

2023 -- H 6061 SUBSTITUTE A

LC002437/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

Introduced By: Representatives Craven, Shekarchi, McGaw, Shanley, Dawson, and O'Brien

Date Introduced: March 03, 2023

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-23-27, 45-23-32, 45-23-36, 45-23-38, 45-23-39, 45-23-42, 45-
2 23-50, 45-23-50.1, 45-23-55, 45-23-56, 45-23-62, 45-23-67 and 45-23-71 of the General Laws in
3 Chapter 45-23 entitled "Subdivision of Land" are hereby amended to read as follows:

4 **45-23-27. ~~Applicability~~ Applicability -- Effective January 1, 2024.**

5 (a) Sections 45-23-25 — 45-23-74 and all local regulations are applicable to all
6 applications under this chapter in all of the following instances:

7 ~~(1) In all cases of subdivision of land, including re-subdivision, as defined in § 45-23-32,~~
8 ~~all provisions of §§ 45-23-25 — 45-23-74 apply;~~

9 ~~(2) In all cases of land development projects, as provided for in § 45-24-47 of the Zoning~~
10 ~~Enabling Act of 1991, where a municipality has allowed for the land development projects in its~~
11 ~~local zoning ordinance; and/or~~

12 ~~(3) In all cases of development plan review, as provided for in § 45-24-49 of the Zoning~~
13 ~~Enabling Act of 1991, where a municipality has established, within their zoning ordinance, the~~
14 ~~procedures for planning board review of applications.~~

15 (b) Plats required.

16 (1) All activity defined as a subdivision requires a new plat, drawn to the specifications of
17 the local regulations, and reviewed and approved by the planning board or its agents as provided in
18 this chapter; and

19 (2) Prior to recording, the approved plat shall be submitted for signature and recording as

1 specified in § 45-23-64.

2 **45-23-32. Definitions Definitions -- Effective January 1, 2024.**

3 Where words or phrases used in this chapter are defined in the definitions section of either
4 the Rhode Island Comprehensive Planning and Land Use Regulation Act, § 45-22.2-4, or the Rhode
5 Island Zoning Enabling Act of 1991, § 45-24-31, they have the meanings stated in those acts.
6 Additional words and phrases may be defined in local ordinances, regulations and rules under this
7 act in a manner that does not conflict or alter the terms or mandates in this act, the Rhode Island
8 Comprehensive Planning and Land Use Regulation Act § 45-22.2-4, and the Rhode Island Zoning
9 Enabling Act of 1991. 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(s) designated by the local regulations to
13 administer the land development and subdivision regulations ~~and~~ to review and approve qualified
14 applications and/or coordinate with local boards and commissions, municipal staff and state
15 agencies as set forth herein. The administrative officer may be a member of, or the chair, of the
16 planning board, an employee of the municipal planning or zoning departments, or an appointed
17 official of the municipality. See § 45-23-55.

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

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

24 (4) Bond. See improvement guarantee.

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

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

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

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

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

10 (10) Development plan review. Design or site plan review of a development of a permitted
11 use. A municipality may utilize development plan review under limited circumstances to encourage
12 development to comply with design and/or performance standards of the community under specific
13 and objective guidelines, for developments including, but not limited to:

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

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

18 (iii) An adaptive reuse project located in a residential zone which results in less than nine
19 (9) residential units;

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

21 (v) Institutional development design review for educational or hospital facilities; or

22 (vi) Development in a historic district.

23 ~~(10)~~(11) Development regulation. Zoning, subdivision, land development plan,
24 development plan review, historic district, official map, flood plain regulation, soil erosion control
25 or any other governmental regulation of the use and development of land.

26 ~~(11)~~(12) Division of land. A subdivision.

27 ~~(12)~~(13) Environmental constraints. Natural features, resources, or land characteristics that
28 are 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)~~(14) Final plan. The final stage of land development and subdivision review. See § 45-
32 23-43.

33 ~~(14)~~(15) Final plat. The final drawing(s) of all or a portion of a subdivision to be recorded
34 after approval by the planning board and any accompanying material as described in the

1 community's regulations and/or required by the planning board.

2 ~~(15)~~(16) Floor area, gross. See R.I. State Building Code.

3 ~~(16)~~(17) Governing body. The body of the local government, generally the city or town
4 council, having the power to adopt ordinances, accept public dedications, release public
5 improvement guarantees, and collect fees.

6 ~~(17)~~(18) Improvement. Any natural or built item which becomes part of, is placed upon, or
7 is affixed to, real estate.

8 ~~(18)~~(19) Improvement guarantee. A security instrument accepted by a municipality to
9 ensure 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 (20) Land-development project. A project in which one or more lots, tracts, or parcels of
13 land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses,
14 units, or structures, including but not limited to, planned development or cluster development for
15 residential commercial, institutional, recreational, open space, or mixed uses. The local regulations
16 shall include all requirements, procedures and standards necessary for proper review and approval
17 of land development projects to ensure consistency with this chapter and the Rhode Island zoning
18 enabling act.

19 (i) Minor land development project. A land development project involving any one the
20 following:

21 (A) Seven thousand five hundred (7,500) gross square feet of floor area of new commercial,
22 manufacturing or industrial development; or less, or

23 (B) An expansion of up to fifty percent (50%) of existing floor area for commercial,
24 manufacturing or industrial structures; or

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

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

29 (E) Change in use at the property where no extensive construction of improvements are
30 sought;

31 (F) An adaptive reuse project located in a commercial zone where no extensive exterior
32 construction of improvements is sought;

33 (G) An adaptive reuse project located in a residential zone which results in less than nine
34 (9) residential units;

1 The process by which minor land development projects are reviewed by the local planning
2 board, commission, technical review committee and/or administrative officer is set forth in § 45-
3 23-38.

4 (ii) Major land development project. A land development project which exceeds the
5 thresholds for a minor land development project as set forth in this section. The process by which
6 major land development projects are reviewed by the local planning board, commission, technical
7 review committee or administrative officer is set forth in § 45-23-39.

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

12 ~~(20)~~(22) Maintenance guarantee. Any security instrument which may be required and
13 accepted by a municipality to ensure that necessary improvements will function as required for a
14 specific period of time. See improvement guarantee.

15 ~~(21) Major land development plan. Any land development plan not classified as a minor~~
16 ~~land development plan.~~

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

19 (23) Master plan. An overall plan for a proposed project site outlining general, rather than
20 detailed, development intentions. It describes the basic parameters of a major development
21 proposal, rather than giving full engineering details. Required in major land development or major
22 subdivision review only. It is the first formal review step of the major land development or major
23 subdivision process and the step in the process in which the public hearing is held . See § ~~45-23-40~~
24 45-23-39.

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

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

32 ~~(26)~~(24) Modification of requirements. See § 45-23-62.

33 ~~(27)~~(25) Parcel. A lot, or contiguous group of lots in single ownership or under single
34 control, and usually considered a unit for purposes of development. Also referred to as a tract.

1 ~~(28)~~(26) Parking area or lot. All that portion of a development that is used by vehicles, the
2 total area used for vehicular access, circulation, parking, loading and unloading.

3 ~~(29)~~(27) Permitting authority. The local agency of government, meaning any board,
4 commission or administrative officer specifically empowered by state enabling law and local
5 regulation or ordinance to hear and decide on specific matters pertaining to local land use.

6 ~~(30)~~(28) Phased development. Development, usually for large-scale projects, where
7 construction of public and/or private improvements proceeds by sections subsequent to approval
8 of a master plan for the entire site. See § 45-23-48.

9 ~~(31)~~(29) Physical constraints to development. Characteristics of a site or area, either natural
10 or man-made, which present significant difficulties to construction of the uses permitted on that
11 site, or would require extraordinary construction methods. See also environmental constraints.

12 ~~(32)~~(30) Planning board. The official planning agency of a municipality, whether
13 designated as the plan commission, planning commission, plan board, or as otherwise known.

14 ~~(33)~~(31) Plat. A drawing or drawings of a land development or subdivision plan showing
15 the location, boundaries, and lot lines of individual properties, as well as other necessary
16 information as specified in the local regulations.

17 ~~(34)~~(32) Pre-application conference. An initial meeting between developers and municipal
18 representatives which affords developers the opportunity to present their proposals informally and
19 to receive comments and directions from the municipal officials and others. See § 45-23-35.

20 ~~(35)~~(33) Preliminary plan. ~~The A~~ required stage of land development and subdivision
21 review which generally requires detailed engineered drawings ~~and all required state and federal~~
22 ~~permits~~. See § ~~45-23-41~~ 45-23-39.

23 (34) Public hearing. A hearing before the planning board which is duly noticed in
24 accordance with § 45-23-42 and which allows public comment. A public hearing is not required
25 for an application or stage of approval unless otherwise stated in this chapter.

26 ~~(36)~~(35) Public improvement. Any street or other roadway, sidewalk, pedestrian way, tree,
27 lawn, off-street parking area, drainage feature, or other facility for which the local government or
28 other governmental entity either is presently responsible, or will ultimately assume the
29 responsibility for maintenance and operation upon municipal acceptance.

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

32 ~~(38) Re-subdivision. Any change of an approved or recorded subdivision plat or in a lot~~
33 ~~recorded in the municipal land evidence records, or that affects the lot lines of any areas reserved~~
34 ~~for public use, or that affects any map or plan legally recorded prior to the adoption of the local~~

1 ~~land development and subdivision regulations. For the purposes of this act any action constitutes a~~
2 ~~subdivision.~~

3 ~~(39)~~(36) Slope of land. The grade, pitch, rise or incline of the topographic landform or
4 surface of the ground.

5 ~~(40)~~(37) Storm water detention. A provision for storage of storm water runoff and the
6 controlled release of the runoff during and after a flood or storm.

7 ~~(41)~~(38) Storm water retention. A provision for storage of storm water runoff.

8 ~~(42)~~(39) Street. A public or private thoroughfare used, or intended to be used, for passage
9 or travel by motor vehicles. Streets are further classified by the functions they perform. See street
10 classification.

11 ~~(43)~~(40) Street, access to. An adequate and permanent way of entering a lot. All lots of
12 record shall have access to a public street for all vehicles normally associated with the uses
13 permitted for that lot.

14 ~~(44)~~(41) Street, alley. A public or private thoroughfare primarily designed to serve as
15 secondary access to the side or rear of those properties whose principal frontage is on some other
16 street.

17 ~~(45)~~(42) Street, cul-de-sac. A local street with only one outlet and having an appropriate
18 vehicular turnaround, either temporary or permanent, at the closed end.

19 ~~(46)~~(43) Street, limited access highway. A freeway or expressway providing for through
20 traffic. Owners or occupants of abutting property on lands and other persons have no legal right to
21 access, except at the points and in the manner as may be determined by the public authority having
22 jurisdiction over the highway.

23 ~~(47)~~(44) Street, private. A thoroughfare established as a separate tract for the benefit of
24 multiple, adjacent properties and meeting specific, municipal improvement standards. This
25 definition does not apply to driveways.

26 ~~(48)~~(45) Street, public. All public property reserved or dedicated for street traffic.

27 ~~(49)~~(46) Street, stub. A portion of a street reserved to provide access to future development,
28 which may provide for utility connections.

29 ~~(50)~~(47) Street classification. A method of roadway organization which identifies a street
30 hierarchy according to function within a road system, that is, types of vehicles served and
31 anticipated volumes, for the purposes of promoting safety, efficient land use and the design
32 character of neighborhoods and districts. Local classifications use the following as major
33 categories:

34 (a) Arterial. A major street that serves as an avenue for the circulation of traffic into, out

1 of, or around the municipality and carries high volumes of traffic.

