**Updates were made to the special use permit public hearing requirements, which are reflected in this template, covering both subdivision regulation and zoning ordinance requirements for public hearing notices for different types of applications.**

**The language in red is directly from 2023 state law updates, language in blue is new or changed language directly the state law as a result of the 2024 legislation and represents required changes to the local regulations through strikethroughs and underlining.**

*1.1 Major land development and major subdivision – public hearing and notice.*

1. Where a public hearing is required pursuant to the Regulations, the following requirements shall apply;
2. Notice requirements. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation within the municipality following the municipality’s usual and customary practices for this kind of advertising. The same notice shall be posted in the [CITY/TOWN] clerk’s office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing. Notice shall be sent to the applicant and to each owner within the notice area, by first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application at least fourteen (14) days prior to the hearing. The notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10’s) of a mile.**[[1]](#footnote-1)**
3. Notice area.
   1. The distance(s) for notice of the public hearing shall be [INSERT \_\_\_\_\_\_ feet from project site].**[[2]](#footnote-2)**
   2. Watersheds. Additional notice within watersheds shall also be sent as required in RIGL §45-23-53(b) and (c).
   3. Adjacent municipalities. Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if (1) the notice area extends into the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3) there is a potential for significant negative impact on the adjacent municipality.
   4. Notice cost. The cost of all newspaper and mailing notices shall be borne by the applicant.

*§45-24-42. General provisions – Special-use permits*

* + - * 1. A zoning ordinance shall provide for the issuance of special use permits approved by the zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4, the planning board or commission.
        2. The ordinance shall:

Specify the uses requiring special use permits in each district. The ordinance shall provide for a procedure under which a proposed land use that is not specifically listed may be presented by the property owner to the zoning board of review or to a local official or agency charged with administration and enforcement of the ordinance for an evaluation and determination of whether the proposed use is of a similar type, character, and intensity as a listed use requiring a special-use permit. Upon such determination, the proposed use may be considered to be a use requiring a special use permit;

Describe the conditions and procedures under which special-use permits, of each of the various categories of special-use permits established in the zoning ordinance, shall be issued;

Establish specific and objective criteria for the issuance of each type of use category of special-use permit, which criteria shall be in conformance with the purposes and intent of the comprehensive plan and the zoning ordinance of the city or town; however, in no case shall any specific and objective criteria for a special use permit include a determination of consistency with the comprehensive plan;

Provide for public hearings and notification of the date, time, place, and purpose of those hearings to interested parties. Special use permit requests submitted under a zoning ordinance’s unified development review provisions shall be heard and noticed in conjunction with the subdivision or land development application, according to the requirements of § 45-23-50.1. Public notice for special-use permits that are not submitted under a zoning ordinance’s unified development review provisions shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of ~~general~~ local circulation in the city or town. Notice of hearing shall be sent by first-class mail to the applicant, and to all those who would require notice under § 45-24-10. The notice shall also include the street address of the subject property. A zoning ordinance may require that a supplemental notice, that an application for a special-use permit is under consideration, be posted at the location in question. The posting is for information purposes only and does not constitute required notice of a public hearing. The same notice shall be posted in the town or city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on the municipal home page of its website at least fourteen (14) days prior to the hearing. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing. The cost of the newspaper and mailing notification shall be borne by the applicant;

Provide for the recording of findings of fact and written decisions; and

Provide that appeals may be taken pursuant to § ~~45-24-70 or § 45-23-66 [repealed]~~ 45-24-69 or § 45-23-71, dependent on the board to which application was made.

If an ordinance does not expressly provide for specific and objective criteria for the issuance of a category of special use permit such category shall be deemed to be permitted use.

The ordinance additionally shall provide that an applicant apply for, and be issued, a dimensional variance in conjunction with a special-use permit. If the special use could not exist without the dimensional variance, the zoning board of review, or, where unified development review is enabled pursuant to § 45-24-46.4~~(b)~~, the planning board or commission shall consider the special-use permit and the dimensional variance together to determine if granting the special use is appropriate based on ~~both the~~ each respective special use criteria and the dimensional variance evidentiary standards.

1. RIGL §45-23-42 may require “a supplemental notice that an application for development approval is under consideration be posted at the location in question. The posting is for informational purposes only and does not constitute required notice of a public hearing.” [↑](#footnote-ref-1)
2. The legislation further states that the distance may differ by zoning district and scale of development. At a minimum, all abutting property owners to the proposed development’s property boundary shall receive notice. [↑](#footnote-ref-2)