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LC000205

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

Introduced By: Representatives Fogarty, Tanzi, Cortvriend, Shallcross Smith, Ranglin-Vassell, Hull, McEntee, and Messier

Date Introduced: February 26, 2021

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-23-32, 45-23-38, 45-23-40, 45-23-41 and 45-23-43 of the
2 General Laws in Chapter 45-23 entitled "Subdivision of Land" are hereby amended to read as
3 follows:

4 **45-23-32. Definitions.**

5 Where words or phrases used in this chapter are defined in the definitions section of either
6 the Rhode Island Comprehensive Planning and Land Use Regulation Act, § 45-22.2-4, or the Rhode
7 Island Zoning Enabling Act of 1991, § 45-24-31, they have the meanings stated in those acts.
8 Additional words and phrases may be defined in local ordinances, regulations and rules under this
9 act. The words and phrases defined in this section, however, shall be controlling in all local
10 ordinances, regulations, and rules created under this chapter. See also § 45-23-34. In addition, the
11 following words and phrases have the following meanings:

12 (1) Administrative officer. The municipal official designated by the local regulations to
13 administer the land development and subdivision regulations and to coordinate with local boards
14 and commissions, municipal staff and state agencies. The administrative officer may be a member
15 of, or the chair, of the planning board, or an appointed official of the municipality. See § 45-23-55.

16 (2) Administrative subdivision. Re-subdivision of existing lots which yields no additional
17 lots for development, and involves no creation or extension of streets. The re-subdivision only
18 involves divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.

19 (3) Board of appeal. The local review authority for appeals of actions of the administrative

1 officer and the planning board on matters of land development or subdivision, which shall be the
2 local zoning board of review constituted as the board of appeal. See § 45-23-57.

3 (4) Bond. See improvement guarantee.

4 (5) Buildable lot. A lot where construction for the use(s) permitted on the site under the
5 local zoning ordinance is considered practicable by the planning board, considering the physical
6 constraints to development of the site as well as the requirements of the pertinent federal, state and
7 local regulations. See § 45-23-60(4).

8 (6) Certificate of completeness. A notice issued by the administrative officer informing an
9 applicant that the application is complete and meets the requirements of the municipality's
10 regulations, and that the applicant may proceed with the approval process.

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

14 (8) Consistency with the comprehensive plan. A requirement of all local land use
15 regulations which means that all these regulations and subsequent actions are in accordance with
16 the public policies arrived at through detailed study and analysis and adopted by the municipality
17 as the comprehensive community plan as specified in § 45-22.2-3.

18 (9) Dedication, fee-in-lieu-of. Payments of cash which are authorized in the local
19 regulations when requirements for mandatory dedication of land are not met because of physical
20 conditions of the site or other reasons. The conditions under which the payments will be allowed
21 and all formulas for calculating the amount shall be specified in advance in the local regulations.
22 See § 45-23-47.

23 (10) Development regulation. Zoning, subdivision, land development plan, development
24 plan review, historic district, official map, flood plain regulation, soil erosion control or any other
25 governmental regulation of the use and development of land.

26 (11) Division of land. A subdivision.

27 (12) Environmental constraints. Natural features, resources, or land characteristics that are
28 sensitive to change and may require conservation measures or the application of special
29 development techniques to prevent degradation of the site, or may require limited development, or
30 in certain instances, may preclude development. See also physical constraints to development.

31 (13) Final plan. The final stage of land development and subdivision review. See § 45-23-
32 43.

33 (14) Final plat. The final drawing(s) of all or a portion of a subdivision to be recorded after
34 approval by the planning board and any accompanying material as described in the community's

1 regulations and/or required by the planning board.

2 (15) Floor area, gross. See R.I. State Building Code.

3 (16) Governing body. The body of the local government, generally the city or town council,
4 having the power to adopt ordinances, accept public dedications, release public improvement
5 guarantees, and collect fees.

6 (17) Improvement. Any natural or built item which becomes part of, is placed upon, or is
7 affixed to, real estate.

8 (18) Improvement guarantee. A security instrument accepted by a municipality to ensure
9 that all improvements, facilities, or work required by the land development and subdivision
10 regulations, or required by the municipality as a condition of approval, will be completed in
11 compliance with the approved plans and specifications of a development. See § 45-23-46.