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

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

5 ~~(51)~~(48) Subdivider. Any person who (1) having an interest in land, causes it, directly or
6 indirectly, to be divided into a subdivision or who (2) directly or indirectly sells, leases, or develops,
7 or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel,
8 site, unit, or plat in a subdivision, or who (3) engages directly or through an agent in the business
9 of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any
10 interest, lot, parcel, site, unit, or plat in a subdivision.

11 ~~(52)~~(49) Subdivision. The division ~~or re-division~~, of a lot, tract or parcel of land into two
12 or more lots, tracts, or parcels. ~~Any or any~~ adjustment to existing lot lines ~~of a recorded lot by any~~
13 ~~means~~ is considered a subdivision. ~~All re-subdivision activity is considered a subdivision. The~~
14 ~~division of property for purposes of financing constitutes a subdivision.~~

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

20 (ii) Minor subdivision. A subdivision creating nine (9) or fewer buildable lots. The process
21 by which a municipal planning board, commission, technical review committee, and/or
22 administrative officer reviews a minor subdivision is set forth in § 45-23-38.

23 (iii) Major subdivision. A subdivision creating ten (10) or more buildable lots. The process
24 by which a municipal planning board or commission reviews any subdivision qualifying for this
25 review under § 45-23-39.

26 ~~(53)~~(50) Technical review committee. A committee or committees appointed by the
27 ~~planning board~~ municipality for the purpose of reviewing, commenting, ~~and~~ approving and/or
28 making recommendations to the planning board ~~with respect to approval of land development and~~
29 ~~subdivision applications~~ or administrative officer, as set forth in this chapter.

30 ~~(54)~~(51) Temporary improvement. Improvements built and maintained by a developer
31 during construction of a development project and prior to release of the improvement guarantee,
32 but not intended to be permanent.

33 ~~(55)~~(52) Vested rights. The right to initiate or continue the development of an approved
34 project for a specified period of time, under the regulations that were in effect at the time of

1 approval, even if, after the approval, the regulations change prior to the completion of the project.

2 ~~(56)~~(53) Waiver of requirements. See § 45-23-62.

3 ~~45-23-36. General provisions — Application for development and certification of~~
4 ~~completeness~~ **General provisions -- Authority and application for development and**
5 **certification of completeness -- Effective January 1, 2024.**

6 (a) Authority. Municipalities shall provide for the submission and approval of land
7 development projects and subdivisions, as such terms are defined in the Rhode Island Zoning
8 Enabling Act of 1991, and/or this chapter, and such are subject to the local regulations which
9 shall be consistent with the requirements of this chapter. The local regulations must include all
10 requirements, procedures and standards necessary for proper review and approval of applications
11 made under this chapter to ensure consistency with the intent and purposes of this chapter and
12 with § 45-24-47 of the Rhode Island Zoning Enabling Act of 1991.

13 (b) Classification. ~~The~~ In accordance with this chapter, the administrative officer shall
14 advise the applicant as to which ~~approvals are~~ category of approval is required ~~and the appropriate~~
15 ~~board for hearing an application~~ for a ~~land development or subdivision~~ project. An applicant shall
16 not be required to obtain both land development and development plan review, for the same project.

17 The following ~~types~~ categories of applications, as defined in ~~§ 45-23-32~~ this chapter, may be filed:

18 (1) Subdivisions. Administrative subdivision, minor subdivision or major subdivision;

19 (2) ~~Minor subdivision or minor land development plan; and~~ Land development projects.

20 Minor land development or major land development; and

21 (3) Development plan review.

22 ~~(3) Major subdivision or major land development plan.~~

23 ~~(b)~~(c) Certification of a complete application. An application shall be complete for
24 purposes of commencing the applicable time period for action when so certified by the
25 administrative officer. Every certification of completeness required by this chapter shall be in
26 writing. In the event the certification of the application is not made within the time specified in this
27 chapter for the type of plan, the application is deemed complete for purposes of commencing the
28 review period unless the application lacks information required for these applications as specified
29 in the local regulations and the administrative officer has notified the applicant, in writing, of the
30 deficiencies in the application. See §§ 45-23-38, 45-23-39 and 45-23-50 for applicable certification
31 timeframes and requirements.

32 ~~(e)~~(d) Notwithstanding ~~subsections (a) and (b)~~ other provisions of this section, the planning
33 board may subsequently require correction of any information found to be in error and submission
34 of additional information specified in the regulations but not required by the administrative officer

1 prior to certification, as is necessary to make an informed decision.

2 ~~(d)~~(e) Where the review is postponed with the consent of the applicant, pending further
3 information or revision of information, the time period for review is stayed and resumes when the
4 administrative officer or the planning board determines that the required application information is
5 complete.

6 ~~45-23-38. General provisions — Minor land development and minor subdivision~~
7 ~~review~~ **General provisions -- Minor land development and minor subdivision review --**
8 **Effective January 1, 2024.**

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

14 Application types and review stages.

15 (1) Applications requesting relief from the zoning ordinance.

16 (i) Applications under this section which require relief which qualifies only as a
17 modification under § 45-24-46 and local ordinances shall proceed by filing an application under
18 this chapter and a request for a modification to the zoning enforcement officer. If such modification
19 is granted the application shall then proceed to be reviewed by the administrative officer pursuant
20 to the applicable requirements of this section. If the modification is denied or an objection is
21 received as set forth in § 45-24-46, such application shall proceed under unified development plan
22 review pursuant to § 45-23-50.1.

23 (ii) Applications under this section which require relief from the literal provisions of the
24 zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning
25 board under unified development plan review pursuant to § 45-23-50.1, and a request for review
26 shall accompany the preliminary plan application.

27 (iii) Any application involving a street creation or extension shall be reviewed by the
28 planning board and require a public hearing.

29 (2) Other applications.

30 The administrative officer shall review and grant, grant with conditions or deny all other
31 applications under this section and may grant waivers of design standards as set forth in the local
32 regulations and zoning ordinance. The administrative officer may utilize the technical review
33 committee for initial review and recommendation. The local regulations shall specifically list what
34 limited waivers an administrative officer is authorized to grant as part of their review.

1 (3) Review stages.

2 Minor plan review consists of two (2) stages, preliminary and final; provided, that unless
3 otherwise set forth in this section, if a street creation or extension is involved, or a request for
4 variances and/or special-use permits are submitted, pursuant to the regulation's unified
5 development review provisions, a public hearing is required before the planning board. The
6 administrative officer may combine the approval stages, providing requirements for both stages are
7 met by the applicant to the satisfaction of the administrative officer.

8 (b) Submission requirements. Any applicant requesting approval of a proposed, minor
9 subdivision or minor land development, as defined in this chapter, shall submit to the administrative
10 officer the items required by the local regulations. ~~Requests for relief from the literal requirements~~
11 ~~of the zoning ordinance and/or for the issuance of special use permits related to minor subdivisions~~
12 ~~and/or minor land development projects that are submitted under a zoning ordinance's unified~~
13 ~~development review provisions shall be included as part of the preliminary plan application,~~
14 ~~pursuant to § 45-23-50.1(b).~~

15 (c) Certification. ~~The~~ For each applicable stage of review, the application shall be certified,
16 in writing, complete or incomplete by the administrative officer within twenty-five (25) days ~~or~~
17 ~~within fifteen (15) days~~ of the submission so long as a completed checklist of the requirements for
18 submission are provided as part of the submission. Such certification shall be made in accordance
19 with the provisions of § 45-23-36(b). If ~~if~~ no street creation or extension is required, and/or unified
20 development review is not requested, and a completed checklist of the requirements for submission
21 are provided as part of the submission, such application shall be certified, in writing, complete or
22 incomplete by the administrative officer within fifteen (15) days according to the provisions of §
23 45-23-36(b). The running of the time period set forth in this section will be deemed stopped upon
24 the issuance of a certificate of incompleteness of the application by the administrative officer and
25 will recommence upon the resubmission of a corrected application by the applicant. However, in
26 no event will the administrative officer be required to certify a corrected submission as complete
27 or incomplete less than ~~fourteen (14)~~ ten (10) days after its resubmission.

28 ~~(d) Technical review committee. The technical review committee, if established, will~~
29 ~~review the application and will comment and make recommendations to the planning board. The~~
30 ~~application will be referred to the planning board as a whole if there is no technical review~~
31 ~~committee. When reviewed by a technical review committee:~~

32 ~~(1) If the land development or subdivision application does not include a request for unified~~
33 ~~development review and the plan is approved by a majority of the committee members, the~~
34 ~~application is forwarded to the planning board with a recommendation for preliminary plan~~

1 ~~approval without further review.~~

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

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

8 ~~(f)~~(d) Decision on preliminary plan. If no street creation or extension is required, the
9 planning board will approve, deny, or approve with conditions, the preliminary plan within sixty-
10 five (65) days of certification of completeness, or within any further time that is agreed to by the
11 applicant and the board, according to the requirements of §§ 45-23-60 and 45-23-63. If a street
12 extension or creation is required, or the application is reviewed under the unified development plan
13 review, the planning board will hold a public hearing prior to approval according to the
14 requirements in § 45-23-42 and will approve, deny, or approve with conditions, the preliminary
15 plan within ninety-five (95) days of certification of completeness, or within any specified time that
16 is agreed to by the applicant and the board, according to the requirements of §§ 45-23-60 and 45-
17 23-63.

18 ~~(g)~~(e) Failure to act. Failure of the planning board to act within the period prescribed
19 constitutes approval of the preliminary plan and a certificate of the administrative officer as to the
20 failure of the planning board to act within the required time and the resulting approval will be issued
21 on request of the application.

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

25 ~~(h)~~(g) Final plan. ~~The planning board may delegate final plan review and approval to either~~
26 ~~the administrative officer or the technical review committee.~~ Final plans shall be reviewed and
27 approved by either the administrative officer or technical review committee. The officer or
28 committee will report its actions, in writing to the planning board at its next regular meeting, to be
29 made part of the record. The administrative officer or technical review committee shall approve,
30 deny, approve with conditions, or refer the application to the planning board based upon a finding
31 that there is a major change within twenty-five (25) days of the certificate of completeness.

32 (h) Modifications and changes to plans.

33 (1) Minor changes, as defined in the local regulations, to the plans approved at any stage
34 may be approved administratively, by the administrative officer. The changes may be authorized

1 without additional public hearings, at the discretion of the administrative officer. All changes shall
2 be made part of the permanent record of the project application. This provision does not prohibit
3 the administrative officer from requesting recommendation from either the technical review
4 committee or the permitting authority. Denial of the proposed change(s) shall be referred to the
5 applicable permitting authority for review as a major change.

6 (2) Major changes, as defined in the local regulations, to the plans approved at any stage
7 may be approved only by the applicable permitting authority and must follow the same review and
8 hearing process required for approval of preliminary plans, which shall include a public hearing if
9 originally required as part of the application.

10 (3) The administrative officer shall notify the applicant in writing within fourteen (14) days
11 of submission of the final plan application if the administrative officer determines the change to be
12 a major change.

13 (i) Appeal. Decisions under this section shall be considered an appealable decision pursuant
14 to § 45-23-71.

