



Town of South Kingstown Building Department Schedule of Permit Fees

Effective July 1, 2019

Project Valuation

\$1.00 TO \$10,000

FROM \$10,001 TO \$50,000

FROM \$50,001 TO NO LIMIT

Fee Schedule

\$9.00 PER \$1,000

\$90 + \$7.00 PER \$1,000 EXCEEDING \$10,000

\$370 + \$5.00 PER \$1,000 EXCEEDING \$50,000

NOTE: \$40.00 Minimum Fee on All Permits

Additional Fees Collected on Building Permits

- **STATE OF RHODE ISLAND CE/ADA FEES - \$1.00 PER THOUSAND ON ALL PERMITS** (\$50.00 Maximum Fee Collected on One (1) and Two (2) Family Dwellings)
- **STATE OF RHODE ISLAND RADON SURCHARGE - .02 X SQUARE FOOTAGE** (Assessed on New Residential Construction, Excluding Renovations)
- **FIRE PLAN REVIEW - \$75.00 PER RESIDENTIAL DWELLING**
(Commercial Fire Plan Review Please Contact the Fire District Directly for Fees)

Late Filing Fees

A fee of an additional **two hundred fifty dollars (\$250) or fifty percent (50%) of the required permit fee**, whichever is greater, shall be assessed when work is performed without a permit or whenever the terms of any permit are exceeded. **If a second offense occurs within twelve (12) months of the first offense, a fee of five hundred dollars (\$500) shall be assessed.** This fee shall be paid prior to any issuance of any permits or any inspections by the Building Official's office.

Fee Schedule of Zoning Applications

Any person filing an application for a Special Use Permit or Variance or filing an Appeal to the Zoning Board of Review from the decision of the Building Official shall at the time of said filing, pay to the Town of South Kingstown the following fee:

- Single household/two household detached structure and accessory uses and any supplementary regulation thereto - \$175.00.
- Multi-family - 3 – 1,000 units: \$300.00 for first unit plus \$10.00 for each additional unit.
- All other residential, agricultural, institutional and governmental services, cultural, entertainment and recreation services, trade transportation, communication and utilities, industrial, noxious industrial and extractive industrial and accessory uses and any supplementary regulation thereto - \$250.00.
- Subdivision Appeal - \$300.00
- Low- and moderate-income housing - \$400.00

Any person filing an Appeal of a decision of the Zoning Board of Review or the Planning Board of Appeal in the Superior Court, State Housing Appeals Board or with any other jurisdiction where Appeals may be taken shall be responsible for payment of the cost of preparing the transcript of the Public Hearing on said decision.

Sign Permit Fees

- Filing fee sign permit - \$75.00
- Temporary sign permit - \$30.00 plus \$50.00 deposit to ensure removal at expiration of sign permit.

Building Code Board of Appeals Fees

- Building Code Board of Appeals application fee \$75.00

Zoning Certificates Fees

- Any person requesting a zoning certificate shall pay a fee of \$60.00

Fairshare Development Fees

(See below for further information)

- Two (2) Bedroom or less unit - \$3,480.00 (through June 30, 2024)
- Single Household Unit - \$4,338.00 (through June 30, 2024)



The final element of the Capital Improvement Program's *Long Term Debt Management* section provides the basis for determination of the amount of Fair Share Development Fees. The specific requirements for payment of these fees are provided in the Town's Zoning Ordinance, *Article 11 Section 1101*, and the Subdivision and Land Development Regulations, *Article III Section D*. The values of Fair Share Development Fees are reviewed and updated on an annual basis through the Capital Improvement Program. The revenue generated from these development fees is earmarked for two types of facilities: educational facilities and those for open space, conservation, park, and recreational land.

EDUCATIONAL FACILITIES

An Educational Fair Share Fee, which in prior years, provided partial reimbursement of capital costs associated with the development of new school facilities. The fee was collected at the time a certificate of occupancy is issued for all new residential structures. Income from the collection of Educational Fair Share Fees was used to pay down the cost of debt service associated with general obligation bonds issued for construction of the Broad Rock Middle School. While we have not recommended reinstating fair share fees associated with improvements to our educational facilities at this time, it should be noted that fees will likely need to be reinstated in a future CIP.

