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LC005328

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO TOWNS AND CITIES - SUBDIVISION OF LAND

Introduced By: Senators Sosnowski, and Algieri

Date Introduced: March 27, 2018

Referred To: Senate Housing & Municipal Government

(by request)

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
6 either the Rhode Island Comprehensive Planning and Land Use Regulation Act, § 45-22.2-4, or
7 the Rhode Island Zoning Enabling Act of 1991, § 45-24-31, they have the meanings stated in
8 those acts. Additional words and phrases may be defined in local ordinances, regulations and
9 rules under this act. The words and phrases defined in this section, however, shall be controlling
10 in all local ordinances, regulations, and rules created under this chapter. See also § 45-23-34. In
11 addition, the 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-
16 55.

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

1 (3) Board of appeal. The local review authority for appeals of actions of the
2 administrative officer and the planning board on matters of land development or subdivision,
3 which shall be the local zoning board of review constituted as the board of appeal. See § 45-23-
4 57.

5 (4) Bond. See improvement guarantee.

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

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

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

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

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

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

28 (11) Division of land. A subdivision.

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

33 (13) Final plan. The final stage of land development and subdivision review. See § 45-23-
34 43.

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~in this chapter.~~

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

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

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

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

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

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

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

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

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

24 (35) Preliminary plan. The required stage of land development and subdivision review
25 which requires detailed engineered drawings and all required state and federal permits. See § 45-
26 23-41.

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

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

33 (38) Re-subdivision. Any change of an approved or recorded subdivision plat or in a lot
34 recorded in the municipal land evidence records, or that affects the lot lines of any areas reserved

1 for public use, or that affects any map or plan legally recorded prior to the adoption of the local
2 land development and subdivision regulations. For the purposes of this act any action constitutes
3 a subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **45-23-38. General provisions -- Minor land development and minor subdivision**
27 **review.**

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

34 (b) Submission requirements. Any applicant requesting approval of a proposed, minor

1 subdivision or minor land development, as defined in this chapter, shall submit to the
2 administrative officer the items required by the local regulations. Requests for relief from the
3 literal requirements of the zoning ordinance and/or for the issuance of special-use permits related
4 to minor subdivisions and/or minor land-development projects that are submitted under a zoning
5 ordinance's unified development review provisions shall be included as part of the preliminary
6 plan application, pursuant to § 45-23-50.1(b).

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

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

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

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

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

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

1 the requirements in § 45-23-42 and will approve, deny, or approve with conditions, the
2 preliminary plan within ninety-five (95) days of certification of completeness, or within any
3 specified time that is agreed to by the applicant and the board, according to the requirements of
4 §§ 45-23-60 and 45-23-63.

5 (g) Failure to act. Failure of the planning board to act within the period prescribed
6 constitutes approval of the preliminary plan and a certificate of the administrative officer as to the
7 failure of the planning board to act within the required time and the resulting approval will be
8 issued on request of the application.

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

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

18 **45-23-40. General provisions -- Major land development and major subdivision --**
19 **Master plan.**

20 (a) Submission requirements.

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

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

29 (3) Initial comments will be solicited from:

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

32 (ii) Adjacent communities;

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

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

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

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

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

16 (d) Informational meeting.

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

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

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

29 (e) Decision. The planning board shall, within ~~ninety (90)~~ one hundred twenty (120) days
30 of certification of completeness, or within a further amount of time that may be consented to by
31 the applicant through the submission of a written waiver, approve of the master plan as submitted,
32 approve with changes and/or conditions, or deny the application, according to the requirements of
33 §§ 45-23-60 and 45-23-63.

34 (f) Failure to act. Failure of the planning board to act within the prescribed period

1 constitutes approval of the master plan, and a certificate of the administrative officer as to the
2 failure of the planning board to act within the required time and the resulting approval will be
3 issued on request of the applicant.

4 (g) Vesting.

5 (1) The approved master plan is vested for a period of two (2) years, with the right to
6 extend for two (2), one-year extensions upon written request by the applicant, who must appear
7 before the planning board for the annual review. Thereafter, vesting may be extended for a longer
8 period, for good cause shown, if requested by the applicant, in writing, and approved by the
9 planning board. Master plan vesting includes the zoning requirements, conceptual layout, and all
10 conditions shown on the approved master plan drawings and supporting materials.

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

13 **45-23-41. General provisions -- Major land development and major subdivision --**

14 **Preliminary plan.**

15 (a) Submission requirements.

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

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

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

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

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

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

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

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

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

15 (f) Decision. A complete application for a major subdivision or development plan shall be
16 approved, approved with conditions, or denied, in accordance with the requirements of §§ 45-23-
17 60 and 45-23-63, within ~~ninety (90)~~ one hundred twenty (120) days of the date when it is certified
18 complete, or within a further amount of time that may be consented to by the developer through
19 the submission of a written waiver.

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

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

31 **45-23-43. General provisions -- Major land development and major subdivision --**
32 **Final plan.**

33 (a) Submission requirements.

34 (1) The applicant shall submit to the administrative officer the items required by the local

1 regulations for the final plan, as well as all material required by the planning board when the
2 application was given preliminary approval.

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

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

6 (4) For phased projects, the final plan for phases following the first phase, shall be
7 accompanied by copies of as-built drawings not previously submitted of all existing public
8 improvements for prior phases.

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

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

27 (d) Failure to act. Failure of the planning board to act within the prescribed period
28 constitutes approval of the final 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 shall be issued on
30 request of the applicant.

31 (e) Expiration of approval. The final approval of a major subdivision or land development
32 project expires one year from the date of approval with the right to extend for one year upon
33 written request by the applicant, who must appear before the planning board for the annual
34 review, unless, within that period, the plat or plan has been submitted for signature and recording

1 as specified in § 45-23-64. Thereafter, the planning board may, for good cause shown, extend the
2 period for recording for an additional period.

3 (f) Acceptance of public improvements. Signature and recording as specified in § 45-23-
4 64 constitute the acceptance by the municipality of any street or other public improvement or
5 other land intended for dedication. Final plan approval shall not impose any duty upon the
6 municipality to maintain or improve those dedicated areas until the governing body of the
7 municipality accepts the completed public improvements as constructed in compliance with the
8 final plans.

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

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

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LC005328
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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 projects (residential only) to remain minor and subject to the
2 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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LC005328
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