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

20 ~~45-23-39. General provisions — Major land development and major subdivision~~
21 ~~review stages~~ **General provisions -- Major land development and major subdivision review**
22 **stages -- Effective January 1, 2024.**

23 ~~(a) Major plan review is required of all applications for land development and subdivision~~
24 ~~approval subject to this chapter, unless classified as an administrative subdivision or as a minor~~
25 ~~land development or a minor subdivision.~~

26 ~~(b)~~(a) Stages of review. Major ~~plan~~ land development and major subdivision review
27 consists of three stages of review, master plan, preliminary plan and final plan, following the pre-
28 application meeting(s) specified in § 45-23-35. Also required is a public hearing ~~informational~~
29 ~~meeting and a public meeting~~ at the master plan stage of review or, if combined at the first stage of
30 review.

31 ~~(c)~~(b) The ~~planning board may vote to~~ administrative officer may combine review stages
32 and to modify ~~and/or~~ but only the planning board may waive requirements as specified in § 45-23-
33 62. Review stages may be combined only after the ~~planning board~~ administrative officer determines
34 that all necessary requirements have been met by the applicant or that the planning board has

1 waived any submission requirements not included by the applicant.

2 (c) Master plan review.

3 (1) Submission requirements.

4 (i) The applicant shall first submit to the administrative officer the items required by the
5 local regulations for master plans.

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

12 (iii) Initial comments will be solicited from:

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

15 (B) Adjacent communities;

16 (C) State agencies, as appropriate, including the departments of environmental
17 management and transportation and the coastal resources management council; and

18 (D) Federal agencies, as appropriate. The administrative officer shall coordinate review
19 and comments by local officials, adjacent communities, and state and federal agencies.

20 (iv) Applications requesting relief from the zoning ordinance.

21 (A) Applications under this chapter which require relief which qualifies only as a
22 modification under § 45-24-46 and local ordinances shall proceed by filing a master plan
23 application under this section and a request for a modification to the zoning enforcement officer. If
24 such modification is granted, the application shall then proceed to be reviewed by the planning
25 board pursuant to the applicable requirements of this section. If the modification is denied or an
26 objection is received as set forth in § 45-24-46, such application shall proceed under unified
27 development plan review pursuant to § 45-23-50.1.

28 (B) Applications under this section which require relief from the literal provisions of the
29 zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning
30 board under unified development plan review pursuant to § 45-23-50.1.

31 (2) Certification. The application must be certified, in writing, complete or incomplete by
32 the administrative officer within twenty-five (25) days of the submission, according to the
33 provisions of § 45-23-36(b), so long as a completed checklist of requirements are provided with
34 the submission. The running of the time period set forth herein will be deemed stopped upon the

1 issuance of a certificate of incompleteness of the application by the administrative officer and will
2 recommence upon the resubmission of a corrected application by the applicant. However, in no
3 event will the administrative officer be required to certify a corrected submission as complete or
4 incomplete less than ten (10) days after its resubmission.

5 (3) Technical review committee. To the extent the community utilizes a technical review
6 committee, it shall review the application prior to the first planning board meeting and shall
7 comment and make recommendations to the planning board.

8 (4) Public hearing.

9 (i) A public hearing will be held prior to the planning board decision on the master plan. If
10 the master plan and preliminary plan review stages are being combined, a public hearing shall be
11 held during the combined stage of review.

12 (ii) Notice for the public hearing is required and must be given at least fourteen (14) days
13 prior to the date of the meeting in a newspaper of local circulation within the municipality. Notice
14 must be mailed to the applicant and to all property owners within the notice area, as specified by
15 local regulations.

16 (iii) At the public hearing, the applicant will present the proposed development project.
17 The planning board must allow oral and written comments from the general public. All public
18 comments are to be made part of the public record of the project application.

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

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

28 (6) Vesting.

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

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

3 (d) Preliminary plan review.

4 (1) Submission requirements.

5 (i) The applicant shall first submit to the administrative officer the items required by the
6 local regulations for preliminary plans.

7 (ii) Requirements for the preliminary plan and supporting materials for this phase of the
8 review include, but are not limited to: engineering plans depicting the existing site conditions,
9 engineering plans depicting the proposed development project, and a perimeter survey.

10 (iii) At the preliminary plan review phase, the administrative officer shall solicit final,
11 written comments and/or approvals of the department of public works, the city or town engineer,
12 the city or town solicitor, other local government departments, commissions, or authorities as
13 appropriate.

14 (iv) Prior to approval of the preliminary plan, copies of all legal documents describing the
15 property, proposed easements, and rights-of-way.

16 (v) Prior to approval of the preliminary plan, an applicant must submit all permits required
17 by state or federal agencies, including permits related to freshwater wetlands, the coastal zone,
18 floodplains, preliminary suitability for individual septic disposal systems, public water systems,
19 and connections to state roads. For a state permit from the Rhode Island department of
20 transportation, a letter evidencing the issuance of such a permit upon the submission of a bond and
21 insurance is sufficient, but such actual permit shall be required prior to the issuance of a building
22 permit.

23 (v) 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 (2) Certification. The application will be certified as complete or incomplete by the
29 administrative officer within twenty-five (25) days, according to the provisions of § 45-23-36(b)
30 so long as a completed checklist of requirements are provided with the submission. The running of
31 the time period set forth herein will be deemed stopped upon the issuance of a certificate of
32 incompleteness of the application by the administrative officer and will recommence upon the
33 resubmission of a corrected application by the applicant. However, in no event shall the
34 administrative officer be required to certify a corrected submission as complete or incomplete less

1 than ten (10) days after its resubmission.

2 (3) Technical review committee. To the extent the community utilizes a technical review
3 committee, it shall review the application prior to the first planning board meeting and shall
4 comment and make recommendations to the planning board.

5 (4) Public notice. Prior to the first planning board meeting on the preliminary plan, public
6 notice shall be sent to abutters only at least fourteen (14) days before the hearing.

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

10 (6) Decision. A complete application for a major subdivision or development plan shall be
11 approved, approved with conditions, or denied, in accordance with the requirements of §§ 45-23-
12 60 and 45-23-63, within ninety (90) days of the date when it is certified complete, or within a
13 further amount of time that may be consented to by the developer through the submission of a
14 written waiver. Provided that, the timeframe for decision is automatically extended if evidence of
15 state permits has not been provided, or otherwise waived in accordance with this section.

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

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

27 (e) Final plan.

28 (1) Submission requirements.

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

32 (ii) Arrangements for completion of the required public improvements, including
33 construction schedule and/or financial guarantees.

34 (iii) Certification by the tax collector that all property taxes are current.

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

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

16 (3) Decision. The administrative officer shall review, grant, grant with conditions or deny
17 final plan approval. The planning board shall, within forty-five (45) days after the certification of
18 completeness, or within a further amount of time that may be consented to by the applicant, approve
19 or deny the final plan as submitted.

20 (4) 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 (5) 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.

30 (6) 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 (7) 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 (f) Modifications and changes to plans.

5 (1) Minor changes, as defined in the local regulations, to the plans approved at any stage
6 may be approved administratively, by the administrative officer. The changes may be authorized
7 without an additional planning board meeting, to the extent applicable, at the discretion of the
8 administrative officer. All changes shall be made part of the permanent record of the project
9 application. This provision does not prohibit the administrative officer from requesting
10 recommendation from either the technical review committee or the permitting authority. Denial of
11 the proposed change(s) shall be referred to the applicable permitting authority for review as a major
12 change.

13 (2) Major changes, as defined in the local regulations, to the plans approved at any stage
14 may be approved only by the applicable permitting authority and must follow the same review and
15 hearing process required for approval of preliminary plans, which shall include a public hearing if
16 originally required as part of the application.

17 (3) The administrative officer shall notify the applicant in writing within fourteen (14) days
18 of submission of the final plan application if the administrative officer determines the change to be
19 a major change of the approved plans.

20 (g) Appeal. Decisions under this section shall be considered an appealable decision
21 pursuant to § 45-23-71.

22 ~~45-23-42. General provisions — Major land development and major subdivision —~~
23 ~~Public hearing and notice~~ **General provisions -- Major land development and major**
24 **subdivision -- Public hearing and notice -- Effective January 1, 2024.**

25 (a) Where a ~~A public hearing is required for a major land development project or a major~~
26 ~~subdivision or where a street extension or creation requires a public hearing for a minor land~~
27 ~~development project or minor subdivision.~~ pursuant to this chapter, the following requirements
28 shall apply :

29 ~~(b)~~(1) Notice requirements. Public notice of the hearing shall be given at least fourteen (14)
30 days prior to the date of the hearing in a newspaper of general circulation within the municipality
31 following the municipality's usual and customary practices for this kind of advertising. Notice shall
32 be sent to the applicant and to each owner within the notice area, by certified mail, return receipt
33 requested, of the time and place of the hearing not less than ten (10) days prior to the date of the
34 hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or

1 preservation restriction on the property that is the subject of the application. The notice shall also
2 include the street address of the subject property, or if no street address is available, the distance
3 from the nearest existing intersection in tenths (1/10's) of a mile. Local regulations may require a
4 supplemental notice that an application for development approval is under consideration be posted
5 at the location in question. The posting is for informational purposes only and does not constitute
6 required notice of a public hearing.

7 ~~(e)~~(2) Notice area.

8 ~~(f)~~(i) The distance(s) for notice of the public hearing shall be specified in the local
9 regulations. The distance may differ by zoning district and scale of development. At a minimum,
10 all abutting property owners to the proposed development's property boundary shall receive notice.

11 ~~(g)~~(ii) Watersheds. Additional notice within watersheds shall also be sent as required in §
12 45-23-53(b) and (c).

13 ~~(h)~~(iii) Adjacent municipalities. Notice of the public hearing shall be sent by the
14 administrative officer to the administrative officer of an adjacent municipality if (1) the notice area
15 extends into the adjacent municipality, or (2) the development site extends into the adjacent
16 municipality, or (3) there is a potential for significant negative impact on the adjacent municipality.

17 ~~(i)~~(3) Notice cost. The cost of all notice shall be borne by the applicant.

18 ~~45-23-50. Special provisions — Development plan review~~ **Special provisions --**
19 **Development plan review -- Effective January 1, 2024.**

20 (a) Municipalities may provide for development plan review, as defined in §§ 45-23-32
21 and 45-24-49 of the Rhode Island Zoning Enabling Act of 1991, ~~to be subject to~~ as part of the local
22 regulations. ~~(b)~~ In these instances, local regulations must include all requirements, procedures and
23 standards necessary for proper review and recommendations of projects subject to development
24 plan review to ensure consistency with the intent and purposes of this chapter and with § 45-24-49
25 of the Rhode Island Zoning Enabling Act of 1991. The local regulations and/or ordinances shall
26 identify the permitting authority with the responsibility to review and approve applications for
27 development plan review, which shall be designated as the planning board, technical review
28 committee or administrative officer. The local regulations and/or ordinances shall provide for
29 specific categories of projects that may review and approve an application administratively as well
30 as categories which are required to be heard by the designated planning board, or authorized
31 permitting authority.

32 (b) The authorized permitting authority may waive requirements for development plan
33 approval where there is a change in use or occupancy and no extensive construction of
34 improvements is sought. The waiver may be granted only by a decision by the permitting authority

1 finding that the use will not affect existing drainage, circulation, relationship of buildings to each
2 other, landscaping, buffering, lighting and other considerations of development plan approval, and
3 that the existing facilities do not require upgraded or additional site improvements. The application
4 for a waiver of development plan approval review shall include documentation, as required by the
5 permitting authority, on prior use of the site, the proposed use, and its impact.

6 (c) The authorized permitting authority may grant waivers of design standards as set forth
7 in the local regulations and zoning ordinance. The local regulations shall specifically list what
8 limited waivers an administrative officer is authorized to grant as part of their review.

