

## **ARTICLE XII. PLANNING DEPARTMENT**

### **Sec. 1. Organization.**

There shall be a planning board consisting of five (5) regular and two (2) alternate members, each of whom shall be a resident of the town. Regular members of the board shall be appointed by the town council for terms of five (5) years, except that the initial appointments shall be for terms of one (1), two (2), three (3), four (4) and five (5) years respectively.

The alternate members shall be designated as the first and second alternate members. Alternate members shall sit and may actively participate in hearings. The first (1st) alternate member shall vote if a regular member of the board is unable to do so and the second (2nd) alternate member shall vote if two (2) regular members or one (1) regular member and the first (1st) alternate member of the board are unable to do so. Alternate members shall be appointed by the town council for terms of one (1) year.

Any vacancy on the board shall be filled by the town council until the expiration of the vacated appointment. Any planning board member may be removed for due cause by the appointing authority following a public hearing. All members shall serve until their respective successors shall have been designated. The board shall organize annually by electing a chairman, vice-chairman, and a secretary. Members of the board shall serve without compensation but may be reimbursed out of appropriations for any expenses incurred in the performance of their duties.

Regular meetings of the board shall be held at least once a month on such days as the board may determine, and special meetings shall be held at the call of the chairman or on the written request of two members. The board may adopt rules for the transaction of business.

(Amend. of 11-2-2010; Amend. of 11-6-2018)

### **Sec. 2. Duties.**

(1) *Studies:* The planning board shall make studies and prepare plans for the utilization of the resources and satisfaction of the needs of the town, with reference to its physical growth and development as affecting the health, safety, morals, and general welfare of the people and the economy and efficiency of community life. Such studies and plans may include, among other things, the following:

- The utilization of land for residential, commercial, industrial, public, institutional, and other purposes;
- The location and character of transportation routes, including railroads, highways, streets, sidewalks, bridges, terminals, heliports, and other facilities;
- The location and character of public facilities including offices, fire or police stations, schools, recreation areas, and other public places and structures;

- The location and character of public service and utility systems such as water supply, drainage, sewerage, street lighting and power or fuel transmission;
- Blighted areas including the designation of general areas for redevelopment or renewal;
- Environmental pollution: Air, land and water;
- The conservation and utilization of natural resources including soil, ground or surface water, minerals, plant and animal life, and topographic features;
- Historic sites or buildings;
- Survival from possible disaster; and
- The economic and sociological aspects of the town.

(2) *Comprehensive plan:* The board shall prepare and adopt a comprehensive plan for the development and improvement of the town. Such plan shall, among other things, show the proposed location and arrangement of the uses of the land; transportation routes; public facilities; utility systems; deteriorating or blighted neighborhoods planned for redevelopment, rehabilitation, or other improvement; natural resources and historic sites to be preserved; and disaster survival proposals. Such plan shall also include recommendations for the enactment of development controls deemed necessary to properly implement the features of the plan, such as zoning, subdivision control, official street map, minimum housing standards, pollution control, etc. No portion of the comprehensive plan or amendment thereto shall be adopted by the board without a public hearing, notice of which shall be published as a paid advertisement, in a newspaper of general circulation in the Town of North Smithfield, once a week for three successive weeks.

(3) *Capital budget:* The board shall review and comment to the Asset Management Commission in regards to the capital budget for the following year and a comprehensive six-year capital improvement program on an annual basis.

(4) *Regulatory powers:* The board shall regulate the platting or any other subdivision of land in accordance with provisions in the general laws of Rhode Island.

(5) *Opinions:* The board shall file an opinion with the town council on all proposed amendments to the zoning ordinance, giving due consideration to the relationship of such amendment to the town's comprehensive plan, and shall recommend to the town council amendments to the zoning ordinance wherever there is a proposed major change in or extension of land use, transportation routes, public facilities, or public utility systems. At least once every two years the planning board shall review the zoning ordinance and make recommendations concerning its revision.

(6) *Annual report:* The board shall report annually to the town council at the end of the fiscal

year, summarizing the work of the preceding year and recommending plans for future development of the town. A copy of this report shall be filed with the Rhode Island Development Council in accordance with the provisions in the general laws of Rhode Island. All plans and reports of the board shall be first submitted to the town council, and thereafter the board may publish and distribute copies of plans and reports in order to promote public interest in and understanding of the work of the board.

