

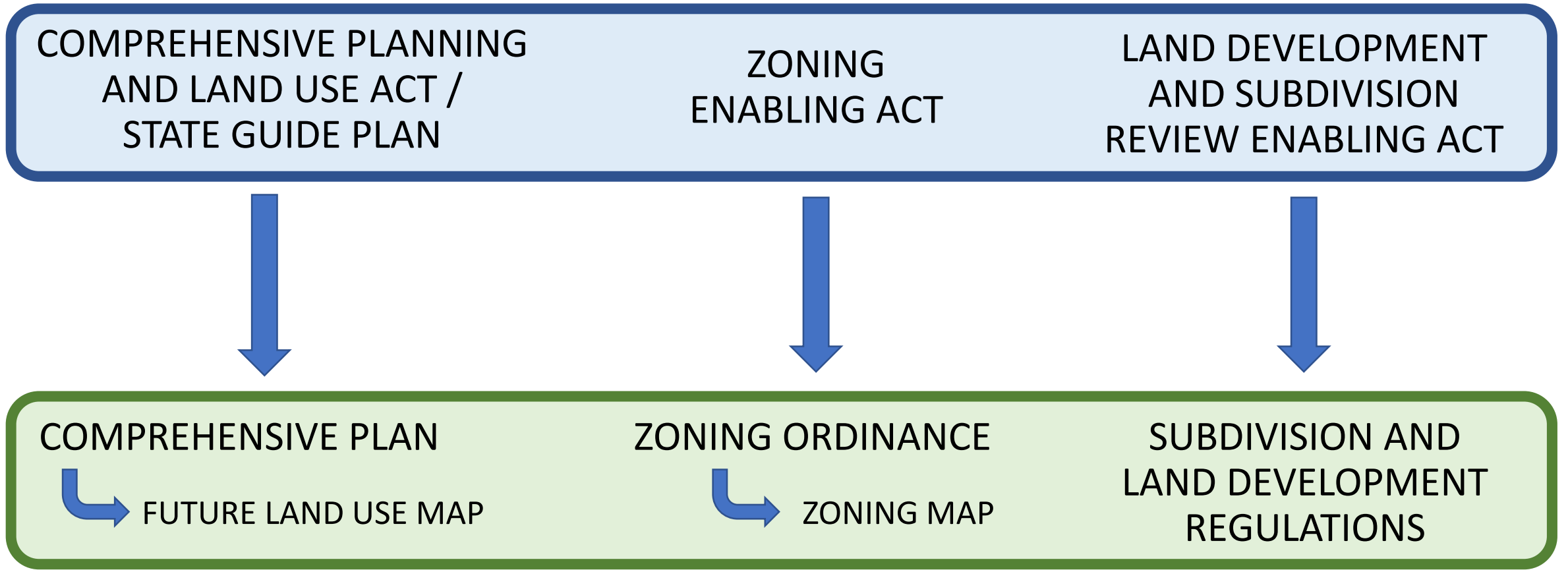
# Rhode Island Land Use: An Overview of Regulations and Process

# Disclaimer

This presentation is a summary several fundamental elements of how local land use law functions in Rhode Island. It is in no way an exhaustive or comprehensive overview of local land use law and is meant to lay the foundation for future discussion.

Land use law can be wicked confusing.

# From State law to local regulation...



# From State law to local regulation...

COMPREHENSIVE PLANNING  
AND LAND USE ACT /  
STATE GUIDE PLAN

ZONING  
ENABLING ACT

LAND DEVELOPMENT  
AND SUBDIVISION  
REVIEW ENABLING ACT

COMPREHENSIVE PLAN

↳ FUTURE LAND USE MAP

ZONING ORDINANCE

↳ ZONING MAP

SUBDIVISION AND  
LAND DEVELOPMENT  
REGULATIONS

# Who's doing what?

## COMPREHENSIVE PLAN



FUTURE LAND USE MAP

City/Town Council

- Adopts the Plan

Planning Board/Commission

- Develops or oversees plan development
- Holds a hearing
- Often oversees implementation

Planner/Director and staff\*

- Technical expertise
- Community engagement
- The “work”