9 (d) Review stages. Administrative development plan review consists of one stage of
10 review, while formal development plan review consists of two (2) stages of review, preliminary
11 and final. The administrative officer may combine the approval stages, providing requirements for
12 both stages are met by the applicant to the satisfaction of the administrative officer.

13 (1) Application requesting relief from the zoning ordinance.

14 (i) Applications under this chapter which require relief which qualifies only as a
15 modification under § 45-24-46 and local ordinances shall proceed by filing an application under
16 this chapter and a request for a modification to the zoning enforcement officer. If such modification
17 is granted the application shall then proceed to be reviewed by the administrative officer pursuant
18 to the applicable requirements of this section. If the modification is denied or an objection is
19 received as set forth in § 45-24-46, such application shall proceed under unified development plan
20 review pursuant to § 45-23-50.1.

21 (ii) Applications under this section which require relief from the literal provisions of the
22 zoning ordinance in the form of a variance or special use permit, shall be reviewed by the planning
23 board under unified development plan review pursuant to § 45-23-50.1, and a request for review
24 shall accompany the preliminary plan application.

25 (e) Submission requirements. Any applicant requesting approval of a proposed
26 development under this chapter, shall submit to the administrative officer the items required by the
27 local regulations. Requests for relief from the literal requirements of the zoning ordinance and/or
28 for the issuance of special-use permits or use variances related to projects qualifying for
29 development plan review shall be submitted and reviewed under unified development review
30 pursuant to § 45-23-50.1.

31 (f) Certification. The application shall be certified, in writing, complete or incomplete by
32 the administrative officer within twenty-five (25) days or within fifteen (15) days if no street
33 creation or extension is required, and/or unified development review is not required, according to
34 the provisions of § 45-23-36(b). The running of the time period set forth in this section will be

1 deemed stopped upon the issuance of a written certificate of incompleteness of the application by
2 the administrative officer and will recommence upon the resubmission of a corrected application
3 by the applicant. However, in no event will the administrative officer be required to certify a
4 corrected submission as complete or incomplete less than ten (10) days after its resubmission. If
5 the administrative officer certifies the application as incomplete, the officer shall set forth in writing
6 with specificity the missing or incomplete items.

7 (g) Timeframes for decision.

8 (1) Administrative development plan approval. An application shall be approved, denied,
9 or approved with conditions within twenty-five (25) days of the certificate of completeness or
10 within any further time that is agreed to in writing by the applicant and administrative officer.

11 (2) Formal development plan approval.

12 (i) Preliminary plan. Unless the application is reviewed under unified development review,
13 the permitting authority will approve, deny, or approve with conditions, the preliminary plan within
14 sixty-five (65) days of certification of completeness, or within any further time that is agreed to by
15 the applicant and the permitting authority.

16 (ii) Final Plan. For formal development plan approval, the permitting authority shall
17 delegate final plan review and approval to the administrative officer. The officer will report its
18 actions in writing to the permitting authority at its next regular meeting, to be made part of the
19 record. Final plan shall be approved or denied within forty-five (45) days after the certification of
20 completeness, or within a further amount of time that may be consented to by the applicant, in
21 writing.

22 (h) Failure to act. Failure of the administrative officer or the permitting authority to act
23 within the period prescribed constitutes approval of the preliminary plan and a certificate of the
24 administrative officer as to the failure to act within the required time and the resulting approval
25 shall be issued on request of the application.

26 (i) Vested rights. Approval of development plan review shall expire two (2) years from the
27 date of approval unless, within that period, a plat or plan, in conformity with approval, and as
28 defined in this act, is submitted for signature and recording as specified in § 45-23-64. Validity
29 may be extended for an additional period upon application to the administrative officer or
30 permitting authority, whichever entity approved the application, upon a showing of good cause.

31 (j) Modifications and changes to plans.

32 (1) Minor changes, as defined in the local regulations, to the plans approved at any stage
33 may be approved administratively, by the administrative officer, whereupon final plan approval
34 may be issued. The changes may be authorized without an additional planning board meeting, at

1 the discretion of the administrative officer. All changes shall be made part of the permanent record
2 of the project application. This provision does not prohibit the administrative officer from
3 requesting recommendation from either the technical review committee or the permitting authority.
4 Denial of the proposed change(s) shall be referred to the permitting authority for review as a major
5 change.

6 (2) Major changes, as defined in the local regulations, to the plans approved at any stage
7 may be approved only by the permitting authority and must follow the same review and hearing
8 process required for approval of preliminary plans, which shall include a public hearing.

9 (3) The administrative officer shall notify the applicant in writing within fourteen (14) days
10 of submission of the final plan application if the administrative officer determines that there has
11 been a major change to the approved plans.

12 (k) Appeal. A decision under this section shall be considered an appealable decision
13 pursuant to § 45-23-71.

14 **45-23-50.1. ~~Special provisions—Unified development review~~ Special provisions --**
15 **Unified development review -- Effective January 1, 2024.**

16 (a) ~~When a~~ A municipal zoning ordinance ~~provides~~ shall provide for unified development
17 review pursuant to § 45-24-46.4, and the local regulations must include procedures for the filing,
18 review, and approval of applications, pursuant to § 45-24-46.4 and this section.

19 (b) Review of ~~variances and special-use permits~~ projects submitted under the unified
20 development review provisions of the regulations shall adhere to the procedures, timeframes and
21 standards of the underlying category of the project as listed in § 45-23-36, but shall also include
22 the following procedures:

23 (1) Minor subdivisions and land-development projects. Except for dimensional relief
24 granted by modification as set forth in § 45-23-38, requests ~~Requests~~ for ~~relief from the literal~~
25 ~~requirements of the zoning ordinance~~ variances and/or for the issuance of special-use permits
26 related to minor subdivisions and land-development projects shall be submitted as part of the
27 application materials for the preliminary plan stage of review or if combined, for the first stage of
28 reviews. A public hearing on the application, including any variance and special-use permit
29 requests that meets the requirements of subsection (c) of this section shall be held prior to
30 consideration of the preliminary plan by the planning board or commission. The planning board or
31 commission shall conditionally approve or deny the request(s) for the variance(s) and/or special-
32 use permit(s) before considering the preliminary plan application for the minor subdivision or land-
33 development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned
34 on approval of the final plan of the minor subdivision or land-development project.

1 (2) Development plan review. Except for dimensional relief granted by modification as set
2 forth in § 45-23-38, requests for relief from the literal requirements of the zoning ordinance and/or
3 for the issuance of special-use permits related to minor subdivisions and land-development projects
4 shall be submitted as part of the application materials for the preliminary plan stage of review. A
5 public hearing on the application, including any variance and special-use permit requests that meets
6 the requirements of subsection (c) of this section shall be held prior to consideration of the
7 preliminary plan by the planning board or commission relevant permitting authority. The planning
8 board or commission authorized permitting authority shall conditionally approve or deny the
9 request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan
10 application for the minor subdivision or land-development project. Approval of the variance(s)
11 and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor
12 subdivision or land-development project.

13 ~~(2)~~(3) Major subdivisions and land-development projects — Master plan. Except for
14 dimensional relief granted by modification as set forth in § 45-23-39, requests Requests for relief
15 ~~from the literal requirements of the zoning ordinance~~ variances for relief from the literal
16 requirements of the zoning ordinance and/or for the issuance of a special-use permit related to
17 major subdivisions and land-development projects shall be submitted as part of the application
18 materials for the master plan stage of review, or if combined, the first stage of review. A public
19 hearing on the application, including any variance and special-use permit requests that meets the
20 requirements of subsection (c) of this section, shall be held prior to consideration of the master plan
21 by the planning board or commission. The planning board or commission shall conditionally
22 approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the
23 master plan application for the major subdivision or land-development project. Approval of the
24 variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the
25 major subdivision or land-development project.

26 (3) Major subdivisions and land-development projects — Preliminary plan. During the
27 preliminary plan stage of review, applicants shall have the ability to request alteration of any
28 variance(s) and/or special-use permit(s) granted by the planning board or commission during the
29 master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based
30 on the outcomes of the more detailed planning and design necessary for the preliminary plan. If
31 necessary, the applicant shall submit such requests and all supporting documentation along with
32 the preliminary plan application materials. If the applicant requests new or additional zoning relief
33 at this stage a A public hearing on the application, ~~including any alterations and new requests,~~ that
34 meets the requirements of subsection (c) of this section, shall be held prior to consideration of the

1 preliminary plan by the planning board or commission. The planning board or commission shall
2 conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new
3 special-use permit(s), before considering the preliminary plan application for the major subdivision
4 or land-development project. Approval of the alteration(s), new variance(s), and/or new special-
5 use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-
6 development project. If the planning board or commission denies the request for alteration(s), new
7 variance(s), and/or new special-use permit(s), the planning board shall have the option of
8 remanding the application back to the master plan stage of review. Alternatively, if the planning
9 board or commission denies the request for alteration(s), new variance(s), and/or new special-use
10 permit(s), the applicant may consent to an extension of the decision period mandated by § 45-23-
11 41(f) so that additional information can be provided and reviewed by the board or commission.

12 ~~(4)~~(c) Decision. The time periods by which the planning board or commission must
13 approve or deny applications for variances and special-use permits under the unified development
14 review provisions of the local regulations shall be the same as the time periods by which the board
15 must make a decision on the applicable review stage of the ~~subdivision or land-development~~
16 category of project under review.

17 ~~(e)~~(d) Unless otherwise provided in this chapter all ~~All subdivision and land-development~~
18 ~~applications that include requests for variances and/or special-use permits submitted under the~~
19 ~~development review provisions of the regulations~~ under this section shall require a ~~singular~~ single
20 public hearing, held pursuant to subsection (b) of this section. ~~All such~~ The public ~~hearings~~ hearing
21 must meet the following requirements:

22 (1) Public hearing notice shall adhere to the requirements found in § 45-23-42(b).

23 (2) The notice area for notice of the public hearing shall be specified in the local
24 regulations, and shall, at a minimum, include all property located in or within not less than two
25 hundred feet (200') of the perimeter of the area included in the subdivision and/or land-development
26 project. Notice of the public hearing shall be sent by the administrative officer to the administrative
27 officer of an adjacent municipality if: (1) The notice area extends into the adjacent municipality; or
28 (2) The development site extends into the adjacent municipality; or (3) There is a potential for
29 significant negative impact on the adjacent municipality. Additional notice within watersheds shall
30 also be sent as required in § 45-23-53(b) and (c).

31 (3) Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-
32 use permit(s) are to be considered for the subdivision and/or land-development project.

33 (4) The cost of all public notice is to be borne by the applicant.

34 ~~(d)~~(e) The time periods by which the ~~planning board or commission~~ permitting authority

1 must approve, [approve with conditions](#) or deny requests for variances and special-use permits under
2 the unified development review provisions of a zoning ordinance shall be the same as the time
3 periods by which the board must make a decision on the applicable review stage of the ~~subdivision~~
4 ~~or land development~~ [underlying type of](#) project under review.

5 [\(f\) The expirations period of an approval of a variance or special use permit granted under](#)
6 [this section shall be the same as those set forth in the statute for the underlying type of project under](#)
7 [review.](#)

8 ~~(e)Requests~~ [\(g\) Decisions under this section, including requests](#) for the variance(s) and/or
9 special-use permits that are denied by ~~the planning board or commission~~ [permitting authority](#) may
10 be appealed ~~to the board of appeal~~ pursuant to § ~~45-23-66~~ [45-23-71](#).

