

2023 -- S 1033

LC002502

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING
AND LAND USE ACT

Introduced By: Senators Pearson, and McKenney

Date Introduced: May 19, 2023

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-22.2-6, 45-22.2-12 and 45-22.2-13 of the General Laws in
2 Chapter 45-22.2 entitled "Rhode Island Comprehensive Planning and Land Use Act" are hereby
3 amended to read as follows:

4 **45-22.2-6. Required content of a comprehensive plan.**

5 (a) ~~The~~ Except as set forth herein, the comprehensive plan must utilize a minimum twenty
6 (20) year planning timeframe in considering forecasts, goals, and policies.

7 (b) The comprehensive plan must be internally consistent in its policies, forecasts, and
8 standards, and shall include the content described within this section. The content described in
9 subdivisions (1) through (10) may be organized and presented as deemed suitable and appropriate
10 by the municipality. The content described in subdivisions (11) and (12) must be included as
11 individual sections of the plan.

12 (1) Goals and policies. The plan must identify the goals and policies of the municipality
13 for its future growth and development and for the conservation of its natural and cultural resources.
14 The goals and policies of the plan shall be consistent with the goals and intent of this chapter and
15 embody the goals and policies of the state guide plan.

16 (2) Maps. The plan must contain maps illustrating the following as appropriate to the
17 municipality:

18 (i) Existing conditions:

- 1 (A) Land use, including the range of residential housing densities;
- 2 (B) Zoning;
- 3 (C) Key infrastructure such as, but not limited to, roads, public water, and sewer;
- 4 (D) Service areas for public water and sewer;
- 5 (E) Historical and cultural resource areas and sites;
- 6 (F) Open space and conservation areas (public and private); and
- 7 (G) Natural resources such as, but not limited to, surface water, wetlands, floodplains, soils,
- 8 and agricultural land;

9 (ii) Future land use illustrating the desired patterns of development, density, and
10 conservation as defined by the comprehensive plan; and

11 (iii) Identification of discrepancies between future land uses and existing zoning use
12 categories.

13 (3) Natural resource identification and conservation. The plan must be based on an
14 inventory of significant natural resource areas such as, but not limited to, water, soils, prime
15 agricultural lands, forests, wildlife, wetlands, aquifers, coastal features, and floodplains. The plan
16 must include goals, policies, and implementation techniques for the protection and management of
17 these areas.

18 (4) Open space and outdoor recreation identification and protection. The plan must be
19 based on an inventory of outdoor recreational resources, open space areas, and recorded access to
20 these resources and areas. The plan must contain an analysis of forecasted needs, policies for the
21 management and protection of these resources and areas, and identification of areas for potential
22 expansion. The plan must include goals, policies, and implementation techniques for the protection
23 and management of existing resources and acquisition of additional resources if appropriate.

24 (5) Historical and cultural resources identification and protection. The plan must be based
25 on an inventory of significant historical and cultural resources such as historical buildings, sites,
26 landmarks, and scenic views. The plan must include goals, policies, and implementation techniques
27 for the protection of these resources.

28 (6) Housing. The plan must include the identification of existing housing patterns, an
29 analysis of existing and forecasted housing needs, and identification of areas suitable for future
30 housing development or rehabilitation. The plan shall include an affordable housing program that
31 meets the requirements of § 42-128-8.1, the “Comprehensive Housing Production and
32 Rehabilitation Act of 2004” and chapter 53 of this title, the “Rhode Island Low and Moderate
33 Income Housing Act.” The plan must include goals and policies that further the goal of § 45-22.2-
34 3(c)(3) and implementation techniques that identify specific programs to promote the preservation,

1 production, and rehabilitation of housing, as well as specific goals, implementation actions, and
2 time frames for development of low- and moderate-income housing, as defined in § 45-53-3.

3 (7) Economic development. The plan must include the identification of existing types and
4 patterns of economic activities including, but not limited to, business, commercial, industrial,
5 agricultural, and tourism. The plan must also identify areas suitable for future economic expansion
6 or revitalization. The plan must include goals, policies, and implementation techniques reflecting
7 local, regional, and statewide concerns for the expansion and stabilization of the economic base
8 and the promotion of quality employment opportunities and job growth.

9 (8) Services and facilities. The plan must be based on an inventory of existing physical
10 infrastructure such as, but not limited to, educational facilities, public safety facilities, libraries,
11 indoor recreation facilities, and community centers. The plan must describe services provided to
12 the community such as, but not limited to, water supply and the management of wastewater, storm
13 water, and solid waste. The plan must consider energy production and consumption. The plan must
14 analyze the needs for future types and levels of services and facilities, including, in accordance
15 with § 46-15.3-5.1, water supply system management planning, which includes demand
16 management goals as well as plans for water conservation and efficient use of water concerning
17 any water supplier providing service in the municipality, and contain goals, policies, and
18 implementation techniques for meeting future demands.

