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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING
AND LAND USE ACT--COMPREHENSIVE PERMITS PROHIBITED IN WATERSHED
OVERLAY PROTECTION

Introduced By: Senators Felag, and DiPalma

Date Introduced: May 23, 2025

Referred To: Senate Housing & Municipal Government

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-22.2-4 of the General Laws in Chapter 45-22.2 entitled "Rhode
2 Island Comprehensive Planning and Land Use Act" is hereby amended to read as follows:

3 **45-22.2-4. Definitions.**

4 As used in this chapter the following words have the meanings stated herein:

5 (1) "Agricultural land" means land suitable for agriculture by reason of suitability of soil
6 or other natural characteristics or past use for agricultural purposes.

7 (2) "Capacity" or "land capacity" means the suitability of the land, as defined by geology,
8 soil conditions, topography, and water resources, to support its development for uses such as
9 residential, commercial, industrial, open space, or recreation. Land capacity may be modified by
10 provision of facilities and services.

11 (3) "Capital improvements program" means a proposed schedule of all future projects
12 listed in order of construction priority together with cost estimates and the anticipated means of
13 financing each project.

14 (4) "Chief" means the highest-ranking administrative officer of the division of planning as
15 established by § 42-11-10(g).

16 (5) "Coastal features" means any coastal beach, barrier island or spit, coastal wetland,
17 coastal headland, bluff or cliff, rocky shore, manmade shoreline or dune as outlined and defined by
18 the coastal resources management program, and as may be amended.

1 (6) “Comprehensive plan” or “comprehensive land use plan” means a document containing
2 the components described in this chapter, including the implementation program which is
3 consistent with the goals and guidelines established by this chapter.

4 (7) “Days” means calendar days.

5 (8) “Division of planning” means the office established as a division of the department of
6 administration by § 42-11-10(g).

7 (9) “Floodplains” or “flood hazard area” means an area that is subject to a flood from a
8 storm having a one percent (1%) chance of being equaled or exceeded in any given year, as
9 delineated on a community’s flood hazard map as approved by the federal emergency management
10 agency pursuant to the National Flood Insurance Act of 1968, as amended (Pub. L. No. 90-448),
11 42 U.S.C. § 4011 et seq.

12 (10) “Forecast” means a description of the conditions, quantities, or values anticipated to
13 occur at a designated future time.

14 (11) “Goals” means those goals stated in § 45-22.2-3.

15 (12) “Historic or cultural resource” means any real property, structure, natural object,
16 place, landmark, landscape, archaeological site or configuration or any portion or group of the
17 preceding which has been listed on the federal or state register of historic places or that is
18 considered by the Rhode Island Historical Preservation & Heritage Commission to meet the
19 eligibility criteria for listing on the state register of historic places pursuant to § 42-45-5 or is located
20 in a historic district established by a municipality in accordance with chapter 24.1 of this title,
21 Historic Area Zoning.

22 (13) “Land” means real property including improvements and fixtures on, above, or below
23 the surface.

24 (14) “Land use regulation” means a rule or statute of general application adopted by the
25 municipal legislative body which controls, directs, or delineates allowable uses of land and the
26 standards for these uses.

27 (15) “Local government” means any governmental agency authorized by this chapter to
28 exercise the power granted by this chapter.

29 (16) “Maintain” means to evaluate regularly and revise as needed or required in order to
30 ensure that a comprehensive plan remains consistent with the goals and guidelines established by
31 this chapter.

32 (17) “Municipal legislative body” means the town council in a town or the city council in
33 a city; or that part of a municipal government that exercises legislative powers under a statute or
34 charter.

1 (18) “Municipal reviewing authority” means the municipal planning board or commission.

2 (19) “Open space” means any parcel or area of land or water set aside, dedicated,
3 designated, or reserved for public or private use or enjoyment or for the use and enjoyment of
4 owners and occupants of land adjoining or neighboring the open space; provided that the area may
5 be improved with only those buildings, structures, streets, and off-street parking, and other
6 improvements that are designed to be incidental to the natural openness of the land.

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

11 ~~(20)~~(21) “Planning board” or “commission” means the body established by a municipality
12 under chapter 22 of this title or combination of municipalities which has the responsibility to
13 prepare a comprehensive plan and make recommendations concerning that plan to the municipal
14 legislative body.

15 ~~(21)~~(22) “State guide plan” means goals, policies, and plans or plan elements for the
16 physical, economic, and social development of the state, adopted by the state planning council in
17 accordance with § 42-11-10.

18 ~~(22)~~(23) “State or regional agency” means, for the purposes of this chapter, any state
19 agency, department, public authority, public corporation, organization, commission, or other
20 governing body with regulatory or other authority affecting the goals established either in this
21 chapter or the state guide plan. Pursuant to § 45-22.2-2, the definition of state and regional agency
22 shall not be construed to supersede or diminish any regulatory authority granted by state or federal
23 statute.

24 ~~(23)~~(24) “State agency program or project” State agency program means any non-
25 regulatory, coordinated group of activities implemented for the purpose of achieving a specific goal
26 or objective. State agency project means a specific initiative or development on an identifiable
27 parcel(s) of land.

28 ~~(24)~~(25) “Voluntary association of local governments” means two (2) or more
29 municipalities that have joined together pursuant to a written agreement and pursuant to the
30 authority granted under this chapter for the purpose of drafting a comprehensive land use plan and
31 implementation program.

32 (26) "Watershed" means a land area which because of its topography, soil type, and
33 drainage patterns acts as a collector of raw waters which regorge or replenish rivers and existing or
34 planned public water supplies.

1 (27) "Watershed overlay protection district" means a zoning designation that applies a
2 specific set of rules, often stricter than those in the underlying zoning district, to protect water
3 resources within a watershed.

4 ~~(25)~~(28) "Wetland" a marsh, swamp, bog, pond, river, river or stream flood plain or bank;
5 an area subject to flooding or storm flowage; an emergent or submergent plant community in any
6 body of fresh water; or an area within fifty feet (50') of the edge of a bog, marsh, swamp, or pond,
7 as defined in § 2-1-20; or any salt marsh bordering on the tidal waters of this state, whether or not
8 the tidal waters reach the littoral areas through natural or artificial watercourses, and those uplands
9 directly associated and contiguous thereto which are necessary to preserve the integrity of that
10 marsh, and as further defined by the RI coastal resources management program, as may be
11 amended.

12 ~~(26)~~(29) "Zoning" means the reservation of certain specified areas within a community or
13 city for building and structures, or use of land, for certain purposes with other limitations as height,
14 lot coverage, and other stipulated requirements.

15 SECTION 2. Chapter 45-53 of the General Laws entitled "Low and Moderate Income
16 Housing" is hereby amended by adding thereto the following section:

17 **45-53-11.1. Comprehensive permits prohibited in watershed overlay protection**
18 **districts in Tiverton.**

19 In the town of Tiverton, no applications shall be issued, authorized or permitted for a
20 comprehensive permit under the Rhode Island comprehensive planning and land use regulation act
21 pursuant to chapter 22.2 of title 45 in any watershed overlay protection district, as defined in § 45-
22 22.2-4.

23 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING
AND LAND USE ACT--COMPREHENSIVE PERMITS PROHIBITED IN WATERSHED
OVERLAY PROTECTION

1 This act would prohibit applications for a comprehensive permit under the Rhode Island
2 comprehensive planning and land use regulation act in any watershed overlay protection district
3 located in the town of Tiverton.

4 This act would take effect upon passage.

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