

2023 -- H 5750

LC001901

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

Introduced By: Representatives Speakman, Knight, Alzate, Tanzi, and McGaw

Date Introduced: February 21, 2023

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-23-42 of the General Laws in Chapter 45-23 entitled "Subdivision
2 of Land" is hereby amended to read as follows:

3 **45-23-42. General provisions — Major land development and major subdivision —**
4 **Public hearing and notice.**

5 (a) A public hearing is required for a major land development project or a major subdivision
6 or where a street extension or creation requires a public hearing for a minor land development
7 project or minor subdivision.

8 (b) Notice requirements. Public notice of the hearing shall be given at least fourteen (14)
9 days prior to the date of the hearing in a newspaper of general circulation within the municipality
10 following the municipality's usual and customary practices for this kind of advertising. Notice shall
11 be sent to the applicant and to each owner within the notice area, by ~~certified mail, return receipt~~
12 ~~requested~~ [certificate of mail \(form 3817\)](#), of the time and place of the hearing not less than ten (10)
13 days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a
14 recorded conservation or preservation restriction on the property that is the subject of the
15 application. The notice shall also include the street address of the subject property, or if no street
16 address is available, the distance from the nearest existing intersection in tenths (1/10's) of a mile.
17 Local regulations may require a supplemental notice that an application for development approval
18 is under consideration be posted at the location in question. The posting is for informational
19 purposes only and does not constitute required notice of a public hearing.

1 (c) Notice area.

2 (1) The distance(s) for notice of the public hearing shall be specified in the local
3 regulations. The distance may differ by zoning district and scale of development. At a minimum,
4 all abutting property owners to the proposed development's property boundary shall receive notice.

5 (2) Watersheds. Additional notice within watersheds shall also be sent as required in § 45-
6 23-53(b) and (c).

7 (3) Adjacent municipalities. Notice of the public hearing shall be sent by the administrative
8 officer to the administrative officer of an adjacent municipality if (1) the notice area extends into
9 the adjacent municipality, or (2) the development site extends into the adjacent municipality, or (3)
10 there is a potential for significant negative impact on the adjacent municipality.

11 (d) Notice cost. The cost of all notice shall be borne by the applicant.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would change the form of public notice requirement for a hearing from certified
- 2 mail return receipt requested, to certificate of mail (form 3817).
- 3 This act would take effect upon passage.

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