

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 Curtiss 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.

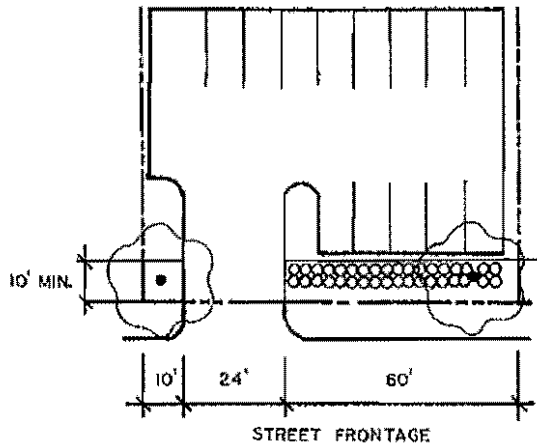


FIG. 1. PARKING LOT LANDSCAPED STRIP, OPTION 1

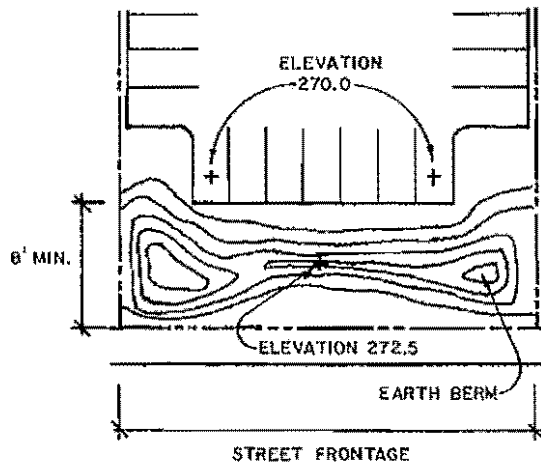


FIG. 2. LANDSCAPED STRIP, OPTION 2

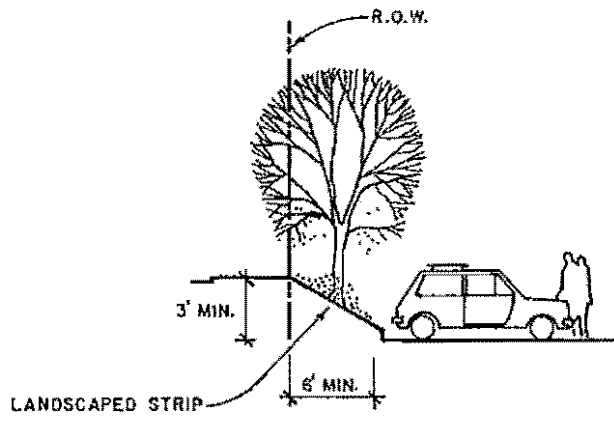


