owners and property owners immediately across any adjacent streets

13. \_\_\_ Location of wooded areas and notation of existing ground cover
14. \_\_\_ Location of wetlands, watercourses or coastal features present on or within 200 feet of the property being subdivided
15. \_\_\_ Areas of agricultural use
16. \_\_\_ Existing topography with minimum contour intervals of two feet
17. \_\_\_ Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision
18. \_\_\_ Proposals, if any, for connection with existing water supply and sanitary sewer systems or a notation that wells and ISDS are proposed
19. \_\_\_ Provisions for collecting and discharging stormwater
20. \_\_\_ Location of historic cemeteries on or immediately adjacent to the subdivision (if any)
21. \_\_\_ Location of any unique natural and/or historic features, including stone walls
22. \_\_\_ Notation on plan if the subdivision parcel(s) are located within any of the following areas:
  - \_\_\_ Natural Heritage Areas (RIDEM)
  - \_\_\_ Narrow River Special Area Management Plan (CRMC)
  - \_\_\_ Salt Ponds Special Area Management Plan (CRMC)
  - \_\_\_ Groundwater Protection Overlay District (Town)
23. \_\_\_ Proposed improvements including streets, lots, lot lines, with approximate lot areas and dimensions  
Proposed lot lines shall be drawn so as to distinguish them from existing property lines
24. \_\_\_ Base flood elevation data
25. \_\_\_ Open space use plan (Flexible Design Residential Projects or residential compounds)
26. \_\_\_ Proposed construction access road(s) or route(s)

2. Supporting Materials - The applicant shall submit to the Administrative Officer up to forty (40) copies of a narrative report (actual number of copies to be determined by the Administrative Officer) providing a general description of the existing physical environment and existing use(s) of the property along with a general description of the uses and type of development proposed by the applicant. The narrative report shall include reduced copies of all plans required in No. 1 above plus items 2-7, below:

1. \_\_\_ Filing Fee: - \$200 plus \$20 per unit

2. \_\_\_ An aerial photograph or a blue line copy of an existing aerial photograph of the proposed subdivision parcel and surrounding area
3. \_\_\_ A copy of the soils map of the subdivision parcel and surrounding area, and a general analysis of soil types and suitability for the development proposed. If any prime agricultural soils and/or hydric soils are within the subdivision parcel(s) the soils map shall be marked to show the location of said prime agricultural soils and/or hydric soils
4. \_\_\_ An estimate of the approximate population of the proposed subdivision
5. \_\_\_ An estimate of the number of school-aged children to be housed in the proposed subdivision
6. \_\_\_ Fiscal impact statement
7. \_\_\_ Proposed phasing, if any
8. \_\_\_ Existing Resources and Site Analysis Map
9. \_\_\_ A vicinity map, drawn to a scale of 1"=400' or as necessary to show the area within one-half mile of the subdivision parcel showing the locations of all streets, existing lot lines, and zoning district boundaries. Schools, parks, fire stations and other significant public facilities shall be indicated on the locus map by shading and labelling the specific use.
10. \_\_\_ Initial written comments on the Conceptual Master Plan from the following agencies:

*(Provided by the Administrative Officer)*

Local Agencies

- |    |                                |             |
|----|--------------------------------|-------------|
| A. | ___ Planning Department        | Date: _____ |
| B. | ___ Town Manager               | Date: _____ |
| C. | ___ Public Services Department | Date: _____ |
| D. | ___ Zoning Enforcement Officer | Date: _____ |
| E. | ___ Fire Alarm                 | Date: _____ |
| F. | ___ Solicitor                  | Date: _____ |
| G. | ___ Conservation Commission    | Date: _____ |
| H. | ___ Recreation Commission      | Date: _____ |
| I. | ___ Police Dept.               | Date: _____ |
| J. | ___ Fire District              | Date: _____ |
| K. | ___ School Dept.               | Date: _____ |
| L. | Other (specify) _____          | Date: _____ |

Adjacent communities (specify)

- |    |       |             |
|----|-------|-------------|
| A. | _____ | Date: _____ |
| B. | _____ | Date: _____ |
| C. | _____ | Date: _____ |
| D. | _____ | Date: _____ |
| E. | _____ | Date: _____ |