OPEN SPACE, CONSERVATION, PARK, AND RECREATIONAL LAND

This component provides for the acquisition of open space and/or conservation land to meet Town open space standards, as described in the Comprehensive Community Plan. Fees collected are also used to acquire land for active recreation facilities and the development of these properties.

Also presented in this element is documentation relative to exemptions from the payment of Fair Share Fees for affordable housing units as required in the Zoning Ordinance, *Article 11 Section 1101 D. Fee Exemptions*.

Determination of FY 2023-2024 Fair Share Development Fees

EDUCATIONAL FACILITIES

During FY 2017-2018, because the debt for prior school projects had been retired and our student population is declining, the Council determined that there was insufficient justification for continuing to collect Educational Facilities Fair Share Fees. Educational Facilities Fair Share Fees have not been collected since June 30, 2017. At this point, we are not recommending reinstating education fair share fees, however, as the costs associated with the school facilities improvement program are solidified, we anticipate asking the Council to reinstate the fees in a future CIP.

OPEN SPACE, CONSERVATION, PARK, AND RECREATIONAL LAND

For the FY 2023-2024 Capital Improvement Program, it is proposed to continue utilization of the current methodology for calculation of the fee per dwelling unit for open space, conservation, park, and recreation land and/or facilities. The methodology is evaluated annually, including values related to estimated persons per household and the value of land within the community. It is also proposed to continue to use a two-tiered fee based on occupancy type and expected average household size. The two-tier fee structure includes a base fee for a typical single-household detached structure and an alternate fee for a reduced occupancy basis for housing units with two or fewer bedrooms.

Fair Share Development Fees, *continued*



Recreational/Open Space Fees	FY2022-2023		FY2023-2024	
	Single Household	2 Bedroom or Less Units	Single Household	2 Bedroom or Less Units
Estimated Value of Land Per Acre	\$140,000	\$140,000	\$167,270	\$167,270
Fair Market Value (10,000 Sq Ft) lot/Per 1,000 persons	10.50	10.50	10.50	10.50
Persons Per Owner Occupied Household Unit	2.51	1.95	2.47	1.98
Proposed Recreation Fee for FY 2022-2023	\$3,690	\$2,867	\$4,338	\$3,480

Fee calculations in the current year employed household size documented in American Community Survey 5-Year Estimates 20162020 was used. Land values are updated annually by the Tax Assessor.

Based on the foregoing, the proposed FY 2023-2024 fee per dwelling unit for open space, park, and recreational land and/or facilities is proposed at \$4,338 (base fee), with two bedrooms or fewer proposed at \$3,480.

This tiered-fee structure is based on the following assumptions:

- The purchase and development of new municipal parkland will cost on average \$167,270 per parcel. This cost factor is based on the estimated Market Value of at least a 10,000 square foot vacant lot within the community.
- The Comprehensive Community Plan identifies the Town-wide need for recreation land to be 10.50 acres per 1,000 persons.
- The average household size of an owner-occupied unit is 2.47 persons per unit.⁴ For household units that are age restricted (elderly occupancy only) or include two bedrooms or fewer, the expected occupancy is 1.98 persons per household (80.3% of single household average).
- This is based on the Town’s current Fair Share Development Fees Ordinance, Article 11, Section 1101.

Fee Exemption for Affordable Housing

Under *Article 11, Section 1101 D.1* of the Zoning Ordinance, housing limited to affordable occupancy is exempted from payment of Fair Share Development Fees for Open Space, Conservation, Park, and Recreational Land. The term *affordable housing* is defined in Article 12 of the Zoning Ordinance. In general, housing eligible for fee exemption must be intended for occupancy by persons and households having a gross income at or below 80% of the area median income (AMI), be deed restricted as affordable for a minimum period of 30 years, and be subject to a federal, state, or municipal subsidy.

For the 2020-2021 fiscal year, Rhode Island Housing has provided sample calculations for Rhode Island communities detailing the *maximum total sales price* for affordable units based on the following factors:

⁴ 2016-2020 American Community Survey 5-Year Estimates – selected Housing Characteristics for Town of South Kingstown.