## ZONING ORDINANCE



ZONING MAP

City/Town Council

- Adopts/Amends the Ordinance

Zoning Board of Review

- Variances
- Special Use Permits
- Appeals

Planning Board/Commission

- Development Plan Review
- Comprehensive Permits
- Unified Development Review
- Amendment Hearings

Planner/Director and staff\*

- Development Plan Review
- The “work”

Building Official/Zoning Enforcement

- Basic “by-right” permits
- Inspections/Enforcement

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

Planning Board/Commission

- “Minor” and “Major” reviews
- Adopt and Amend Regulations
- Unified Development Review
- Relief/Waivers

Technical Review Committee

- Optional Committee
- Reviews applications and advises the Planning Board

Planner/Director and staff\*

- Certification of Complete
- Administrative Subdivision
- The “work”

\*Usually referred to as “Administrative Officer” in statutes.

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# The Basics...

## SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

### Basic Purpose for Subdivision Review

- Create/record new lots
- Establish a new road
- Standards for Public Improvements
- Provide step-by-step review

### Basic Purpose for Land Development

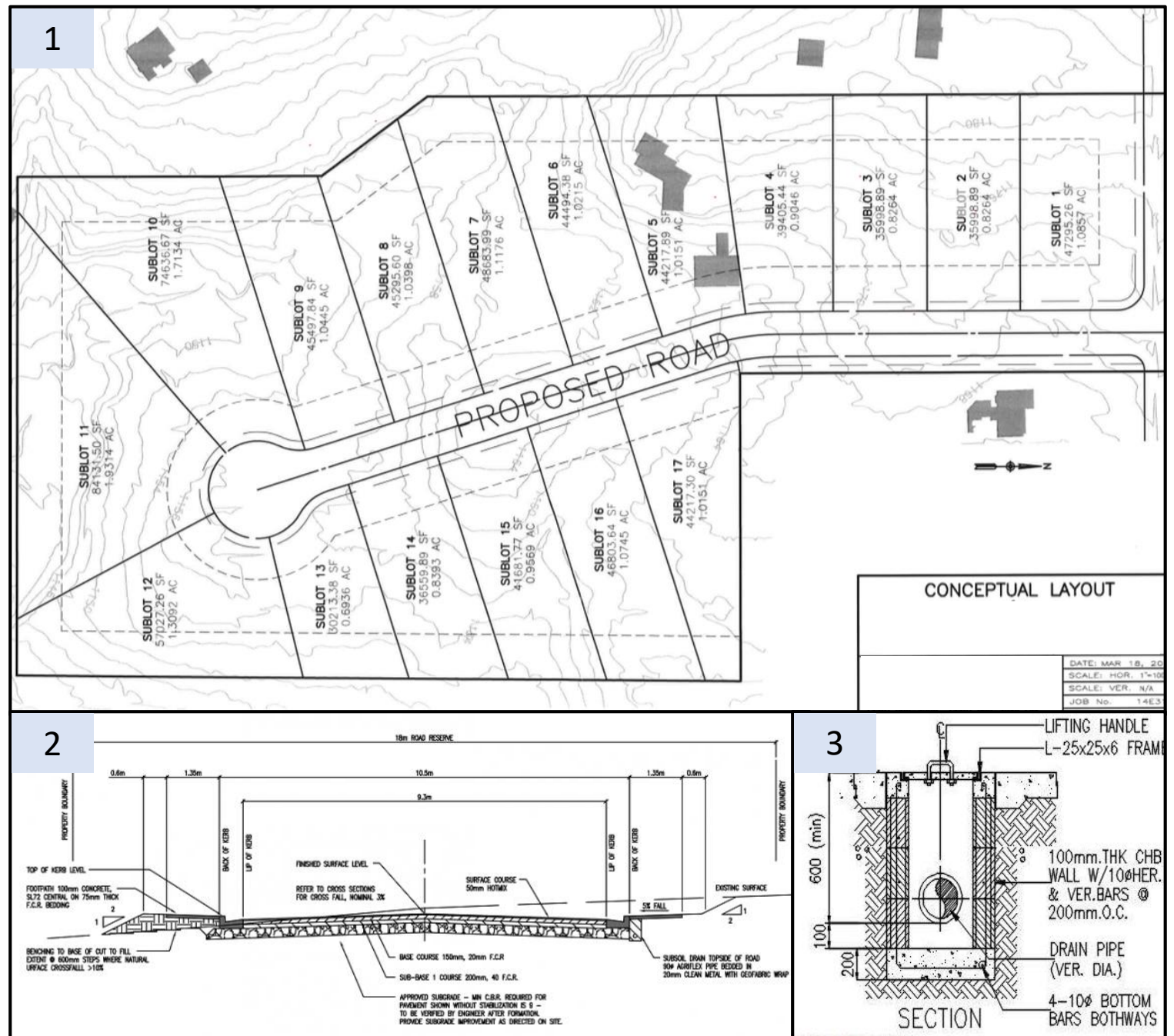
- Step-by-step review of more complex development projects

