# Breaking Down the New Legislative Changes to RI Subdivision and Development Process

## Description

By Michael L. Mineau

Following up on a recent PSH Land Use Client Alert, Governor McKee has signed into law a collection of bills which were passed through both houses of the state legislature in June. These new laws, which will mostly become effective January 1, 2024, significantly change many aspects of land use and real estate development law and procedures in Rhode Island, as well as encouraging development of more residential housing units. This article will be the first in a series focusing on each new law individually.

2023-H 6061Aaa and 2023-S 1034A amend various sections of Chapter 45-23 of the Rhode Island General Laws ("Subdivision of Land") and contain numerous key changes to subdivision and land development permits and processes. This legislation clarifies which projects are in each category of application and details the permitting processes for each type of project.

Amendments to the "Definitions" section of the statutes will include a new definition of "Development Plan Review" and, notably, a new definition of what constitutes a "land-development project" and key changes to how the different types of land development projects are classified.

For example, the definition of a "minor land development project" has been significantly expanded to include any of the following, which can even be further increased (but not decreased) by individual municipalities:

- 7,500 or less gross square feet of floor area of any new commercial, manufacturing, or industrial development;
- Expansion of up to 50% of existing floor area, or up to 10,000 square feet for commercial, manufacturing, or industrial structures;
- Mixed-use development consisting of up to 6 dwelling units, and 2,500 or less gross square feet of commercial space;
- Multi-family residential or residential condominium development up to 9 units;
- Change in use of property where no extensive improvements are sought;
- Adaptive reuse projects up to 25,000 square feet in commercial zones with no extensive exterior improvements; or
- Adaptive reuse in residential zones with less than 9 units.

These sections also amend the definition of minor subdivision, increasing the number of buildable lots from five or fewer to nine or fewer, and of major subdivision, to ten or more buildable lots.

In addition, these amended provisions detail the specific application submission requirements and processes for master plan review, preliminary plan review, final plan review, modifications or changes to plans, development plan review, and unified development review. These sections provide explicit guidance on what an applicant needs to include in the application and outline the entire process of such application from submission to decision and beyond.

One key change to the process at the preliminary plan stage of review in minor land development projects is that a public hearing is now only held if a street extension or creation is required or if the application is reviewed as part of unified development review. Planning department staff now have more authority in regard to combining review stages in order to streamline an application process as well. Unified development review is now a process that will be required in every municipality as a result of these amendments. Additionally, the

amendments better address, and in certain instances expand, the responsibilities of technical review committees, design review committees, and administrative officers. Certain projects can now be reviewed administratively or under less rigorous review processes than had previously been required. The amendments also address the timing and processes of appeals and the standards of review that should be applied in such appeals.

These amendments provide extremely helpful specifics for both developers and communities, especially since these statutes have not been materially amended to this extent since their original adoption. Ideally, these new amendments to the development and subdivision statutes will promote both new residential development and adaptive reuses of existing commercial and industrial structures, as well as generally reducing the overall expense and burden of development in Rhode Island.

For more information on these new changes to land use and zoning law in Rhode Island, please connect with land use attorney, Michael L. Mineau. Partridge Snow & Hahn LLP is available to answer questions about these new laws. For additional information and resources, visit the firm's Development, Land Use & Zoning page.

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