Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - RHODE ISLAND

Green Development, LLC v. Town of Exeter

Supreme Court of Rhode Island - July 28, 2023 - A.3d - 2023 WL 4832121

Solar field project owner brought action for declaratory and injunctive relief after town paused, and subsequently amended, its zoning ordinance, preventing the development of three commercial solar field projects.

The Superior Court denied relief, and project owner appealed.

The Supreme Court held that:

- Owner's submissions were pre-applications rather than applications for development which had vested under provisions of the Zoning Enabling Act;
- Town had authority under town charter to issue moratorium;
- Statute did not preempt town's ability under town charter to adopt 60-day moratorium; and
- Vesting clause in town's emergency moratorium was not an improper modification of vesting requirements for zoning applications enacted outside ordinary notice and hearing procedures.

Solar field project owner's submissions to town planner for development of three solar field projects were pre-applications under Land Development and Subdivision Review Act, rather than applications for development which had vested under provisions of the Zoning Enabling Act, where project owner had selected the "pre-application" box on each of its three submissions and further included a letter of transmittal identifying the submissions as application materials for a pre-application plan review of its project, and town planner catalogued the submissions as "pre-applications" upon receipt.

Town had authority under town charter to issue moratorium on pending submissions for development of solar field projects; moratorium ordinance clearly characterized the emergency as a threat of an overdevelopment of solar-field projects in residential zones, and ordinance complied with the 60-day limitation for such emergency ordinances and affected only applications that had not vested under the applicable laws.

Statute authorizing a municipality to implement a "one-time moratorium, for the purpose of providing interim protection for a planned future land use or uses" for the first 12 months after a municipality adopts its local comprehensive plan was not exclusive and did not preempt town's ability, under town charter provision regarding emergency ordinances, to adopt 60-day moratorium on solar field project approvals.

Vesting clause in town's emergency moratorium ordinance prohibiting further solar field projects was not an improper modification of vesting requirements for zoning applications enacted outside ordinary notice and hearing procedures required for zoning amendments; valid and temporary emergency ordinance did not rise to the level of a de facto zoning ordinance, and town clearly provided vesting clause in an attempt to delineate which applications would proceed throughout the duration of the moratorium and which applications the town would place on hold.

Copyright © 2026 Bond Case Briefs | bondcasebriefs.com