### Types of Subdivisions

- Administrative (no additional lots)
- Minor (5 or fewer lots)
- Major (6 or more lots)

### Types of Land Development

- Minor (residential only, as defined)
- Major (residential or non-residential, as defined)



# The Basics...

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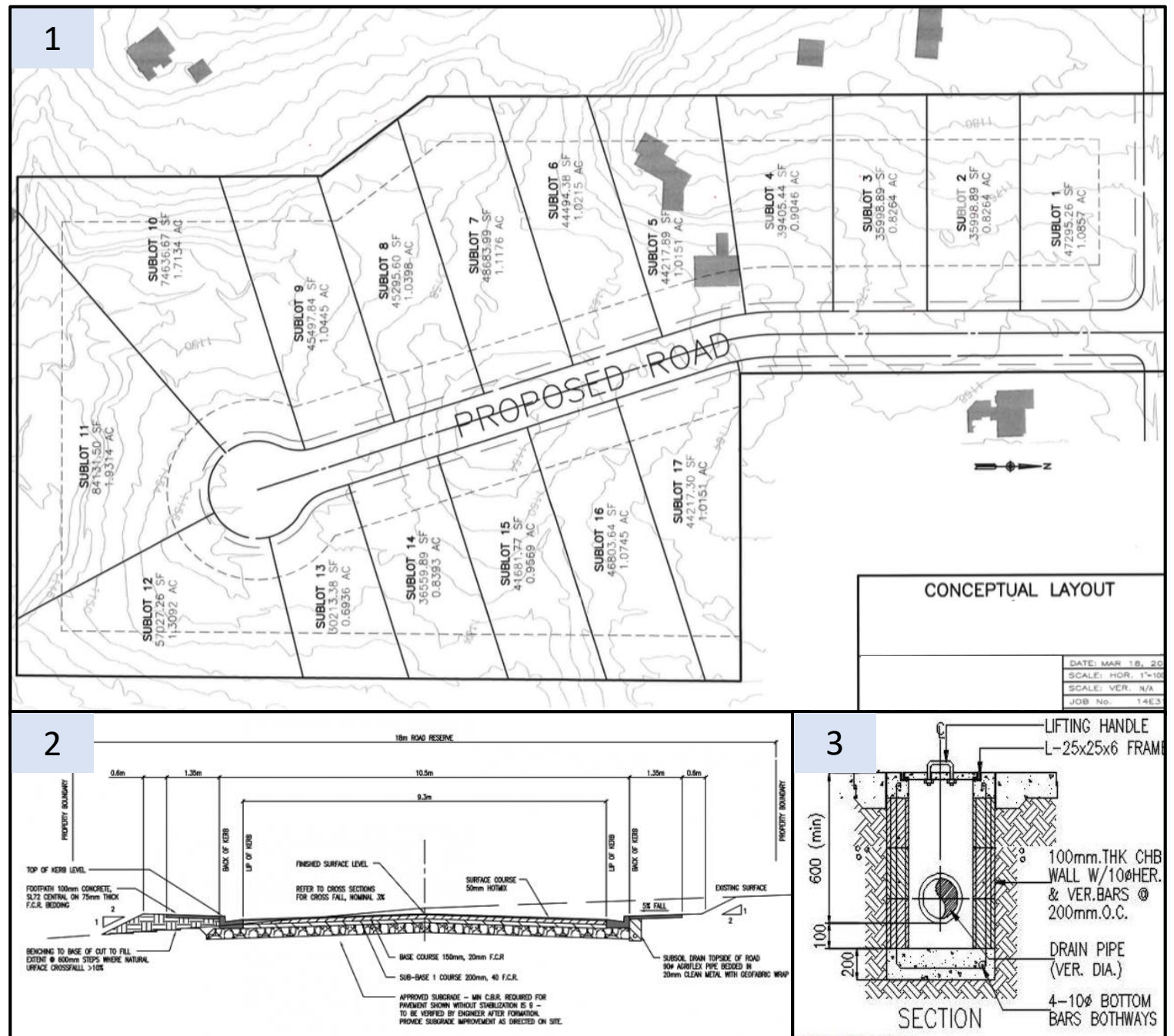
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# General procedures...