12 (19) Local regulations. The land development and subdivision review regulations adopted
13 under the provisions of this act. For purposes of clarification, throughout this act, where reference
14 is made to local regulations, it is be understood as the land development and subdivision review
15 regulations and all related ordinances and rules properly adopted pursuant to this chapter.

16 (20) Maintenance guarantee. Any security instrument which may be required and accepted
17 by a municipality to ensure that necessary improvements will function as required for a specific
18 period of time. See improvement guarantee.

19 (21) Major land development plan. Any land development plan not classified as a minor
20 land development plan.

21 (22) Major subdivision. Any subdivision not classified as either an administrative
22 subdivision or a minor subdivision.

23 (23) Master plan. An overall plan for a proposed project site outlining general, rather than
24 detailed, development intentions. It describes the basic parameters of a major development
25 proposal, rather than giving full engineering details. Required in major land development or major
26 subdivision review. See § 45-23-40.

27 (24) Minor land development plan. A development plan for a residential project as defined
28 in local regulations, ~~provided that the development does not require waivers or modifications as~~
29 ~~specified in this act.~~ All nonresidential land development projects are considered major land
30 development plans.

31 (25) Minor subdivision. A plan for a subdivision of land consisting of five (5) or fewer
32 units or lots, ~~provided that the subdivision does not require waivers or modifications as specified~~
33 ~~in this chapter.~~

34 (26) Modification of requirements. See § 45-23-62.

1 (27) Parcel. A lot, or contiguous group of lots in single ownership or under single control,
2 and usually considered a unit for purposes of development. Also referred to as a tract.

3 (28) Parking area or lot. All that portion of a development that is used by vehicles, the total
4 area used for vehicular access, circulation, parking, loading and unloading.

5 (29) Permitting authority. The local agency of government specifically empowered by state
6 enabling law and local ordinance to hear and decide on specific matters pertaining to local land use.

7 (30) Phased development. Development, usually for large-scale projects, where
8 construction of public and/or private improvements proceeds by sections subsequent to approval
9 of a master plan for the entire site. See § 45-23-48.

10 (31) Physical constraints to development. Characteristics of a site or area, either natural or
11 man-made, which present significant difficulties to construction of the uses permitted on that site,
12 or would require extraordinary construction methods. See also environmental constraints.

13 (32) Planning board. The official planning agency of a municipality, whether designated
14 as the plan commission, planning commission, plan board, or as otherwise known.

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

18 (34) Pre-application conference. An initial meeting between developers and municipal
19 representatives which affords developers the opportunity to present their proposals informally and
20 to receive comments and directions from the municipal officials and others. See § 45-23-35.

21 (35) Preliminary plan. The required stage of land development and subdivision review
22 which requires detailed engineered drawings and all required state and federal permits. See § 45-
23 23-41.

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

28 (37) Public informational meeting. A meeting of the planning board or governing body
29 preceded by a notice, open to the public and at which the public is heard.

30 (38) Re-subdivision. Any change of an approved or recorded subdivision plat or in a lot
31 recorded in the municipal land evidence records, or that affects the lot lines of any areas reserved
32 for public use, or that affects any map or plan legally recorded prior to the adoption of the local
33 land development and subdivision regulations. For the purposes of this act any action constitutes a
34 subdivision.

1 (39) Slope of land. The grade, pitch, rise or incline of the topographic landform or surface
2 of the ground.

3 (40) Storm water detention. A provision for storage of storm water runoff and the
4 controlled release of the runoff during and after a flood or storm.

5 (41) Storm water retention. A provision for storage of storm water runoff.

6 (42) Street. A public or private thoroughfare used, or intended to be used, for passage or
7 travel by motor vehicles. Streets are further classified by the functions they perform. See street
8 classification.

9 (43) Street, access to. An adequate and permanent way of entering a lot. All lots of record
10 shall have access to a public street for all vehicles normally associated with the uses permitted for
11 that lot.

12 (44) Street, alley. A public or private thoroughfare primarily designed to serve as secondary
13 access to the side or rear of those properties whose principal frontage is on some other street.

14 (45) Street, cul-de-sac. A local street with only one outlet and having an appropriate
15 vehicular turnaround, either temporary or permanent, at the closed end.

16 (46) Street, limited access highway. A freeway or expressway providing for through traffic.
17 Owners or occupants of abutting property on lands and other persons have no legal right to access,
18 except at the points and in the manner as may be determined by the public authority having
19 jurisdiction over the highway.