State agencies

- A. \_\_\_ Environmental Management      Date: \_\_\_\_\_  
B. \_\_\_ Transportation                      Date: \_\_\_\_\_  
C. \_\_\_ Coastal Resources                 Date: \_\_\_\_\_  
D. \_\_\_ Other (specify) \_\_\_\_\_      Date: \_\_\_\_\_
- 

Federal agencies

- A. \_\_\_ U.S. Army Corps Engineers      Date: \_\_\_\_\_  
B. \_\_\_ FEMA                                  Date: \_\_\_\_\_

11. \_\_\_ Written confirmation that the appropriate water company or district has reviewed the plan(s) and has determined it can/cannot provide water service

Water Company or District \_\_\_\_\_  
Date of Letter \_\_\_\_\_

12. \_\_\_ The names and addresses of all property owners, agencies, or communities requiring notification as required by these Regulations

13. \_\_\_ Owner Authorization Form (See attached)

14. \_\_\_ Subdivision Notification Form (See attached)

In addition to all applicable items required on the above checklists, an applicant for approval of development within the Route 1 Special Management District shall submit to the Administrative Officer copies of the information listed below. Information shall be conceptual in nature and provided in the form of plans, drawings or explanatory text in sufficient detail to indicate conformity with applicable provisions of zoning and the Comprehensive Plan. The Administrative Officer shall determine the actual number of copies of each document to be provided, up to a maximum of forty (40) copies.

1. \_\_\_ Description of existing uses, indicating proposed change of use, enlargement or modification, if any

2. \_\_\_ Description of proposed new uses, indicating size and extent of proposed buildings or other use areas

3. \_\_\_ Proposed vehicular access, indicating on and off-site streets, driveways, service roads, etc.

4. \_\_\_ Proposed parking plan, indicating number of spaces, landscaping and relation to proposed uses, including proposals for shared or on-street parking. For parking or access drives visible from US Route 1 or Kelley Way, plans or drawings must indicate view by motorists on such roads.

5. \_\_\_ Open space use plan indicating location, area and nature of proposed open space on the parcel(s) proposed for development, and relation to existing or proposed open space on adjacent parcels or

in the entire District.

6. \_\_\_ Proposed buffering from US Route 1, Kelley Way and/or adjacent property, prepared by a registered Landscape Architect
7. \_\_\_ Proposed highway access and relation to on and off-site circulation patterns
8. \_\_\_ Schematic signage plan, indicating the general nature of all proposed exterior signage, with sketches and supporting explanatory information, if required by the Planning Board
9. \_\_\_ Schematic architectural drawings of proposed buildings, if required by the Planning Board
10. \_\_\_ Proposed lighting plan, including a description of proposed lighting fixtures, pole heights, type of illumination and anticipated lighting levels
11. \_\_\_ Pedestrian and bicycle circulation plan
12. \_\_\_ Location and nature of proposed outdoor refuse storage, collection and recycling areas
13. \_\_\_ Proposed construction schedule and proposed phasing of development

\* administrative note

**PRELIMINARY PLAT CHECKLIST  
MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS**

1. Preliminary Plat Map(s) - The applicant shall submit to the Administrative Officer at least **six (6)\*** copies of the preliminary site plans drawn to a scale of 1 inch to 40 feet. The scale may be modified with the permission of the Administrative Officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). Plans shall include a certification that all plans and improvements conform to all existing and amended standards of the State of Rhode Island and Providence Plantations, Board of Registration for Professional Engineers and Board of Registration of Land Surveyors.

A. All maps required by this Checklist shall show the following information (if applicable):

1. \_\_\_ Name of the proposed subdivision, including phase number
2. \_\_\_ Name and address of property owner and applicant
3. \_\_\_ Name, address and telephone number of engineer or land surveyor
4. \_\_\_ Date of plan preparation, with revision date(s) (if any)
5. \_\_\_ Graphic scale and true north arrow
6. \_\_\_ Plat and lot number(s) of the parcel being subdivided
7. \_\_\_ Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown
8. \_\_\_ Perimeter boundary lines of the subdivision or phase, drawn so as to distinguish them from other property lines
9. \_\_\_ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided
10. \_\_\_ Location, width and names of existing streets within and immediately adjacent to the parcel being subdivided
11. \_\_\_ Names of abutting property owners and property owners immediately across any adjacent streets

