

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF TITLE 17 OF THE CODE OF THE CITY OF CRANSTON,  
2005, ENTITLED, "ZONING"  
(State Legislation)

No. \_\_\_\_\_

Passed:

\_\_\_\_\_  
*/s/ Jessica M. Marino, Council President*

Approved:

\_\_\_\_\_  
*/s/ Kenneth J. Hopkins, Mayor*

Sponsored by: [Name]

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

**SECTION 1.** Title 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (the "Zoning Ordinance"), is hereby amended as follows with deletions in ~~red strikethrough~~ and insertions in underlined italics:

A. 17.04.030 Definitions shall be amended:

1. "Adaptive reuse" as defined in RIGL § 42-64.22-2.
2. "Dimensional variance" means permission to depart from the dimensional requirements of this chapter, under the applicable standards set forth in RIGL § 45-24-41 ~~where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.~~

B. 17.20.030 Schedule of uses, Table of Principal Use shall be amended:

	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G
Dormitory	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	N	N	N	Y	Y
Fraternity/sorority house	N	N	N	N	N	N	<del>S</del> <u>N</u>	N	N	N	N	N	N	N	N	Y	N
Manufactured home park/manufactured home subdivision	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	N	N	N	N	N	N
Cemetery	<del>S</del> <u>Y</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	N	N	N	N	N	N	N	Y	N	Y
Cultural use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	Y	Y	Y
Higher education institution	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N	Y	Y
Hospital	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	N	N	<del>S</del> <u>Y</u>	<del>N</del> <u>Y</u>	N	N	N	N	Y
Lodge/fraternal organization	N	N	N	N	N	N	<del>S</del> <u>N</u>	Y	Y	Y	N	N	N	N	<del>S</del> <u>N</u>	Y	N
Religious worship (place of)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	Y	Y	N
Golf club and course	<del>S</del> <u>Y</u>	<del>S</del> <u>N</u>	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
Marina	N	N	N	N	N	N	N	N	N	Y	N	N	Y	Y	<del>S</del> <u>N</u>	N	N
Open space area	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	Y	N	<del>N</del> <u>Y</u>	Y	Y
Recreational membership club	<del>S</del> <u>N</u>	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	<del>S</del> <u>N</u>	Y	Y
Yacht club	N	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	N	N	<del>Y</del> <u>N</u>	N	N	Y	Y	Y	<del>S</del> <u>Y</u>	N
Animal Day Care	N	N	N	N	N	N	N	N	N	N	Y	<del>S</del> <u>Y</u>	N	N	<del>S</del> <u>N</u>	N	N
Animal Grooming Services	<del>S</del> <u>N</u>	N	N	N	N	N	N	Y	Y	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N	N	N
Artisan's workshop (studio)	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	Y	N
Bakery, wholesale	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	Y	Y	Y	N	N	N
Bank, financial institution	N	N	N	N	N	N	N	Y	Y	Y	<del>Y</del>	Y	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	N	Y	N
Fuel station minimart	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	Y	Y	N	N	N	N	N

Garden center	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	<del>S</del> <u>N</u>	N	N
Kennel	<del>S</del> <u>N</u>	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	N	N
Kiosk, freestanding exterior	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N	<del>S</del> <u>Y</u>	N
Landscape and tree services	<del>S</del> <u>N</u>	N	N	N	N	N	N	N	N	N	N	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Loft space (live/work)	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Motel, hotel	N	N	N	N	N	N	N	N	N	Y	Y	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>N</u>	N	Y	N
Motor vehicle repair and service establishment light	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	Y	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Night club	N	N	N	N	N	N	N	N	N	Y	Y	Y	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	N	N	N
Nursery	<del>S</del> <u>Y</u>	N	N	N	N	N	N	N	N	N	Y	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	Y	N	N
Outdoor retail	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N	N	N
Restaurant without drive-in facility	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Towing operations w/storage	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Alternative energy generation	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	<del>S</del> <u>N</u>	<del>N</del> <u>Y</u>	<del>S</del> <u>Y</u>
Automobile body repair shop and paint shop	N	N	N	N	N	N	N	N	N	N	N	Y	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Container storage	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Electronic and computer component recycling	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Extractive industries	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	N	N	N
Foundry	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	<del>S</del> <u>Y</u>	N	N	N
Manufacture heavy	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Manufacture light	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	Y	Y	N	N	N
Metal plating	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	Y	Y	N	N	N

