

RHODE ISLAND GENERAL LAWS

§ 45-24-42. General Provisions – Special-Use Permits

- (a) 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.
- (b) The ordinance shall:
 - (1) Specify the uses requiring special-use permits in each district;
 - (2) Describe the conditions and procedures under which special-use permits, of each or the various categories of special-use permits established in the zoning ordinance, may be issued;
 - (3) Establish criteria for the issuance of each category of special-use permit that shall be in conformance with the purposes and intent of the comprehensive plan and the zoning ordinance of the city or town;
 - (4) 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 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 § 45-24-53. 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 cost of notification shall be borne by the applicant;
 - (5) Provide for the recording of findings of fact and written decisions; and
 - (6) Provide that appeals may be taken pursuant to §§ 45-24-70 or 45-23-66, dependent on the board to which application was made.
- (c) The ordinance additionally may provide that an applicant may 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 special use criteria and the dimensional variance evidentiary standards.