Fair Share Development Fees, *continued*



- 80% AMI income for 4-person household (\$69,200 for South Kingstown) based on Department of Housing and Urban Development (HUD) 2008 Income Limits
- Real estate taxes of \$314 per month based on an estimated affordable assessment of the unit
- Interest rate of 3.10% for a thirty (30) year mortgage⁵
- Hazard insurance of \$120 per month based upon RI Housing Loan Servicing Division data

Based on the foregoing, Rhode Island Housing and Mortgage Finance Corporation (RIHMFC) calculates the maximum low and moderate income sales price for a dwelling unit in South Kingstown to be \$260,454. (*Note: recalculated using RI Housing web based calculator*)⁶

It is also noteworthy that RI State Law permits housing units that are affordable to households earning up to 120% of the area median income (\$105,600) to be part of the official count of affordable units in a community, provided such units meet other relevant criteria. Units that may qualify under this criterion as affordable are not exempted from payment of Fair Share Development Fees under 1101.D.1, but are considered as part of the Town's stock of affordable housing as calculated annually by RI Housing. The maximum value of an "affordable unit" at 120% of AMI would be \$400,345.

The maximum sales price of units intended for occupancy by households with earning between 80% AMI and 120% AMI would be determined at the point of sale by RI Housing. These values may vary for the purchase of a particular premise as the maximum pricing calculation is made during the purchase process and the model assumptions and criteria may change (i.e. interest rate or AMI thresholds).

⁵ Rhode Island Housing – Freddie Mac Primary Mortgage Market Survey; 30 year fixed rate mortgage; <http://www.freddiemac.com/pmms/#>; accessed 11/18/21.

⁶ Rhode Island Housing – Purchase Price Calculator for Determining Maximum Sales Price of a Deed Restricted Affordable Home; <https://www.rihousing.com/purchase-price-calculator/>

Sec. 1101. - Fair share development fees.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

A. General requirements. Consistent with the provisions of the Comprehensive Community Plan and Land Use 2010: State Land Use Policies and Plan, issuance of building permits for the creation or placement of dwelling units shall be contingent upon payment of development fees for a fair share of the cost of providing school facilities and open space, conservation, park and recreation land and/or facilities to meet the needs of serving future residents of the development.

B. Relationship to adopted plans. The requirement of funds for provision of school facilities and open space, conservation, park and recreation land and/or facilities shall be based upon needs as documented in adopted plans of the town, i.e. the comprehensive community plan, the local recreation, conservation and open space plan, and the capital improvement program (CIP), and shall be consistent with the policies stated therein.

C. Fee assessment. The fee amount shall be based upon the following.

1. A town baseline fee schedule for school facilities shall be established by the town council annually for the fiscal year, to be included in the town's annually adopted capital improvement program. The fees shall be based upon documented analysis of the projected cost of providing school facilities as indicated in the then-current "capital improvement program," reflecting adjustments for the time-value of money over the period between when the fee is paid and when it is projected to be utilized, and reflecting credits for the present value of any future property taxes to be paid by the developed properties for the same school facility capital costs, and shall reflect expected differences in school pupil generation rates among dwelling types, such as single-household, two-household, and multi-household dwellings.

2. The school facility fee for dwellings in any particular development may be adjusted relative to that baseline fee to reflect any special characteristics of the development that can be assured for at least the following ten (10) years, such as occupancy characteristics resulting in public school enrollment expectations significantly departing from those underlying the baseline fee, or property tax payment expectations significantly departing from those assumed in calculating the baseline fee. Request for such adjustment must be made and documented in writing to the town council, which shall approve it upon determination that doing so is supported by the facts of the case. No request for such adjustment for development located within the Route 1 Special Management District (SMD) shall be made until conceptual master plan approval has been granted by the planning board. The planning board shall make an advisory recommendation to the town council on any such application for development within the SMD.

3. The fee per dwelling unit for open space, conservation, park and recreation land and/or facilities shall be established by the town council annually for the fiscal year, to be included in the town's annually adopted capital improvement program. The methodology for determining the fee shall be as provided in article III section D of the town subdivision and land development regulations as amended on January 12, 1994.

