

2016 -- H 7651 SUBSTITUTE A

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LC004798/SUB A/2
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO TOWNS AND CITIES - SUBDIVISION OF LAND

Introduced By: Representative K. Joseph Shekarchi

Date Introduced: February 12, 2016

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-23-44 of the General Laws in Chapter 45-23 entitled
2 "Subdivision of Land" is hereby amended to read as follows:

3 **45-23-44. General provisions -- Physical design requirements.** -- (a) All local
4 regulations shall specify, through reasonable, objective standards and criteria, all physical design
5 requirements for subdivisions and land development projects which are to be reviewed and
6 approved pursuant to the regulations. Regulations shall specify all requirements and policies for
7 subdivisions and land development projects which are not contained in the municipality's zoning
8 ordinance.

9 (b) Nothing in this section shall be construed to restrict a municipality's right, within
10 state and local regulations, to establish its own minimum lot size per zoning district in its town or
11 city.

12 (c) The slope of land shall not be excluded from the calculation of the buildable lot area
13 or the minimum lot size, or in the calculation of the number of buildable lots or units.

14 (d) Wetland buffers, as defined in §2-1-20, shall be included in the calculation of a
15 minimum lot area and in the total number of square feet or acres of a tract or parcel of land before
16 calculating the maximum potential number of units or lots for development; provided, however,
17 that this shall not apply to lots directly abutting surface reservoirs with direct withdrawals used
18 for public drinking water. Nothing herein changes the definition and applicability of a "buildable
19 lot" as set forth under §45-23-60(a)(4); and nothing herein permits the disturbance of wetlands or

1 [wetland buffers or otherwise alters the provisions of the fresh water wetlands act, §2-1-18, et seq.](#)

2 ~~(d)~~(e) The requirements and policies may include, but are not limited to, requirements
3 and policies for rights-of-way, open space, landscaping, connections of proposed streets and
4 drainage systems with those of the surrounding neighborhood, public access through property to
5 adjacent public property, and the relationship of proposed developments to natural and man-made
6 features of the surrounding neighborhood.

7 ~~(e)~~(f) The regulations shall specify all necessary findings, formulas for calculations and
8 procedures for meeting the requirements and policies. These requirements and policies apply to
9 all subdivisions and land development projects reviewed and/or administered under the local
10 regulations.

11 SECTION 2. This act shall take effect January 1, 2017.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES - SUBDIVISION OF LAND

- 1 This act would provide that wetland buffers would be included in the calculation of
- 2 buildable lot areas, minimum lot sizes and in the calculation of buildable lots or units.
- 3 This act would take effect January 1, 2017.

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