

2010 -- H 7588

LC01835

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO TOWNS AND CITIES

Introduced By: Representative Kenneth Carter

Date Introduced: February 24, 2010

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 45-24 of the General Laws entitled "Zoning Ordinances" is hereby
2 amended by adding thereto the following sections:

3 **45-24-46.2. Special provisions -- Transfer of development rights -- North Kingstown.**

4 = (a) In addition to other powers granted to towns and cities by this chapter to establish and
5 administer transfer of development rights programs, the town council of the town of North
6 Kingstown may provide by ordinance for the transfer of development rights, as a voluntary
7 program available to developers and property owners, in the manner set forth in this section.

8 (b) The establishment, as provided for by this section, of a system for transfer of
9 development rights within or between zoning districts, or a portion thereof, designated in the
10 zoning ordinance shall be:

11 (1) For the purpose of providing developers and property owners the ability to establish,
12 certify, purchase, sell, convey, and/or hold land development rights; and

13 (2) For one or more of the following purposes:

14 (i) Preserving sensitive resource areas in the community such as groundwater reserves,
15 wildlife habitat, agricultural lands, and public access to surface waters;

16 (ii) Directing development away from sensitive resource areas to places better suited to
17 increased levels of development such as established or proposed mixed use, commercial, village,
18 or residential centers;

19 (iii) Directing development to areas served by existing infrastructure such as established

1 roadways, public water supply systems, centralized sewer collection systems, public transit and
2 other utilities; or

3 (iv) Shaping and balancing urban and rural development; and/or promoting a high level
4 of quality in design in the development of private and public facilities and spaces.

5 (c) For purposes of this section the following terms shall have the following meaning:

6 (1) "Receiving area district" means a zoning district, which is established and mapped
7 pursuant to a transfer of development rights ordinance and superimposed on one or more zoning
8 use districts or portions thereof that is eligible to receive development rights through a major land
9 development project review. As may be necessary or desirable to achieve the intended uses,
10 density and intensity of use, a receiving area district may allow for additional development
11 capacity and for increased lot building coverage and building envelope that are greater than those
12 of the underlying zoning.

13 (2) "Sending area district" means a zoning district, which is established and mapped
14 pursuant to a transfer of development rights ordinance and superimposed on one or more zoning
15 use districts or a portion thereof, that is eligible to establish development rights that may
16 eventually be transferred to a receiving area.

17 **45-24-46.3. Special provisions -- Transfer of development rights -- Exeter. -- (a) In**
18 addition to other powers granted to towns and cities by this chapter to establish and administer
19 transfer of development rights programs, the town council of the town of Exeter may provide by
20 ordinance for the transfer of development rights, as a voluntary program available to developers
21 and property owners, in the manner set forth in this section.

22 (b) For purposes of this section the following terms shall have the following meaning:

23 (1) "Receiving area district" means a zoning district, which is established and mapped
24 pursuant to a transfer of development rights ordinance and superimposed on one or more zoning
25 use districts or portions thereof, that is eligible to receive development rights through a major
26 land development project review. As may be necessary or desirable to achieve the intended uses,
27 density and intensity of use, a receiving area district may allow for additional development
28 capacity and for increased lot building coverage and building envelope that are greater than those
29 of the underlying zoning.

30 (2) "Sending area district" means a zoning district, which is established and mapped
31 pursuant to a transfer of development rights ordinance and superimposed on one or more zoning
32 use districts or a portion thereof, that is eligible to establish development rights that may
33 eventually be transferred to a receiving area.

34 (c) The establishment, as provided for by this section, of a system for transfer of

1 development rights within or between zoning districts, or a portion thereof, designated in the
2 zoning ordinance shall be:

3 (1) For the purpose of providing developers and property owners the ability to establish,
4 certify, purchase, sell, convey, and/or hold land development rights; and

5 (2) For one or more of the following purposes:

6 (i) Preserving sensitive resource areas in the community such as groundwater reserves,
7 wildlife habitat, agricultural lands, and public access to surface waters;

8 (ii) Directing development away from sensitive resource areas to places better suited to
9 increased levels of development such as established or proposed mixed use, commercial, village,
10 or residential centers;

11 (iii) Directing development to areas served by existing infrastructure such as established
12 roadways, public water supply systems, centralized sewer collection systems, public transit and
13 other utilities; or

14 (iv) Shaping and balancing urban and rural development, and/or promoting a high level
15 of quality in design in the development of private and public facilities and spaces.

16 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

- 1 This act would authorize the town councils of the towns of North Kingstown and Exeter
- 2 to provide by ordinance for the transfer of certain development rights.
- 3 This act would take effect upon passage.

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