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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Representative Carol Hagan McEntee

Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-24-31, 45-24-33 and 45-24-37 of the General Laws in Chapter
2 45-24 entitled "Zoning Ordinances" are hereby amended to read as follows:

3 **45-24-31. Definitions.**

4 Where words or terms used in this chapter are defined in § 45-22.2-4 or § 45-23-32, they
5 have the meanings stated in that section. In addition, the following words have the following
6 meanings. Additional words and phrases may be used in developing local ordinances under this
7 chapter; however, the words and phrases defined in this section are controlling in all local
8 ordinances created under this chapter:

9 (1) Abutter. One whose property abuts, that is, adjoins at a border, boundary, or point with
10 no intervening land.

11 (2) Accessory dwelling unit (ADU). A residential living unit on the same lot where the
12 principal use is a legally established single-family dwelling unit or multi-family dwelling unit. An
13 ADU provides complete independent living facilities for one or more persons. It may take various
14 forms including, but not limited to: a detached unit; a unit that is part of an accessory structure,
15 such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

16 (3) Accessory use. A use of land or of a building, or portion thereof, customarily incidental
17 and subordinate to the principal use of the land or building. An accessory use may be restricted to
18 the same lot as the principal use. An accessory use shall not be permitted without the principal use
19 to which it is related.

- 1 (4) Adaptive reuse. “Adaptive reuse,” as defined in § 42-64.22-2.
- 2 (5) Aggrieved party. An aggrieved party, for purposes of this chapter, shall be:
- 3 (i) Any person, or persons, or entity, or entities, who or that can demonstrate that his, her,
- 4 or its property will be injured by a decision of any officer or agency responsible for administering
- 5 the zoning ordinance of a city or town; or
- 6 (ii) Anyone requiring notice pursuant to this chapter.
- 7 (6) Agricultural land. “Agricultural land,” as defined in § 45-22.2-4.
- 8 (7) Airport hazard area. “Airport hazard area,” as defined in § 1-3-2.
- 9 (8) Applicant. An owner, or authorized agent of the owner, submitting an application or
- 10 appealing an action of any official, board, or agency.
- 11 (9) Application. The completed form, or forms, and all accompanying documents, exhibits,
- 12 and fees required of an applicant by an approving authority for development review, approval, or
- 13 permitting purposes.
- 14 (10) Buffer. Land that is maintained in either a natural or landscaped state, and is used to
- 15 screen or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.
- 16 (11) Building. Any structure used or intended for supporting or sheltering any use or
- 17 occupancy.
- 18 (12) Building envelope. The three-dimensional space within which a structure is permitted
- 19 to be built on a lot and that is defined by regulations governing building setbacks, maximum height,
- 20 and bulk; by other regulations; or by any combination thereof.
- 21 (13) Building height. For a vacant parcel of land, building height shall be measured from
- 22 the average, existing-grade elevation where the foundation of the structure is proposed. For an
- 23 existing structure, building height shall be measured from average grade taken from the outermost
- 24 four (4) corners of the existing foundation. In all cases, building height shall be measured to the top
- 25 of the highest point of the existing or proposed roof or structure. This distance shall exclude spires,
- 26 chimneys, flag poles, and the like. For any property or structure located in a special flood hazard
- 27 area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the
- 28 Rhode Island coastal resources management council (CRMC) suggested design elevation three foot
- 29 (3’) sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100)
- 30 storm, the greater of the following amounts, expressed in feet, shall be excluded from the building
- 31 height calculation:
- 32 (i) The base flood elevation on the FEMA FIRM plus up to five feet (5’) of any utilized or
- 33 proposed freeboard, less the average existing grade elevation; or
- 34 (ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a

1 one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate
2 the appropriate suggested design elevation map for the exclusion every ten (10) years, or as
3 otherwise necessary.

4 (14) Cluster. A site-planning technique that concentrates buildings in specific areas on the
5 site to allow the remaining land to be used for recreation, common open space, and/or preservation
6 of environmentally, historically, culturally, or other sensitive features and/or structures. The
7 techniques used to concentrate buildings shall be specified in the ordinance and may include, but
8 are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the
9 resultant open land being devoted by deed restrictions for one or more uses. Under cluster
10 development, there is no increase in the number of lots that would be permitted under conventional
11 development except where ordinance provisions include incentive bonuses for certain types or
12 conditions of development.

13 (15) Co-living housing. Residential development with no fewer than four (4) attached units
14 which are independently rented and lockable and provide living and sleeping space for the
15 exclusive use of an occupant, but require the occupant to share sanitary and/or food preparation
16 facilities with the other units in the occupancy.