B. An Existing Conditions Map(s) to show the following:

1. \_\_\_ Date of the existing conditions shown
2. \_\_\_ Area of the parcel being subdivided
3. \_\_\_ Location of wooded areas and notation of existing ground cover

- 4.\_\_\_\_ Areas of agricultural use (if any)
- 5.\_\_\_\_ Location of any unique natural and/or historic features, including stone walls
- 6.\_\_\_\_ Location of wetlands, watercourses or coastal features present on or within 200 feet of the property being subdivided
- 7.\_\_\_\_ Existing topography with minimum contour intervals of two feet
- 8.\_\_\_\_ Location and approximate size of existing buildings or significant above-ground structures on or immediately adjacent to the subdivision
- 9.\_\_\_\_ Location and dimension of all existing utilities within and immediately adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or other existing above or underground utilities
- 10.\_\_\_\_ Location of historic cemeteries on or immediately adjacent to the subdivision (if any)
- 11.\_\_\_\_ Base flood elevation data
- 12.\_\_\_\_ Certification by a Registered Land Surveyor that a perimeter survey of the land being subdivided has been performed and conforms to the survey requirements of these Regulations

C. A Proposed Conditions Map(s) to show the following:

- 1.\_\_\_\_ Proposed improvements including streets, lots, lot lines, with approximate lot areas and dimensions shown. Proposed lot lines shall be drawn so as to distinguish them from existing lot lines
- 2.\_\_\_\_ Location and dimension of all proposed utilities within and immediately adjacent to the subdivision, including sewer, water, gas, electric, phone, cable TV, fire alarm, hydrants, utility poles, stormwater drainage facilities or other proposed above or underground utilities
- 3.\_\_\_\_ Grading plan to show proposed contours at two-foot intervals for all grading proposed for on and off-site street construction, drainage facilities and upon individual lots if part of proposed subdivision improvements
- 4.\_\_\_\_ Landscaping plan to show all significant proposed clearing of land, removal of existing vegetation, revegetation and/or landscaping on street rights-of-way and upon individual lots if part of proposed subdivision improvements
- 5.\_\_\_\_ Soil erosion and sediment control plan
- 6.\_\_\_\_ Proposed street plan and profiles drawn at a scale of 1"= 40' horizontal and 1" = 4' vertical
- 7.\_\_\_\_ Street cross-sections

8. \_\_\_ Proposed street names
9. \_\_\_ Proposed sidewalks or bike paths
10. \_\_\_ Proposed street trees, if required by the Planning Board
11. \_\_\_ Proposed drainage plan and drainage calculations prepared by a Registered Professional Engineer
12. \_\_\_ Location, dimension and area of any land proposed to be set aside as open space
13. \_\_\_ Location of proposed slump dumps
14. \_\_\_ Twenty (20) copies of the proposed subdivision plan reduced to no larger than 11" x 17"
15. \_\_\_ Open space use plan (Flexible Design Residential Projects or residential compounds)
16. \_\_\_ Proposed construction access road(s) or route(s)

D. Supporting Materials

1. \_\_\_ Filing Fee: - \$200 plus \$20 per unit plus required mailing and advertising expenses.
2. \_\_\_ Written confirmation from the RI Department of Environmental Management pursuant to the RIDEM Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act, and any subsequent amendments thereto, that plans of the proposed subdivision, including any required off-site construction, have been reviewed and indicating that the Wetlands Act either does not apply to the proposed site alteration or that approval has been granted for the proposed site alteration.
3. \_\_\_ Written approval of the proposed subdivision, including any required off-site construction, from the RI Coastal Resources Management Council in the form of an Assent as provided in the Rhode Island Coastal Resources Management Program, or any applicable Special Area Management (SAM) Plans, or any subsequent amendments thereto.
4. \_\_\_ Written confirmation that the appropriate water company or district has reviewed the plan and is able to provide water service (if proposed)

Water Company or District \_\_\_\_\_  
Date of Letter \_\_\_\_\_

5. \_\_\_ A Physical Alteration Permit (PAP) issued by the State Department of Transportation for any connection to or construction work within a State highway or other right-of-way (if necessary)
6. \_\_\_ Preliminary Subdivision Suitability Determination by the Department of Environmental Management for the use of individual sewage disposal systems (if proposed).
7. \_\_\_ Written confirmation that the Town Public Services Department has reviewed plans for proposed

sewer service, and indicating whether sewer service is (is not) available and will (will not) be required.