FIG. 3. LANDSCAPED STRIP, OPTION 3

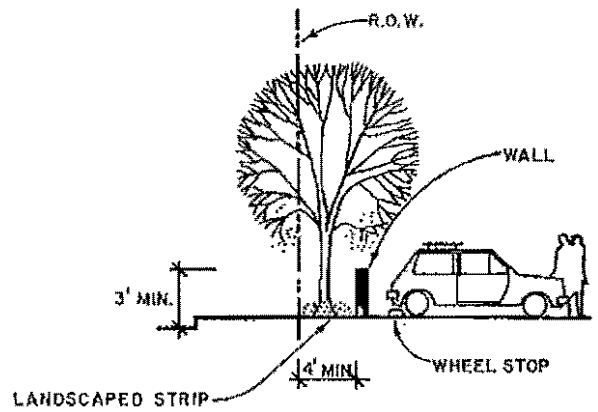


FIG. 4 PARKING LOT LANDSCAPED STRIP, OPTION 4

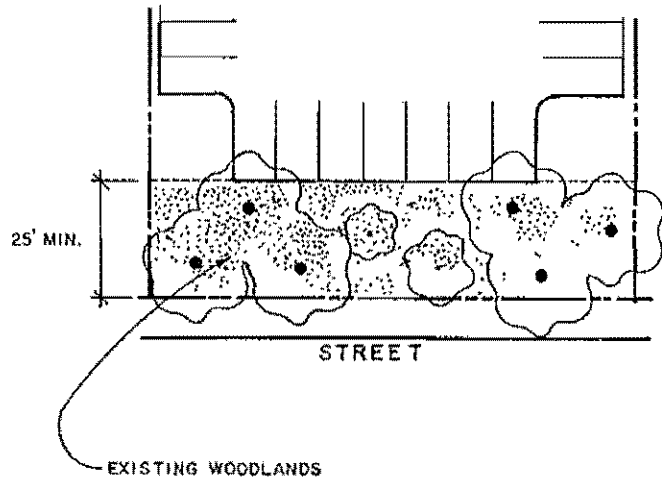


FIG. 5. PARKING LOT LANDSCAPED STRIP, OPTION 5

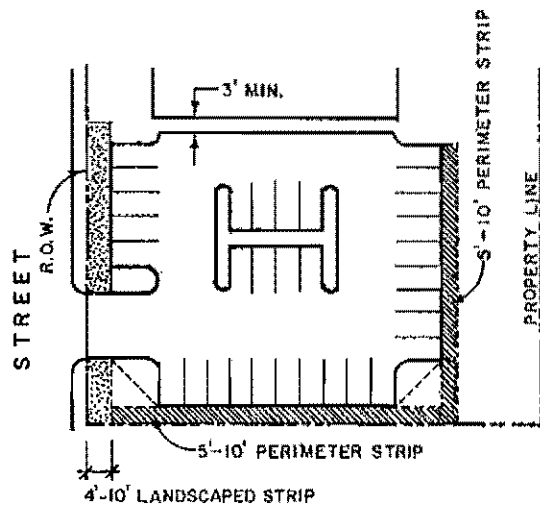
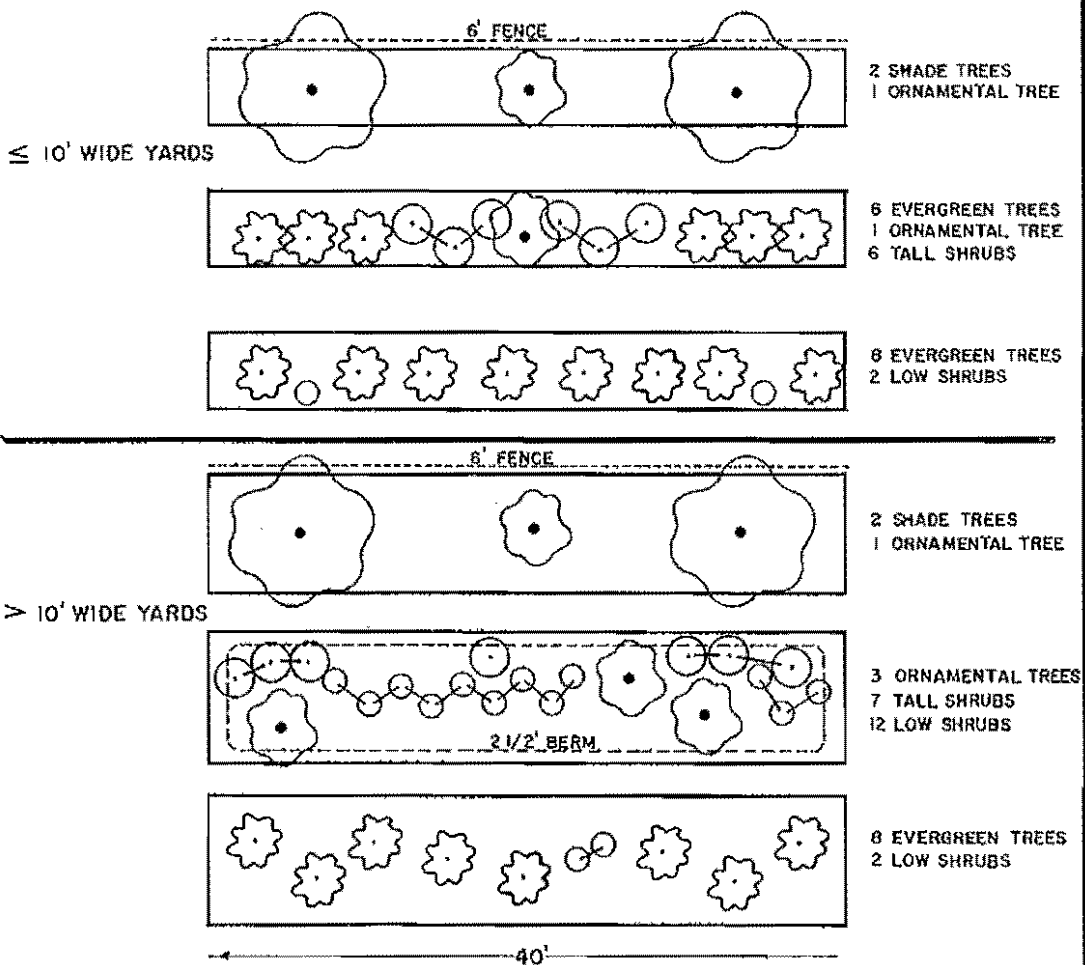


