* 1. *Unified development review.***[[1]](#footnote-1)1**

1. Review of projects submitted under this section shall adhere to the procedures, timeframes and standards of the underlying category of the project as listed in [INSERT LOCAL SECTION REFERENCE TO REGULATIONS; see § 45-23-36], but shall also include the following procedures:
2. Minor subdivisions and land-development projects. Except for dimensional relief granted by modification, requests for variances and/or for the issuance of special-use permits related to minor subdivisions and land-development projects shall be submitted as part of the application materials for the preliminary plan stage of review or if combined, for the first stage of reviews. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection [(5)] of this section shall be held prior to consideration of the preliminary plan by the [planning board]. The [planning board] shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the minor subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the minor subdivision or land-development project.
3. Development plan review. Except for dimensional relief granted by modification, requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits related to development plan review projects shall be submitted as part of the application materials for first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection [(5)] of this section shall be held prior to consideration of the preliminary plan by the [planning board]; see RIGL §45-23-50(d)(1)(ii). The [planning board] shall conditionally approve or deny the request(s) for the variance(s) and/or special-use permit(s) before considering the preliminary plan application for the development plan review project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final stage of review of the development plan review project.**[[2]](#footnote-2)2**
4. Major subdivisions and land-development projects.
   * 1. Master plan. Except for dimensional relief granted by modification, requests for variances for relief from the literal requirements of the zoning ordinance and/or for the issuance of a special-use permit related to major subdivisions and land-development projects shall be submitted as part of the application materials for the master plan stage of review, or if combined, the first stage of review. A public hearing on the application, including any variance and special-use permit requests that meets the requirements of subsection (e) of this section, shall be held prior to consideration of the master plan by the [planning board]. The [planning board] shall conditionally approve or deny the requests for the variance(s) and/or special-use permit(s) before considering the master plan application for the major subdivision or land-development project. Approval of the variance(s) and/or special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project.
     2. Preliminary plan. During the preliminary plan stage of review, applicants shall have the ability to request alteration of any variance(s) and/or special-use permit(s) granted by the [planning board] during the master plan stage of review, and/or to request new variance(s) and/or special-use permit(s), based on the outcomes of the more detailed planning and design necessary for the preliminary plan. If necessary, the applicant shall submit such requests and all supporting documentation along with the preliminary plan application materials. If the applicant requests new or additional zoning relief at this stage a public hearing on the application, that meets the requirements of subsection [(5)] of this section, shall be held prior to consideration of the preliminary plan by the [planning board]. The [planning board] shall conditionally approve, amend, or deny the requests for alteration(s), new variance(s) and/or new special-use permit(s), before considering the preliminary plan application for the major subdivision or land-development project. Approval of the alteration(s), new variance(s), and/or new special-use permit(s) shall be conditioned on approval of the final plan of the major subdivision or land-development project. If the [planning board] denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the [planning board] shall have the option of remanding the application back to the master plan stage of review. Alternatively, if the [planning board] denies the request for alteration(s), new variance(s), and/or new special-use permit(s), the applicant may consent to an extension of the decision period mandated by [INSERT LOCAL SECTION REFERENCE RELATING TO TIMING OF DECISION FOR MAJOR LDPS AND SUBDIVISIONS] so that additional information can be provided and reviewed by the [planning board].
5. Decision. The time periods by which the [planning board] must approve or deny applications for variances and special-use permits under the unified development review provisions of the local regulations shall be the same as the time periods by which the [board] must make a decision on the applicable review stage of the category of project under review.
6. Unless otherwise provided in this chapter all under this section shall require a single public hearing, held pursuant to subsection [(a)(1)] of this section. The public hearing must meet the following requirements:
7. Public hearing notice shall adhere to the requirements found in RIGL §45-23-42(b).
8. The notice area for notice of the public hearing shall be [INSERT LOCAL REQUIREMENTS],**[[3]](#footnote-3)3** and notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if: (1) the notice area extends into the adjacent municipality; or (2) the development site extends into the adjacent municipality; or (3) there is a potential for significant negative impact on the adjacent municipality. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).
9. Public notice shall indicate that dimensional variance(s), use variance(s) and/or special-use permit(s) are to be considered for the subdivision and/or land-development project.
10. The cost of all public notice is to be borne by the applicant.
11. The time periods by which the permitting authority must approve, approve with conditions or deny requests for variances and special-use permits under the unified development review provisions of a zoning ordinance shall be the same as the time periods by which the [planning board] must make a decision on the applicable review stage of the underlying type of project under review.
12. The expirations period of an approval of a variance or special use permit granted under this section shall be the same as those set forth in the statute for the underlying type of project under review.
13. Decisions under this section, including requests for the variance(s) and/or special-use permits that are denied by the [planning board] may be appealed pursuant to RIGL §45-23-71.