11 ~~45-23-55. Administration—The administrative officer~~ **Administration -- The**
12 **administrative officer -- Effective January 1, 2024.**

13 (a) Local administration of the local regulations is under the direction of the administrative
14 officer(s), who reports to the planning board.

15 (b) The local regulations specify the process of appointment and the responsibilities of the
16 administrative officer(s) who oversees and coordinates the review, approval, recording and
17 enforcement provisions of the local regulations. The administrative officer(s) serves as the chair of
18 the technical review committee, where established. The local regulations state minimum
19 qualifications for this position regarding appropriate education, training or experience in land use
20 planning and site plan review.

21 (c) The administrative officer(s) is responsible for coordinating reviews of proposed land
22 development projects and subdivisions with adjacent municipalities as is necessary to be consistent
23 with applicable federal, state and local laws and as directed by the planning board.

24 [\(d\) The administrative officer\(s\) has the authority to issue approvals and all other authority](#)
25 [where specifically set forth in this chapter.](#)

26 ~~(d)~~(e) Enforcement of the local regulations is under the direction of the administrative
27 officer(s). The officer(s) is responsible for coordinating the enforcement efforts of the zoning
28 enforcement officer, the building inspector, planning department staff, the city or town engineer,
29 the department of public works and other local officials responsible for the enforcement or carrying
30 out of discrete elements of the regulations.

31 ~~45-23-56. Administration—Technical review committee~~ **Administration -- Technical**
32 **review committee -- Effective January 1, 2024.**

33 (a) The ~~planning board may~~ [municipality may](#) establish a technical review committee(s) of
34 not fewer than three (3) members, to conduct technical reviews of applications subject to their

1 jurisdiction. ~~Where a technical review committee is established, the~~ The administrative officer shall
2 serve as chairperson. Membership of this ~~subcommittee~~ committee, to be known as the technical
3 review committee, or design review committee, may include, but is not limited to, members of the
4 planning board, planning department staff, other municipal staff representing departments with
5 responsibility for review or enforcement, conservation commissioners, public members, or other
6 duly appointed local public commission members.

7 (b) ~~If the planning board establishes a technical review committee, the~~ If a municipality
8 establishes a technical review committee or committees, the planning board shall adopt written
9 procedures establishing the committee's responsibilities.

10 (c) The technical review committee(s) has the authority to issue approvals, make findings
11 and provide recommendations as specifically set forth in this chapter.

12 ~~(e)~~(d) Reports of the technical review committee to the planning board shall be in writing
13 and kept as part of the permanent documentation on the development application. In no case shall
14 the recommendations of the technical review committee be binding on the planning board in its
15 activities or decisions. All reports of the technical review committee shall be made available to the
16 applicant prior to the meeting of the planning board meeting at which the reports are first
17 considered.

18 ~~**45-23-62. Procedure — Waivers — Modifications and reinstatement of plans**~~
19 **Procedure -- Waivers -- Modifications and reinstatement of plans -- Effective January 1, 2024.**

20 (a) ~~Waiver of development plan approval.~~

21 ~~(1) A planning board may waive requirements for development plan approval where there~~
22 ~~is a change in use or occupancy and no extensive construction of improvements is sought. The~~
23 ~~waiver may be granted only by a decision by the planning board finding that the use will not affect~~
24 ~~existing drainage, circulation, relationship of buildings to each other, landscaping, buffering,~~
25 ~~lighting and other considerations of development plan approval, and that the existing facilities do~~
26 ~~not require upgraded or additional site improvements.~~

27 ~~(2) The application for a waiver of development plan approval review shall include~~
28 ~~documentation, as required by the planning board, on prior use of the site, the proposed use, and its~~
29 ~~impact.~~

30 ~~(b)~~ Waiver and/or modification of requirements. The planning board has the power to grant
31 waivers and/or modifications from the requirements for land development and subdivision approval
32 as may be reasonable and within the general purposes and intents of the provisions for local
33 regulations. The only grounds for waivers and/or modifications are where the literal enforcement
34 of one or more provisions of the regulations is impracticable and will exact undue hardship because

1 of peculiar conditions pertaining to the land in question or where waiver and/or modification is in
2 the best interest of good planning practice and/or design as evidenced by consistency with the
3 municipality's comprehensive plan and zoning ordinance.

4 ~~(e)~~(b) Local regulations shall include provisions for an applicant to seek reinstatement of
5 development applications when the deadlines set in the local regulations and approval agreements
6 for particular actions are exceeded and the development application or approval is therefore
7 rendered invalid. Where an approval has expired, the local regulations shall specify the point in the
8 review to which the application may be reinstated.

9 ~~(A)~~(c) Decision. The planning board shall approve, approve with conditions or deny the
10 request for either a waiver or modification as described in subsection (a) or (b) in this section,
11 according to the requirements of § 45-23-63.

12 **45-23-67. Appeals — Process of appeal Appeals from decision of administrative**
13 **officer -- Effective January 1, 2024.**

14 (a) Process and timing. Local regulations adopted pursuant to this chapter shall provide
15 that an appeal from any decision of the administrative officer charged in the regulations with
16 enforcement of any provisions, except as provided in this section, may be taken to the board of
17 appeal by an aggrieved party as set forth in this section. Decisions by the administrative officer
18 approving or denying projects under §§ 45-23-38 or 45-23-50 shall not be subject to this section
19 and shall proceed directly to Superior Court as set forth in § 45-23-71.

20 (1) An appeal to the board of appeal from a decision or action of the ~~planning board or~~
21 administrative officer may be taken by an aggrieved party to the extent provided in § 45-23-66.
22 The appeal must be taken within twenty (20) days after the decision has been recorded in the city's
23 or town's land evidence records and posted in the office of the city or town clerk.

24 ~~(B)~~(2) The appeal shall be in writing and state clearly and unambiguously the issue or
25 decision that is being appealed, the reason for the appeal, and the relief sought. The appeal shall
26 either be sent by certified mail, with a return receipt requested, or be hand-delivered to the board
27 of appeal. The city or town clerk shall accept delivery of an appeal on behalf of the board of appeal,
28 if the local regulations governing land development and subdivision review so provide.

29 ~~(e)~~(3) Upon receipt of an appeal, the board of appeal shall require the ~~planning board or~~
30 administrative officer to immediately transmit to the board of appeal, all papers, documents and
31 plans, or a certified copy thereof, constituting the record of the action which is being appealed.

32 (b) Stay. An appeal stays all proceedings in furtherance of the action being appealed.

33 (c) Hearing.

34 (1) The board of appeal shall hold a hearing on the appeal within forty-five (45) days of

1 the receipt of the appeal, give public notice of the hearing, as well as due notice to the parties of
2 interest. At the hearing the parties may appear in person, or be represented by an agent or attorney.
3 The board shall render a decision within ten (10) days of the close of the public hearing. The cost
4 of any notice required for the hearing shall be borne by the applicant.

5 (2) The board of appeal shall only hear appeals of the actions of an administrative officer
6 at a meeting called especially for the purpose of hearing the appeals and which has been so
7 advertised.

8 (3) The hearing, which may be held on the same date and at the same place as a meeting
9 of the zoning board of review, must be held as a separate meeting from any zoning board of review
10 meeting. Separate minutes and records of votes as required by § 45-23-70(d) shall be maintained
11 by the board of appeal.

12 (d) Standards of Review.

13 (1) As established by this chapter, in instances of a board of appeal's review of an
14 administrative officer's decision on matters subject to this chapter, the board of appeal shall not
15 substitute its own judgment for that of the administrative officer but must consider the issue upon
16 the findings and record of the administrative officer. The board of appeal shall not reverse a
17 decision of the administrative officer except on a finding of prejudicial procedural error, clear error,
18 or lack of support by the weight of the evidence in the record.

19 (2) The concurring vote of three (3) of the five (5) members of the board of appeal sitting
20 at a hearing, is necessary to reverse any decision of the administrative officer.

21 (3) In the instance where the board of appeal overturns a decision of the administrative
22 officer, the proposed project application is remanded to the administrative officer, at the stage of
23 processing from which the appeal was taken, for further proceedings before the administrative
24 officer and/or for the final disposition, which shall be consistent with the board of appeal's decision.

25 (4) The board of appeal shall keep complete records of all proceedings including a record
26 of all votes taken, and shall put all decisions on appeals in writing. The board of appeal shall include
27 in the written record the reasons for each decision.

28 **45-23-71. Appeals to the superior court Appeals to the superior court -- Effective**
29 **January 1, 2024.**

30 (a) An aggrieved party may appeal a decision of the board of appeal, a decision of an
31 administrative officer made pursuant to §§ 45-23-38 or §45-23-50 where authorized to approve or
32 deny an application, a decision of the technical review committee, where authorized to approve or
33 deny an application, or a decision of the planning board, to the superior court for the county in
34 which the municipality is situated by filing a complaint stating the reasons ~~of~~ for the appeal within

1 twenty (20) days after the decision has been recorded and posted in the office of the city or town
2 clerk. Recommendations by any public body or officer under this chapter are not appealable under
3 this section. The ~~board of appeal~~ authorized permitting authority shall file the original documents
4 acted upon by it and constituting the record of the case appealed from, or certified copies of the
5 original documents, together with any other facts that may be pertinent, with the clerk of the court
6 within thirty (30) days after being served with a copy of the complaint. When the complaint is filed
7 by someone other than the original applicant or appellant, the original applicant or appellant and
8 the ~~members of the~~ planning board shall be made parties to the proceedings. No responsive pleading
9 is required for an appeal filed pursuant to this section. The appeal does not stay proceedings upon
10 the decision appealed from, but the court may, in its discretion, grant a stay on appropriate terms
11 and make any other orders that it deems necessary for an equitable disposition of the appeal.

12 (b) Appeals from a decision granting or denying approval of a final plan shall be limited to
13 elements of the approval or disapproval not contained in the decision reached by the planning board
14 at the preliminary stage; providing that, a public hearing has been held on the plan, if required
15 pursuant to this chapter.

16 (c) The review shall be conducted by the superior court without a jury. The court shall
17 consider the record of the hearing before the planning board and, if it appear to the court that
18 additional evidence is necessary for the proper disposition of the matter, it may allow any party to
19 the appeal to present evidence in open court, which evidence, along with the report, shall constitute
20 the record upon which the determination of the court shall be made.

21 ~~(e)~~(d) The court shall not substitute its judgment for that of the planning board as to the
22 weight of the evidence on questions of fact. The court may affirm the decision of the board of
23 appeal or remand the case for further proceedings, or may reverse or modify the decision if
24 substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions
25 or decisions which are:

26 (1) In violation of constitutional, statutory, ordinance or planning board regulations
27 provisions;

28 (2) In excess of the authority granted to the planning board by statute or ordinance;

29 (3) Made upon unlawful procedure;

30 (4) Affected by other error of law;

31 (5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the
32 whole record; or

33 (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted
34 exercise of discretion.

1 SECTION 2. Sections 45-24-31, 45-24-46.4, 45-24-47, 45-24-49 and 45-24-58 of the
2 General Laws in Chapter 45-24 entitled "Zoning Ordinances" are hereby amended to read as
3 follows:

4 **45-24-31. Definitions Definitions --Effective January 1, 2024.**

5 Where words or terms used in this chapter are defined in § 45-22.2-4 or 45-23-32, they
6 have the meanings stated in that section. In addition, the following words have the following
7 meanings. Additional words and phrases may be used in developing local ordinances under this
8 chapter; however, the words and phrases defined in this section are controlling in all local
9 ordinances created under this chapter:

10 (1) Abutter. One whose property abuts, that is, adjoins at a border, boundary, or point with
11 no intervening land.

