

2017 -- H 5042 AS AMENDED

=====
LC000060
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO TOWNS AND CITIES - LOCAL PLANNING BOARD OR COMMISSION

Introduced By: Representatives Carson, Donovan, Knight, Craven, and Fogarty

Date Introduced: January 06, 2017

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-22-7 of the General Laws in Chapter 45-22 entitled "Local
2 Planning Board or Commission" is hereby amended to read as follows:

3 **45-22-7. Powers and duties of a planning board or commission.**

4 (a) A planning board or commission shall have the sole responsibility for performing all
5 those acts necessary to prepare a comprehensive plan for a municipality in accordance with the
6 provisions of chapter 22.2 of title 45.

7 (b) Pursuant to § 45-23-51, a planning board or commission shall be empowered by the
8 city or town council, by ordinance, to adopt, modify, and amend regulations and rules governing
9 land-development and subdivision projects within that municipality and to control land-
10 development and subdivision projects pursuant to those regulations and rules. The planning board
11 or commission shall also provide for the administration, interpretation, and enforcement of land-
12 development and subdivision review regulations, pursuant to § 45-23-52.

13 (c) When directed by the city or town zoning ordinance pursuant to § 45-24-46.4 and the
14 city or town land development and subdivision review regulations pursuant to § 45-23-50.1, a
15 planning board or commission shall have the power to review and approve, approve with
16 conditions, or deny requests for variances and special-use permits submitted as part of land-
17 development and subdivision applications.

18 (d) A planning board or commission established under the provisions of this chapter
19 shall make studies and prepare plans and reports on the needs and resources of the community

1 with reference to its physical, economic, and social growth and development as affecting the
2 health, safety, morals, and general welfare of the people. The studies, plans, and reports shall
3 concern, but not necessarily be limited to, the following:

4 (1) Land use and land-use regulation;

5 (2) Transportation facilities;

6 (3) Public facilities, including recreation areas, utilities, schools, fire stations, police
7 stations, and others;

8 (4) Blighted areas, including the designation of general areas for redevelopment,
9 renewal, rehabilitation, or conservation;

10 (5) Problems of housing and the development of housing programs;

11 (6) Environmental protection;

12 (7) Natural resource conservation;

13 (8) Protection from disaster;

14 (9) Economic and social characteristics of the population;

15 (10) Preservation of historic sites and buildings; and

16 (11) Economic development.

17 (e) When directed by the city or town council or by the appointing authority, a planning
18 board or commission shall prepare an annual capital budget and a comprehensive, long-range
19 capital-improvement program for submission to the council, the appointing authority, or other
20 designated official or agency.

21 (f) A planning board or commission shall submit an advisory opinion and
22 recommendation on all zoning matters referred to it by the zoning board of review under the
23 provisions of the city or town zoning ordinance and report on any other matter referred to it, by
24 the city or town council, the chief executive, or the appointing authority.

25 (g) A planning board or commission shall perform any other duties that may be assigned
26 to the board or commission, from time to time, by any act of the general assembly or by any
27 ordinance, code, regulation order, or resolution of the city or town council or by the appointing
28 authority.

29 (h) A planning board or commission has authority to call upon other departments,
30 boards, and committees of the city or town and upon regional, state, and federal agencies for
31 information and assistance necessary to the performance of its duties, and shall cooperate with the
32 city or town, regional, state, and federal agencies on matters of community, regional, and state
33 planning and development.

34 (i) Each planning board or commission must adopt a provision requiring any person who

1 will be required to file a request for access pursuant to § 24-8-34 to file that request not later than
2 the day on which that person files any document in connection with the project in question with
3 the applicable town or city, and to provide a copy of the request to the town or city.

4 (j) Each member of a planning board or commission shall participate in training and
5 education classes concerning the effects of development in a flood plain and the effects of sea
6 level rise once every two (2) years. Each member shall complete two (2) hours of training in
7 order to be certified for the two (2) years required by this subsection. Upon completion of the
8 training, the planning board or commission member shall file with the municipal clerk a
9 statement asserting that the training course has been completed.

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

=====
LC000060
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES - LOCAL PLANNING BOARD OR COMMISSION

1 This act would require that members of local planning boards and commissions receive
2 two (2) hours of training on issues related to development in flood plains and the effects of sea
3 level rise once every two (2) years.

4 This act would take effect upon passage.

=====
LC000060
=====