8.\_\_\_\_ The names and addresses of owners of all properties, agencies or communities requiring notification as required by these Regulations

9.\_\_\_\_ Copies of return receipts for certified mail notices (above)

10.\_\_\_\_ Draft copies of all legal documents describing the property, proposed easements and rights-of-way, dedications, restrictions, or other required legal documents

Specify \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11.\_\_\_\_ Either of the following:

- \_\_\_\_ a. A letter stating it is the intent of the applicant to complete the required improvements prior to the Planning Board's endorsement of the final plat; or,
- \_\_\_\_ b. A letter requesting that security sufficient to cover the cost of required improvements as provided in Article VII be set by the Planning Board

Initial amount set by Board \_\_\_\_\_  
Date \_\_\_\_\_

12.\_\_\_\_ Final written comments on the Preliminary Plan by the Technical Review Committee, plus the following as required:  
*(Provided by the Administrative Officer)*

- |                                     |             |
|-------------------------------------|-------------|
| A. _____ Planning Department        | Date: _____ |
| B. _____ Public Services Dept.      | Date: _____ |
| C. _____ Zoning Enforcement Officer | Date: _____ |
| D. _____ Fire Alarm                 | Date: _____ |
| E. _____ Solicitor                  | Date: _____ |
| F. _____ Conservation Commission    | Date: _____ |
| G. _____ Other (specify) _____      | Date: _____ |
- \_\_\_\_\_

E. Supplementary Checklist for Special Management Districts

In addition to all applicable items required on the above checklists, an applicant for approval of development within the Route 1 Special Management District shall submit to the Administrative Officer copies of the information listed on the Conceptual Master Plan checklist for major land developments in the Route 1 Special Management District and be detailed in nature as required for Town review. Information shall be provided in the form of plans, drawings or explanatory text in sufficient detail to indicate conformity with applicable provisions of zoning and the Comprehensive Plan. The Administrative Officer shall

determine the actual number of copies of each document to be provided, up to a maximum of forty (40) copies.

\* Administrative Note

**FINAL PLAT CHECKLIST  
MAJOR LAND DEVELOPMENTS AND MAJOR SUBDIVISIONS**

The applicant shall submit to the Administrative Officer two (2) paper \*copies of final site plans and supporting materials as indicated below:

1. Plat Plans to be Recorded - One copy of the final plat plan drawn on mylar to a scale of 1 inch to 50 feet. The scale may be modified with the permission of the Administrative Officer. In addition, five (5) blue line or photocopies shall also be submitted. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.). The following information shall be shown on the plans:

1. \_\_\_ Name of the proposed subdivision
2. \_\_\_ Notation that the subdivision is located in the Town of South Kingstown, RI
3. \_\_\_ Name and address of property owner and applicant
4. \_\_\_ Name, address and telephone number of engineer or land surveyor
5. \_\_\_ Date of plan preparation, with revision date(s) (if any)
6. \_\_\_ Graphic scale and true north arrow
7. \_\_\_ Plat and lot number(s) of the parcel being subdivided
8. \_\_\_ Zoning district(s) of the parcel being subdivided. If more than one district, zoning boundary lines must be shown
9. \_\_\_ Perimeter boundary lines of the subdivision, drawn so as to distinguish them from other property lines
10. \_\_\_ Location and dimensions of existing property lines, easements and rights-of-way within or immediately adjacent to the parcel being subdivided
11. \_\_\_ Location, width and names of proposed and existing streets within and immediately adjacent to the parcel being subdivided. The plan legend shall specifically note the street(s) or road(s) upon which the subject property abuts.
12. \_\_\_ Names of abutting property owners and property owners immediately across any adjacent streets
13. \_\_\_ Location of proposed permanent bounds
14. \_\_\_ Location of all interior lot lines and street lines with accurate dimensions indicated
15. \_\_\_ Location and number of all proposed lots, with accurate areas indicated