Motor vehicle repair and service establishment heavy	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Motor vehicle storage	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Outdoor advertising, billboards	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	<del>S</del> <u>N</u>	N	N	N
Recycling facility	N	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	N	N	N
Research/development facility	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	<del>S</del> <u>Y</u>	N
Retail heating fuel supplier	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	Y	Y	N	N	N
Self storage, mini-storage	N	N	N	N	N	N	N	N	N	N	N	<del>S</del> <u>N</u>	Y	Y	N	N	N
Solar power	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	<del>N</del> <u>Y</u>	N
Upholstering Shop	N	N	N	N	N	N	N	N	N	<del>S</del> <u>Y</u>	<del>S</del> <u>Y</u>	Y	Y	Y	N	N	N

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*\*\*~~Any~~ Should any uses not be listed herein, the zoning official shall review the application using the criteria of the use most similar to the proposed use and also shall determine if the proposed use is similar in type, character, and intensity as a listed use requiring a special use permit ~~are deemed not allowed.~~*

49 C. 17.20.040 Conformance to district regulations required shall be amended:

50  
51 B. Development Proposals.

- 52  
53 1. Primary structures shall be permitted on substandard lots of record ~~that~~  
54 ~~have a minimum of two thirds the lot area specified for the district~~  
55 ~~which it is located~~ unless said lot is merged to form a conforming lot  
56 per Section 17.88.010, Substandard lots of records and lot mergers, and  
57 provided that the lot has sufficient accommodations for vehicular access  
58 including that required for emergency vehicles as determined by the fire  
59 chief or his/her designee. Such proposals shall not require conformance  
60 with minimum lot area and lot width and frontage. *The setback,*  
61 *frontage, and/or lot width requirements for a structure subject to this*  
62 *Section and Section 17.88.010 shall be reduced and the maximum*  
63 *building coverage shall be increased by the same proportion as the lot*  
64 *area of the substandard lot is to the minimum lot requirement of the*  
65 *zoning district in which the lot is located.* This provision shall not apply  
66 to multi-family development which are subject to Section 17.20.090,  
67 Specific requirements and Section 17.20.120, Schedule of intensity  
68 regulations.  
69

70 D. 17.20.130 Modifications shall be amended:

71 A. A Modification may be requested for adjustments or deviations not  
72 exceeding twenty-five (25) percent of any of the requirements of  
73 dimensional or quantitative requirements of parking, signs, landscaping and  
74 other similar requirements of this section, yet excluding the moving of lot  
75 lines and lot area and density which are subject to the requirements of this  
76 section.  
77

78 B. *A modification of five (5) percent or less shall be permitted by the building*  
79 *official, subject to the criteria of Paragraph E of this Section, without*  
80 *requiring any notice as detailed in Paragraph C of this Section.*  
81

82 C. Prior to ruling on a modification ~~on any modification~~ *of more than five (5)*  
83 *percent and less than twenty-five (25) of any dimensional or quantitative*  
84 *requirements of this Ordinance*, the building official shall give notice in the  
85 same manner as would be given for a variance application, pursuant to the  
86 Section 17.108.070 requirements, by ordinary mail, to all property owners  
87 within a four hundred (400) foot radius and publish in a newspaper having  
88 ~~general~~ *local* circulation in the city of Cranston that he or she is considering  
89 such modification, the location of property in question, the nature of the  
90 proposed modification, a statement that such modification may be granted  
91 by the building official if no objection is received within ~~thirty~~ *fourteen*  
92 ~~(1430)~~ days, and an invitation to allow any member of the public to inspect  
93 plot plans and application forms during normal working hours at the city  
94 hall.  
95

96 D. If one or more written and duly signed objections are received by the  
 97 building official within ~~twenty~~ fourteen (~~1420~~) days of the date of such  
 98 public notice, the modification shall forthwith be filed with the zoning board  
 99 of review if the applicant so desires, as a request for a dimensional variance  
 100 in accordance with the provisions of Sections 17.108.070 and 17.108.080  
 101 and the building official shall have no further role in deciding the case.  
 102

103 E. If there are no objections within the specified time period as provided in  
 104 subsection (C) above, the building official shall render a decision no later  
 105 than ~~thirty~~ fourteen (~~1430~~) days after the date of the public notice. The  
 106 following determination shall be made by the building official.  
 107