12 (2) Accessory dwelling unit (ADU). A residential living unit on the same parcel where the
13 primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete
14 independent living facilities for one or more persons. It may take various forms including, but not
15 limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage;
16 or a unit that is part of an expanded or remodeled primary dwelling.

17 (3) Accessory use. A use of land or of a building, or portion thereof, customarily incidental
18 and subordinate to the principal use of the land or building. An accessory use may be restricted to
19 the same lot as the principal use. An accessory use shall not be permitted without the principal use
20 to which it is related.

21 (4) Aggrieved party. An aggrieved party, for purposes of this chapter, shall be:

22 (i) Any person, or persons, or entity, or entities, who or that can demonstrate that his, her,
23 or its property will be injured by a decision of any officer or agency responsible for administering
24 the zoning ordinance of a city or town; or

25 (ii) Anyone requiring notice pursuant to this chapter.

26 (5) Agricultural land. "Agricultural land," as defined in § 45-22.2-4.

27 (6) Airport hazard area. "Airport hazard area," as defined in § 1-3-2.

28 (7) Applicant. An owner, or authorized agent of the owner, submitting an application or
29 appealing an action of any official, board, or agency.

30 (8) Application. The completed form, or forms, and all accompanying documents, exhibits,
31 and fees required of an applicant by an approving authority for development review, approval, or
32 permitting purposes.

33 (9) Buffer. Land that is maintained in either a natural or landscaped state, and is used to
34 screen or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

1 (10) Building. Any structure used or intended for supporting or sheltering any use or
2 occupancy.

3 (11) Building envelope. The three-dimensional space within which a structure is permitted
4 to be built on a lot and that is defined by regulations governing building setbacks, maximum height,
5 and bulk; by other regulations; or by any combination thereof.

6 (12) Building height. For a vacant parcel of land, building height shall be measured from
7 the average, existing-grade elevation where the foundation of the structure is proposed. For an
8 existing structure, building height shall be measured from average grade taken from the outermost
9 four (4) corners of the existing foundation. In all cases, building height shall be measured to the top
10 of the highest point of the existing or proposed roof or structure. This distance shall exclude spires,
11 chimneys, flag poles, and the like. For any property or structure located in a special flood hazard
12 area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the
13 Rhode Island coastal resources management council (CRMC) suggested design elevation three foot
14 (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100)
15 storm, the greater of the following amounts, expressed in feet, shall be excluded from the building
16 height calculation:

17 (i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or
18 proposed freeboard, less the average existing grade elevation; or

19 (ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a
20 one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate
21 the appropriate suggested design elevation map for the exclusion every ten (10) years, or as
22 otherwise necessary.

23 (13) Cluster. A site-planning technique that concentrates buildings in specific areas on the
24 site to allow the remaining land to be used for recreation, common open space, and/or preservation
25 of environmentally, historically, culturally, or other sensitive features and/or structures. The
26 techniques used to concentrate buildings shall be specified in the ordinance and may include, but
27 are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the
28 resultant open land being devoted by deed restrictions for one or more uses. Under cluster
29 development, there is no increase in the number of lots that would be permitted under conventional
30 development except where ordinance provisions include incentive bonuses for certain types or
31 conditions of development.

32 (14) Common ownership. Either:

33 (i) Ownership by one or more individuals or entities in any form of ownership of two (2)
34 or more contiguous lots; or

1 (ii) Ownership by any association (ownership may also include a municipality) of one or
2 more lots under specific development techniques.

3 (15) Community residence. A home or residential facility where children and/or adults
4 reside in a family setting and may or may not receive supervised care. This does not include halfway
5 houses or substance-use-disorder-treatment facilities. This does include, but is not limited to, the
6 following:

7 (i) Whenever six (6) or fewer children or adults with intellectual and/or developmental
8 disability reside in any type of residence in the community, as licensed by the state pursuant to
9 chapter 24 of title 40.1. All requirements pertaining to local zoning are waived for these community
10 residences;

11 (ii) A group home providing care or supervision, or both, to not more than eight (8) persons
12 with disabilities, and licensed by the state pursuant to chapter 24 of title 40.1;

13 (iii) A residence for children providing care or supervision, or both, to not more than eight
14 (8) children, including those of the caregiver, and licensed by the state pursuant to chapter 72.1 of
15 title 42;

16 (iv) A community transitional residence providing care or assistance, or both, to no more
17 than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8)
18 persons, requiring temporary financial assistance, and/or to persons who are victims of crimes,
19 abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor
20 more than two (2) years. Residents will have access to, and use of, all common areas, including
21 eating areas and living rooms, and will receive appropriate social services for the purpose of
22 fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

23 (16) Comprehensive plan. The comprehensive plan adopted and approved pursuant to
24 chapter 22.2 of this title and to which any zoning adopted pursuant to this chapter shall be in
25 compliance.

26 (17) Day care — Daycare center. Any other daycare center that is not a family daycare
27 home.

28 (18) Day care — Family daycare home. Any home, other than the individual's home, in
29 which day care in lieu of parental care or supervision is offered at the same time to six (6) or less
30 individuals who are not relatives of the caregiver, but may not contain more than a total of eight
31 (8) individuals receiving day care.

32 (19) Density, residential. The number of dwelling units per unit of land.

33 (20) Development. The construction, reconstruction, conversion, structural alteration,
34 relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance;

1 or any change in use, or alteration or extension of the use, of land.

2 (21) Development plan review. ~~The process whereby authorized, local officials review the~~
3 ~~site plans, maps, and other documentation of a development to determine the compliance with the~~
4 ~~stated purposes and standards of the ordinance.~~ See §§ 45-23-32 and 45-23-50.

5 (22) District. See “zoning-use district.”

6 (23) Drainage system. A system for the removal of water from land by drains, grading, or
7 other appropriate means. These techniques may include runoff controls to minimize erosion and
8 sedimentation during and after construction or development; the means for preserving surface and
9 groundwaters; and the prevention and/or alleviation of flooding.

10 (24) Dwelling unit. A structure, or portion of a structure, providing complete, independent
11 living facilities for one or more persons, including permanent provisions for living, sleeping, eating,
12 cooking, and sanitation, and containing a separate means of ingress and egress.

13 (25) Extractive industry. The extraction of minerals, including: solids, such as coal and
14 ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes
15 quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other
16 preparation customarily done at the extraction site or as a part of the extractive activity.

17 (26) Family member. A person, or persons, related by blood, marriage, or other legal
18 means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law,
19 grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

20 (27) Floating zone. An unmapped zoning district adopted within the ordinance that is
21 established on the zoning map only when an application for development, meeting the zone
22 requirements, is approved.

23 (28) Floodplains, or Flood hazard area. As defined in § 45-22.2-4.

24 (29) Freeboard. A factor of safety expressed in feet above the base flood elevation of a
25 flood hazard area for purposes of floodplain management. Freeboard compensates for the many
26 unknown factors that could contribute to flood heights, such as wave action, bridge openings, and
27 the hydrological effect of urbanization of the watershed.

28 (30) Groundwater. “Groundwater” and associated terms, as defined in § 46-13.1-3.

29 (31) Halfway house. A residential facility for adults or children who have been
30 institutionalized for criminal conduct and who require a group setting to facilitate the transition to
31 a functional member of society.

32 (32) Hardship. See § 45-24-41.

33 (33) Historic district or historic site. As defined in § 45-22.2-4.

34 (34) Home occupation. Any activity customarily carried out for gain by a resident,

1 conducted as an accessory use in the resident’s dwelling unit.

2 (35) Household. One or more persons living together in a single-dwelling unit, with
3 common access to, and common use of, all living and eating areas and all areas and facilities for
4 the preparation and storage of food within the dwelling unit. The term “household unit” is
5 synonymous with the term “dwelling unit” for determining the number of units allowed within any
6 structure on any lot in a zoning district. An individual household shall consist of any one of the
7 following:

8 (i) A family, which may also include servants and employees living with the family; or

9 (ii) A person or group of unrelated persons living together. The maximum number may be
10 set by local ordinance, but this maximum shall not be less than three (3).

11 (36) Incentive zoning. The process whereby the local authority may grant additional
12 development capacity in exchange for the developer’s provision of a public benefit or amenity as
13 specified in local ordinances.

14 (37) Infrastructure. Facilities and services needed to sustain residential, commercial,
15 industrial, institutional, and other activities.

16 (38) Land-development project. [As defined in § 45-23-32.](#) ~~A project in which one or more~~
17 ~~lots, tracts, or parcels of land are developed or redeveloped as a coordinated site for one or more~~
18 ~~uses, units, or structures, including, but not limited to, planned development or cluster development~~
19 ~~for residential, commercial, institutional, recreational, open space, or mixed uses as provided in the~~
20 ~~zoning ordinance.~~

21 (39) Lot. Either:

22 (i) The basic development unit for determination of lot area, depth, and other dimensional
23 regulations; or

24 (ii) A parcel of land whose boundaries have been established by some legal instrument,
25 such as a recorded deed or recorded map, and that is recognized as a separate legal entity for
26 purposes of transfer of title.

27 (40) Lot area. The total area within the boundaries of a lot, excluding any street right-of-
28 way, usually reported in acres or square feet.

29 (41) Lot area, minimum. The smallest land area established by the local zoning ordinance
30 upon which a use, building, or structure may be located in a particular zoning district.

31 (42) Lot building coverage. That portion of the lot that is, or may be, covered by buildings
32 and accessory buildings.

33 (43) Lot depth. The distance measured from the front lot line to the rear lot line. For lots
34 where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

1 (44) Lot frontage. That portion of a lot abutting a street. A zoning ordinance shall specify
2 how noncontiguous frontage will be considered with regard to minimum frontage requirements.

3 (45) Lot line. A line of record, bounding a lot, that divides one lot from another lot or from
4 a public or private street or any other public or private space and shall include:

5 (i) Front: the lot line separating a lot from a street right-of-way. A zoning ordinance shall
6 specify the method to be used to determine the front lot line on lots fronting on more than one
7 street, for example, corner and through lots;

8 (ii) Rear: the lot line opposite and most distant from the front lot line, or in the case of
9 triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length
10 entirely within the lot, parallel to and at a maximum distance from, the front lot line; and

11 (iii) Side: any lot line other than a front or rear lot line. On a corner lot, a side lot line may
12 be a street lot line, depending on requirements of the local zoning ordinance.

13 (46) Lot size, minimum. Shall have the same meaning as "minimum lot area" defined
14 herein.

15 (47) Lot, through. A lot that fronts upon two (2) parallel streets, or that fronts upon two (2)
16 streets that do not intersect at the boundaries of the lot.

17 (48) Lot width. The horizontal distance between the side lines of a lot measured at right
18 angles to its depth along a straight line parallel to the front lot line at the minimum front setback
19 line.

20 (49) Mere inconvenience. See § 45-24-41.

21 (50) Mixed use. A mixture of land uses within a single development, building, or tract.

22 (51) Modification. Permission granted and administered by the zoning enforcement officer
23 of the city or town, and pursuant to the provisions of this chapter to grant a dimensional variance
24 other than lot area requirements from the zoning ordinance to a limited degree as determined by
25 the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%) of each of
26 the applicable dimensional requirements.

