

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2002**

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A N A C T

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

Introduced By: Senators Perry, Walsh, Sosnowski, and Izzo

Date Introduced: February 05, 2002

Referred To: Senate Corporations

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.** -- As used in this chapter the following words have the meanings  
4   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. Agricultural land includes  
7   that defined as prime farm land or additional farm land of statewide importance for Rhode Island  
8   by the soil conservation service of the United States department of agriculture.

9           (2) "Board" means the state comprehensive plan appeals board as established by chapter  
10  22.3 of this title.

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

15          (4) "Capital improvements program" means a proposed schedule of all future projects  
16  listed in order of construction priority together with cost estimates and the anticipated means of  
17  financing each project.

18          (5) "Coastal features" means those coastal features defined in chapter 23 of title 46.

19          (6) "Comprehensive plan" or "comprehensive land use plan" means a document

1 containing the components described in this chapter, including the implementation program  
2 which is consistent with the goals and guidelines established by this chapter.

3 (7) "Council" means the state planning council as established by chapter 11 of title 42.

4 (8) "Days" means calendar days.

5 (9) "Director" means the director of administration.

6 (10) "Division of planning" means the office of state planning as established as a  
7 division of the department of administration by section 42-11-10(b).

8 (11) "Federally insured or assisted housing" means:

9 (i) Low income housing units insured or assisted under sections 221(d)(3) and 236 of the  
10 National Housing Act, 12 U.S.C. section 1701 et seq.;

11 (ii) Low income housing units produced with assistance under section 8 of the United  
12 States Housing Act of 1937, 42 U.S.C. section 1401 et seq.; and

13 (iii) Rural low income housing financed under section 515 of the Housing Act of 1949,  
14 12 U.S.C. section 1715z.

15 (12) "Floodplains" or "flood hazard area" means an area that has a one percent (1%) or  
16 greater chance of inundation in any given year, as delineated by the federal emergency agency  
17 pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448), 42 U.S.C. 4011  
18 et seq.

19 (13) "Forecast" means a description of the conditions, quantities, or values anticipated to  
20 occur at a designated future time.

21 (14) "Goals" means those goals stated in section 45-22.2-3.

22 (15) "Historic district" means one or more historic sites and intervening or surrounding  
23 property significantly affecting or affected by the quality and character of the historic site or sites,  
24 and has been registered, or is deemed eligible to be included, on the state register of historical  
25 places pursuant to section 42-45-5.

26 (16) "Historic site" means any real property, man made structure, natural object, or  
27 configuration or any portion or group of the preceding which has been registered, or is deemed  
28 eligible to be included, on the state register of historic places pursuant to section 42-45-5.

29 (17) "Improvement" means any man made, immovable item which becomes part of,  
30 placed upon, or is affixed to, real estate.

31 (18) "Land" means real property including improvements and fixtures on, above, or  
32 below the surface.

33 (19) "Land use regulation" means a rule or statute of general application adopted by the  
34 municipal legislative body which controls, directs, or delineates allowable uses of land and the

1 standards for these uses.

2 (20) "Local government" means any governmental agency authorized by this chapter to  
3 exercise the power granted by this chapter.

4 (21) "Municipal legislative body" means the town meeting in a town; the town council in  
5 a town or the city council in a city; or that part of a municipal government that exercises  
6 legislative powers under a statute or charter.

7 (22) "Municipal reviewing authority" means the municipal planning board, or  
8 commission, or if none, the municipal officers.

9 (23) "Open space" means any parcel or area of land or water set aside, dedicated,  
10 designated, or reserved for public or private use or enjoyment or for the use and enjoyment of  
11 owners and occupants of land adjoining or neighboring the open space; provided that the area  
12 may be improved with only those buildings, structures, streets, and off-street parking, and other  
13 improvements that are designed to be incidental to the natural openness of the land.

14 (24) "Planning board" or "commission" means the body established by a municipality or  
15 combination of municipalities which has the responsibility to prepare a comprehensive plan and  
16 make recommendations concerning that plan to the municipal legislative body.

17 (25) "Program" means the statewide planning program established by chapter 11 of title  
18 42.

19 (26) "State guide plan" means goals, policies, and plans or plan elements for the  
20 physical, economic, and social development of the state, adopted by the state planning council in  
21 accordance with section 42-11-10.

22 (27) "Voluntary association of local governments" means two or more municipalities  
23 who have joined together pursuant to a written agreement and pursuant to the authority granted  
24 under this chapter for the purpose of drafting a comprehensive land use plan and implementation  
25 program.

26 (28) "Wetland, coastal" means a salt marsh bordering on the tidal waters of this state and  
27 contiguous uplands extending no more than fifty (50) yards inland therefrom.

28 (29) "Wetland, freshwater" means a marsh, swamp, bog, pond, river, river or stream  
29 flood plain or bank; area subject to flooding or storm flowage; emergent or submergent plant  
30 community in any body of fresh water; or area within fifty feet (50') of the edge of a bog, marsh,  
31 swamp, or pond, as defined in section 2-1-20.

32 (30) "Zoning" means the reservation of certain specified areas within a community or  
33 city for building and structures, or use of land, for certain purposes with other limitations as  
34 height, lot coverage, and other stipulated requirements.

1           (31) "Low and Moderate Income Housing" means housing as defined in the federal Low  
2 Income Preservation and Resident Home Ownership Act of 1990 and as may be amended for  
3 both the purposes of this chapter and any reference to low and moderate income housing in  
4 relation to a Comprehensive Plan prepared and adopted pursuant to this chapter.

5           (32) "State or Regional Agency" means, for the purposes of this chapter, any state  
6 agency, department, public authority, public corporation, organization, commission, or other  
7 governing body with regulatory or other authority affecting the goals established either in this  
8 chapter or the state guide plan. Pursuant to section 45-22.2-2(f), the definition of state and  
9 regional agency shall not be construed to supersede or diminish any regulatory authority granted  
10 by state or federal statute.

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

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LC01383/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO TOWNS AND CITIES -- RHODE ISLAND COMPREHENSIVE PLANNING  
AND LAND USE ACT

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- 1           This act would define the term "state agency" for purposes of the Comprehensive
- 2 Planning and Land Use Act.
- 3           This act would take effect upon passage.

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LC01383/SUB A  
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