**FOR INSERTION INTO THE ZONING ORDINANCE**

1. Unified development review established. There shall be unified development review for the issuance of variances and special use permits for properties undergoing review by development plan review and/or land development or subdivision review.
2. Public hearing. All land development and subdivision applications, and development plan review applications **[[4]](#footnote-4)4** that include requests for variances and/or special-use permits submitted pursuant to this section, shall require a public hearing that meets the requirements of [INSERT LOCAL SECTION REFERENCE ON PUBLIC HEARING REQUIREMENTS].
3. In granting requests for dimensional and use variances, the [planning board] shall be bound to the requirements of [INSERT LOCAL SECTION REFERENCE TO DIMENSIONAL AND USE VARIANCE STANDARDS] relative to entering evidence into the record in satisfaction of the applicable standards.
4. In reviewing requests for special use permits the [planning board] shall be bound to the conditions and procedures under which a special use permit may be issued and the criteria for the issuance of such permits, as found within the zoning ordinance [INSERT LOCAL SECTION REFERENCE], and shall be required to provide for the recording of findings of fact and written decisions as described in the zoning ordinance pursuant to [INSERT LOCAL SECTION REFERENCE].
5. Appeals. An appeal from any decision made pursuant to this section may be take pursuant to [INSERT LOCAL SECTION REFERENCE ON APPEAL TO SUPERIOR COURT]**[[5]](#footnote-5)5**

1. 1 RIGL §45-24-46.4 uses the term “permitting authority” to replace the word “planning board”. A review of RIGL §45-23-38, §45-23-39, and §45-23-50, as amended, indicates that there is no authorized permitting authority for application undergoing UDR other than the planning board. This template uses the term “planning board’ in place of the general law references to “permitting authority” to avoid confusion. Municipalities should confer with their solicitor on this issue. [↑](#footnote-ref-1)
2. 2 RIGL §45-23-50.1(b)(2) incorrectly repeats the language from §45-23-50.1(b)(1). This language in the template has been updated to reflect development plan review. This issue should be discussed with your solicitor. The language in black is corrected language that differs from state law. [↑](#footnote-ref-2)
3. 3 RIGL §45-45-23-50.12(d)(2) requires that the notice area shall, at a minimum, include all property located in or within not less than two hundred feet (200′) of the perimeter of the area included in the subdivision and/or land-development project. [↑](#footnote-ref-3)
4. 4 RIGL §45-24-46.4(d) does not require a public hearing for applications requiring variances in a development plan review and we do not find any other section within the general laws that requires a public hearing for DPR applications that undergo UDR. Special use permits do require a public hearing under §45-24-42(b)(4). This template has added the words “development plan review” that do not appear in the general law. Municipalities should confer with their solicitor on this issue. [↑](#footnote-ref-4)
5. 5 RIGL §45-24-46.4(g) references 45-24-71 for appeals; we believe this reference should be to §45-23-71 (as shown in this template). Municipalities should confer with their solicitor on this issue. [↑](#footnote-ref-5)