108 F. If the petitioner is aggrieved by a decision of the building official said  
 109 petitioner may file an application for dimensional variance to the zoning  
 110 board or review in accordance with Section 17.108.080.  
 111

112 E. Chapter 17.86 Unified Development Review shall be added:  
 113

114 17.86.010 Authorization.  
 115

116 A. In accordance with the provisions of RIGL § 45-23-50.1 and § 45-24-46.4,  
 117 the city plan commission is hereby authorized to review and approve  
 118 variances and/or special-use permits for properties undergoing review as  
 119 subdivisions or land-development projects. This process is to be known as  
 120 unified development review (UDR).  
 121

122 17.86.020 Application process.  
 123

124 A. An applicant shall file with the city plan commission's administrative officer  
 125 an application for variance(s) and/or special-use permit(s) along with an  
 126 application for the following project categories:  
 127

128 1. Minor subdivision or land development project: As part of the  
 129 application materials for the preliminary plan stage of review, or if  
 130 combined, the first stage of review.  
 131

132 2. Development plan review: As part of the application materials for the  
 133 preliminary plan stage of review.  
 134

135 3. Major subdivision or land development project: As part of the  
 136 application materials for the master plan stage of review, or if  
 137 combined, the first stage of review.  
 138

139 B. The administrative officer shall review the UDR application for  
 140 completeness and for compliance with this section. The time period for the  
 141 administrative officer to certify as complete or incomplete a UDR  
 142 application shall be the same as the time period for certifying the

143 accompanying application for a subdivision, development plan review, or  
144 land development project. The administrative officer's decision on a UDR  
145 application is appealable in the same manner as an appeal from any other  
146 decision of the administrative officer application.

147  
148 17.86.030 Public hearing.

149  
150 A. A public hearing on the application, including any variance and special-  
151 use permit requests shall be held prior to consideration of the preliminary  
152 plan by the city plan commission. Public notice of the hearing shall be given  
153 at least fourteen (14) days prior to the date of the hearing in a newspaper  
154 of general circulation within the city. Notice shall be sent to the applicant  
155 and to each owner within two hundred (200) feet of the perimeter of the  
156 area included in the subdivision and/or land development project by  
157 certified mail, return receipt requested, not less than ten (10) days prior to  
158 the date of the hearing. Notice shall also be sent to any individual or entity  
159 holding a recorded conservation or preservation restriction on the property  
160 that is the subject of the application.

161  
162 B. Notice of the public hearing shall be sent by the administrative officer to  
163 the administrative officer of an adjacent municipality if: (1) The notice area  
164 extends into the adjacent municipality; or (2) The development site extends  
165 into the adjacent municipality; or (3) There is a potential for significant  
166 negative impact on the adjacent municipality.

167  
168 Notice of the public hearing shall be sent by first-class mail to the planning  
169 board of any municipality where there is a public or quasi-public water  
170 source, or private water source that is used, or is suitable for use, as a  
171 public water source, located within two thousand feet (2,000') of the  
172 municipal boundaries.

173  
174 Notice of a public hearing shall be sent to the governing body of any state  
175 or municipal water department or agency, special water district, or private  
176 water company that has riparian rights to a surface water resource and/or  
177 surface watershed that is used, or is suitable for use, as a public water  
178 source, located within either the municipality or two thousand feet (2,000')  
179 of the municipal boundaries; provided, that a map survey has been filed  
180 with the building inspector as specified in § 45-24-53(f).

181  
182 C. The notice for the public hearing shall include the following information:

183  
184 1. The date, time, and place of the hearing;

185  
186 2. The street address of the subject property, or if no street address is  
187 available, the distance from the nearest existing intersection in tenths of  
188 a mile; and,

189

190 3. The specific variance(s) to be considered for the subdivision and/or land  
 191 development project.

192  
 193 D. The administrative officer shall review the UDR application for  
 194 completeness and for compliance with this section. The time period for the  
 195 administrative officer to certify as complete or incomplete a UDR  
 196 application shall be the same as the time period for certifying the  
 197 accompanying application for a subdivision, development plan review, or  
 198 land development project. The administrative officer's decision on a UDR  
 199 application is appealable in the same manner as an appeal from any other  
 200 decision of the administrative officer application.

201  
 202 17.86.040 Decision.

203  
 204 A. The city plan commission shall approve, approve with conditions, or deny  
 205 the request(s) for variance(s) and/or special-use permit(s) before  
 206 considering the project category application. Approval of the variance(s)  
 207 and/or special-use permit(s) shall be conditioned upon approval of the final  
 208 plan of the project category.