D. Fee exemption.

1. Those lots or dwelling units whose development will be limited to affordable housing as that term is defined in [article 12](#) shall be exempt from those development fees otherwise required

under this section. Cost and income bases for determining affordability shall be officially determined by RI Housing and illustrated in the town's annually adopted capital improvement program.

2. Dwellings shall be exempt from payment of school facility fees required under this [section 1101](#) if located on lots for which school facility fees have previously been paid under section I.E.1.A. entitled "Adequacy of School Sites and Buildings" of the town subdivision regulations adopted in 1977 and as amended October 14, 1986.

3. Dwellings shall be exempt from payment of school facility fees required under this [section 1101](#) if reserved for housing for older persons as provided at 24 CFR Subpart E (adopted pursuant to the Fair Housing Amendments Act of 1988) which includes both publicly subsidized and private housing, including mobile and manufactured home parks, if intended and operated for occupancy by at least one (1) person over age fifty-five (55) per housing unit.

4. Dwellings shall be exempt from payment of fees for open space, conservation, park and recreation land and/or facilities required under this [section 1101](#) to the extent that requirements provided in article III, section D of the subdivision and land development regulations adopted March 3, 1993, or in section II.K. entitled "Required Minimum Standards - Open Space" of the town subdivision regulations adopted in 1977 and as amended October 14, 1986, have been satisfied for that dwelling through either:

(a) Land having been dedicated to the town or a fee-in-lieu of land dedication having previously been paid; or

(b) Land having been committed for open space in a residential cluster development or residential compound, or in the Route 1 Special Management District provided that:

(1) The minimum amount of land required to be dedicated shall be land suitable for development as defined in the subdivision and land development regulations; and

(2) The land is dedicated to the town for public use; or

(3) If the land is dedicated to any individual, organization, corporation or trust other than the town as permitted by said regulations and/or the zoning ordinance, it shall be open to and available for use by the general public.

5. For subdivisions approved by the planning board but not recorded in the land evidence records of the town prior to January 12, 1994, fees required for school sites or facilities under section I.E.1.A. entitled "Adequacy of School Sites and Buildings" of the town subdivision regulations adopted in 1977 and as amended October 14, 1986, or required for open space, conservation, park and recreation land and/or facilities under article III section D of the subdivision and land development regulations adopted March 3, 1993, or in section II.K. entitled "Required Minimum Standards - Open Space" of the town subdivision regulations adopted in 1977 and as amended October 14, 1986, shall be waived provided that notice is recorded on or accompanying the plans indicating that the impact fee requirements of this [section 1101](#) must be complied with for each lot prior to issuance of any building permit for that lot.

E. Fee utilization. Required fees shall be paid to the town prior to the time of issuance of a building permit for the dwelling for which they are assessed. All fees collected shall be deposited in a special reserve fund established by the town, the use of which shall be limited to the provision of school facilities and open space, conservation, park and recreation land and/or facilities to meet the needs of new development. Fees shall be utilized in the order received.

F. Fee refunds. Upon application to the town manager by the developer or his successors in interest, fees deposited or a portion thereof may be refunded in any of the following cases, if application for refund is made within six (6) months of eligibility for that refund:

1. Upon expiration or cancellation of the related building permit; or
2. Where the number of dwelling units on which the fees were based exceeds the number actually buildable, as a result of resubdivision reducing the number of lots, or lots being definitively determined by the planning board to be unbuildable; or
3. Termination of approved status of the development plan for any reason, such as through planning board vote for plan modification, court action, or failure to meet timing requirements; or
4. If the fees paid or any portion thereof have not been utilized by the town or encumbered for such use within ten (10) years of the date of deposit.

G. Definition of affordable housing. "Affordable housing" means 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) percent 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 (30) percent of the gross annual income for a household with eighty (80) percent 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 rentals 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) percent of the gross household income of the low and moderate income occupants of the housing (reference G.L. 1956, § 42-128.8.1(d)). The affordability of such housing shall be assured for a period of not less than thirty (30) years from the date of initial occupancy.

(Ord. of 8-16-06(1))