

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.