209  
 210 B. The city plan commission shall address the same findings of fact required  
 211 to be addressed by the zoning board of review and shall produce and record  
 212 a written decision in the same manner as the zoning board of review.

213  
 214 C. The time periods by which the city plan commission shall render a decision  
 215 for variance(s) and/or special-use permit(s) shall be the same as the time  
 216 periods by which the city plan commission shall render a decision on the  
 217 applicable stage of review of the underlying type of project under review.

218  
 219 17.86.050 Expiration of approval.

220  
 221 A. The expiration period of an approval on variance(s) and/or special-use  
 222 permit(s) granted under this Section shall be the same as those set forth  
 223 under the applicable project category.

224  
 225 17.86.060 Appeals.

226  
 227 A. Appeals from a decision granted under this Section, including denials for  
 228 requests for variance(s) and/or special-use permit(s) may be appealed in  
 229 accordance with RIGL § 45-23-71.

230  
 231 17.86.070 Interpretation, conflict, omission, violation, & severability.

232  
 233 A. If any requirements of this chapter conflict with other requirements of  
 234 zoning, the city code, or any applicable state or federal law or regulation,  
 235 the more restrictive requirements shall apply.

236



- 237 B. An approval shall not relieve an applicant of the requirement to comply  
 238 with any other city code or with any applicable state or federal law or  
 239 regulation.  
 240
- 241 C. Any violation of the requirements of this chapter or of any condition(s) of  
 242 approval shall be subject to enforcement under the provisions of section  
 243 17.04.080 violations of zoning.  
 244
- 245 D. Severability: See Section 17.04.090 severability.  
 246
- 247 F. 17.88.010 Substandard lots of record and lot mergers shall be amended:  
 248 B. Lot Mergers.  
 249 3. ~~In a block that is seventy-five percent or more developed in A-6, B-1,~~  
 250 ~~and B-2 zones, lots~~ Lots having an area equal to ~~of at least four thousand~~  
 251 ~~(4,000) square feet and having an area and frontage equal to~~ or greater  
 252 than the average of fifty percent (50%) of ~~those developed~~ parcels within  
 253 two hundred (200) feet of the lot ~~which are on the same side of the street~~  
 254 need not be so combined, as confirmed by the zoning enforcement  
 255 officer. Substandard lots of record that are merged shall be considered  
 256 merged for the purposes of calculation of this provision. Non-buildable  
 257 lots of record and lots with zoning designations other than the subject  
 258 lot shall not be included in the calculation. Side corner lots and double  
 259 frontage lots may qualify for this exemption by measuring from any of  
 260 its available frontages, so long as that frontage becomes the primary  
 261 front for the subsequent development of the lot.  
 262
- 263 C. Where two or more lots are combined in accordance with this section, they  
 264 ~~shall may not~~ be ~~subdivided~~ regulated in accordance with Section  
 265 17.20.040, Conformance to district regulations required. ~~in a manner where~~  
 266 ~~the lot width, frontage or area of any resulting lot shall be less than the~~  
 267 ~~requirements fixed by this chapter.~~  
 268
- 269 G. 17.92.010 Variances shall be amended:  
 270 B. In granting a variance, the zoning board of review shall require that  
 271 evidence to the satisfaction of the following standards be entered into the  
 272 record of the proceedings:  
 273
- 274 1. That the hardship from which the applicant seeks relief is due to the  
 275 unique characteristics of the subject land or structure and not to the  
 276 general characteristics of the surrounding area; and is not due to a  
 277 physical or economic disability of the applicant;  
 278
  - 279 2. That the hardship is not the result of any prior action of the applicant  
 280 ~~and does not result primarily from the desire of the applicant to realize~~  
 281 ~~greater financial gain~~ and;  
 282

- 283 3. That the granting of the requested variance will not alter the general  
 284 character of the surrounding area or impair the intent or purpose of the  
 285 zoning ordinance codified in this title or the comprehensive plan upon  
 286 which the ordinance is based. ~~and~~

287  
 288 ~~4. That the relief to be granted is the least relief necessary.~~

- 289  
 290 C. The zoning board of review shall, in addition to the above standards, require  
 291 that evidence be entered into the record of the proceedings showing that:

- 292  
 293 2. In granting a dimensional variance, that the hardship that will be  
 294 suffered by the owner of the subject property if the dimensional variance  
 295 is not granted shall amount to more than a mere inconvenience, which  
 296 shall mean ~~that there is no other reasonable alternative to enjoy a legally~~  
 297 ~~permitted beneficial use of one's property~~ *that the relief sought is*  
 298 *minimal to the reasonable enjoyment of the permitted use to which the*  
 299 *proposed property is devoted.* The fact that a use may be more valuable  
 300 after the relief is granted shall not be grounds for relief. *The zoning*  
 301 *board of review, or the city plan commission where under unified*  
 302 *development review is enabled pursuant to RIGL §§ 45-24-46.4 and 45-*  
 303 *23-50.1, the city planning commission shall have the power to grant*  
 304 *dimensional variances where the use is permitted by special-use permit.*

- 305  
 306 H. 17.108.070 Public hearings shall be amended:

307  
 308 No action shall be taken by the board until after a public hearing has been held  
 309 upon the proposed action before the board, which shall first give written notice  
 310 of the time and place of such public hearing and the nature and purpose thereof,  
 311 to the petitioner and to all owners of any real property within four hundred (400)  
 312 feet of the perimeter of the real property which is the subject matter of the  
 313 petition, by ordinary mail at least ~~twenty fourteen (1420)~~ days before the date  
 314 of such hearing and by publication of such notice in a ~~daily~~ newspaper of  
 315 ~~general~~ *local* circulation within the city at least ~~twenty fourteen (1420)~~ days  
 316 prior to the date of such hearing. *The same Notice shall be posted in the City*  
 317 *clerk's office and one other municipal building within the City and the City*  
 318 ~~must~~ *shall make the notice accessible on the home page of its website at least*  
 319 *fourteen (14) days prior to the hearing. The posting is for information purposes*  
 320 *only and does not constitute required notice of a public hearing.* Within four  
 321 *(4)* days after a decision has been rendered by the board, the board shall mail,  
 322 by ordinary mail, a copy of the decision to ~~the all~~ owners *and applicant* of the  
 323 ~~real~~ property *that is the subject matter of the application, and to any other*  
 324 *person or entity requesting said decision from the zoning official, who were*  
 325 ~~originally notified of the hearing before the board, the applicant, to the zoning~~  
 326 ~~enforcement officer and to the Associate Director of the Division of Planning~~  
 327 ~~of the Rhode Island Department of Administration.~~ The notice required by this  
 328 section indicating the time and place for such public hearing and the nature and  
 329 purpose thereof, shall also contain a statement that the recipient of such notice

330 shall be allowed to address the zoning board on the subject matter of the notice  
331 and if he or she so desires, he or she may be represented by an attorney and  
332 have expert witnesses testify on his or her behalf. Should the decision of the  
333 zoning board be unfavorable, the petitioner may appeal same to the Providence  
334 County Superior Court within a period of twenty (20) days following the  
335 recording of the zoning board decision, in accordance with RIGL ~~Sections §§~~  
336 45-24-69, 45-24-70 and 45-24-71. The zoning board and the ~~planning board~~  
337 city plan commission upon closing the testimonial portion of the hearing on a  
338 matter shall proceed to deliberate and vote on that matter before beginning the  
339 testimonial portion of the public hearing on any other matter.  
340

341 I. 17.108.100 Quorums shall be amended:

342  
343 ~~In conducting hearings and arriving at its decisions the board shall at all times~~  
344 ~~consist of five participating members. A minimum of four (4) members, which~~  
345 ~~may include any alternates, shall form a duly constituted quorum.~~ The  
346 concurring vote of three (3) members shall be necessary to reverse any  
347 requirement, order, decision, or determination of the ~~inspector of buildings~~  
348 building official. The concurring vote of ~~three (3) four~~ members shall be  
349 required to decide in favor of an applicant on any matter concerning special  
350 exceptions, special use permits, ~~uses~~, or variances, upon which it is required to  
351 pass under this chapter.  
352

353 **SECTION 2.** This Ordinance shall take effect upon its final adoption.  
354  
355

356  
357 Positive Endorsement

Negative Endorsement (attach reasons)

358  
359 \_\_\_\_\_  
360 /s/ \_\_\_\_\_, Solicitor Date

\_\_\_\_\_ , Solicitor Date

361  
362  
363  
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365  
366 Sponsored by Mayor Kenneth J. Hopkins

367  
368 Referred to Ordinance Committee December 7, 2023  
369  
370