

2024 -- H 7324 SUBSTITUTE A

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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 Baginski, Finkelman, and Edwards

Date Introduced: January 26, 2024

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24-33 of the General Laws in Chapter 45-24 entitled "Zoning
2 Ordinances" is hereby amended to read as follows:

3 **45-24-33. Standard provisions.**

4 (a) A zoning ordinance addresses each of the purposes stated in § 45-24-30 and addresses,
5 through reasonable objective standards and criteria, the following general provisions which are
6 numbered for reference purposes only except as prohibited by §§ 45-24-30(b), 45-24-30(c), or 45-
7 24-30(d):

8 (1) Permitting, prohibiting, limiting, and restricting the development of land and structures
9 in zoning districts, and regulating those land and structures according to their type and the nature
10 and extent of their use;

11 (2) Regulating the nature and extent of the use of land for residential, commercial,
12 industrial, institutional, recreational, agricultural, open space, or other use or combination of uses,
13 as the need for land for those purposes is determined by the city or town's comprehensive plan;

14 (3) Permitting, prohibiting, limiting, and restricting buildings, structures, land uses, and
15 other development by performance standards, or other requirements, related to air and water and
16 groundwater quality, noise and glare, energy consumption, soil erosion and sedimentation, and/or
17 the availability and capacity of existing and planned public or private services;

18 (4) Regulating within each district and designating requirements for:

19 (i) The height, number of stories, and size of buildings;

- 1 (ii) The dimensions, size, lot coverage, ~~floor area ratios, and~~ layout of lots or development
2 areas and floor area ratios provided that zoning ordinances must exclude any portion of a basement
3 as defined in § 45-24.3-5 from the calculation of floor area ratio;
- 4 (iii) The density and intensity of use;
- 5 (iv) Access to air and light, views, and solar access;
- 6 (v) Open space, yards, courts, and buffers;
- 7 (vi) Parking areas, road design, and, where appropriate, pedestrian, bicycle, and other
8 circulator systems;
- 9 (vii) Landscaping, fencing, and lighting;
- 10 (viii) Appropriate drainage requirements and methods to manage stormwater runoff;
- 11 (ix) Public access to waterbodies, rivers, and streams; and
- 12 (x) Other requirements in connection with any use of land or structure;
- 13 (5) Permitting, prohibiting, limiting, and restricting development in flood plains or flood
14 hazard areas and designated significant natural areas;
- 15 (6) Promoting the conservation of energy and promoting energy-efficient patterns of
16 development;
- 17 (7) Providing for the protection of existing and planned public drinking water supplies,
18 their tributaries and watersheds, and the protection of Narragansett Bay, its tributaries and
19 watershed;
- 20 (8) Providing for adequate, safe, and efficient transportation systems; and avoiding
21 congestion by relating types and levels of development to the capacity of the circulation system,
22 and maintaining a safe level of service of the system;
- 23 (9) Providing for the preservation and enhancement of the recreational resources of the city
24 or town;
- 25 (10) Promoting an economic climate that increases quality job opportunities and the overall
26 economic well-being of the city or town and the state;
- 27 (11) Providing for pedestrian access to and between public and private facilities, including,
28 but not limited to, schools, employment centers, shopping areas, recreation areas, and residences;
- 29 (12) Providing standards for, and requiring the provision of, adequate and properly
30 designed physical improvements, including plantings, and the proper maintenance of property;
- 31 (13) Permitting, prohibiting, limiting, and restricting land use in areas where development
32 is deemed to create a hazard to the public health or safety;
- 33 (14) Permitting, prohibiting, limiting, and restricting extractive industries and earth
34 removal and requiring restoration of land after these activities;

1 (15) Regulating sanitary landfill, except as otherwise provided by state statute;

2 (16) Permitting, prohibiting, limiting, and restricting signs and billboards and other outdoor
3 advertising devices;

4 (17) Designating airport hazard areas under the provisions of chapter 3 of title 1, and
5 enforcement of airport hazard area zoning regulations under the provisions established in that
6 chapter;

7 (18) Designating areas of historic, cultural, and/or archaeological value and regulating
8 development in those areas under the provisions of chapter 24.1 of this title;

9 (19) Providing standards and requirements for the regulation, review, and approval of any
10 proposed development in connection with those uses of land, buildings, or structures specifically
11 designated as subject to development plan review in a zoning ordinance;

12 (20) Designating special protection areas for water supply and limiting or prohibiting
13 development in these areas, except as otherwise provided by state statute;

14 (21) Specifying requirements for safe road access to developments from existing streets,
15 including limiting the number, design, and location of curb cuts, and provisions for internal
16 circulation systems for new developments, and provisions for pedestrian and bicycle ways; and

17 (22) Reducing unnecessary delay in approving or disapproving development applications
18 through provisions for preapplication conferences and other means.

19 (23) Providing for the application of the Rhode Island Fair Housing Practices Act, chapter
20 37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island
21 Civil Rights People with Disabilities Act, chapter 37 of title 42; and the Americans with Disabilities
22 Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

23 (24) Regulating drive-through windows of varied intensity of use when associated with
24 land-use activities and providing standards and requirements for the regulation, review, and
25 approval of the drive-through windows, including, but not limited to:

26 (i) Identifying within which zoning districts drive-through windows may be permitted,
27 prohibited, or permitted by special-use permit;

28 (ii) Specifying requirements for adequate traffic circulation; and

29 (iii) Providing for adequate pedestrian safety and access, including issues concerning safety
30 and access for those with disabilities.

31 (b) A zoning ordinance may include special provisions for any or all of the following:

32 (1) Authorizing development incentives, including, but not limited to, additional permitted
33 uses, increased development and density, or additional design or dimensional flexibility in
34 exchange for:

- 1 (i) Increased open space;
- 2 (ii) Increased housing choices;
- 3 (iii) Traffic and pedestrian improvements;
- 4 (iv) Public and/or private facilities; and/or
- 5 (v) Other amenities as desired by the city or town and consistent with its comprehensive
- 6 plan. The provisions in the ordinance shall include maximum allowable densities of population
- 7 and/or intensities of use and shall indicate the type of improvements, amenities, and/or conditions.
- 8 Conditions may be made for donation in lieu of direct provisions for improvements or amenities;
- 9 (2) Establishing a system for transfer of development rights within or between zoning
- 10 districts designated in the zoning ordinance; and
- 11 (3) Regulating the development adjacent to designated scenic highways, scenic waterways,
- 12 major thoroughfares, public greenspaces, or other areas of special public investment or valuable
- 13 natural resources.
- 14 (c) Slope of land shall not be excluded from the calculation of the buildable lot area or the
- 15 minimum lot size, or in the calculation of the number of buildable lots or units.
- 16 (d) Nothing in this section shall be construed to restrict a municipality's right, within state
- 17 and local regulations, to establish its own minimum lot size per zoning district in its town or city.
- 18 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 remove basement area from the calculation of floor area ratios in relation
- 2 to the provisions that a zoning ordinance may address.
- 3 This act would take effect upon passage.

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