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LC004814/SUB B
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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: Senators Jabour, Goodwin, Metts, Ruggerio, and Miller

Date Introduced: March 05, 2014

Referred To: Senate Housing & 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 sixty-five (65) 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~~ fifteen (15) days. The zoning board of review shall include in its
26 decision all findings of fact and conditions, showing the vote of each participating member, and
27 the 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) working days from the date when the decision
29 was rendered, and is a public record. The zoning board of review shall keep written minutes of its
30 proceedings, showing the vote of each member upon each question, or, if absent or failing to vote,
31 indicating that fact, and shall keep records of its examinations, findings of fact, and other official
32 actions, all of which shall be recorded and filed in the office of the zoning board of review in an
33 expeditious manner upon completion of the proceeding. For any proceeding in which the right of
34 appeal lies to the superior or supreme court, the zoning board of review shall have the minutes

1 taken either by a competent stenographer or recorded by a sound-recording device.

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

6 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

1 This act would establish a sixty-five (65) day time period from the date of filing an
2 appeal with a zoning board of review to hear and decide appeals. It would also require a zoning
3 board of review to render a decision within fifteen (15) days after the public hearing.

4 This act would take effect upon passage.

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