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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

Introduced By: Representatives Edwards, Reilly, Dickinson, Gallison, and Nunes

Date Introduced: February 28, 2012

Referred To: House Environment and Natural Resources

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

- 1 and 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,
- 5 and noise pollution, and soil erosion and sedimentation.
- 6 (5) Providing for the protection of the natural, historic, cultural, and scenic character of
- 7 the 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
- 14 the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and
- 15 sanitary 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
- 24 and facilities that extend beyond municipal boundaries or have a direct impact on that
- 25 municipality.
- 26 (14) Providing for efficient review of development proposals, to clarify and expedite the
- 27 zoning approval process.
- 28 (15) Providing for procedures for the administration of the zoning ordinance, including,
- 29 but not limited to, variances, special-use permits, and, where adopted, procedures for
- 30 modifications.
- 31 (16) Providing opportunities for reasonable accommodations in order to comply with the
- 32 Rhode Island Fair Housing Practices Act, chapter 37 of title 34, the United States Fair Housing
- 33 Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of Persons with Disabilities
- 34 Act, chapter 87 of title 42, and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C.

1 section 12101 et seq.

2 Provided, however, that any zoning ordinance in which a community sets forth standards  
3 or requirements for the location, design, construction, or maintenance of on-site sewage disposal  
4 systems shall first be submitted to the director of the department of environmental management  
5 and the department of health for approval as to the technical merits of the ordinance. In addition,  
6 any zoning ordinance in which a municipality sets forth standards regarding wetland setbacks or  
7 requirements, shall first be submitted to the director of the department of environmental  
8 management for approval as to the technical merits of the ordinance. The presumption is that  
9 current state regulations governing septic systems and wetlands are adequate for the protection of  
10 the state's water resources.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would require that zoning ordinances that set forth standards with respect to on-  
2 site sewage disposal systems or wetland requirements be submitted to the departments of  
3 environmental management and health, as applicable, for approval of the technical merits of the  
4 ordinance.

5           This act would take effect upon passage.

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