

2014 -- H 7700

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

Introduced By: Representatives DeSimone, Shekarchi, Slater, Ucci, and Palumbo

Date Introduced: February 27, 2014

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-24-57 and 45-24-61 of the General Laws in Chapter 45-24  
2 entitled "Zoning Ordinances" are hereby amended to read as follows:

3 **45-24-57. Administration -- Powers and duties of zoning board of review. --** A zoning  
4 ordinance adopted pursuant to this chapter shall provide that the zoning board of review shall:

5 (1) Have the following powers and duties:

6 (i) To hear and decide appeals ~~in a timely fashion~~ within forty-five (45) days of the date  
7 of the filing of the appeal where it is alleged there is an error in any order, requirement, decision,  
8 or determination made by an administrative officer or agency in the enforcement or interpretation  
9 of this chapter, or of any ordinance adopted pursuant hereto;

10 (ii) To hear and decide appeals from a party aggrieved by a decision of an historic  
11 district commission, pursuant to sections 45-24.1-7.1 and 45-24.1-7.2;

12 (iii) To hear and decide appeals where the zoning board of review is appointed as the  
13 board of appeals for airport zoning regulations, pursuant to section 1-3-19;

14 (iv) To authorize, upon application, in specific cases of hardship, variances in the  
15 application of the terms of the zoning ordinance, pursuant to section 45-24-41;

16 (v) To authorize, upon application, in specific cases, special-use permits, pursuant to  
17 section 45-24-42, where the zoning board of review is designated as a permit authority for  
18 special-use permits;

19 (vi) To refer matters to the planning board or commission, or to other boards or agencies

1 of the city or town as the zoning board of review may deem appropriate, for findings and  
2 recommendations;

3 (vii) To provide for the issuance of conditional zoning approvals where a proposed  
4 application would otherwise be approved except that one or more state or federal agency  
5 approvals which are necessary are pending. A conditional zoning approval shall be revoked in the  
6 instance where any necessary state or federal agency approvals are not received within a specified  
7 time period; and

8 (viii) To hear and decide other matters, according to the terms of the ordinance or other  
9 statutes, and upon which the board may be authorized to pass under the ordinance or other  
10 statutes; and

11 (2) Be required to vote as follows:

12 (i) Five (5) active members are necessary to conduct a hearing. As soon as a conflict  
13 occurs for a member, that member shall recuse himself or herself, shall not sit as an active  
14 member, and shall take no part in the conduct of the hearing. Only five (5) active members are  
15 entitled to vote on any issue;

16 (ii) The concurring vote of three (3) of the five (5) members of the zoning board of  
17 review sitting at a hearing are necessary to reverse any order, requirement, decision, or  
18 determination of any zoning administrative officer from whom an appeal was taken; and

19 (iii) The concurring vote of four (4) of the five (5) members of the zoning board of  
20 review sitting at a hearing are required to decide in favor of an applicant on any matter within the  
21 discretion of the board upon which it is required to pass under the ordinance, including variances  
22 and special-use permits.

23 **45-24-61. Administration -- Decisions and records of zoning board of review. --** (a)

24 Following a public hearing, the zoning board of review shall render a decision within ~~a~~  
25 ~~reasonable period of time~~ seven (7) days. The zoning board of review shall include in its decision  
26 all findings of fact and conditions, showing the vote of each participating member, and the  
27 absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the  
28 office of the city or town clerk within ~~thirty (30)~~ fifteen (15) working days from the date when the  
29 decision was rendered, and is a public record. The zoning board of review shall keep written  
30 minutes of its proceedings, showing the vote of each member upon each question, or, if absent or  
31 failing to vote, indicating that fact, and shall keep records of its examinations, findings of fact,  
32 and other official actions, all of which shall be recorded and filed in the office of the zoning board  
33 of review in an expeditious manner upon completion of the proceeding. For any proceeding in  
34 which the right of appeal lies to the superior or supreme court, the zoning board of review shall

1 have the minutes taken either by a competent stenographer or recorded by a sound-recording  
2 device.

3 (b) Any decision by the zoning board of review, including any special conditions  
4 attached to the decision, shall be mailed to the applicant and to the zoning enforcement officer of  
5 the city or town. Any decision evidencing the granting of a variance, modification, or special use  
6 shall also be recorded in the land evidence records of the city or town.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

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1           This act would specify a forty-five (45) day time period from the date of filing an appeal  
2 with the zoning board of review to hear and decide appeals. It would also require the zoning  
3 board of review to render its decisions within seven (7) days and to record and file its decisions in  
4 the city or town clerk's office within fifteen (15) days of decision.

5           This act would take effect upon passage.

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