(7) *Miscellaneous*: The board shall undertake such other work as may be assigned by the town council in connection with the physical growth and development of the town. The board shall have the authority to call upon other departments, boards, committees, or commissions of the town and agencies of the state and federal governments for assistance in performance of its designated functions and shall cooperate with such other departments and with state and federal agencies on community, regional, and state planning and development. The board may employ such technical assistance as it may deem necessary within the funds appropriated to it and may enter into agreements with the state, federal or regional agencies; the board may incur any expense necessary therefor, but it shall not for any purpose contract for or incur any expense greater than the amount appropriated or available therefor.  
(Amend. of 11-4-75; Amend. of 11-6-2018)

### **Sec. 3. Planning, coordination.**

Any proposal for the construction of a public improvement or for the acquisition of land for public use shall be first submitted to the planning board for its recommendation. Nothing, however, shall be construed to prevent the proposal from being affected in the absence of a recommendation of the board after 30 days from the date of submission or subsequent to a negative recommendation of the board.

All proposed ordinances and resolutions of the town council which concern the existing and proposed location and arrangement of the uses of the land; transportation routes; public facilities; public utility systems; deteriorating or blighted neighborhoods planned for redevelopment, rehabilitation, or other improvement; natural resources and historic sites to be preserved; and disaster survival proposals; shall be submitted to the board for its recommendation. Nothing, however, shall be construed to restrict or prevent the town council from acting on any ordinance or resolution contrary to or in the absence of a recommendation of the board.

In the preparation of an annual capital budget and capital improvement program, all departments, boards, committees, commissions, and officers of the town shall cooperate with the planning board in carrying out this program.

### **Sec. 4. Zoning board of review.**

(1) *Organization*: There shall be a zoning board of review consisting of five members and two auxiliary members, residents of the town, none an elected or otherwise appointed official of the town and all appointed by the town council. Each member shall be appointed for a term of five years, except that the original appointments shall be made for terms of one, two, three, four and

five years respectively. The auxiliary members shall be appointed for a term of one year. If a vacancy should occur in the board, the town council shall appoint a new member for the unexpired term.

*(2) Powers and duties:*

- The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- The board of review shall make its own rules of procedure having to do with appeals to the board, stay of proceedings on appeal and hearings of appeals to the board, provided that such rules conform with law and amendments thereto.
- The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be a public record.
- The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative officer in the enforcement of zoning ordinances of the town.
- The board shall hear and decide special exceptions to the terms of the ordinance, upon which such board is authorized to pass under such ordinance.
- The board shall authorize upon appeal in specific cases such variance in the application of the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
- The board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal was taken.

The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative officer, and the concurring vote of four members of the board shall be required to decide in favor of the applicant on any matter within the discretion of the board upon which it is required to pass under such ordinance or to effect any variation in the application of such ordinance.

The board may also act in a review capacity in other matters as may be specified in the general laws of Rhode Island.

(Amend. of 11-4-75)

## **Sec. 5 Town Planner**

There shall be a Town Planner, who shall be qualified by virtue of education and experience as a community planner and who shall be appointed by the Town Administrator. The Planning Board shall make three(3) recommendations to the Town Administrator during the selection process. The final appointee shall have the recommendation of the Planning Board.

### **(1) Compensation**

The Planner shall receive salary and benefits as set by Town Council ordinance.

### **(2) Duties**

- Coordinates the activities of Town Boards and Commissions regarding the town's planning and development functions.
- Acts as a support person for the Planning and Zoning Boards, Zoning Board of Appeals, Inland Wetlands and all town agencies and departments. The responsibilities shall include but not be limited to application reviews, updating of the Comprehensive Community Plan, zoning map and land use regulations.
- Advises the Town Council and other municipal departments and acts as the professional liaison with federal, state and regional organizations.
- Aggressively pursues grant opportunities coinciding with land and economic issues and advises the appropriate commission of their existence and how to utilize them.
- Attends meetings and hearings pertinent to land use issues to promote a direct chain of information between boards & commissions. This prevents duplication of efforts and helps give accurate feedback to each board.
- Assists in all review processes for significant applications before Commissions and Boards and provides guidance regarding town and state regulations and ordinances.
- Promotes economic growth. Works with the Economic Development Commission to research ways of attracting new business in concert and offsetting the burden of residential taxpayers.
- Works in conjunction with departments to ensure compliance with town regulations.
- Facilitates the education of new and current commission members on their responsibilities and current issues before them.
- Provides input and expertise to the town and private land trust organizations to insure cooperation and a free flow of information as to the acquisition and protection of available areas in North Smithfield.
- Prepares or assists in other special projects as requested by the Town Council and Town Administrator

**Additional Powers:** The town Planner shall work with the building/ zoning official and shall have, under the authority of the building/ zoning official, the authority to cite violations of the North Smithfield Zoning Ordinance, over the signature of the building/ zoning official. The town planner shall work as the assistant zoning enforcement official and shall help coordinate said efforts as needed, and/ or directed, by the building/ zoning official.

(Amend. of 11-6-2018)