

THE CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL
IN AMENDMENT OF CHAPTER 17.108 OF THE CODE OF THE CITY OF
CRANSTON, 2005, ENTITLED "ZONING"
(Zoning Board of Review)

No.

Passed:

Christopher G. Paplauskas, Council President

Approved:

Kenneth J. Hopkins, Mayor

Preamble:

The purpose of this Ordinance Amendment is to reduce the cost and burden of zoning variances on the Building and Inspections Department by updating the process and more closely aligning it with State Law.

The following is a summary of the main changes proposed:

- *The required newspaper ad shall be revised from being required to be in a paper of **daily** circulation (ProJo) to a paper of **general** circulation (Cranston Herald) for two consecutive weeks;*
- *The newspaper publication and mailer notification requirements have been revised from **20** days to **14** days prior to the public hearing;*
- *State law language dictating the rendering and recording of decisions has been included;*
- *Notification of **decisions shall be posted to the City website instead of mailed** to abutters within 4 days of recording;*
- *Language dictating how the Zoning Board renders decisions has been removed.*

It is ordained by the City Council of the City of Cranston as follows:

Section 1: Section 17.108.070 entitled "Public Hearings" is hereby amended as follows:

17.108.070 – Public Hearings

24 ~~No action shall be taken by the board until after a public hearing has been held upon the proposed action~~
 25 ~~before the board, which shall first give written notice of the time and place of such public hearing and the~~
 26 ~~nature and purpose thereof, to the petitioner and to all owners of any real property within four hundred (400)~~
 27 ~~feet of the perimeter of the real property which is the subject matter of the petition, by ordinary mail at least~~
 28 ~~twenty (20) days before the date of such hearing and by publication of such notice in a daily newspaper of~~
 29 ~~general circulation within the city at least twenty (20) days prior to the date of such hearing. Within four~~
 30 ~~days after a decision has been rendered by the board, the board shall mail, by ordinary mail, a copy of the~~
 31 ~~decision to all owners of real property who were originally notified of the hearing before the board, the~~
 32 ~~applicant, the zoning enforcement officer and the Associate Director of the Division of Planning of the~~
 33 ~~Rhode Island Department of Administration. The notice required by this section indicating the time and~~
 34 ~~place for such public hearing and the nature and purpose thereof, shall also contain a statement that the~~
 35 ~~recipient of such notice shall be allowed to address the zoning board on the subject matter of the notice and~~
 36 ~~if he or she so desires, he or she may be represented by an attorney and have expert witnesses testify on his~~
 37 ~~or her behalf. Should the decision of the zoning board be unfavorable, the petitioner may appeal same to the~~
 38 ~~Providence County Superior Court within a period of twenty (20) days following the recording of the zoning~~
 39 ~~board decision, in accordance with RIGL Sections 45-24-69, 45-24-70 and 45-24-71. The zoning board and~~
 40 ~~the planning board upon closing the testimonial portion of the hearing on a matter, shall proceed to~~
 41 ~~deliberate and vote on that matter before beginning the testimonial portion of the public hearing on any~~
 42 ~~other matter.~~

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44 A. Public Hearing Required

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46 No action shall be taken by the Zoning Board of Review until after a public hearing has been held
 47 upon the proposed action before the board. No public hearing shall take place until public
 48 notification has been given in accordance with this section.

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50 B. Public Notification

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52 1. Required Content:

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54 A written notice of the time and place of such public hearing and the nature and purpose thereof
 55 shall be drafted by the Clerk of the Board or his/her designee. The notice required by this
 56 section shall indicate the time and place for such public hearing and the nature and purpose
 57 thereof, and shall also contain a statement that the recipient of such notice shall be allowed to
 58 address the zoning board on the subject matter of the notice and if he/she so desires, he/she may
 59 be represented by an attorney and have expert witnesses testify on his/her behalf. The notice
 60 shall also include information on how to access the decision online once it becomes available
 61 and how to request a written copy of the decision.

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63 2. Publication:

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65 The Clerk of the Board or his/her designee shall submit such notice to a newspaper of general
 66 circulation within the city to be published at least fourteen (14) days prior to the date of such
 67 hearing.

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69 3. Recipients for Mailed Notification:

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The Clerk of the Board or his/her designee shall send the written notice to all owners of any real property within four hundred (400) feet of the perimeter of the real property which is the subject matter of the petition, by first-class mail at least fourteen (14) days before the date of such hearing.

76 C. Rendering and Recording of Decisions:

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The decision of the Zoning Board, including all findings of fact and any special conditions attached to the decision, showing the vote of each participating member, and the absence of a member or his or her failure to vote, shall be rendered within fifteen (15) days of the public hearing. The decision shall be recorded and filed in the office of the city clerk within thirty (30) days from the date when the decision was rendered, and is a public record.

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84 D. Notification of Decisions:

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1. Within one (1) business day of recording, the Clerk of the Board or his/her designee shall mail a copy of the decision by any method that provides confirmation of receipt to the applicant and to any objector who has filed a written request for notice of the decision with the Clerk of the Board.

91 2. Within four (4) business days of recording, the Clerk of the Board or his/her designee shall post any decision by the Zoning Board in the location designated in the public notification.

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94 E. Right to Appeal

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The petitioner may appeal the decision of the zoning board to the Providence County Superior Court within a period of twenty (20) days following the recording of the zoning board decision, in accordance with RIGL Sections 45-24-69, 45-24-70 and 45-24-71.

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100 **Section 2.** This Ordinance shall take effect upon its final adoption.

101 Positive Endorsement: _____ Negative Endorsement: (Attach reasons)

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103 _____
104 Chris Millea, City Solicitor Date Chris Millea, City Solicitor Date

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106 Sponsored by _____

107 Referred to Ordinance Committee _____