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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

Introduced By: Representatives Casey, J. Brien, O'Brien, Dawson, Caldwell, McEntee,
Read, Corvese, Biah, and Azzinaro

Date Introduced: February 27, 2026

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-23-32 of the General Laws in Chapter 45-23 entitled "Subdivision
2 of Land" is hereby amended to read as follows:

3 **45-23-32. Definitions.**

4 Where words or phrases used in this chapter are defined in the definitions section of either
5 the Rhode Island Comprehensive Planning and Land Use Regulation Act, § 45-22.2-4, or the Rhode
6 Island Zoning Enabling Act of 1991, § 45-24-31, they have the meanings stated in those acts.
7 Additional words and phrases may be defined in local ordinances, regulations, and rules under this
8 act in a manner that does not conflict or alter the terms or mandates in this act, the Rhode Island
9 Comprehensive Planning and Land Use Regulation Act § 45-22.2-4, and the Rhode Island Zoning
10 Enabling Act of 1991. The words and phrases defined in this section, however, shall be controlling
11 in all local ordinances, regulations, and rules created under this chapter. In addition, the following
12 words and phrases have the following meanings:

13 (1) **Administrative officer.** The municipal official(s) designated by the local regulations
14 to administer the land development and subdivision regulations to review and approve qualified
15 applications and/or coordinate with local boards and commissions, municipal staff, and state
16 agencies as set forth herein. The administrative officer may be a member, or the chair, of the
17 planning board, an employee of the municipal planning or zoning departments, or an appointed
18 official of the municipality. See § 45-23-55.

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

1 officer, which shall be the local zoning board of review constituted as the board of appeal. See §
2 45-23-57.

3 (3) **Bond.** See improvement guarantee.

4 (4) **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(a)(4).

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

11 (6) **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 (7) **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 (8) **Dedication, fee-in-lieu-of.** Payments of cash that are authorized in the local regulations
19 when requirements for mandatory dedication of land are not met because of physical conditions of
20 the site or other reasons. The conditions under which the payments will be allowed and all formulas
21 for calculating the amount shall be specified in advance in the local regulations. See § 45-23-47.

22 (9) **Development plan review.** Design or site plan review of a development of a permitted
23 use. A municipality may utilize development plan review under limited circumstances to encourage
24 development to comply with design and/or performance standards of the community under specific
25 and objective guidelines, for the following categories of developments:

26 (i) A change in use at the property where no extensive construction of improvements is
27 sought;

28 (ii) An adaptive reuse project located in a commercial zone where no extensive exterior
29 construction of improvements is sought;

30 (iii) An adaptive reuse project located in a residential zone that results in less than nine (9)
31 residential units;

32 (iv) Development in a designated urban or growth center; or

33 (v) Institutional development for educational or hospital facilities.

34 (vi) [Deleted by P.L. 2024, ch. 292, § 1 and P.L. 2024, ch. 293, § 1.]

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

4 (11) **Division of land.** A subdivision.

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

9 (13) **Final plan.** The final stage of land development and subdivision review or a formal
10 development plan review application. See §§ 45-23-38, 45-23-39, and 45-23-50.

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

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

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

18 (17) **Improvement.** Any natural or built item that becomes part of, is placed upon, or is
19 affixed to, real estate.

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

24 (19) **Land development project.** A project in which one or more lots, tracts, or parcels of
25 land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses,
26 units, or structures, including but not limited to, planned development or cluster development for
27 residential, commercial, institutional, recreational, open space, or mixed uses. The local regulations
28 shall include all requirements, procedures, and standards necessary for proper review and approval
29 of land development projects to ensure consistency with this chapter and the Rhode Island zoning
30 enabling act.

31 (i) **Minor land development project.** A land development project involving any one of
32 the following categories which has not otherwise been specifically designated by local ordinance
33 as development plan review:

34 (A) Seven thousand five hundred (7,500) gross square feet of floor area of new commercial,

1 manufacturing, or industrial development, or less; or

2 (B) An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand
3 (10,000) square feet for commercial, manufacturing, or industrial structures; or

4 (C) Mixed-use development consisting of up to six (6) dwelling units and two thousand
5 five hundred (2,500) gross square feet of commercial space or less; or

6 (D) Multi-family residential or residential condominium development of nine (9) units or
7 less; or

8 (E) Change in use at the property where no extensive construction of improvements is
9 sought; or

10 (F) An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross
11 floor area located in a commercial zone where no extensive exterior construction of improvements
12 is sought; or

13 (G) An adaptive reuse project located in a residential zone that results in less than nine (9)
14 residential units.

15 A community can increase but not decrease the thresholds for minor land development set
16 forth above if specifically set forth in the local ordinance and/or regulations. The process by which
17 minor land development projects are reviewed by the local planning board, commission, technical
18 review committee, and/or administrative officer is set forth in § 45-23-38.

19 (ii) **Major land development project.** A land development project that exceeds the
20 thresholds for a minor land development project as set forth in this section and local ordinance or
21 regulation. The process by which major land development projects are reviewed by the local
22 planning board, commission, technical review committee, or administrative officer is set forth in §
23 45-23-39.

24 (20) **Local regulations.** The land development and subdivision review regulations adopted
25 under the provisions of this act. For purposes of clarification, throughout this act, where reference
26 is made to local regulations, it is to be understood as the land development and subdivision review
27 regulations and all related ordinances and rules properly adopted pursuant to this chapter.

28 (21) **Maintenance guarantee.** Any security instrument that may be required and accepted
29 by a municipality to ensure that necessary improvements will function as required for a specific
30 period of time. See improvement guarantee.

