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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO TOWNS AND CITIES - SUBDIVISION OF LAND - ZONING  
ORDINANCES

Introduced By: Senator William A. Walaska

Date Introduced: February 13, 2013

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-23-53 of the General Laws in Chapter 45-23 entitled  
2 "Subdivision of Land" is hereby amended to read as follows:

3 **45-23-53. Local regulations -- Public hearing and notice requirements.** -- (a) No local  
4 regulations shall be adopted, repealed, or amended until after a public hearing has been held upon  
5 the question before the city or town planning board. The city or town planning board shall first  
6 give notice of the public hearing by publication of notice in a newspaper of general circulation  
7 within the municipality at least once each week for three (3) successive weeks prior to the date of  
8 the hearing, which may include the week in which the hearing is to be held. At this hearing  
9 opportunity shall be given to all persons interested on being heard upon the matter of the  
10 proposed regulations. Written notice, which may be a copy of the newspaper notice, shall be  
11 mailed to the statewide planning program of the Rhode Island department of administration at  
12 least two (2) weeks prior to the hearing. The newspaper notice shall be published as a display  
13 advertisement, using a type size at least as large as the normal type size used by the newspaper in  
14 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 local regulations is under  
17 consideration;

18 (3) Contain a statement of the proposed amendments to the regulations that may be

1 printed once in its entirety, or may summarize or describe the matter under consideration  
2 provided that the intent and effect of the proposed regulation is expressly written in that notice;

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

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

9 (b) Notice of the public hearing shall be sent by first class mail to the city or town  
10 planning board of any municipality where there is a public or quasi-public water source, or  
11 private water source that is used or is suitable for use as a public water source, located within two  
12 thousand feet (2,000') of the municipal boundaries.

13 (c) Notice of a public hearing shall be sent to the governing body of any state or  
14 municipal water department or agency, special water district, or private water company that has  
15 riparian rights to a surface water resource and/or surface watershed that is used or is suitable for  
16 use as a public water source located within either the municipality or two thousand feet (2,000')  
17 of the municipal boundaries; provided, that a map survey has been filed with the building  
18 inspector as specified in section 45-24-53(e).

19 (d) Notwithstanding any of the requirements set forth in subsections (a) through (c)  
20 above, each municipality shall establish and maintain a public notice registry of landowners,  
21 electors, and nonprofit organizations within said municipality who requests notice of any changes  
22 to the local regulations pursuant to this section. The planning board or administrative officer shall  
23 place on the registry the name and address of any such landowner, elector, or nonprofit  
24 organization upon written request of such landowner, elector, or nonprofit organization. A  
25 landowner, elector, or nonprofit organization may request such notice be sent by mail or by  
26 electronic mail.

27 (e) Each municipality shall be required every year to notify, in writing, landowners,  
28 electors and nonprofit organizations within said municipality, of the existence of the public notice  
29 registry through that municipality's applicable yearly tax billing invoices. In addition, each  
30 municipality is hereby encouraged to notify said landowners, electors, and nonprofit  
31 organizations of the existence of the public notice registry in all of its current and future  
32 communications with the public, including, but not limited to, governmental websites, electronic  
33 newsletters, public bulletins, press releases, and all other means the municipality may use to  
34 impart information to the local community.

1           ~~(d)~~ (f) No defect in the form of any notice under this section renders any regulations  
2 invalid, unless the defect is found to be intentional or misleading.

3           ~~(e)~~ (g) The requirements in this section are to be construed as minimum requirements.

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

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

18           (1) Specify the place of the hearing and the date and time of its commencement;

19           (2) Indicate that adoption, amendment, or repeal of a zoning ordinance is under  
20 consideration;

21           (3) Contain a statement of the proposed amendments to the ordinance that may be  
22 printed once in its entirety, or summarize and describe the matter under consideration provided  
23 that the intent and effect of the proposed ordinance is expressly written in that notice;

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

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

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

33           ~~(e)~~ (b) Where a proposed amendment to an existing ordinance includes a specific change  
34 in a zoning district map, ~~but does not affect districts generally~~ changes to the uses allowed in a

1 [district, and/or changes to dimensional requirements, including density restrictions and minimum](#)  
2 [lot area requirements](#), public notice shall be given as required by subsection (a) of this section,  
3 with the additional requirements that:

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

7 (2) Written notice of the date, time, and place of the public hearing and the nature and  
8 purpose of the hearing shall be sent to all owners of real property whose property is located in or  
9 within not less than two hundred feet (200') of the perimeter of the area proposed for change,  
10 whether within the city or town or within an adjacent city or town. Notice shall also be sent to any  
11 individual or entity holding a recorded conservation or preservation restriction on the property  
12 that is the subject of the amendment. The notice shall be sent by registered or certified mail to the  
13 last known address of the owners, as shown on the current real estate tax assessment records of  
14 the city or town in which the property is located.

15 ~~(d)~~ [\(c\)](#) Notice of a public hearing shall be sent by first class mail to the city or town  
16 council of any city or town to which one or more of the following pertain:

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

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

22 ~~(e)~~ [\(d\)](#) Notice of a public hearing shall be sent to the governing body of any state or  
23 municipal water department or agency, special water district, or private water company that has  
24 riparian rights to a surface water resource and/or surface watershed that is used or is suitable for  
25 use as a public water source and that is within two thousand feet (2,000') of any real property  
26 which is the subject of a proposed zoning change; provided, that the governing body of any state  
27 or municipal water department or agency, special water district, or private water company has  
28 filed with the building inspector in the city or town a map survey, which shall be kept as a public  
29 record, showing areas of surface water resources and/or watersheds and parcels of land within  
30 two thousand feet (2,000') thereof.

31 [\(e\) Notwithstanding any of the requirements set forth in subsections \(a\) through \(d\)](#)  
32 [above, each municipality shall establish and maintain a public notice registry of landowners,](#)  
33 [electors, and nonprofit organizations within said municipality who requests notice of any changes](#)  
34 [to the zoning ordinance pursuant to this section. The zoning board or zoning officer shall place on](#)

1 the registry the name and address of any such landowner, elector, or organization upon written  
2 request of such landowner, elector, or organization. A landowner, elector, or organization may  
3 request such notice be sent by mail or by electronic mail.

4 Each municipality shall be required every year to notify, in writing, landowners, electors,  
5 and nonprofit organizations within said municipality, of the existence of the public notice registry  
6 through that municipality's applicable yearly tax billing invoices. In addition, each municipality is  
7 hereby encouraged to notify said landowners, electors, and nonprofit organizations of the  
8 existence of the public notice registry in all of its current and future communications with the  
9 public, including, but not limited to, governmental websites, electronic newsletters, public  
10 bulletins, press releases, and all other means the municipality may use to impart information to  
11 the local community.

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

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

15 (h) In granting a zoning ordinance amendment, notwithstanding the provisions of section  
16 45-24-37, the town or city council may limit the change to one of the permitted uses in the zone  
17 to which the subject land is rezoned, and impose limitations, conditions, and restrictions,  
18 including, without limitation: (1) requiring the petitioner to obtain a permit or approval from any  
19 and all state or local governmental agencies or instrumentalities having jurisdiction over the land  
20 and use which are the subject of the zoning change; (2) those relating to the effectiveness or  
21 continued effectiveness of the zoning change; and/or (3) those relating to the use of the land; as it  
22 deems necessary. The responsible town or city official shall cause the limitations and conditions  
23 so imposed to be clearly noted on the zoning map and recorded in the land evidence records;  
24 provided, that in the case of a conditional zone change, the limitations, restrictions, and  
25 conditions shall not be noted on the zoning map until the zone change has become effective. If the  
26 permitted use for which the land has been rezoned is abandoned or if the land is not used for the  
27 requested purpose for a period of two (2) years or more after the zone change becomes effective,  
28 the town or city council may, after a public hearing, change the land to its original zoning use  
29 before the petition was filed. If any limitation, condition, or restriction in an ordinance is held to  
30 be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to  
31 be invalid.

32 (i) The above requirements are to be construed as minimum requirements.

33 SECTION 3. 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 - SUBDIVISION OF LAND - ZONING  
ORDINANCES

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- 1 This act would require municipalities to establish and maintain a public notice registry of
- 2 landowners, electors, and nonprofit organizations for notification of changes to local regulations.
- 3 This act would take effect upon passage.

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