

ARTICLE II DEFINITIONS

Definitions

For the purpose of this code, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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.

Administrative Subdivision. Re-subdivision of existing lots which yield 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.

Advisory review meetings: The Town Planner may hold informal review meetings with others, including, but not limited to, the Building Inspector, Zoning Officer, Fire Marshal, DPW Director, Tax Assessor and Town Engineer. The recommendations emanating from these meetings are not binding on the Planning Board.

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 Natural Resources Conservation Service (formerly Soil Conservation Service) of the United States Department of Agriculture.

Applicant. An owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.

Board of Appeal. The local review authority for appeals of actions of the Administrative Officer and the Planning Board on matters of land development or subdivision, which shall be the local Zoning Board of Review constituted as the Board of Appeal.

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

Building Set Back Line. A line parallel to a street right-of-way line and which establishes the distance buildings must be constructed from the street right-of-way line. Side lot line and rear lot line are according to Zoning Ordinance definition.

Certificate of Completeness. A notice issued by the Administrative Officer informing an applicant that the application is complete and meets the requirements of the municipality's regulations, and that the applicant may proceed with the approval process.

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

Conservation Development. A type of land development project which allows a community to guide growth to the most appropriate areas within a parcel of land to avoid impacts to the environment and to protect the character-defining features of the property. See Section 4-1 of these Regulations.

Consistency with the Comprehensive Plan. A requirement of all local land use regulations which means that all such regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the municipality as the comprehensive community plan.

Conventional Subdivision. A residential subdivision in which all land being subdivided is dedicated to either development lots or street right of way. In a conventional subdivision, land may also be dedicated to the Town for a number of purposes, such as recreation, utilities, transportation or public facilities, but not for common open space as provided in Section 9 of these Regulations. A conventional subdivision is not a Conservation Development.

Conventional Yield Plan. A plan of a conventional subdivision or land development project (as opposed to a Conservation Development) that depicts the maximum number of building lots or dwelling units that could reasonably be built on a parcel of land under current zoning, taking into account the presence of physical constraints to development, such as wetlands, or other land unsuitable for development.

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 Plan Review. Projects requiring Development Plan Review shall be considered under the authority of Section 17 Site Plan Review (to be renamed Development Plan Review) of the North Smithfield Zoning Ordinance [January 1, 1995, As Amended].

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.

Driveway. An area on a lot which is designed or used to provide for the passage of motor vehicles to and from a street or way.

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 and Land Unsuitable for Development within this Article.

Final Plan. The final stage of land development and subdivision review.

Final Plat. The final drawing(s) of all or a portion of a subdivision to be recorded after approval by the Planning Board and any accompanying material as described in the community's regulations and/or required by the Planning Board. (A finished plat which is submitted to the Board for public hearing and recording.)

Floor Area, Gross. See RI State Building Code

Governing Body. The body of the local government (Town Council) having the power to adopt ordinances, accept public dedications, release public improvement guarantees, and collect fees.

Improvement. Any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.

Improvement Guarantee. A security instrument accepted by a municipality to ensure that all improvements, facilities, or work required by the land development and subdivision regulations, or required by the municipality as a condition of approval, will be completed in compliance with the approved plans and specifications of a development.

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

Land Unsuitable for Development. Land which has environmental constraints or physical constraints to development, as defined in Section 5.5.3 of the Zoning Ordinance.

Local Regulations. The land development and subdivision review regulations adopted under the provisions of this act. For purposes of clarification, throughout this act, where reference is made to local regulations, it shall be understood as the land development and subdivision review regulations and all related ordinances and rules properly adopted pursuant to this act.

Lot. 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.

Lot Depth. The minimum lineal distance of a lot measured perpendicular from a street right-of-way line and a rear lot line.

Lot Frontage. That portion of a lot abutting the street-line of an improved public street. Compliance to frontage requirements shall be contiguous frontage only. Lot width, as defined in the Zoning Ordinance, is measured at the required front yard setback.

