

2015 -- S 0788 AS AMENDED

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LC002307
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

Introduced By: Senator Roger Picard

Date Introduced: April 01, 2015

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24-53 of the General Laws in Chapter 45-24 entitled "Zoning
2 Ordinances" is hereby amended to read as follows:

3 **45-24-53. Adoption -- Notice and hearing requirements.** -- (a) No zoning ordinance
4 shall be adopted, repealed, or amended until after a public hearing has been held upon the
5 question before the city or town council. The city or town council shall first give notice of the
6 public hearing by publication of notice in a newspaper of general circulation within the city or
7 town at least once each week for three (3) successive weeks prior to the date of the hearing,
8 which may include the week in which the hearing is to be held, at which hearing opportunity shall
9 be given to all persons interested to be heard upon the matter of the proposed ordinance. Written
10 notice, which may be a copy of the newspaper notice, shall be mailed to the statewide planning
11 program of the department of administration, and, where applicable, to the parties specified in
12 subsections (b), (c), (d), and (e) of this section, at least two (2) weeks prior to the hearing. The
13 newspaper notice shall be published as a display advertisement, using a type size at least as large
14 as the normal type size used by the newspaper in its news articles, and shall:

15 (1) Specify the place of the hearing and the date and time of its commencement;
16 (2) Indicate that adoption, amendment, or repeal of a zoning ordinance is under
17 consideration;

18 (3) Contain a statement of the proposed amendments to the ordinance that may be
19 printed once in its entirety, or summarize and describe the matter under consideration as long as

1 the intent and effect of the proposed ordinance is expressly written in that notice;

2 (4) Advise those interested where and when a copy of the matter under consideration
3 may be obtained or examined and copied; and

4 (5) State that the proposals shown on the ordinance may be altered or amended prior to
5 the close of the public hearing without further advertising, as a result of further study or because
6 of the views expressed at the public hearing. Any alteration or amendment must be presented for
7 comment in the course of the hearing.

8 (b) Where a proposed general amendment to an existing zoning ordinance includes
9 changes in an existing zoning map, public notice shall be given as required by subsection (a) of
10 this section.

11 (c) Where a proposed amendment to an existing ordinance includes a specific change in
12 a zoning district map, but does not affect districts generally, public notice shall be given as
13 required by subsection (a) of this section, with the additional requirements that:

14 (1) Notice shall include a map showing the existing and proposed boundaries, zoning
15 district boundaries, and existing streets and roads and their names, and city and town boundaries
16 where appropriate; and

17 (2) Written notice of the date, time, and place of the public hearing and the nature and
18 purpose of the hearing shall be sent to all owners of real property whose property is located in or
19 within not less than two hundred feet (200') of the perimeter of the area proposed for change,
20 whether within the city or town or within an adjacent city or town. Notice shall also be sent to any
21 individual or entity holding a recorded conservation or preservation restriction on the property
22 that is the subject of the amendment. The notice shall be sent by registered, or certified, or first
23 class mail to the last known address of the owners, as shown on the current real estate tax
24 assessment records of the city or town in which the property is located; provided, for any notice
25 sent by first class mail, the sender of the notice shall utilize and obtain a United States Postal
26 Service certificate of mailing, PS form 3817, or any applicable version thereof, to demonstrate
27 proof of such mailing.

28 (d) Notice of a public hearing shall be sent by first class mail to the city or town council
29 of any city or town to which one or more of the following pertain:

30 (1) Which is located in or within not less than two hundred feet (200') of the boundary of
31 the area proposed for change; or

32 (2) Where there is a public or quasi-public water source, or private water source that is
33 used or is suitable for use as a public water source, within two thousand feet (2,000') of any real
34 property that is the subject of a proposed zoning change, regardless of municipal boundaries.

1 (e) Notice of a public hearing shall be sent to the governing body of any state or
2 municipal water department or agency, special water district, or private water company that has
3 riparian rights to a surface water resource and/or surface watershed that is used or is suitable for
4 use as a public water source and that is within two thousand feet (2,000') of any real property
5 which is the subject of a proposed zoning change; provided, that the governing body of any state
6 or municipal water department or agency, special water district, or private water company has
7 filed with the building inspector in the city or town a map survey, which shall be kept as a public
8 record, showing areas of surface water resources and/or watersheds and parcels of land within
9 two thousand feet (2,000') thereof.

10 (f) Notwithstanding any of the requirements set forth in subsections (a) through (e)
11 above, each municipality shall establish and maintain a public notice registry allowing any person
12 or entity to register for electronic notice of any changes to the zoning ordinance. The city or town
13 shall provide public notice annually of the existence of the electronic registry by publication of
14 notice in a newspaper of general circulation within the city or town. In addition, each
15 municipality is hereby encouraged to provide public notice of the existence of the public notice
16 registry in all of its current and future communications with the public, including, but not limited
17 to, governmental websites, electronic newsletters, public bulletins, press releases and all other
18 means the municipality may use to impart information to the local community.

19 (1) Provided, however, notice pursuant to a public notice registry as per this section,
20 does not alone qualify a person or entity on the public notice registry as an "aggrieved party"
21 under subdivision 45-24-31(4).

22 (g) No defect in the form of any notice under this section shall render any ordinance or
23 amendment invalid, unless the defect is found to be intentional or misleading.

24 (h) Costs of any notice required under this section shall be borne by the applicant.

25 (i) In granting a zoning ordinance amendment, notwithstanding the provisions of § 45-
26 24-37, the town or city council may limit the change to one of the permitted uses in the zone to
27 which the subject land is rezoned, and impose limitations, conditions, and restrictions, including,
28 without limitation: (1) requiring the petitioner to obtain a permit or approval from any and all
29 state or local governmental agencies or instrumentalities having jurisdiction over the land and use
30 which are the subject of the zoning change; (2) those relating to the effectiveness or continued
31 effectiveness of the zoning change; and/or (3) those relating to the use of the land; as it deems
32 necessary. The responsible town or city official shall cause the limitations and conditions so
33 imposed to be clearly noted on the zoning map and recorded in the land evidence records;
34 provided, that in the case of a conditional zone change, the limitations, restrictions, and

1 conditions shall not be noted on the zoning map until the zone change has become effective. If the
2 permitted use for which the land has been rezoned is abandoned or if the land is not used for the
3 requested purpose for a period of two (2) years or more after the zone change becomes effective,
4 the town or city council may, after a public hearing, change the land to its original zoning use
5 before the petition was filed. If any limitation, condition, or restriction in an ordinance is held to
6 be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to
7 be invalid.

8 (j) The above requirements are to be construed as minimum requirements.

9 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 - ZONING ORDINANCES

1 This act would provide that notice of a public hearing of a zoning ordinance be sent by
2 the city or town by first class mail to adjoining property owners within two hundred feet (200') of
3 any zoning ordinance change.

4 This act would take effect upon passage.

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