## PERMIT PROCESSES FOR SUBDIVISION/LAND DEVELOPMENT

### ADMINISTRATIVE

- Pre-application meeting (on request)
- **Application submittal**
  - Certification of Completeness
  - Administrative/TRC Review
  - Decision (recording)
- May refer to Planning Board

### MINOR

- Pre-application meeting (on request)
- **Preliminary Plan submittal**
  - Certification of Completeness
  - TRC/Planning Board review (engineering)
- **Final Plan submittal**
  - TRC Review
  - Decision (recording)
- May combine Preliminary and Final review

### MAJOR

- **Pre-application meeting** (required)
- **Master Plan submittal**
  - Certification of Completeness
  - Informational Meeting
  - TRC Review
  - Master Plan Decision
- **Preliminary Plan submittal**
  - Certification of Completeness
  - Public Hearing
  - TRC/Planning Board review (engineering)
  - Decision
- **Final Plan submittal**
  - Certification of Completeness
  - TRC/Planning Board Review
  - Decision (recording)
- May combine Preliminary and Final review

# Where the magic happens:

- **Local Planning Department:**

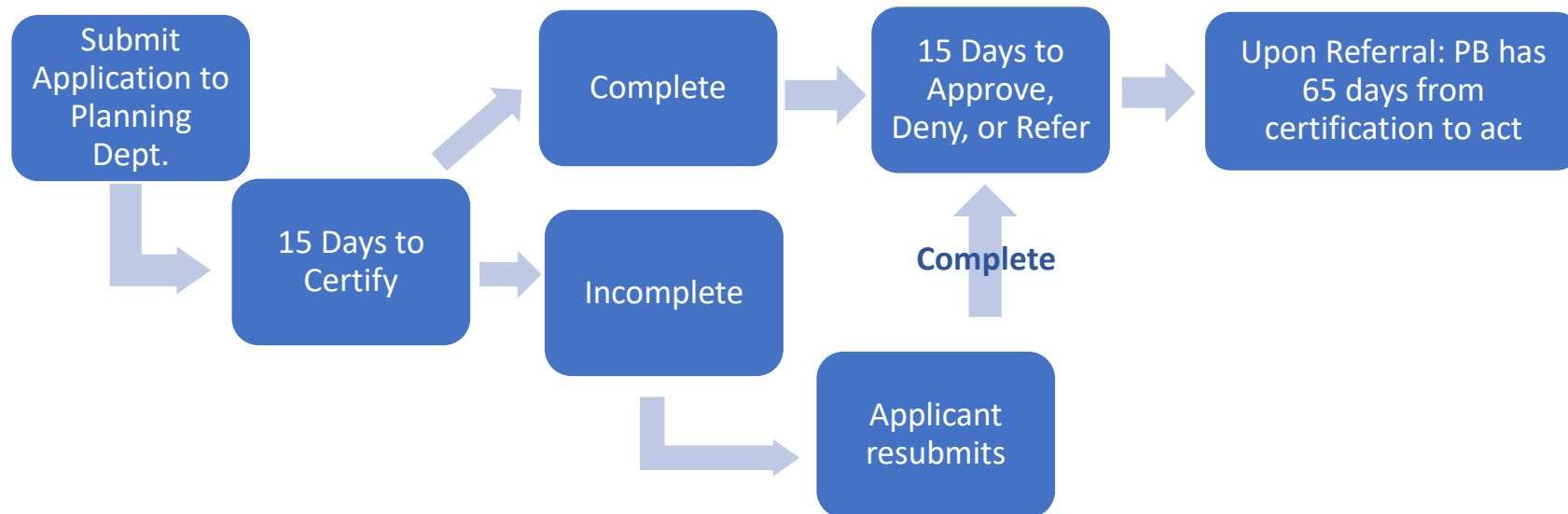
- Staff size varies by community (1 individual part time to a staff of 38 in Providence, 9 of which hold a title related to “planner”)
- Staff positions vary by community
- Responsible for a variety of community and development related functions:
  - Provides staffing and guidance to the Planning Board
  - Comprehensive Plan
  - Zoning Amendments
  - Subdivision Regulations and Applications
  - Growth Management
  - Open Space Plans
  - Capital Improvement Plans
  - Grant Applications and Administration
  - Affordable Housing
  - Economic Development