27 (52) Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully
28 existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with
29 the provisions of that ordinance or amendment. Nonconformance is of only two (2) types:

30 (i) Nonconforming by use: a lawfully established use of land, building, or structure that is
31 not a permitted use in that zoning district. A building or structure containing more dwelling units
32 than are permitted by the use regulations of a zoning ordinance is nonconformity by use; or

33 (ii) Nonconforming by dimension: a building, structure, or parcel of land not in compliance
34 with the dimensional regulations of the zoning ordinance. Dimensional regulations include all

1 regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building
2 or structure containing more dwelling units than are permitted by the use regulations of a zoning
3 ordinance is nonconforming by use; a building or structure containing a permitted number of
4 dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per
5 dwelling unit regulations, is nonconforming by dimension.

6 (53) Overlay district. A district established in a zoning ordinance that is superimposed on
7 one or more districts or parts of districts. The standards and requirements associated with an overlay
8 district may be more or less restrictive than those in the underlying districts consistent with other
9 applicable state and federal laws.

10 (54) Performance standards. A set of criteria or limits relating to elements that a particular
11 use or process must either meet or may not exceed.

12 (55) Permitted use. A use by right that is specifically authorized in a particular zoning
13 district.

14 (56) Planned development. A “land-development project,” as defined in subsection (38),
15 and developed according to plan as a single entity and containing one or more structures or uses
16 with appurtenant common areas.

17 (57) Plant agriculture. The growing of plants for food or fiber, to sell or consume.

18 (58) Preapplication conference. A review meeting of a proposed development held between
19 applicants and reviewing agencies as permitted by law and municipal ordinance, before formal
20 submission of an application for a permit or for development approval.

21 (59) Setback line or lines. A line, or lines, parallel to a lot line at the minimum distance of
22 the required setback for the zoning district in which the lot is located that establishes the area within
23 which the principal structure must be erected or placed.

24 (60) Site plan. The development plan for one or more lots on which is shown the existing
25 and/or the proposed conditions of the lot.

26 (61) Slope of land. The grade, pitch, rise, or incline of the topographic landform or surface
27 of the ground.

28 (62) Special use. A regulated use that is permitted pursuant to the special-use permit issued
29 by the authorized governmental entity, pursuant to § 45-24-42. Formerly referred to as a special
30 exception.

31 (63) Structure. A combination of materials to form a construction for use, occupancy, or
32 ornamentation, whether installed on, above, or below the surface of land or water.

33 (64) Substandard lot of record. Any lot lawfully existing at the time of adoption or
34 amendment of a zoning ordinance and not in conformance with the dimensional or area provisions

1 of that ordinance.

2 (65) Use. The purpose or activity for which land or buildings are designed, arranged, or
3 intended, or for which land or buildings are occupied or maintained.

4 (66) Variance. Permission to depart from the literal requirements of a zoning ordinance.
5 An authorization for the construction or maintenance of a building or structure, or for the
6 establishment or maintenance of a use of land, that is prohibited by a zoning ordinance. There are
7 only two (2) categories of variance, a use variance or a dimensional variance.

8 (i) Use variance. Permission to depart from the use requirements of a zoning ordinance
9 where the applicant for the requested variance has shown by evidence upon the record that the
10 subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the
11 zoning ordinance.

12 (ii) Dimensional variance. Permission to depart from the dimensional requirements of a
13 zoning ordinance, where the applicant for the requested relief has shown, by evidence upon the
14 record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use
15 of the subject property unless granted the requested relief from the dimensional regulations.
16 However, the fact that a use may be more profitable or that a structure may be more valuable after
17 the relief is granted are not grounds for relief.

18 (67) Waters. As defined in § 46-12-1(23).

19 (68) Wetland, coastal. As defined in § 45-22.2-4.

20 (69) Wetland, freshwater. As defined in § 2-1-20.

21 (70) Zoning certificate. A document signed by the zoning-enforcement officer, as required
22 in the zoning ordinance, that acknowledges that a use, structure, building, or lot either complies
23 with, or is legally nonconforming to, the provisions of the municipal zoning ordinance or is an
24 authorized variance or modification therefrom.

25 (71) Zoning map. The map, or maps, that are a part of the zoning ordinance and that
26 delineate the boundaries of all mapped zoning districts within the physical boundary of the city or
27 town.

28 (72) Zoning ordinance. An ordinance enacted by the legislative body of the city or town
29 pursuant to this chapter and in the manner providing for the adoption of ordinances in the city or
30 town's legislative or home rule charter, if any, that establish regulations and standards relating to
31 the nature and extent of uses of land and structures; that is consistent with the comprehensive plan
32 of the city or town as defined in chapter 22.2 of this title; that includes a zoning map; and that
33 complies with the provisions of this chapter.

34 (73) Zoning-use district. The basic unit in zoning, either mapped or unmapped, to which a

1 uniform set of regulations applies, or a uniform set of regulations for a specified use. Zoning-use
2 districts include, but are not limited to: agricultural, commercial, industrial, institutional, open
3 space, and residential. Each district may include sub-districts. Districts may be combined.

4 ~~45-24-46.4. Special provisions—Unified development review~~ **Special provisions --**
5 **Unified development review -- Effective January 1, 2024.**

6 (a) A zoning ordinance ~~may~~ shall provide that review and ~~approval of decision on~~
7 ~~dimensional~~ variances, ~~use variances~~, and/or special-use permits for properties undergoing review
8 ~~which qualifies for unified development review~~ by the ~~planning board or commission as land~~
9 ~~development or subdivision projects pursuant to § 45-23-36~~ authorized permitting authority, be
10 conducted and decided by the ~~planning board or commission~~ authorized permitting authority. This
11 process is to be known as unified development review.

12 (b) ~~If unified development review is desired, such review must be enabled within the~~
13 ~~zoning ordinance, in accordance with this section, and the~~ The local ~~subdivision and land-~~
14 ~~development regulations must be brought into conformance;~~ ordinance and regulation shall provide
15 for the application and review process pursuant to § 45-23-50.1.

16 (c) A zoning ordinance that provides for unified development review shall:

17 (1) ~~Specify which types of zoning approval~~ Empower the ~~planning board or commission~~
18 ~~shall be empowered~~ authorized permitting authority to grant, grant with conditions or deny zoning
19 relief for which types of projects ; and

20 (2) Provide that any person, group, agency, or corporation that files an application for ~~an~~
21 ~~included land development or subdivision~~ a project under this section ~~may~~ shall also file specific
22 requests for relief from the literal requirements of a zoning ordinance on the subject property,
23 pursuant to § 45-24-41, and/or for the issuance of special-use permits for the subject property,
24 pursuant to § 45-24-42, by including such within the application to the administrative officer ~~of the~~
25 ~~planning board or commission~~ with the other required application materials, pursuant to § 45-23-
26 50.1(b).

27 ~~(d) A zoning ordinance that provides for unified development review may specify design,~~
28 ~~use, public benefit, or other relevant criteria that must be met in order for an application to qualify~~
29 ~~for review under the unified development review provisions of the zoning ordinance. Certification~~
30 ~~as to whether an application meets the established criteria shall be conducted in conjunction with,~~
31 ~~and following the time lines outlined for, certification of completeness of the application, pursuant~~
32 ~~to §§ 45-23-38(c), 45-23-40(b), or 45-23-41(b).~~

33 ~~(e)~~(d) All land development and subdivision applications that include requests for
34 variances and/or special-use permits submitted pursuant to this section shall require a public

1 hearing that meets the requirements of §§ 45-23-50.1(b) and 45-23-50.1(e).

2 (f)(e) In granting requests for dimensional and use variances, the ~~planning board or~~
3 ~~commission~~ authorized permitting authority shall be bound to the requirements of ~~§§ 45-24-41(d)~~
4 ~~and 45-24-41(e)~~ § 45-24-41 relative to entering evidence into the record in satisfaction of the
5 applicable standards.

6 (g)(f) In reviewing requests for special-use permits, the ~~planning board or commission~~
7 authorized permitting authority shall be bound to the conditions and procedures under which a
8 special-use permit may be issued and the criteria for the issuance of such permits, as found within
9 the zoning ordinance pursuant to ~~§§ 45-24-42(b)(1), 45-24-42(b)(2) and 45-24-42(b)(3)~~ § 45-24-
10 42, and shall be required to provide for the recording of findings of fact and written decisions as
11 described in the zoning ordinance pursuant to ~~§ 45-24-42(b)(5)~~ § 45-24-42.

12 (h)(g) An appeal from any decision made pursuant to this section may be taken pursuant to
13 ~~§ 45-23-66~~ § 45-24-71.

14 **45-24-47. Special provisions -- Land development projects** **Special provisions -- Land**
15 **development projects -- Effective January 1, 2024.**

16 (a) A zoning ordinance ~~may~~ shall provide for land development projects which ~~are projects~~
17 ~~in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a~~
18 ~~coordinated site for a complex of uses, units, or structures, including, but not limited to, planned~~
19 ~~development and/or cluster development for residential, commercial, institutional, industrial,~~
20 ~~recreational, open space, and/or mixed uses as may be provided for in the zoning ordinance~~ are
21 defined in § 45-23-32.

22 (b) A zoning ordinance adopted pursuant to this chapter which permits or requires the
23 creation of land development projects in one or more zoning districts shall require that any land
24 development project ~~is referred to the city or town planning board or commission for approval~~ shall
25 be reviewed, in accordance with the procedures established by chapter 23 of this title, including
26 those for appeal and judicial review, and with any ordinances or regulations adopted pursuant to
27 the procedures, whether or not the land development project constitutes a “subdivision”, as defined
28 in chapter 23 of this title. No land development project shall be initiated until a plan of the project
29 has been submitted ~~to the planning board or commission~~ and approval has been granted by the
30 ~~planning board or commission~~ authorized permitting authority. In reviewing, hearing, and deciding
31 upon a land development project, ~~the city or town planning board or commission~~ authorized
32 permitting authority may be empowered to allow zoning incentives within the project; provided,
33 that standards for the ~~adjustments~~ zoning incentives are described in the zoning ordinance, and may
34 be empowered to apply any special conditions and stipulations to the approval that may, in the

1 opinion of the ~~planning board or commission~~ authorized permitting authority, be required to
2 maintain harmony with neighboring uses and promote the objectives and purposes of the
3 comprehensive plan and zoning ordinance.

4 (c) In regulating land development projects, an ordinance adopted pursuant to this chapter
5 may include, but is not limited to, regulations governing the following:

- 6 (1) A minimum area or site size for a land development project;
- 7 (2) Uses to be permitted within the development;
- 8 (3) Ratios of residential to nonresidential uses where applicable;
- 9 (4) Maximum density per lot and maximum density for the entire development, ~~with;~~
- 10 (5) Roads, driveways, utilities, parking, and other facilities; regulations may distinguish
11 between those facilities intended to remain in private ownership or to be dedicated to the public;
12 and
13 (6) Buffer areas, landscaping, screening, and shading.