19 (9) Circulation/Transportation. The plan must be based on an inventory and analysis of
20 existing and proposed major circulation systems, including transit and bikeways; street patterns;
21 and any other modes of transportation, including pedestrian, in coordination with the land use
22 element. Goals, policies, and implementation techniques for the provision of fast, safe, efficient,
23 and convenient transportation that promotes conservation and environmental stewardship must be
24 identified.

25 (10) Natural hazards. The plan must include an identification of areas that could be
26 vulnerable to the effects of sea-level rise, flooding, storm damage, drought, or other natural hazards.
27 Goals, policies, and implementation techniques must be identified that would help to avoid or
28 minimize the effects that natural hazards pose to lives, infrastructure, and property.

29 (11) Land use. In conjunction with the future land use map as required in subsection
30 (b)(2)(ii) of this section, the plan must contain a land use component that designates the proposed
31 general distribution and general location and interrelationships of land uses including, but not
32 limited to, residential, commercial, industrial, open space, agriculture, recreation facilities, and
33 other categories of public and private uses of land. The land use component shall be based upon
34 the required plan content as stated in this section. It shall relate the proposed standards of population

1 density and building intensity to the capacity of the land and available or planned facilities and
2 services. The land use component must contain an analysis of the inconsistency of existing zoning
3 districts, if any, with planned future land use. The land use component shall specify the process and
4 schedule by which the zoning ordinance and zoning map shall be amended to conform to the
5 comprehensive plan and shall be included as part of the implementation program, but in no event
6 shall it take longer than twelve (12) months for a zoning map not be brought into compliance with
7 the future land use map. The future land use map in a valid comprehensive plan updated in
8 accordance with this chapter shall govern all local municipal land use decisions.

9 (12) Implementation program.

10 (i) A statement which defines and schedules the specific public actions to be undertaken in
11 order to achieve the goals and objectives of each component of the comprehensive plan. Scheduled
12 expansion or replacement of public facilities, and the anticipated costs and revenue sources
13 proposed to meet those costs reflected in a municipality's capital improvement program, must be
14 included in the implementation program.

15 (ii) The implementation program identifies the public actions necessary to implement the
16 objectives and standards of each component of the comprehensive plan that require the adoption or
17 amendment of codes and ordinances by the governing body of the municipality.

18 (iii) The implementation program identifies other public authorities or agencies owning
19 water supply facilities or providing water supply services to the municipality, and coordinates the
20 goals and objectives of the comprehensive plan with the actions of public authorities or agencies
21 with regard to the protection of watersheds as provided in § 46-15.3-1 et seq.

22 (iv) The implementation program must detail the timing and schedule of municipal actions
23 required to amend the zoning ordinance and map to conform to the comprehensive plan.

24 (v) The implementation program shall contain a concise five (5) year strategic plan that is
25 reviewed and updated annually so that the goals and policies of the comprehensive plan are
26 implemented during the life of the comprehensive plan. The annual review and updated status of
27 the strategic plan must be submitted to the town or city council for review and approval.

28 **45-22.2-12. Maintaining and re-adopting the plan.**

29 (a) A municipality must maintain a single version of the comprehensive plan including all
30 amendments, appendices, and supplements. One or more complete copies of the comprehensive
31 plan including, all amendments, shall be made available for review by the public. Availability shall
32 include print, digital formats, and placement on the internet.

33 (b) A municipality shall periodically review and amend its plan in a timely manner to
34 account for changing conditions. At a minimum, a municipality shall fully update and re-adopt its

1 entire comprehensive plan, including supplemental plans, such as, but not limited to, special area
2 plans, that may be incorporated by reference, at least once every ten (10) years from the date of
3 municipal adoption. A minimum twenty (20) year planning timeframe in considering forecasts,
4 goals, and policies must be utilized for an update. If a municipality fails to fully update and re-
5 adopt its comprehensive plan within twelve (12) years from the date of the previous plan's adoption,
6 such municipality shall not be able to utilize the comprehensive plan as a basis for denial of a
7 municipal land use decision.

8 (c) A newly adopted plan shall supersede all previous versions.

9 (d) A municipality shall file an informational report on the status of the comprehensive
10 plan implementation program with the chief not more than five (5) years from the date of municipal
11 approval.

12 **45-22.2-13. Compliance and implementation.**

13 (a) The municipality is responsible for the administration and enforcement of the plan.