16. \_\_\_ Location and notation of type of proposed easement(s) or existing easement(s) to remain (if any) with accurate dimensions and areas indicated
17. \_\_\_ Notation of special conditions of approval imposed by the Planning Board (if any)
18. \_\_\_ Notation of any permits and agreements with state and federal reviewing agencies (if any)
19. \_\_\_ Phasing schedule (if any)
20. \_\_\_ Certification by a Registered Land Surveyor that all interior and perimeter lot lines and street lines of the land being subdivided have been designed to conform to the survey requirements of these Regulations and are certified as being correct

2. Construction Drawings - Five blue-line or photocopies of construction plans drawn to a scale of 1 inch to 50 feet. The scale may be modified with the permission of the Administrative Officer. Each sheet shall be no larger than 24 inches by 36 inches, and a sufficient number of sheets shall be included to clearly show all of the information required. Sheets shall be numbered sequentially (e.g., sheet 1 of 3, 2 of 3, etc.).

1. \_\_\_ Final construction plans as listed in the preliminary plat checklist, including plans of any additional improvements as required by the Planning Board as a condition of approval.
2. \_\_\_ Certification by a Registered Professional Engineer that the plan is correct
3. \_\_\_ For phased projects, as-built drawings for the previous phase (if applicable)
4. \_\_\_ Proposed construction road(s) or route(s)
5. \_\_\_ Location of proposed underground utilities, if required by the Planning Board

### 3. Supporting Materials

1. \_\_\_ Certificate of the Tax Collector showing that all taxes due on the parcel being subdivided have been paid for a period of five (5) years prior to filing of the final plat and that there are no outstanding municipal liens on the parcel
2. \_\_\_ Filing Fee: \$100 + \$20 per unit
3. \_\_\_ Performance bond or other financial guarantees (if applicable)
4. \_\_\_ Two original signed copies of all legal documents describing the property, creating a Homeowners' Association, proposed easements and rights-of-way, dedications, restrictions or other required legal documents

Specify: \_\_\_\_\_  
 \_\_\_\_\_

- 
- 5.\_\_\_\_ Two signed copies of an irrevocable offer to convey to the Town all public streets and/or other public improvements, accompanied by a metes and bounds description of said areas
  - 6.\_\_\_\_ Deed transferring land proposed for dedication to the Town or other qualified group or agency for open space purposes

4. Payment of Required Fees - Payment of the following fees or posting of financial guarantees, if required, to be prior to endorsement by the Planning Board and recording of final plans:

1.\_\_\_\_ Final plat recording fee - Amount \_\_\_\_\_

2.\_\_\_\_ Performance bond or other financial guarantees

Initial Amount \_\_\_\_\_

Date set by Planning Board \_\_\_\_\_

Date of Expiration of Bond \_\_\_\_\_

3.\_\_\_\_ Fees in-lieu-of land dedication - Amount \_\_\_\_\_

4.\_\_\_\_ Inspection fee - Amount \_\_\_\_\_

5.\_\_\_\_ Maintenance bond for acceptance of public improvements (if applicable)

Amount \_\_\_\_\_

Date of Council Acceptance \_\_\_\_\_

Description \_\_\_\_\_

Date of Expiration of Maintenance Bond \_\_\_\_\_

5. Supplementary Checklist for Special Management Districts

In addition to all applicable items required on the above checklists, an applicant for approval of development within the Route 1 Special Management District shall submit to the Administrative Officer copies of any additional information required by the Planning Board as a condition of preliminary approval. The Administrative Officer shall determine the actual information to be submitted and number of copies of each document to be provided, up to a maximum of five (5) copies

\* administrative note



## DEVELOPMENT PLAN REVIEW CHECKLIST

The applicant shall submit to the Administrative Officer at least **six (6)** \* blue line or photocopies of development plans. The scale of all plans shall be sufficient to clearly show all of the information required and shall be subject to the approval of the Administrative Officer.