14 (d) In regulating land development projects, an ordinance adopted pursuant to this chapter
15 shall include provisions for zoning incentives which include the adjustment of applicable lot density
16 and dimensional standards where open space is to be permanently set aside for public or common
17 use, and/or where the physical characteristics, location, or size of the site require an adjustment,
18 and/or where the location, size, and type of housing, commercial, industrial, or other use require an
19 adjustment, and/or where housing for low and moderate income families is to be provided, or where
20 other amenities not ordinarily required are provided, as stipulated in the zoning ordinance.
21 Provision may be made for adjustment of applicable lot density and dimensional standards for
22 payment or donation of other land or facilities in lieu of an on-site provision of an amenity that
23 would, if provided on-site, enable an adjustment;

- 24 ~~(5) Roads, driveways, utilities, parking, and other facilities; regulations may distinguish~~
25 ~~between those facilities intended to remain in private ownership or to be dedicated to the public;~~
26 ~~and~~
27 ~~(6) Buffer areas, landscaping, screening, and shading.~~

28 ~~(d)~~(e)(1) A zoning ordinance requiring open land in a cluster development or other land
29 development project for public or common use, shall provide that such open land either: (i) be
30 conveyed to the city or town and accepted by it for park, open space, agricultural, or other specified
31 use or uses, or (ii) be conveyed to a nonprofit organization, the principal purpose of which is the
32 conservation of open space or resource protection, or (iii) be conveyed to a corporation or trust
33 owned or to be owned by the owners of lots or units within the development, or owners of shares
34 within a cooperative development. If such a corporation or trust is used, ownership shall pass with

1 conveyances of the lots or units, or (iv) remain in private ownership if the use is limited to
2 agriculture, habitat or forestry, and the city or town has set forth in its community comprehensive
3 plan and zoning ordinance that private ownership is necessary for the preservation and management
4 of the agricultural, habitat or forest resources.

5 (2) In any case where the land is not conveyed to the city or town:

6 (i) A restriction, in perpetuity, enforceable by the city or town or by any owner of property
7 in the cluster or other land development project in which the land is located shall be recorded
8 providing that the land is kept in the authorized condition(s) and not built upon or developed for
9 accessory uses such as parking or roadway; and

10 (ii) The developmental rights and other conservation easements on the land may be held,
11 in perpetuity, by a nonprofit organization, the principal purpose of which is the conservation of
12 open space or resource protection.

13 (3) All open space land provided by a cluster development or other land development
14 project shall be subject to a community approved management plan that will specify the permitted
15 uses for the open space.

16 ~~45-24-49. Special provisions — Development plan review~~ **Special provisions --**
17 **Development plan review -- Effective January 1, 2024.**

18 (a) A zoning ordinance ~~may~~ shall permit development plan review of applications ~~for uses~~
19 ~~requiring a special use permit, a variance, a zoning ordinance amendment, and/or a zoning map~~
20 ~~change. The review shall be conducted by the planning board or commission and shall be advisory~~
21 ~~to the permitting authority. pursuant to § 45-23-50, (b) A zoning ordinance may permit~~
22 ~~development plan review of applications~~ for uses that are permitted by right under the zoning
23 ordinance, but the review shall only be based on specific and objective guidelines which must be
24 stated in the zoning ordinance. The ~~review body~~ permitting authority shall also be set forth in and
25 be established by the zoning ordinance. A rejection of the application shall be considered an
26 appealable decision pursuant to § 45-24-64.

27 (b) The permitting authority may grant relief from the zoning ordinance and may grant
28 zoning incentives under specific conditions set forth in the zoning ordinance.

29 ~~(c) Nothing in this subsection shall be construed to permit waivers of any regulations unless~~
30 ~~approved by the permitting authority pursuant to the local ordinance and this act.~~

31 ~~45-24-58. Administration — Application procedure~~ **Administration -- Application**
32 **procedure -- Effective January 1, 2024.**

33 The zoning ordinance establishes the various application procedures necessary for the
34 filing of appeals, requests for variances, special-use permits, development plan reviews, ~~site plan~~

1 ~~reviews~~, and other applications that may be specified in the zoning ordinance [as allowed by this](#)
2 [chapter](#), with the zoning board of review, consistent with the provisions of this chapter. The zoning
3 ordinance provides for the creation of appropriate forms, and for the submission and resubmission
4 requirements, for each type of application required. A zoning ordinance may establish that a time
5 period of a certain number of months is required to pass before a successive similar application
6 may be filed.

7 SECTION 3. Sections 45-23-34, 45-23-40, 45-23-41, 45-23-43, 45-23-49, 45-23-66, 45-
8 23-68, 45-23-69 and 45-23-70 of the General Laws in Chapter 45-23 entitled "Subdivision of Land"
9 are hereby repealed as of January 1, 2024.

10 ~~**45-23-34. General provisions—Definitions.**~~

11 ~~Local regulations adopted pursuant to this chapter shall provide definitions for words or~~
12 ~~phrases contained in the regulations as is deemed appropriate. Where words or phrases used in any~~
13 ~~local regulations, whether or not defined in those regulations, are substantially similar to words or~~
14 ~~phrases defined in § 45-23-32 of this chapter, or § 45-22-2-4 of the Comprehensive Planning and~~
15 ~~Land Use Act or § 45-24-31 of the Zoning Enabling Act of 1991 the words or phrases shall be~~
16 ~~construed according to the definitions provided in those sections of the law.~~

17 ~~**45-23-40. General provisions—Major land development and major subdivision—**~~
18 ~~**Master plan.**~~

19 ~~(a) Submission requirements.~~

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

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

28 ~~(3) Initial comments will be solicited from:~~

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

31 ~~(ii) Adjacent communities;~~

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

34 ~~(iv) Federal agencies, as appropriate. The administrative officer shall coordinate review~~

1 and comments by local officials, adjacent communities, and state and federal agencies.

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

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

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

15 ~~(d) Informational meeting.~~

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

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

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

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

33 ~~(f) Failure to act. Failure of the planning board to act within the prescribed period~~
34 ~~constitutes approval of the master plan, and a certificate of the administrative officer as to the failure~~

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

3 ~~(g) Vesting.~~

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

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

12 ~~**45-23-41. General provisions — Major land development and major subdivision —**~~

13 ~~**Preliminary plan.**~~

14 ~~(a) Submission requirements.~~

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

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

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

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

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

34 ~~(b) Certification. The application will be certified as complete or incomplete by the~~

1 ~~administrative officer within twenty five (25) days, according to the provisions of § 45-23-36(b).~~
2 ~~The running of the time period set forth herein will be deemed stopped upon the issuance of a~~
3 ~~certificate of incompleteness of the application by the administrative officer and will recommence~~
4 ~~upon the resubmission of a corrected application by the applicant. However, in no event shall the~~
5 ~~administrative officer be required to certify a corrected submission as complete or incomplete less~~
6 ~~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) Public hearing. Prior to a planning board decision on the preliminary plan, a public~~
10 ~~hearing, which adheres to the requirements for notice described in § 45-23-42, must be held.~~

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

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

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

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

30 ~~**45-23-43. General provisions — Major land development and major subdivision —**~~

31 ~~**Final plan.**~~

32 ~~(a) Submission requirements.~~

33 ~~(1) The applicant shall submit to the administrative officer the items required by the local~~
34 ~~regulations for the final plan, as well as all material required by the planning board when the~~

1 ~~application was given preliminary approval.~~

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

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

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

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

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

26 ~~(d) Failure to act. Failure of the planning board to act within the prescribed period~~
27 ~~constitutes approval of the final plan and a certificate of the administrative officer as to the failure~~
28 ~~of the planning board to act within the required time and the resulting approval shall be issued on~~
29 ~~request of the applicant.~~

30 ~~(e) Expiration of approval. The final approval of a major subdivision or land development~~
31 ~~project expires one year from the date of approval with the right to extend for one year upon written~~
32 ~~request by the applicant, who must appear before the planning board for the annual review, unless,~~
33 ~~within that period, the plat or plan has been submitted for signature and recording as specified in §~~
34 ~~45-23-64. Thereafter, the planning board may, for good cause shown, extend the period for~~

1 ~~recording for an additional period.~~

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

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

10 ~~**45-23-49. Special provisions — Land development projects.**~~

11 ~~(a) If municipalities provide for land development projects, as defined in § 45-24-47 of the~~
12 ~~Rhode Island Zoning Enabling Act of 1991, the projects are subject to the local regulations.~~

13 ~~(b) In these instances, the local regulations must include all requirements, procedures and~~
14 ~~standards necessary for proper review and approval of land development projects to ensure~~
15 ~~consistency with the intent and purposes of this chapter and with § 45-24-47 of the Rhode Island~~
16 ~~Zoning Enabling Act of 1991.~~

17 ~~**45-23-66. Appeals — Right of appeal.**~~

18 ~~(a) Local regulations adopted pursuant to this chapter shall provide that an appeal from any~~
19 ~~decision of the planning board, or administrative officer charged in the regulations with~~
20 ~~enforcement of any provisions, except as provided in this section, may be taken to the board of~~
21 ~~appeal by an aggrieved party. Appeals from a decision granting or denying approval of a final plan~~
22 ~~shall be limited to elements of the approval or disapproval not contained in the decision reached by~~
23 ~~the planning board at the preliminary stage, providing that a public hearing has been held on the~~
24 ~~plan pursuant to § 45-23-42.~~

25 ~~(b) Local regulations adopted pursuant to this chapter shall provide that an appeal from a~~
26 ~~decision of the board of appeal may be taken by an aggrieved party to the superior court for the~~
27 ~~county in which the municipality is situated.~~

28 ~~**45-23-68. Appeals — Stay of proceedings.**~~

29 ~~An appeal stays all proceedings in furtherance of the action being appealed.~~

30 ~~**45-23-69. Appeals — Public hearing.**~~

31 ~~(a) The board of appeal shall hold a public hearing on the appeal within forty five (45) days~~
32 ~~of the receipt of the appeal, give public notice of the hearing, as well as due notice to the parties of~~
33 ~~interest. At the hearing any party may appear in person, or be represented by an agent or attorney.~~
34 ~~The board shall render a decision within ten (10) days of the close of the public hearing. The cost~~

1 ~~of any notice required for the hearing shall be borne by the applicant.~~

2 ~~(b) The board of appeal shall only hear appeals of the actions of a planning board or~~
3 ~~administrative officer at a meeting called especially for the purpose of hearing the appeals and~~
4 ~~which has been so advertised.~~

5 ~~(c) The hearing, which may be held on the same date and at the same place as a meeting of~~
6 ~~the zoning board of review, must be held as a separate meeting from any zoning board of review~~
7 ~~meeting. Separate minutes and records of votes as required by § 45-23-70(d) shall be maintained~~
8 ~~by the board of appeal.~~

9 ~~**45-23-70. Appeals — Standards of review.**~~

10 ~~(a) As established by this chapter, in instances of a board of appeal's review of a planning~~
11 ~~board or administrative officer's decision on matters subject to this chapter, the board of appeal~~
12 ~~shall not substitute its own judgment for that of the planning board or the administrative officer but~~
13 ~~must consider the issue upon the findings and record of the planning board or administrative officer.~~
14 ~~The board of appeal shall not reverse a decision of the planning board or administrative officer~~
15 ~~except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of~~
16 ~~the evidence in the record.~~

17 ~~(b) The concurring vote of three (3) of the five (5) members of the board of appeal sitting~~
18 ~~at a hearing, is necessary to reverse any decision of the planning board or administrative officer.~~

19 ~~(c) In the instance where the board of appeal overturns a decision of the planning board or~~
20 ~~administrative officer, the proposed project application is remanded to the planning board or~~
21 ~~administrative officer, at the stage of processing from which the appeal was taken, for further~~
22 ~~proceedings before the planning board or administrative officer and/or for the final disposition,~~
23 ~~which shall be consistent with the board of appeal's decision.~~

24 ~~(d) The board of appeal shall keep complete records of all proceedings including a record~~
25 ~~of all votes taken, and shall put all decisions on appeals in writing. The board of appeal shall include~~
26 ~~in the written record the reasons for each decision.~~

27 SECTION 4. This act shall take effect on January 1, 2024.

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LC002437/SUB A
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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 amend the provisions relative to the subdivision of land and the application
2 process requesting relief from zoning ordinances and the review process thereof.

3 This act would take effect on January 1, 2024

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LC002437/SUB A
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