- **Local Zoning Official/Department**

- Enforcement of the zoning ordinance
- Staff to the Zoning Board, who grants relief from the zoning ordinance

# Development Example: Administrative Subdivision

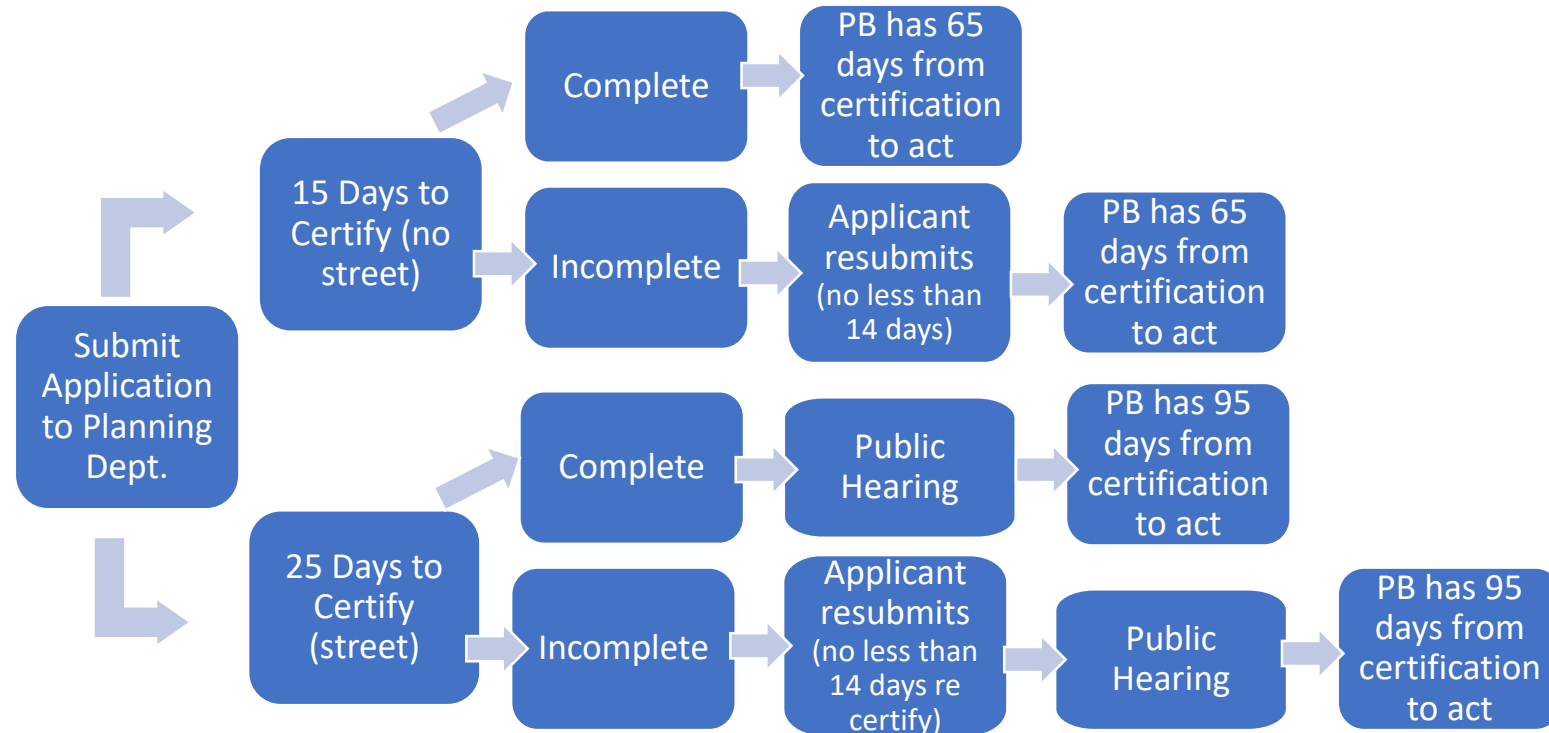
- Upon submission to the Administrative Officer (AO):
  - 15 days to certify the application complete or incomplete
  - Within 15 days of certification of completeness, administrative officer or Technical Review Committee (TRC) shall review and approve, deny, or refer it to the planning board with recommendations.
  - A denial requires submission to the planning board as a minor subdivision.
  - Approval must be supported by a written decision filed and posted in the office of the city or town clerk.