Every development plan submitted for review and approval under the provisions of Section 505.1 of the Zoning Ordinance entitled Development Plan Review shall contain the following information:

1. \_\_\_ Name & address of the owners of the property and applicant and preparer of the plans
2. \_\_\_ Date of plan preparation including any revision date(s), graphic scale, north arrow and number of plan sheets. Scale of the drawing shall be 1' = 40' or greater, unless approved otherwise by the Planning Board
3. \_\_\_ Boundary lines of the property being developed, and the total area thereof
4. \_\_\_ Names of property owners adjacent to and immediately across any adjacent street from the subject property
5. \_\_\_ Approximate location and notation of the nature of existing adjacent buildings and land uses
6. \_\_\_ Location of wetlands, watercourses, or coastal features within and immediately adjacent to the property being developed
7. \_\_\_ Names of any adjacent public or private streets
8. \_\_\_ Location and exterior dimensions of all existing and proposed buildings and structures with an indication of setbacks and/or distances to all property lines as necessary to indicate conformity to applicable provisions of the zoning ordinance
9. \_\_\_ Location and dimension of all existing and proposed off-street parking and loading areas, driveways, and pedestrian walkways
10. \_\_\_ Location of existing and proposed utilities, including water, sewer, gas, electric or other communications lines
11. \_\_\_ Location and description of refuse disposal facilities
12. \_\_\_ Existing and proposed contours with a minimum 5-foot contour interval
13. \_\_\_ Landscaping plans (when required) shall also show planting and landscaping

elements listed as follows:

- Location, general type and quality of any significant existing vegetation, specimen trees, stone walls or natural areas on the site
- Existing trees of 3" caliper or greater to be saved and incorporated into the landscape plan
- Locations and keyed labels of all proposed plans
- Location of all areas to be seeded and/or sodded
- Plant list or schedule to include key symbols, quantity, or correct botanical and common names, size and condition of all proposed plants
- Location and description of other landscape improvements such as but not limited to earth berms, fences, walls, walks, signs and paved areas
- Proposed exterior lighting plan, indicating location, number, type and intensity of proposed lighting
- General and specific notes and/or detail drawings to indicate or explain the design and construction procedures or materials to be used

The following items may be required by the Planning Board if necessary in order to demonstrate conformity with the Zoning Ordinance and with these Regulations:

1. \_\_\_ Stamp of a registered professional engineer or land surveyor, registered to practice in Rhode Island
2. \_\_\_ Stamp of a Registered landscape architect licensed to practice in Rhode Island
3. \_\_\_ Plan and profile of all streets, at a scale of 1" = 40' horizontal and 1" = 4' vertical
4. \_\_\_ Provisions for stormwater drainage, including a drainage plan
5. \_\_\_ Schematic architectural drawings of proposed buildings
6. \_\_\_ Existing and proposed contours with a minimum 2-foot contour interval

Development plans for mobile and manufactured home parks and senior residential communities shall also include plan and profiles of all proposed streets drawn at a scale of 1" = 40' horizontal and 1" = 4' vertical.

\* Administrative note

**Town of South Kingstown**

**OWNER AUTHORIZATION FORM  
FOR SUBDIVISION**

APPLICANTS FOR SUBDIVISION: Fill out only (1) below if property owner is same as applicant. Fill out (1) and (2) below if applicant is other than property owner.

(1) I, \_\_\_\_\_, hereby certify that I am the owner of property, designated as Plat \_\_\_\_\_, Lot(s) \_\_\_\_\_, as shown on the Town of South Kingstown Tax Assessor's Maps.

(2) I hereby authorize the application for subdivision by \_\_\_\_\_ (name of applicant or agent) to be submitted to the Planning Department of the Town of South Kingstown for review and decision by the Planning Board.

WITNESS its name this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY: \_\_\_\_\_  
(Signature of Owner)

STATE OF RHODE ISLAND  
County of \_\_\_\_\_

In \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, before me personally appeared \_\_\_\_\_ (name) to me known and known by me to the party executing the foregoing instrument and acknowledged said instrument, by him/her executed, to be his free act and deed, as

\_\_\_\_\_  
(Individual, Corporation, Trustee, Partnership, non-profit, etc.)

\_\_\_\_\_  
(Notary Public)

My Commission Expires: \_\_\_\_\_

## APPLICATION NOTIFICATION LIST

Please list the name, address, phone number and email\* of each of the following who represent your application and note with a ✓ whether notification of meetings/actions is required. The list is necessary to the Planning Department for proper notification of your application.

Project Name: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant: \_\_\_\_\_ Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Owner: \_\_\_\_\_ Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Engineer: \_\_\_\_\_ Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Land Surveyor: \_\_\_\_\_ Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Architect: \_\_\_\_\_ Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Landscape Architect: \_\_\_\_\_ Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Attorney: \_\_\_\_\_ Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Other Representatives Requiring Notification: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

\* administrative note