14 (b) All municipal land use decisions shall be in conformance with the locally adopted
15 municipal comprehensive plan subject to § 45-22.2-12(b).

16 (c) Each municipality shall amend its zoning ordinance and map to conform to the
17 comprehensive plan in accordance with the implementation program as required by § 45-22.2-
18 6(b)(11) and § 45-22.2-6(b)(12)(iv). The zoning ordinance and map in effect at the time of plan
19 adoption shall remain in force until amended. ~~It~~ Except with respect to comprehensive plans which
20 have failed to be updated within twelve (12) years, as set forth in § 45-22.2-6(b)(11), in instances
21 where the zoning ordinance is in conflict with an adopted comprehensive plan, the zoning ordinance
22 in effect at the time of the comprehensive plan adoption shall direct municipal land use decisions
23 until such time as the zoning ordinance is amended to achieve consistency with the comprehensive
24 plan and its implementation schedule. In instances of uncertainty in the internal construction or
25 application of any section of the zoning ordinance or map, the ordinance or map shall be construed
26 in a manner that will further the implementation of, and not be contrary to, the goals and policies
27 and applicable content of the adopted comprehensive plan.

28 (d) Limitations on land use approvals may be imposed according to the following
29 provisions in addition to any other provision that may be required by law.

30 (1) Nothing in the chapter shall be deemed to preclude municipalities from imposing
31 limitations on the number of building permits or other land use approvals to be issued at any time,
32 provided such limitations are consistent with the municipality's comprehensive plan in accordance
33 with this chapter and are based on a reasonable, rational assessment of the municipality's
34 sustainable capacity for growth.

1 (2) In the event of a dire emergency not reasonably foreseeable as part of the
2 comprehensive planning process, a municipality may impose a limitation on the number of building
3 permits or other land use approvals to be issued at any time, provided that such limitation is
4 reasonably necessary to alleviate the emergency and is limited to the time reasonably necessary to
5 alleviate the emergency.

6 (e) A one-time moratorium, for the purpose of providing interim protection for a planned
7 future land use or uses, may be imposed during the twelve (12) months subsequent to the adoption
8 of the local comprehensive plan provided that a change to the zoning ordinance and map has been
9 identified and scheduled for implementation within twelve (12) months of plan adoption. The
10 moratorium shall be enacted as an ordinance and may regulate, restrict, or prohibit any use,
11 development, or subdivisions under the following provisions:

12 (1) The moratorium is restricted to those areas identified on the map or maps as required
13 by § 45-22.2-6(b)(2)(iii).

14 (2) A notice of the moratorium must be provided by first class mail to property owners
15 affected by said moratorium at least fourteen (14) days in advance of the public hearing.

16 (3) The ordinance shall specify:

17 (i) The purpose of the moratorium;

18 (ii) The date it shall take effect and the date it shall end;

19 (iii) The area covered by the moratorium; and

20 (iv) The regulations, restrictions, or prohibitions established by the moratorium.

21 (4) The moratorium may be extended up to an additional ninety (90) days if necessary to
22 complete a zoning ordinance and map change provided that: (i) The public hearing as required by
23 § 45-24-53 has commenced; and (ii) The chief approves the extension based on a demonstration of
24 good cause. Said extension shall not be deemed as non-conformance to the implementation
25 schedule.

26 (f) A moratorium enacted under the provisions of subsection (e) shall not apply to state
27 agencies until such time that the municipal comprehensive plan receives approval from the chief
28 or superior court.

29 (g) In the event a municipality fails to amend its zoning ordinance and map to conform to
30 the comprehensive plan within the implementation schedule, or by the expiration of the moratorium
31 period, a municipality must amend either their implementation schedule or, if the future land use is
32 no longer desirable or feasible, amend the future land use map.

33 (1) Failure to comply with this provision within one hundred twenty (120) days of the date
34 of the implementation schedule or the expiration of the moratorium period shall result in the denial

1 or rescission, in whole or in part, of state approval of the comprehensive plan and of all benefits
2 and incentives conditioned on state approval.

3 (2) An implementation schedule amended under this provision shall not be eligible for an
4 additional moratorium as provided for in subsection (e).

5 SECTION 2. This act shall take effect upon passage.

=====
LC002502
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING
AND LAND USE ACT

- 1 This act would amend the required contents of a comprehensive plan, providing that the
- 2 "implementation program" component of the requirements include a five (5) year strategic plan to
- 3 ensure that the comprehensive plan goals and policies are implemented in a timely fashion.
- 4 This act would take effect upon passage.

=====
LC002502
=====