17 ~~(15)~~(16) Common ownership. Either:

18 (i) Ownership by one or more individuals or entities in any form of ownership of two (2)
19 or more contiguous lots; or

20 (ii) Ownership by any association (ownership may also include a municipality) of one or
21 more lots under specific development techniques.

22 ~~(16)~~(17) Community residence. A home or residential facility where children and/or adults
23 reside in a family setting and may or may not receive supervised care. This does not include halfway
24 houses or substance-use-disorder-treatment facilities. This does include, but is not limited to, the
25 following:

26 (i) Whenever six (6) or fewer children or adults with intellectual and/or developmental
27 disability reside in any type of residence in the community, as licensed by the state pursuant to
28 chapter 24 of title 40.1. All requirements pertaining to local zoning are waived for these community
29 residences;

30 (ii) A group home providing care or supervision, or both, to not more than eight (8) persons
31 with disabilities, and licensed by the state pursuant to chapter 24 of title 40.1;

32 (iii) A residence for children providing care or supervision, or both, to not more than eight
33 (8) children, including those of the caregiver, and licensed by the state pursuant to chapter 72.1 of
34 title 42;

1 (iv) A community transitional residence providing care or assistance, or both, to no more
2 than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8)
3 persons, requiring temporary financial assistance, and/or to persons who are victims of crimes,
4 abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor
5 more than two (2) years. Residents will have access to, and use of, all common areas, including
6 eating areas and living rooms, and will receive appropriate social services for the purpose of
7 fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

8 ~~(17)~~(18) Comprehensive plan. The comprehensive plan adopted and approved pursuant to
9 chapter 22.2 of this title and to which any zoning adopted pursuant to this chapter shall be in
10 compliance.

11 ~~(18)~~(19) Day care — Daycare center. Any other daycare center that is not a family daycare
12 home.

13 ~~(19)~~(20) Day care — Family daycare home. Any home, other than the individual's home,
14 in which day care in lieu of parental care or supervision is offered at the same time to six (6) or less
15 individuals who are not relatives of the caregiver, but may not contain more than a total of eight
16 (8) individuals receiving day care.

17 ~~(20)~~(21) Density, residential. The number of dwelling units per unit of land.

18 ~~(21)~~(22) Development. The construction, reconstruction, conversion, structural alteration,
19 relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance;
20 or any change in use, or alteration or extension of the use, of land.

21 ~~(22)~~(23) Development plan review. See §§ 45-23-32 and 45-23-50.

22 ~~(23)~~(24) District. See “zoning use district.”

23 ~~(24)~~(25) Drainage system. A system for the removal of water from land by drains, grading,
24 or other appropriate means. These techniques may include runoff controls to minimize erosion and
25 sedimentation during and after construction or development; the means for preserving surface and
26 groundwaters; and the prevention and/or alleviation of flooding.

27 ~~(25)~~(26) Dwelling unit. A structure, or portion of a structure, providing complete,
28 independent living facilities for one or more persons, including permanent provisions for living,
29 sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

30 ~~(26)~~(27) Extractive industry. The extraction of minerals, including: solids, such as coal and
31 ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes
32 quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other
33 preparation customarily done at the extraction site or as a part of the extractive activity.

34 ~~(27)~~(28) Family member. A person, or persons, related by blood, marriage, or other legal

1 means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law,
2 grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

3 ~~(28)~~(29) Floating zone. An unmapped zoning district adopted within the ordinance that is
4 established on the zoning map only when an application for development, meeting the zone
5 requirements, is approved.

6 ~~(29)~~(30) Floodplains, or Flood hazard area. As defined in § 45-22.2-4.

7 ~~(30)~~(31) Freeboard. A factor of safety expressed in feet above the base flood elevation of
8 a flood hazard area for purposes of floodplain management. Freeboard compensates for the many
9 unknown factors that could contribute to flood heights, such as wave action, bridge openings, and
10 the hydrological effect of urbanization of the watershed.

11 ~~(31)~~(32) Groundwater. “Groundwater” and associated terms, as defined in § 46-13.1-3.

12 ~~(32)~~(33) Halfway house. A residential facility for adults or children who have been
13 institutionalized for criminal conduct and who require a group setting to facilitate the transition to
14 a functional member of society.

15 ~~(33)~~(34) Hardship. See § 45-24-41.