20 (47) Street, private. A thoroughfare established as a separate tract for the benefit of
21 multiple, adjacent properties and meeting specific, municipal improvement standards. This
22 definition does not apply to driveways.

23 (48) Street, public. All public property reserved or dedicated for street traffic.

24 (49) Street, stub. A portion of a street reserved to provide access to future development,
25 which may provide for utility connections.

26 (50) Street classification. A method of roadway organization which identifies a street
27 hierarchy according to function within a road system, that is, types of vehicles served and
28 anticipated volumes, for the purposes of promoting safety, efficient land use and the design
29 character of neighborhoods and districts. Local classifications use the following as major
30 categories:

31 (a) Arterial. A major street that serves as an avenue for the circulation of traffic into, out
32 of, or around the municipality and carries high volumes of traffic.

33 (b) Collector. A street whose principal function is to carry traffic between local streets and
34 arterial streets but that may also provide direct access to abutting properties.

1 (c) Local. Streets whose primary function is to provide access to abutting properties.

2 (51) Subdivider. Any person who (1) having an interest in land, causes it, directly or
3 indirectly, to be divided into a subdivision or who (2) directly or indirectly sells, leases, or develops,
4 or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel,
5 site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business
6 of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any
7 interest, lot, parcel, site, unit, or plat in a subdivision.

8 (52) Subdivision. The division or re-division, of a lot, tract or parcel of land into two or
9 more lots, tracts, or parcels. Any adjustment to existing lot lines of a recorded lot by any means is
10 considered a subdivision. All re-subdivision activity is considered a subdivision. The division of
11 property for purposes of financing constitutes a subdivision.

12 (53) Technical review committee. A committee appointed by the planning board for the
13 purpose of reviewing, commenting, and making recommendations to the planning board with
14 respect to approval of land development and subdivision applications.

15 (54) Temporary improvement. Improvements built and maintained by a developer during
16 construction of a development project and prior to release of the improvement guarantee, but not
17 intended to be permanent.

18 (55) Vested rights. The right to initiate or continue the development of an approved project
19 for a specified period of time, under the regulations that were in effect at the time of approval, even
20 if, after the approval, the regulations change prior to the completion of the project.

21 (56) Waiver of requirements. See § 45-23-62.

22 **45-23-38. General provisions -- Minor land development and minor subdivision**
23 **review.**

24 (a) Review stages. Minor plan review consists of two (2) stages, preliminary and final;
25 provided, that if a street creation or extension is involved, or a request for variances and/or special-
26 use permits are submitted, pursuant to the regulation's unified development review provisions, a
27 public hearing is required. The planning board may combine the approval stages, providing
28 requirements for both stages are met by the applicant to the satisfaction of the planning officials.

29 (b) Submission requirements. Any applicant requesting approval of a proposed, minor
30 subdivision or minor land development, as defined in this chapter, shall submit to the administrative
31 officer the items required by the local regulations. Requests for relief from the literal requirements
32 of the zoning ordinance and/or for the issuance of special-use permits related to minor subdivisions
33 and/or minor land-development projects that are submitted under a zoning ordinance's unified
34 development review provisions shall be included as part of the preliminary plan application,

1 pursuant to § 45-23-50.1(b).

2 (c) Certification. The application shall be certified, in writing, complete or incomplete by
3 the administrative officer within twenty-five (25) days or within fifteen (15) days if no street
4 creation or extension is required, and/or unified development review is not requested, according to
5 the provisions of § 45-23-36(b). The running of the time period set forth in this section will be
6 deemed stopped upon the issuance of a certificate of incompleteness of the application by the
7 administrative officer and will recommence upon the resubmission of a corrected application by
8 the applicant. However, in no event will the administrative officer be required to certify a corrected
9 submission as complete or incomplete less than ~~fourteen (14)~~ ten (10) days after its resubmission.

10 (d) Technical review committee. The technical review committee, if established, will
11 review the application and will comment and make recommendations to the planning board. The
12 application will be referred to the planning board as a whole if there is no technical review
13 committee. When reviewed by a technical review committee:

14 (1) If the land-development or subdivision application does not include a request for unified
15 development review and the plan is approved by a majority of the committee members, the
16 application is forwarded to the planning board with a recommendation for preliminary plan
17 approval without further review.

