**The language in red is directly from state law and must be inserted into the regulations as written, should the municipality decide to adopt the provision. The additional language in black is derived from best practices. Those sections are recommended for consideration by the municipality to accompany the required text and provide guidance to applicants and the municipality.**

**TEMPLATE SECTIONS FOR INSERTION INTO THE REGULATIONS**

* 1. *Applicability.***[[1]](#footnote-1)** The following categories of projects shall be subject to the provisions of this chapter:**[[2]](#footnote-2)**
	2. A change in use at the property where no extensive construction of improvements is sought.
	3. An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.
	4. An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.
	5. Development in a designated urban or growth center.
	6. Institutional development design review for educational or hospital facilities.
	7. Development in a historic district.
1. Permitting authority. The [administrative officer, technical review committee, or planning board] shall approve [administrative] projects submitted, and the [administrative officer, technical review committee, or planning board] shall approved formal projects as described herein.
2. Development plan review consists of two review processes, administrative and formal.
	1. Administrative development plan review consists of one stage of review and the authorized permitting authority is the administrative officer. The following activities are subject to administrative development plan review:
		1. [LIST ALLOWABLE ACTIVITIES FROM STATE LAW HERE. CONSIDER THE SIZE OF THE STRUCTURE OR DEVELOPMENT WHEN CATEGORIZING ACTIVITIES FROM ITEMS 1 THROUGH 6 ABOVE OR ANY ADDITIONAL ITEMS ADDED BY THE MUNICIPALITY]
	2. Formal development plan review consists of the preliminary stage and final stage of review. The authorized permitting authority is the [administrative officer/planning board/technical review committee].**[[3]](#footnote-3)** The following activities are subject to formal development plan review:
		1. [LIST ALLOWABLE ACTIVITIES FROM STATE LAW HERE. CONSIDER THE SIZE OF THE STRUCTURE OR DEVELOPMENT WHEN CATEGORIZING ACTIVITIES]
	3. The administrative officer may combine the stages of review for formal development plan review, providing that the submission requirements of both stages of review are met by the applicant to the satisfaction of the administrative officer.
	4. *Waivers*
3. Requirements for development plan approval may be waived where there is a change in use or occupancy and no extensive construction of improvements is sought. The waiver may be granted only by a decision by the permitting authority identified in this article, finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of development plan approval, and that the existing facilities do not require upgraded or additional site improvements.
4. The application for a waiver of development plan approval review shall include documentation on prior use of the site, the proposed use, and its impact.
5. The permitting authority may grant waivers of design standards. Waivers may include [LIST OF WAIVERS].**[[4]](#footnote-4)**
	1. *Application requesting relief from the zoning ordinance.*
6. Applications under this article which require relief which qualifies only as a modification shall proceed by filing an application and a request for a modification to the zoning enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the designated permitting authority **[[5]](#footnote-5)5** as determined in this article. If the modification is denied or an objection is received as set forth in [INSERT LOCAL REFERENCE SECTION], such application shall proceed under unified development review and be reviewed by the [planning board].
7. Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special use permit, shall be reviewed by the [ planning board] under unified development review, and a request for review shall accompany the preliminary plan application.
	1. *Submission requirements*.
8. Any applicant requesting approval of a proposed development under this chapter, shall submit to the administrative officer the items required by the checklist [INSERT CHECKLIST NUMBER OR NAME].
9. Requests for relief from the literal requirements of the zoning ordinance and/or for the issuance of special-use permits or use variances related to projects qualifying for development plan review shall be submitted and reviewed under unified development review.
	1. *Certification.*
10. The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days. If no street creation or extension is required, and/or unified development review is not required, the application shall be certified complete or incomplete by the administrative officer within fifteen (15) days.
11. The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission.
12. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.
	1. *Application review and decision*
13. *Administrative development plan review.* An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and administrative officer.
14. *Formal development plan review.*
15. *Preliminary plan.* Unless the application is reviewed under unified development review, the [administrative officer, TRC, or planning board] will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.
16. *Final Plan.* For formal development plan approval, the permitting authority shall delegate final plan review and approval to the administrative officer. The officer will report its actions in writing to the [planning board] at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.
17. *Failure to act.* Failure of the permitting authority to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.
18. *Vested rights.* Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording. Validity may be extended for an additional period upon application to the administrative officer or permitting authority, whichever entity approved the application, upon a showing of good cause.
19. *Modifications and changes to plans.*
20. Minor changes to the plans approved at any stage may be approved administratively, by the administrative officer, whereupon final plan approval may be issued. The changes may be authorized without an additional planning board meeting, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or the [permitting authority]. Minor changes shall include:
21. [LIST MINOR CHANGES]
22. Denial of the proposed change(s) shall be referred to the [permitting authority] for review as a major change.
23. Major changes to the plans approved at any stage may be approved only by the permitting authority and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing. Major changes shall include:
24. [LIST MAJOR CHANGES; INCLUDE “CATCH-ALL” THAT ANYTHING NOT LISTED AS A MINOR CHANGE IS A MAJOR CHANGE]
25. The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines that there has been a major change to the approved plans.
26. *Appeal.* A decision under this section shall be considered an appealable decision.
	1. *Design Standards.* Standards for design of development for applications subject to development plan review are provided in [INSERTS LOCAL SECTION REFERENCE] of these [regulations].

