

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.