18 (2) If the plan is not approved by a majority vote of the committee members, or the
19 application includes a request for unified development review, the minor land-development and
20 subdivision application is referred to the planning board.

21 (e) Re-assignment to major review. The planning board may re-assign a proposed minor
22 project to major review only when the planning board is unable to make the positive findings
23 required in § 45-23-60.

24 (f) Decision. If no street creation or extension is required, the planning board will approve,
25 deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification
26 of completeness, or within any further time that is agreed to by the applicant and the board,
27 according to the requirements of §§ 45-23-60 and 45-23-63. If a street extension or creation is
28 required, the planning board will hold a public hearing prior to approval according to the
29 requirements in § 45-23-42 and will approve, deny, or approve with conditions, the preliminary
30 plan within ninety-five (95) days of certification of completeness, or within any specified time that
31 is agreed to by the applicant and the board, according to the requirements of §§ 45-23-60 and 45-
32 23-63.

33 (g) Failure to act. Failure of the planning board to act within the period prescribed
34 constitutes approval of the preliminary plan and a certificate of the administrative officer as to the

1 failure of the planning board to act within the required time and the resulting approval will be issued
2 on request of the application.

3 (h) Final plan. The planning board may delegate final plan review and approval to either
4 the administrative officer or the technical review committee. The officer or committee will report
5 its actions, in writing to the planning board at its next regular meeting, to be made part of the record.

6 (i) Expiration of approval. Approval of a minor land-development or subdivision plan
7 expires ninety (90) days from the date of approval unless, within that period, a plat or plan, in
8 conformity with approval, and as defined in this act, is submitted for signature and recording as
9 specified in § 45-23-64. Validity may be extended for a longer period, for cause shown, if requested
10 by the application in writing, and approved by the planning board.

11 **45-23-40. General provisions -- Major land development and major subdivision --**
12 **Master plan.**

13 (a) Submission requirements.

14 (1) The applicant shall first submit to the administrative officer the items required by the
15 local regulations for master plans.

16 (2) Requirements for the master plan and supporting material for this phase of review
17 include, but are not limited to: information on the natural and built features of the surrounding
18 neighborhood, existing natural and man-made conditions of the development site, including
19 topographic features, the freshwater wetland and coastal zone boundaries, the floodplains, as well
20 as the proposed design concept, proposed public improvements and dedications, tentative
21 construction phasing; and potential neighborhood impacts.

22 (3) Initial comments will be solicited from:

23 (i) Local agencies including, but not limited to, the planning department, the department of
24 public works, fire and police departments, the conservation and recreation commissions;

25 (ii) Adjacent communities;

26 (iii) State agencies, as appropriate, including the departments of environmental
27 management and transportation and the coastal resources management council; and

28 (iv) Federal agencies, as appropriate. The administrative officer shall coordinate review
29 and comments by local officials, adjacent communities, and state and federal agencies.

30 (4) Requests for relief from the literal requirements of the zoning ordinance and/or for the
31 issuance of special-use permits related to major subdivisions and/or major land-development
32 projects that are submitted under a zoning ordinance's unified development review provisions shall
33 be included as part of the master plan application, pursuant to § 45-23-50.1(b).

34 (b) Certification. The application must be certified, in writing, complete or incomplete by

1 the administrative officer within ~~twenty-five (25)~~ forty-five (45) days, according to the provisions
2 of § 45-23-36(b). The running of the time period set forth herein will be deemed stopped upon the
3 issuance of a certificate of incompleteness of the application by the administrative officer and will
4 recommence upon the resubmission of a corrected application by the applicant. However, in no
5 event will the administrative officer be required to certify a corrected submission as complete or
6 incomplete less than ten (10) days after its resubmission.

7 (c) Technical review committee. The technical review committee, if established, shall
8 review the application and shall comment and make recommendations to the planning board.

9 (d) Informational meeting.

10 (1) A public informational meeting will be held prior to the planning board decision on the
11 master plan, unless the master plan and preliminary plan approvals are being combined, in which
12 case the public informational meeting is optional, based upon planning board determination, or
13 unified development review has been requested, in which case a public hearing shall be held
14 pursuant to § 45-23-50.1(b).

