

2024 -- H 7982

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Representatives Cortvriend, and Speakman

Date Introduced: March 05, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24-30 of the General Laws in Chapter 45-24 entitled "Zoning
2 Ordinances" is hereby amended to read as follows:

3 **45-24-30. General purposes of zoning ordinances.**

4 (a) Zoning regulations shall be developed and maintained in accordance with a
5 comprehensive plan prepared, adopted, and as may be amended, in accordance with chapter 22.2
6 of this title and shall be designed to address the following purposes. The general assembly
7 recognizes these purposes, each with equal priority and numbered for reference purposes only.

8 (1) Promoting the public health, safety, and general welfare.

9 (2) Providing for a range of uses and intensities of use appropriate to the character of the
10 city or town and reflecting current and expected future needs.

11 (3) Providing for orderly growth and development that recognizes:

12 (i) The goals and patterns of land use contained in the comprehensive plan of the city or
13 town adopted pursuant to chapter 22.2 of this title;

14 (ii) The natural characteristics of the land, including its suitability for use based on soil
15 characteristics, topography, and susceptibility to surface or groundwater pollution;

16 (iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and
17 freshwater and coastal wetlands;

18 (iv) The values of unique or valuable natural resources and features;

19 (v) The availability and capacity of existing and planned public and/or private services and

1 facilities;

2 (vi) The need to shape and balance urban and rural development; and

3 (vii) The use of innovative development regulations and techniques.

4 (4) Providing for the control, protection, and/or abatement of air, water, groundwater, and
5 noise pollution, and soil erosion and sedimentation.

6 (5) Providing for the protection of the natural, historic, cultural, and scenic character of the
7 city or town or areas in the municipality.

8 (6) Providing for the preservation and promotion of agricultural production, forest,
9 silviculture, aquaculture, timber resources, and open space.

10 (7) Providing for the protection of public investment in transportation, water, stormwater
11 management systems, sewage treatment and disposal, solid waste treatment and disposal, schools,
12 recreation, public facilities, open space, and other public requirements.

13 (8) Promoting a balance of housing choices, for all income levels and groups, to assure the
14 health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary
15 housing.

16 (9) Providing opportunities for the establishment of low- and moderate-income housing.

17 (10) Promoting safety from fire, flood, and other natural or unnatural disasters.

18 (11) Promoting a high level of quality in design in the development of private and public
19 facilities.

20 (12) Promoting implementation of the comprehensive plan of the city or town adopted
21 pursuant to chapter 22.2 of this title.

22 (13) Providing for coordination of land uses with contiguous municipalities, other
23 municipalities, the state, and other agencies, as appropriate, especially with regard to resources and
24 facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

25 (14) Providing for efficient review of development proposals, to clarify and expedite the
26 zoning approval process.

27 (15) Providing for procedures for the administration of the zoning ordinance, including,
28 but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

29 (16) Providing opportunities for reasonable accommodations in order to comply with the
30 Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing
31 Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act,
32 chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101
33 et seq.

34 Provided, however, that any zoning ordinance in which a community sets forth standards

1 or requirements for the location, design, construction, or maintenance of on-site wastewater
2 treatment systems shall first be submitted to the director of the department of environmental
3 management for approval as to the technical merits of the ordinance. In addition, any zoning
4 ordinance in which a municipality sets forth standards regarding wetland requirements, shall first
5 be submitted to the director of the department of environmental management for approval as to the
6 technical merits of the ordinance.

7 (b) Upon the effective date of this section, a city or town shall no longer be authorized to
8 adopt as a provision of its zoning ordinance new requirements that specify buffers or setbacks in
9 relation to freshwater wetland, freshwater wetland in the vicinity of the coast, or coastal wetland or
10 that specify setback distances between an onsite wastewater treatment system and a freshwater
11 wetlands, freshwater wetland in the vicinity of the coast, or coastal wetland.

12 (c) ~~Upon promulgation of state regulations to designate wetland buffers and setbacks~~
13 ~~pursuant to §§ 2-1-18 through 2-1-28, cities~~ Cities and towns shall be prohibited from applying
14 the requirements in existing zoning ordinances pertaining to both wetland buffers and onsite
15 wastewater treatment system setbacks to development, redevelopment, construction or
16 rehabilitation applications submitted to a municipality ~~after the effective date of said state~~
17 ~~regulations. All applications for development that were submitted to a municipality prior to the~~
18 ~~effective date of state regulations designating wetland buffers and setbacks, will remain subject to,~~
19 ~~as applicable, the zoning provisions pertaining to wetland buffers or setbacks for onsite wastewater~~
20 ~~treatment systems that were in effect at the time the application was originally filed or granted~~
21 ~~approval, subject to the discretion of the municipality to waive such requirements.~~ Nothing herein
22 shall rescind the authority of a city or town to enforce other local zoning requirements.

23 (d) Cities and towns shall act to amend their ordinances and regulations to conform to this
24 section within twelve (12) months of the effective date of state regulations referenced herein.

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

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

- 1 This act would amend provisions relative to the application of zoning ordinances pertaining
- 2 to wetland buffers to projects for development, redevelopment, construction or rehabilitation.
- 3 This act would take effect upon passage.

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