FIG. 7. PARKING LOT PERIMETER

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

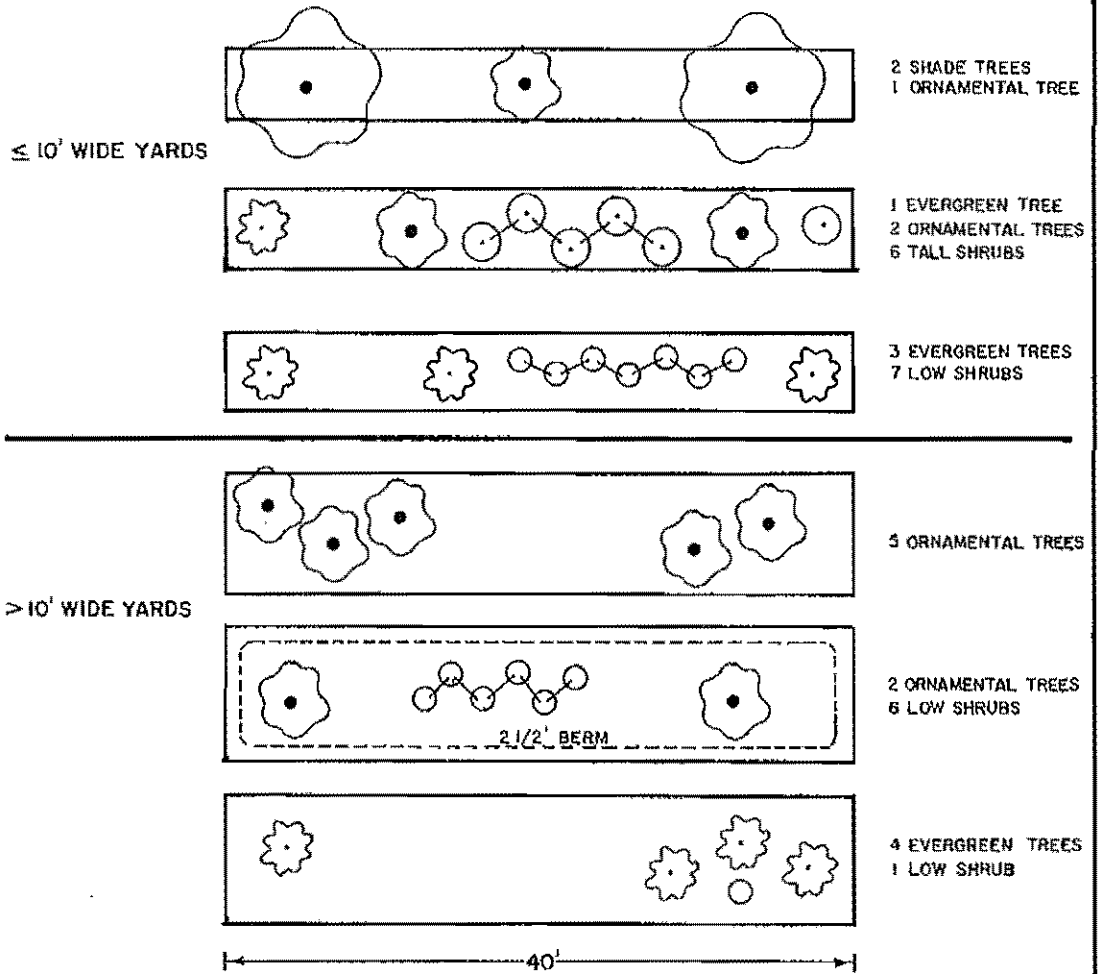


FIG. 6 LANDSCAPE SCREENING EXAMPLES

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

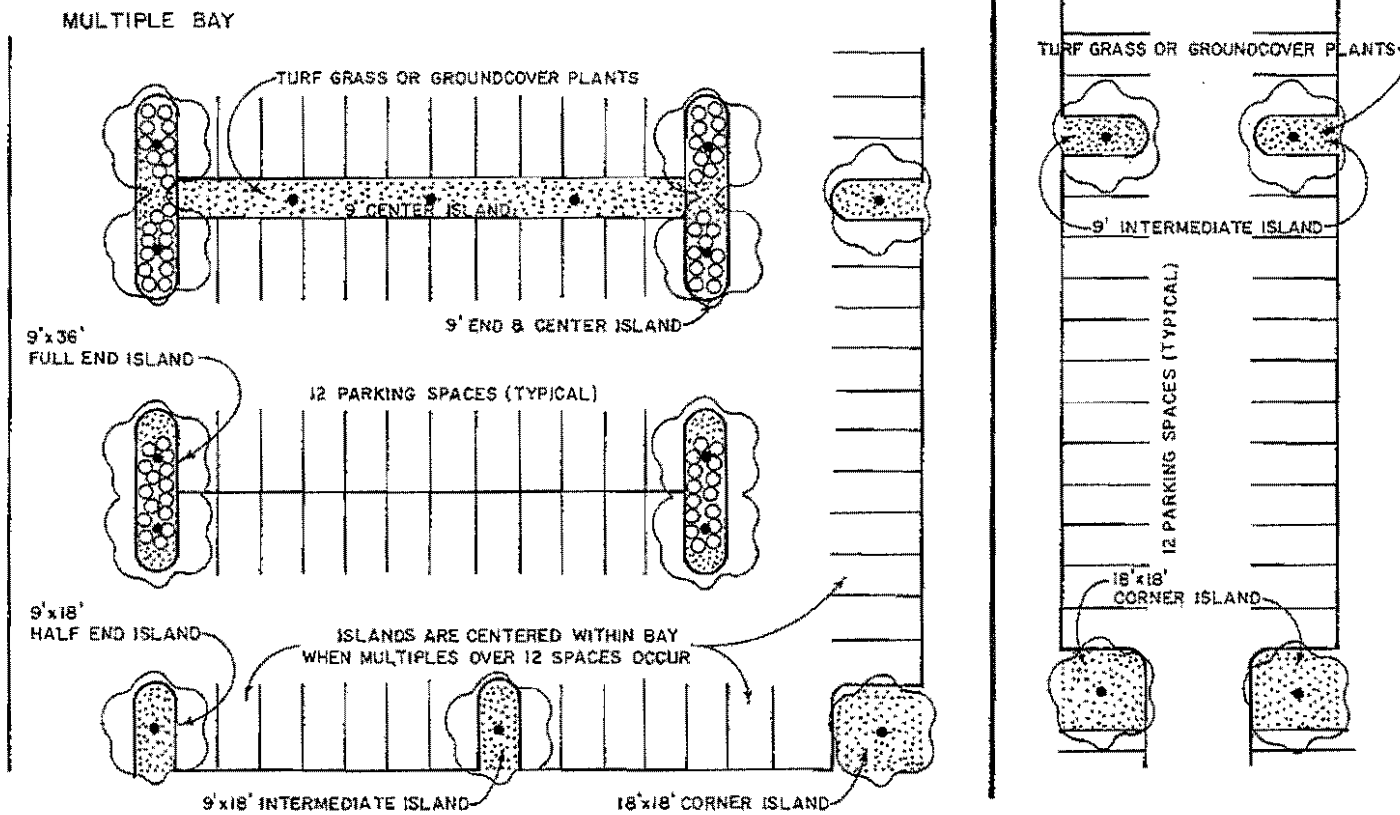