# Development Example: Minor Subdivision

Upon submission to the Administrative Officer:

- Optional **Pre-application** conference
- **Preliminary Plan**: Certified within 25 days of submission (street) or 15 days (no street)
- If incomplete, time clock stops, recommences upon resubmission by the applicant.
  - AO has a minimum of 14 days to certify after filing of corrected application.
- **TRC** – can recommend approval to the Planning Board with no further review.
- Planning Board has 65 days from certification to approve or deny (no street) and 95 days to approve or deny (street)
- Street creation requires a public hearing
- **Final Plan** can be delegated to the AO, or return to Planning Board for a decision
- Approval must be supported by a written decision filed and posted
- **Final Plan** is valid for 90 days (extension with good cause)



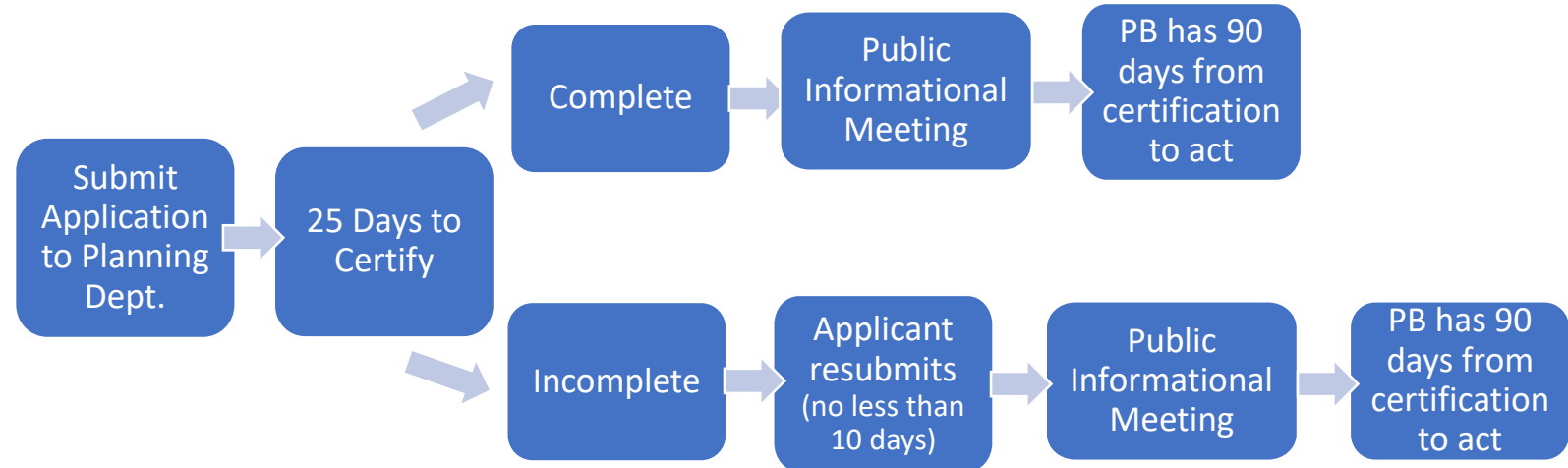
# Development Example: Major Subdivision