16 ~~(34)~~(35) Historic district or historic site. As defined in § 45-22.2-4.

17 ~~(35)~~(36) Home occupation. Any activity customarily carried out for gain by a resident,
18 conducted as an accessory use in the resident’s dwelling unit.

19 ~~(36)~~(37) Household. One or more persons living together in a single-dwelling unit, with
20 common access to, and common use of, all living and eating areas and all areas and facilities for
21 the preparation and storage of food within the dwelling unit. The term “household unit” is
22 synonymous with the term “dwelling unit” for determining the number of units allowed within any
23 structure on any lot in a zoning district. An individual household shall consist of any one of the
24 following:

- 25 (i) A family, which may also include servants and employees living with the family; or
- 26 (ii) A person or group of unrelated persons living together. The maximum number may be
27 set by local ordinance, but this maximum shall not be less than one person per bedroom and shall
28 not exceed five (5) unrelated persons per dwelling. The maximum number shall not apply to
29 NARR-certified recovery residences.

30 ~~(37)~~(38) Incentive zoning. The process whereby the local authority may grant additional
31 development capacity in exchange for the developer’s provision of a public benefit or amenity as
32 specified in local ordinances.

33 ~~(38)~~(39) Infrastructure. Facilities and services needed to sustain residential, commercial,
34 industrial, institutional, and other activities.

1 ~~(39)~~(40) Land development project. As defined in § 45-23-32.

2 ~~(40)~~(41) Lot. Either:

3 (i) The basic development unit for determination of lot area, depth, and other dimensional

4 regulations; or

5 (ii) A parcel of land whose boundaries have been established by some legal instrument,

6 such as a recorded deed or recorded map, and that is recognized as a separate legal entity for

7 purposes of transfer of title.

8 ~~(41)~~(42) Lot area. The total area within the boundaries of a lot, excluding any street right-

9 of-way, usually reported in acres or square feet.

10 ~~(42)~~(43) Lot area, minimum. The smallest land area established by the local zoning

11 ordinance upon which a use, building, or structure may be located in a particular zoning district.

12 ~~(43)~~(44) Lot building coverage. That portion of the lot that is, or may be, covered by

13 buildings and accessory buildings.

14 ~~(44)~~(45) Lot depth. The distance measured from the front lot line to the rear lot line. For

15 lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

16 ~~(45)~~(46) Lot frontage. That portion of a lot abutting a street. A zoning ordinance shall

17 specify how noncontiguous frontage will be considered with regard to minimum frontage

18 requirements.

19 ~~(46)~~(47) Lot line. A line of record, bounding a lot, that divides one lot from another lot or

20 from a public or private street or any other public or private space and shall include:

21 (i) Front: the lot line separating a lot from a street right-of-way. A zoning ordinance shall

22 specify the method to be used to determine the front lot line on lots fronting on more than one

23 street, for example, corner and through lots;

24 (ii) Rear: the lot line opposite and most distant from the front lot line, or in the case of

25 triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length

26 entirely within the lot, parallel to and at a maximum distance from, the front lot line; and

27 (iii) Side: any lot line other than a front or rear lot line. On a corner lot, a side lot line may

28 be a street lot line, depending on requirements of the local zoning ordinance.

29 ~~(47)~~(48) Lot size, minimum. Shall have the same meaning as “minimum lot area” defined

30 herein.

31 ~~(48)~~(49) Lot, through. A lot that fronts upon two (2) parallel streets, or that fronts upon two

32 (2) streets that do not intersect at the boundaries of the lot.

33 ~~(49)~~(50) Lot width. The horizontal distance between the side lines of a lot measured at right

34 angles to its depth along a straight line parallel to the front lot line at the minimum front setback

1 line.

2 ~~(50)~~(51) Manufactured home. As used in this section, a manufactured home shall have the
3 same definition as in 42 U.S.C. § 5402, meaning a structure, transportable in one or more sections,
4 which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more
5 in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is
6 built on a permanent chassis and designed to be used as a dwelling with a permanent foundation
7 connected to the required utilities, and includes the plumbing, heating, air-conditioning, and
8 electrical systems contained therein; except that such term shall include any structure that meets
9 all the requirements of this definition except the size requirements and with respect to which the
10 manufacturer voluntarily files a certification required by the United States Secretary of Housing
11 and Urban Development and complies with the standards established under chapter 70 of Title 42
12 of the United States Code; and except that such term shall not include any self-propelled
13 recreational vehicle.

14 ~~(51)~~(52) Mere inconvenience. See § 45-24-41.