15 (2) Public notice for the informational meeting is required and must be given at least seven
16 (7) days prior to the date of the meeting in a newspaper of general circulation within the
17 municipality. Postcard notice must be mailed to the applicant and to all property owners within the
18 notice area, as specified by local regulations.

19 (3) At the public informational meeting, the applicant will present the proposed
20 development project. The planning board must allow oral and written comments from the general
21 public. All public comments are to be made part of the public record of the project application.

22 (e) Decision. The planning board shall, within ~~ninety (90)~~ one hundred twenty (120) days
23 of certification of completeness, or within a further amount of time that may be consented to by the
24 applicant through the submission of a written waiver, approve of the master plan as submitted,
25 approve with changes and/or conditions, or deny the application, according to the requirements of
26 §§ 45-23-60 and 45-23-63.

27 (f) Failure to act. Failure of the planning board to act within the prescribed period
28 constitutes approval of the master plan, and a certificate of the administrative officer as to the failure
29 of the planning board to act within the required time and the resulting approval will be issued on
30 request of the applicant.

31 (g) Vesting.

32 (1) The approved master plan is vested for a period of two (2) years, with the right to extend
33 for two (2), one-year extensions upon written request by the applicant, who must appear before the
34 planning board for the annual review. Thereafter, vesting may be extended for a longer period, for

1 good cause shown, if requested by the applicant, in writing, and approved by the planning board.
2 Master plan vesting includes the zoning requirements, conceptual layout, and all conditions shown
3 on the approved master plan drawings and supporting materials.

4 (2) The initial four-year (4) vesting for the approved master plan constitutes the vested
5 rights for the development as required in § 45-24-44.

6 **45-23-41. General provisions -- Major land development and major subdivision --**
7 **Preliminary plan.**

8 (a) Submission requirements.

9 (1) The applicant shall first submit to the administrative officer the items required by the
10 local regulations for preliminary plans.

11 (2) Requirements for the preliminary plan and supporting materials for this phase of the
12 review include, but are not limited to: engineering plans depicting the existing site conditions,
13 engineering plans depicting the proposed development project, a perimeter survey, all permits
14 required by state or federal agencies prior to commencement of construction, including permits
15 related to freshwater wetlands, the coastal zone, floodplains, preliminary suitability for individual
16 septic disposal systems, public water systems, and connections to state roads.

17 (3) At the preliminary plan review phase, the administrative officer shall solicit final,
18 written comments and/or approvals of the department of public works, the city or town engineer,
19 the city or town solicitor, other local government departments, commissions, or authorities as
20 appropriate.

21 (4) Prior to approval of the preliminary plan, copies of all legal documents describing the
22 property, proposed easements, and rights-of-way.

23 (5) If the applicant is requesting alteration of any variances and/or special-use permits
24 granted by the planning board or commission at the master plan stage of review pursuant to adopted
25 unified development review provisions, and/or any new variances and/or special-use permits, such
26 requests and all supporting documentation shall be included as part of the preliminary plan
27 application materials, pursuant to § 45-23-50.1(b).

28 (b) Certification. The application will be certified as complete or incomplete by the
29 administrative officer within ~~twenty-five (25)~~ forty-five (45) days, according to the provisions of §
30 45-23-36(b). The running of the time period set forth herein will be deemed stopped upon the
31 issuance of a certificate of incompleteness of the application by the administrative officer and will
32 recommence upon the resubmission of a corrected application by the applicant. However, in no
33 event shall the administrative officer be required to certify a corrected submission as complete or
34 incomplete less than ten (10) days after its resubmission.

1 (c) Technical review committee. The technical review committee, if established, shall
2 review the application and shall comment and make recommendations to the planning board.

3 (d) Public hearing. Prior to a planning board decision on the preliminary plan, a public
4 hearing, which adheres to the requirements for notice described in § 45-23-42, must be held.

5 (e) Public improvement guarantees. Proposed arrangements for completion of the required
6 public improvements, including construction schedule and/or financial guarantees, shall be
7 reviewed and approved by the planning board at preliminary plan approval.

8 (f) Decision. A complete application for a major subdivision or development plan shall be
9 approved, approved with conditions, or denied, in accordance with the requirements of §§ 45-23-
10 60 and 45-23-63, within ~~ninety (90)~~ one hundred twenty (120) days of the date when it is certified
11 complete, or within a further amount of time that may be consented to by the developer through the
12 submission of a written waiver.