FIG. 8 TYPICAL PARKING LOT INTERIOR LANDSCAPING

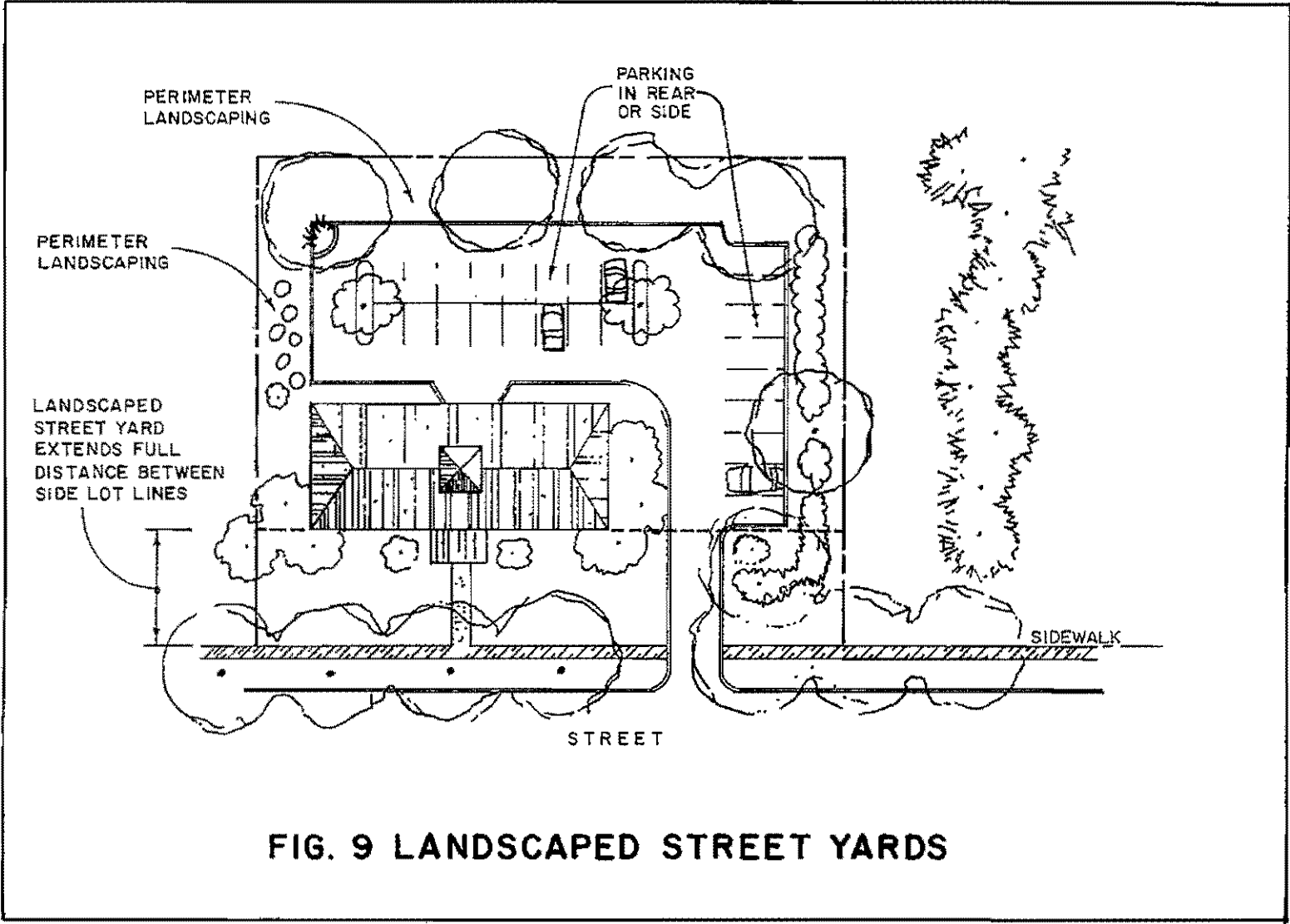


FIG. 9 LANDSCAPED STREET YARDS

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, up to 12 Units, LDP
Use Code 12.1	Multi-Household Land Development Project
Use Code 12.2	Multi-Household Detached Structure, up to 12 Units - Elderly Only, LDP
Use Code 12.3	Multi-Household Land Development Project - 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 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.”