Maintenance Guarantee. Any security instrument which may be required and accepted by a municipality to ensure that necessary improvements will function as required for a specific period of time.

Major Land Development Plan. Any land development plan not classified as a minor land development plan.

Major Subdivision. Any subdivision not classified as either an Administrative Subdivision or a minor subdivision.

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. Required in major land development or major subdivision review.

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 a subdivision of land consisting of six (6) or fewer units or lots, provided that such subdivision does not require waivers or modifications as specified in this act.

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 a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading and unloading.

Permitting Authority. The local agency of government specifically empowered by state enabling law and local ordinance to hear and decide on specific matters pertaining to local land use.

Phased Development. Development, usually for large-scale projects, where construction of public and/or private improvements proceeds by sections 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 and Land Unsuitable for Development within this Article.

Planning Board. The official planning agency of the Town of North Smithfield as established in the Town Charter.

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

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

Preliminary Plan. The required stage of land development and subdivision review which shall require detailed engineered drawings and all required state and federal permits.

Preliminary Plat. A plat ~~which is~~ submitted to the Board for conditional approval or disapproval. Such a plat is not an instrument for recordation and conditional acceptance by the Board is not binding.

Public Improvement. Any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the local government or other governmental entity either is presently responsible, or will ultimately assume the responsibility for maintenance and operation upon municipal acceptance.

Public Informational Meeting. A meeting of the Planning Board or governing body preceded by a notice, open to the public and at which the public shall be heard.

Re-subdivision. Any change of an approved or recorded subdivision plat or in a lot recorded in the municipal 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 the local land development and subdivision regulations. For the purposes of this act, any such action shall constitute a subdivision.

Slope of land. The grade, pitch, rise or incline of the topographic landform or surface of the ground.

Specimen Vegetation. Rhode Island Natural Heritage Program plant species listed as either state endangered, state threatened, state interest species of concern, or state extirpated; plant

species providing habitat for animal species listed by the Heritage program in the above mentioned categories; species such as American Holly (*Ilex opalca*) and Rhododendron (*Rhododendron maximum*) which are at the limits of their natural range; any species such as American Elm (*Ulmus Americana*) and American Chestnut (*Castenata dentate*) whose population has been drastically reduced by disease, insects or habitat destruction.

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. Streets are further classified by the functions they perform. See Street Classification within this Article. (Any right-of-way designated, intended or necessary to provide public access to a lot, tract or parcel of land.)

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, Alley. A public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Street, Improved. A street which has been brought to grade of no greater than ten percent (10%), graveled, asphalted, contains proper drainage, and is serviced by utilities and has been reviewed and approved by the Director of Public Works.

Street, Cul-de-sac. A local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

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. This definition shall not apply to driveways.

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

Street Right-of-Way. The area from lot line to lot line including street pavement, grass and sidewalk areas.

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:

- 1) *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.
- 2) *Collector.* A street where the principal function is to carry traffic between local streets and arterial streets but that may also provide direct access to abutting properties.
- 3) *Local.* Streets where the primary function is to provide access to abutting properties.

Subdivider. Any person, corporation, organization or entity who (1) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who (2) 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 (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or 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 adjustment 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.

Temporary Improvement. Improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.

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 the completion of the project.

Viewshed. The primary area which can be viewed from a defined observation point. To determine the extent of the viewshed, important vantage points and significant features should be identified. The area that can be seen from those points should be designated as the viewshed.

Waiver and/or modification of requirements. The Planning Board power to grant waivers and/or modifications from the requirements for land development and subdivision approval as may be reasonable and within the general purposes and intents of the provisions for local

regulations. The only grounds for waivers and/or modifications are where the literal enforcement of one or more provisions of the regulations is impracticable and will exact undue hardship because of peculiar conditions pertaining to the land in question or where waiver and/or modification is in the best interest of good planning practice and/or design as evidenced by consistency with the municipality's comprehensive plan and zoning ordinance.