- **Pre application:**

- Mandatory **pre-application** conference
- No votes
- No certification

- **Master Plan**

- 25 days to certify complete
- If incomplete, time clock stops, recommences upon resubmission by the applicant.
- AO has a minimum of 10 days to certify after filing of corrected application.
- TRC can review and make recommendations
- Public Informational meeting must be held
- Planning Board has 90 days to approve or deny
- Project is vested for 2 years, 2 one-year extensions upon request



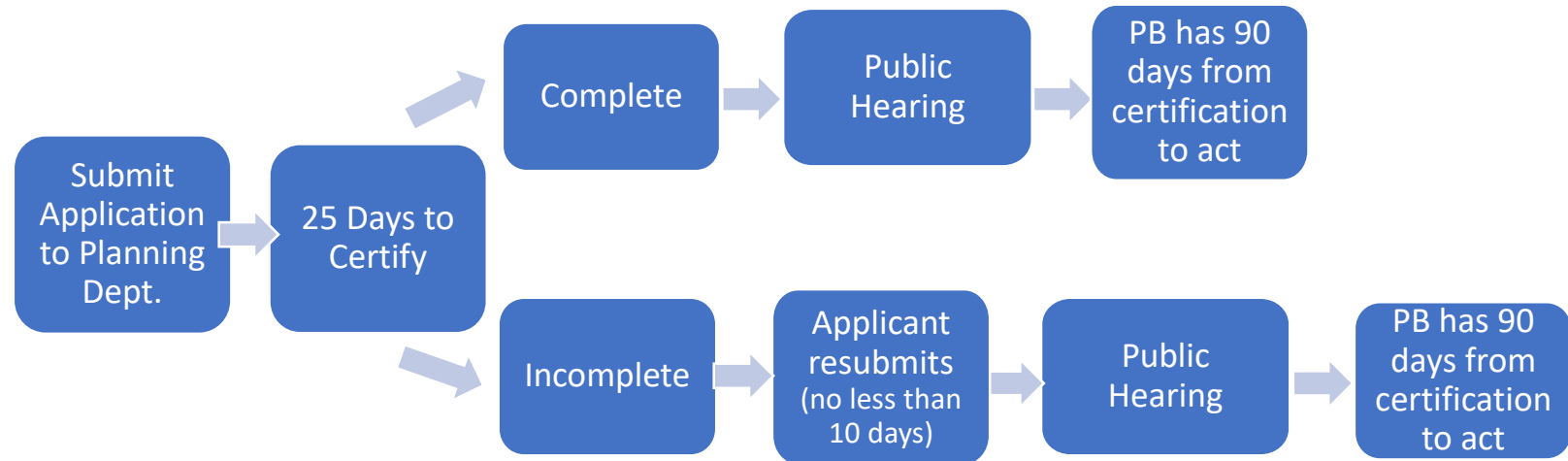
## Submission Requirements:

- Conceptual design
- Partially engineered drawings

# Development Example: Major Subdivision (cont.)

- **Preliminary Plan:**

- **25** days to certify complete
- If incomplete, time clock stops, recommences upon resubmission by the applicant.
- AO has a minimum of 10 days to certify after filing of corrected application.
- **TRC** can review and make recommendations
- **Public Hearing** must be held
- Planning Board has **90** days to approve or deny
- Project is vested for 2 years, 2, one-year extensions upon request.