**FOR INSERTION INTO THE ZONING ORDINANCE**

1. Development plan review established. There shall be development plan review for uses that are permitted by right under the zoning ordinance.
2. Permitting authority. The permitting authority shall be [administrative officer, technical review committee, planning board]
3. Specific and objective guidelines. Design of all projects shall be consistent with the provisions of the regulations.**[[6]](#footnote-6)6**
4. Waivers. The authorized [permitting authority] may grant waivers of design standards as set forth in the regulations.**[[7]](#footnote-7)7**
5. Appeal. A rejection of the decision shall be an appealable decision pursuant to RIGL §45-23-71
1. RIGL §45-24-49 changed the word “may” to “shall” thereby requiring development plan review in zoning ordinances. RIGL §45-23-50 left the discretionary word may giving municipalities the discretion to adopt development plan review as a process. Municipalities should discuss this discrepancy with their solicitor. [↑](#footnote-ref-1)
2. Amended RIGL §45-23-50(a) requires that the municipality provide for the specific categories of projects that qualify for development plan review and which process (administrative or formal) they are to follow. Amended RIGL §45-23-32(10) provides the types of projects that can qualify for development plan review. Municipalities can choose which items development plan review applies to within the provided list, and can assign the process to other types of projects not specifically listed. [↑](#footnote-ref-2)
3. Amended RIGL §45-23-50(a) allows the permitting authority for formal development plan review to be the administrative officer, technical review committee, or planning board. The municipality needs to designate the permitting authority. [↑](#footnote-ref-3)
4. Amended RIGL §45-23-50(c) allows for the permitting authority to grant waivers of design standards that are specifically set forth in the local regulations and zoning ordinance. In order to enable the ability for the permitting authority to grant waivers, the municipality needs to provide a list of permissible waivers. [↑](#footnote-ref-4)
5. 5 RIGL 45-23-50(d)(1)(i) states that all applications that require a modification are to be reviewed by the administrative officer, regardless of the type of application (administrative or formal). This template uses the words “designated permitting authority”. Municipalities should discuss this with their solicitor. [↑](#footnote-ref-5)
6. 6 The specific and objective guidelines are required to be in the zoning ordinance. The municipality should discuss with their solicitor if a reference can be made to the regulations for those guidelines. [↑](#footnote-ref-6)
7. 7 It is not clear whether the legislation relates to waivers or the design standards to be set forth in both the local regulations and zoning ordinance. The municipality should discuss this with their solicitor. [↑](#footnote-ref-7)