13 (g) Failure to act. Failure of the planning board to act within the prescribed period
14 constitutes approval of the preliminary plan and a certificate of the administrative officer as to the
15 failure of the planning board to act within the required time and the resulting approval shall be
16 issued on request of the applicant.

17 (h) Vesting. The approved preliminary plan is vested for a period of two (2) years with the
18 right to extend for two (2), one-year extensions upon written request by the applicant, who must
19 appear before the planning board for each annual review and provide proof of valid state or federal
20 permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause
21 shown, if requested, in writing by the applicant, and approved by the planning board. The vesting
22 for the preliminary plan approval includes all general and specific conditions shown on the
23 approved preliminary plan drawings and supporting material.

24 **45-23-43. General provisions -- Major land development and major subdivision --**

25 **Final plan.**

26 (a) Submission requirements.

27 (1) The applicant shall submit to the administrative officer the items required by the local
28 regulations for the final plan, as well as all material required by the planning board when the
29 application was given preliminary approval.

30 (2) Arrangements for completion of the required public improvements, including
31 construction schedule and/or financial guarantees.

32 (3) Certification by the tax collector that all property taxes are current.

33 (4) For phased projects, the final plan for phases following the first phase, shall be
34 accompanied by copies of as-built drawings not previously submitted of all existing public

1 improvements for prior phases.

2 (b) Certification. The application for final plan approval shall be certified complete or
3 incomplete by the administrative officer in writing, within ~~twenty-five (25)~~ fifteen (15) days,
4 according to the provisions of § 45-23-36(b). This time period may be extended to ~~forty-five (45)~~
5 twenty-five (25) days by written notice from the administrative officer to the applicant where the
6 final plans contain changes to or elements not included in the preliminary plan approval. The
7 running of the time period set forth herein shall be deemed stopped upon the issuance of a certificate
8 of incompleteness of the application by the administrative officer and shall recommence upon the
9 resubmission of a corrected application by the applicant. However, in no event shall the
10 administrative officer be required to certify a corrected submission as complete or incomplete less
11 than ~~fourteen (14)~~ ten (10) days after its resubmission. If the administrative officer certifies the
12 application as complete and does not require submission to the planning board as per subsection
13 (c) below, the final plan shall be considered approved.

14 (c) Referral to the planning board. If the administrative officer determines that an
15 application for final approval does not meet the requirements set by local regulations or by the
16 planning board at preliminary approval, the administrative officer shall refer the final plans to the
17 planning board for review. The planning board shall, within forty-five (45) days after the
18 certification of completeness, or within a further amount of time that may be consented to by the
19 applicant, approve or deny the final plan as submitted.

20 (d) Failure to act. Failure of the planning board to act within the prescribed period
21 constitutes approval of the final plan and a certificate of the administrative officer as to the failure
22 of the planning board to act within the required time and the resulting approval shall be issued on
23 request of the applicant.

24 (e) Expiration of approval. The final approval of a major subdivision or land development
25 project expires one year from the date of approval with the right to extend for one year upon written
26 request by the applicant, who must appear before the planning board for the annual review, unless,
27 within that period, the plat or plan has been submitted for signature and recording as specified in §
28 45-23-64. Thereafter, the planning board may, for good cause shown, extend the period for
29 recording for an additional period.

30 (f) Acceptance of public improvements. Signature and recording as specified in § 45-23-
31 64 constitute the acceptance by the municipality of any street or other public improvement or other
32 land intended for dedication. Final plan approval shall not impose any duty upon the municipality
33 to maintain or improve those dedicated areas until the governing body of the municipality accepts
34 the completed public improvements as constructed in compliance with the final plans.

1 (g) Validity of recorded plans. The approved final plan, once recorded, remains valid as
2 the approved plan for the site unless and until an amendment to the plan is approved under the
3 procedure stated in § 45-23-65, or a new plan is approved by the planning board.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

1 This act would allow minor subdivisions (residential only) to remain minor and subject to
2 the lesser time period for certification. This act would also add more time for certification at the
3 master and preliminary plan phases on major subdivisions and land developments but reduces the
4 time for certification and resubmission at the final plan phase for consistency purposes. The time
5 for the master plan decision is increased to one hundred twenty (120) days and the time for the
6 preliminary plan decision is restored to one hundred twenty (120) days.

7 This act would take effect upon passage.

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