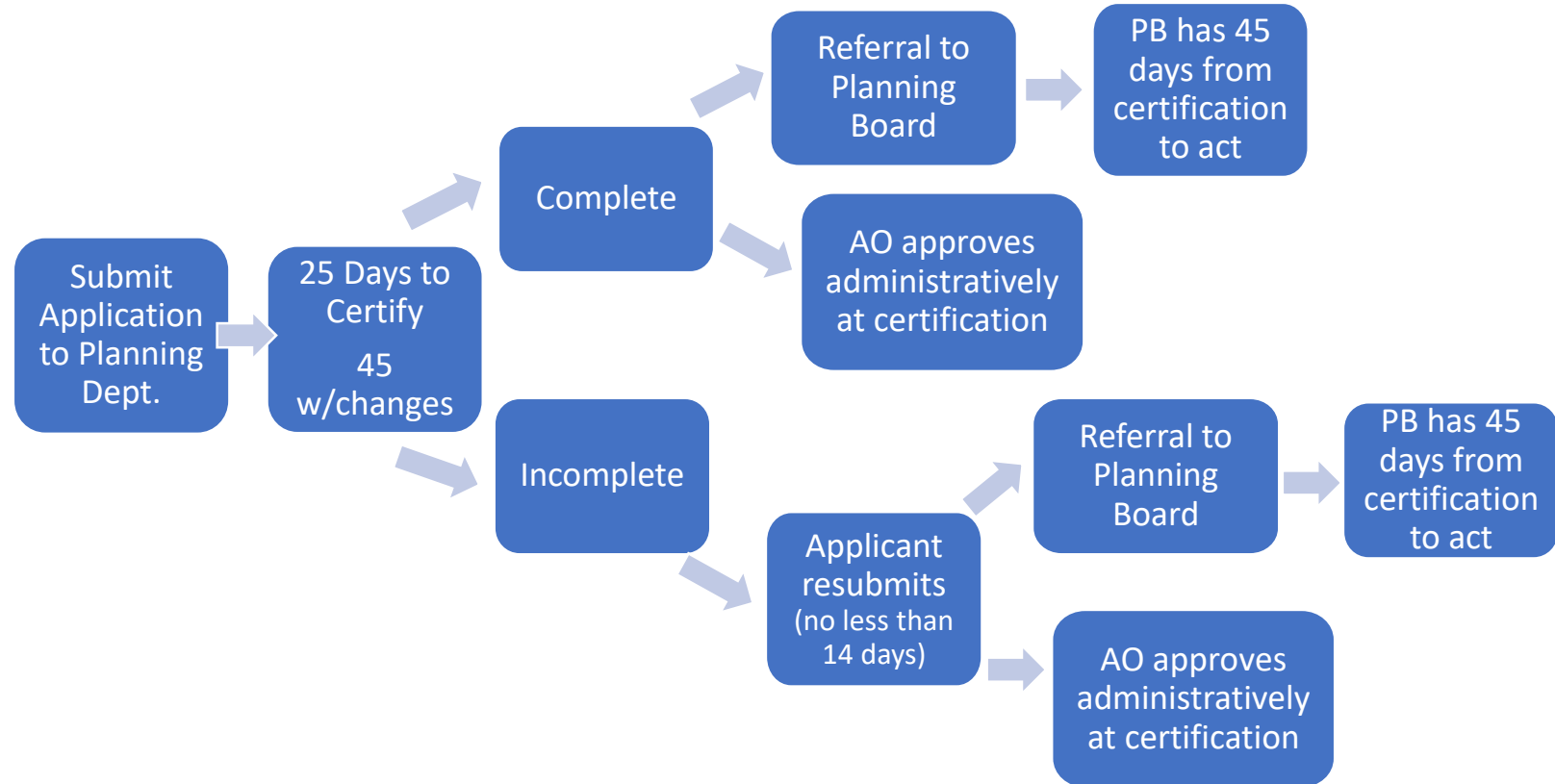
## Submission Requirements:

- State and local permits required
- Fully engineered drawings

# Development Example: Major Subdivision (cont.)

- **Final Plan:**

- **25** days to certify complete – **45** days if there are changes
- If incomplete, time clock stops, recommences upon resubmission by the applicant.
- AO has a minimum of 14 days to certify after filing of corrected application.
- AO can refer to the Planning Board
- Planning Board has **45** days to approve or deny
- Approval expires within 1 year, with one year extension upon request



## Submission Requirements:

- Must meet conditions from Preliminary Plan approval

# Other Considerations

- **Development Plan Review**

- Defined in the Zoning Enabling Act (but not well)
- Statutorily allowed for uses requiring special use permit, variance, zoning ordinance amendment, or a zoning map change
- Review is to be conducted by the Planning Board and is advisory to the permitting authority

- **Unified Development Review**

- Enabled in state law but only adopted in a few communities
- Allows for the Planning Board to grant relief from zoning requirements as part of a land development project or subdivision

- **Precedence of Approval**

- Requires an ordered process when multiple approvals are needed by town boards and commissions
  - Planning and Zoning
  - Planning and Town Council