31 (22) **Master plan.** An overall plan for a proposed project site outlining general, rather than
32 detailed, development intentions. It describes the basic parameters of a major development
33 proposal, rather than giving full engineering details. Required in major land development or major
34 subdivision review only. It is the first formal review step of the major land development or major

1 subdivision process and the step in the process in which the public hearing is held. See § 45-23-39.

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

3 (24) **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 (25) **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 (26) **Permitting authority.** The local agency of government, meaning any board,
8 commission, or administrative officer specifically empowered by state enabling law and local
9 regulation or ordinance to hear and decide on specific matters pertaining to local land use.

10 (27) **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 (28) **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 (29) **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 (30) **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 (31) **Pre-application conference.** An initial meeting between developers and municipal
22 representatives that affords developers the opportunity to present their proposals informally and to
23 receive comments and directions from the municipal officials and others. See § 45-23-35.

24 (32) **Preliminary plan.** A required stage of land development and subdivision review that
25 generally requires detailed engineered drawings. See § 45-23-39.

26 (33) **Public hearing.** A hearing before the planning board that is duly noticed in accordance
27 with § 45-23-42 and that allows public comment. A public hearing is not required for an application
28 or stage of approval unless otherwise stated in this chapter.

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

33 (35) **Slope of land.** The grade, pitch, rise, or incline of the topographic landform or surface
34 of the ground.

1 (36) **Storm water detention.** A provision for storage of storm water runoff and the
2 controlled release of the runoff during and after a flood or storm.

3 (37) **Storm water retention.** A provision for storage of storm water runoff.

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

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

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

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

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

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

22 (44) **Street, public.** All public property reserved or dedicated for street traffic.

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

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

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

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

34 (iii) **Local.** Streets whose primary function is to provide access to abutting properties.

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(47) **Subdivider.** Any person who: (i) Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (ii) Directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, unit, or plat in a subdivision; or who (iii) Engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, unit, or plat in a subdivision.

(48) **Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels or any adjustment to existing lot lines is considered a subdivision.

(i) **Administrative subdivision.** Subdivision of existing lots that yields no additional lots for development, and involves no creation or extension of streets. This subdivision only involves division, mergers, mergers and division, or adjustments of boundaries of existing lots. The process by which an administrative officer or municipal planning board or commission reviews any subdivision qualifying for this review is set forth in § 45-23-37.

(ii) **Minor subdivision.** A subdivision creating nine (9) or fewer buildable lots and a subdivision creating ten (10) or more buildable lots on an existing improved public street. The process by which a municipal planning board, commission, technical review committee, and/or administrative officer reviews a minor subdivision is set forth in § 45-23-38. Minor subdivisions shall include oversized lot subdivisions. Minor subdivisions shall also include single family infill subdivisions. Oversized lot subdivision — Subdivision of an existing lot, allowed by right provided that the:

(A) Which results in the creation of a vacant lot or lots for residential use; and

(B) Which resulting vacant residential lots are equal to or greater in lot area than the lot area of at least fifty percent (50%) of the developed residential lots within two hundred feet (200') of the lot proposed for subdivision, as confirmed by a professional land surveyor based on a compilation plan, as such term is defined by the rules and regulations for professional land surveying; and

(C) Which resulting residential lots have access to available sewer and water, or have demonstrated the ability to drill a private well meeting state standards if no public water is available and/or the suitability and setbacks required for an on-site wastewater treatment system, where no public sewer is available; and

(D) The resulting lots are not less than three thousand square feet (3,000 ft²) in lot size for each.

A lot, qualifying for this type of subdivision shall be reviewed under the requirements and

1 procedures set forth in § 45-23-38, but shall not require zoning relief solely based on the resulting
2 reduced lot area of the newly created lots. The resulting subdivided lots shall have the benefit of
3 reduced requirements as set forth in § 45-24-38, and/or are eligible for the processes set forth in §
4 45-24-46, as applicable.

5 Single family infill subdivisions. Subdivision of an existing lot in areas serviced by public
6 water and sewer and which have additional capacity to service the proposed resulting lots are
7 allowed provided that such subdivision:

8 (I) Results in a maximum of three (3) new lots, which are limited to single family detached
9 residential use; and

10 (II) Which resulting vacant residential lots are each equal to or greater than at least seventy-
11 five percent (75%) of the size of the average lot size of all of the developed residential lots within
12 two hundred feet (200') of the lot proposed for subdivision, excluding lots that are used for multi-
13 family residential purposes, as confirmed by a professional land surveyor based on a compilation
14 plan, as such term is defined by the rules and regulation for professional land surveying; and

15 (III) The lots will be located on an existing improved public street.

16 A lot, qualifying for this type of subdivision shall be reviewed under the requirements and
17 procedures set forth in § 45-23-38, but shall not require zoning relief solely based on the resulting
18 reduced lot area of the newly created lots. The resulting subdivided lots shall have the benefit of
19 reduced requirements as set forth in § 45-24-38, and/or are eligible for the processes set forth in §
20 45-24-46, as applicable.

21 (iii) **Major subdivision.** A subdivision creating ten (10) or more buildable lots where a
22 street extension or street creation is required. The process by which a municipal planning board or
23 commission reviews any subdivision qualifying for this review under § 45-23-39.

24 (49) **Technical review committee.** A committee or committees appointed by the
25 municipality for the purpose of reviewing, commenting, approving, and/or making
26 recommendations to the planning board or administrative officer, as set forth in this chapter.

27 (50) **Temporary improvement.** Improvements built and maintained by a developer during
28 construction of a development project and prior to release of the improvement guarantee, but not
29 intended to be permanent.

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

33 (52) **Waiver of requirements.** See § 45-23-62.

1 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 provide that minor subdivisions include single family infill subdivisions
2 and establish procedures for single family infill subdivisions within the subdivision of land chapter
3 of the general laws.

4 This act would take effect upon passage.

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