

ARTICLE XI. ADOPTION OF REGULATIONS AND AMENDMENTS

A. AUTHORITY TO CREATE AND ADMINISTER REGULATIONS.

The Planning Board is empowered to adopt, modify and amend regulations and rules governing land development and subdivision projects within the Town of Portsmouth and to control land development and subdivision projects pursuant to those regulations and rules.

B. PROCEDURE FOR ADOPTION AND AMENDMENT.

1. The Planning Board shall adopt or repeal, and provide for the administration, interpretation, and enforcement of land development and subdivision review regulations.

2. Provisions of these regulations and appendices may incorporate maps, and other technical and graphic material. These regulations, and all the amendments thereto, shall be consistent with all provisions of the Rhode Island Land Development & Subdivision Review Enabling Act of 1992, as well as Portsmouth's Comprehensive Plan and Zoning Ordinance.

C. PUBLIC HEARING AND NOTICE REQUIREMENTS.

1. No regulations shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Planning Board. The Planning Board shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within Portsmouth at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. At this hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed regulations. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division Of Planning Of The Rhode Island Department Of Administration at least two (2) weeks prior to the hearing. The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

- a) Specify the place of said hearing and the date and time of its commencement;
- b) Indicate that adoption, amendment or repeal of these regulations is under consideration;
- c) Contain a statement of the proposed amendments to the regulations that may be printed once in its entirety, or may summarize or describe the matter under consideration;
- d) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- e) State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the

public hearing. Any such alteration or amendment must be presented for comment in the course of said hearing.

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

3. Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use as a public water source located within either Portsmouth or two thousand feet (2,000') of the municipal boundaries, provided, however, that a map survey has been filed with the building inspector, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand feet (2,000') thereof.

4. No defect in the form of any notice under this section shall render any regulations invalid, unless such defect is found to be intentional or misleading.

5. The above requirements are to be construed as minimum requirements.

**D. PUBLICATION AND AVAILABILITY.**

1. Printed copies of these regulations shall be available to the general public and shall be revised to include all amendments. Any appendices shall also be available. A reasonable charge may be made for copies.

2. Upon publication of these regulations and any amendments thereto, the Planning Board shall send a copy to the Rhode Island Department of Administration's Division of Planning and to the State Law Library.

**TITLE 45**  
**Towns and cities**  
**CHAPTER 45-22**  
**Local Planning Board or Commission**

**SECTION 45-22-7**

**§ 45-22-7 Other duties of a planning board or commission.** – (a) A planning board or commission established under the provisions of this chapter shall make studies and prepare plans and reports on the needs and resources of the community with reference to its physical, economic, and social growth and development as affecting the health, safety, morals, and general welfare of the people. The studies, plans, and reports shall concern, but not necessarily be limited to, the following:

- (1) Land use and land use regulation;
  - (2) Transportation facilities;
  - (3) Public facilities including recreation areas, utilities, schools, fire stations, police stations, and others;
  - (4) Blighted areas including the designation of general areas for redevelopment, renewal, rehabilitation, or conservation;
  - (5) Problems of housing and the development of housing programs.
  - (6) Environmental protection;
  - (7) Natural resource conservation;
  - (8) Protection from disaster.
  - (9) Economic and social characteristics of the population;
  - (10) Preservation of historic sites and buildings; and
  - (11) Economic development.
- (b) When directed by the city or town council or by the appointing authority, a planning board or commission shall prepare an annual capital budget and a comprehensive long range capital improvement program for submission to the council, the appointing authority, or other designated official or agency.
- (c) A planning board or commission shall submit an advisory opinion and recommendation on all zoning matters referred to it under the provisions of the city or town zoning ordinance and report on any other matter referred to it, by the city or town council, the chief executive, or the appointing authority.

(d) A planning board or commission shall perform any other duties that may be assigned to the board or commission from time to time by any act of the general assembly or by any ordinance, code, regulation order, or resolution of the city or town council or by the appointing authority.

(e) A planning board or commission has authority to call upon other departments, boards, and committees of the city or town and upon regional, state, and federal agencies for information and assistance necessary to the performance of its duties, and shall cooperate with the city or town, regional, state, and federal agencies on matters of community, regional, and state planning and development.

(f) Each planning board or commission must adopt a provision requiring any person who will be required to file a request for access pursuant to § 24-8-34 to file that request not later than the day on which that person files any document in connection with the project in question with the applicable town or city, and to provide a copy of the request to the town or city.