15 ~~(52)~~(53) Mixed use. A mixture of land uses within a single development, building, or tract.

16 ~~(53)~~(54) Modification. Permission granted and administered by the zoning enforcement
17 officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional
18 variance other than lot area requirements from the zoning ordinance to a limited degree as
19 determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%)
20 of each of the applicable dimensional requirements.

21 ~~(54)~~(55) Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully
22 existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with
23 the provisions of that ordinance or amendment. Nonconformance is of only two (2) types:

24 (i) Nonconforming by use: a lawfully established use of land, building, or structure that is
25 not a permitted use in that zoning district. A building or structure containing more dwelling units
26 than are permitted by the use regulations of a zoning ordinance is nonconformity by use; or

27 (ii) Nonconforming by dimension: a building, structure, or parcel of land not in compliance
28 with the dimensional regulations of the zoning ordinance. Dimensional regulations include all
29 regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building
30 or structure containing more dwelling units than are permitted by the use regulations of a zoning
31 ordinance is nonconforming by use; a building or structure containing a permitted number of
32 dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per
33 dwelling unit regulations, is nonconforming by dimension.

34 ~~(55)~~(56) Overlay district. A district established in a zoning ordinance that is superimposed

1 on one or more districts or parts of districts. The standards and requirements associated with an
2 overlay district may be more or less restrictive than those in the underlying districts consistent with
3 other applicable state and federal laws.

4 ~~(56)~~(57) Performance standards. A set of criteria or limits relating to elements that a
5 particular use or process must either meet or may not exceed.

6 ~~(57)~~(58) Permitted use. A use by right that is specifically authorized in a particular zoning
7 district.

8 ~~(58)~~(59) Planned development. A “land development project,” as defined in subsection
9 (39), and developed according to plan as a single entity and containing one or more structures or
10 uses with appurtenant common areas.

11 ~~(59)~~(60) Plant agriculture. The growing of plants for food or fiber, to sell or consume.

12 ~~(60)~~(61) Preapplication conference. A review meeting of a proposed development held
13 between applicants and reviewing agencies as permitted by law and municipal ordinance, before
14 formal submission of an application for a permit or for development approval.

15 ~~(61)~~(62) Setback line or lines. A line, or lines, parallel to a lot line at the minimum distance
16 of the required setback for the zoning district in which the lot is located that establishes the area
17 within which the principal structure must be erected or placed.

18 ~~(62)~~(63) Site plan. The development plan for one or more lots on which is shown the
19 existing and/or the proposed conditions of the lot.

20 ~~(63)~~(64) Slope of land. The grade, pitch, rise, or incline of the topographic landform or
21 surface of the ground.

22 ~~(64)~~(65) Special use. A regulated use that is permitted pursuant to the special-use permit
23 issued by the authorized governmental entity, pursuant to § 45-24-42. Formerly referred to as a
24 special exception.

25 ~~(65)~~(66) Structure. A combination of materials to form a construction for use, occupancy,
26 or ornamentation, whether installed on, above, or below the surface of land or water.

27 ~~(66)~~(67) Substandard lot of record. Any lot lawfully existing at the time of adoption or
28 amendment of a zoning ordinance and not in conformance with the dimensional or area provisions
29 of that ordinance.

30 ~~(67)~~(68) Use. The purpose or activity for which land or buildings are designed, arranged,
31 or intended, or for which land or buildings are occupied or maintained.

32 ~~(68)~~(69) Variance. Permission to depart from the literal requirements of a zoning ordinance.
33 An authorization for the construction or maintenance of a building or structure, or for the
34 establishment or maintenance of a use of land, that is prohibited by a zoning ordinance. There are

1 only two (2) categories of variance, a use variance or a dimensional variance.

2 (i) Use variance. Permission to depart from the use requirements of a zoning ordinance
3 where the applicant for the requested variance has shown by evidence upon the record that the
4 subject land or structure cannot yield any beneficial use if it is to conform to the provisions of the
5 zoning ordinance.

6 (ii) Dimensional variance. Permission to depart from the dimensional requirements of a
7 zoning ordinance under the applicable standards set forth in § 45-24-41.

8 ~~(69)~~(70) Waters. As defined in § 46-12-1(23).

9 ~~(70)~~(71) Wetland, coastal. As defined in § 45-22.2-4.

10 ~~(71)~~(72) Wetland, freshwater. As defined in § 2-1-20.

11 ~~(72)~~(73) Zoning certificate. A document signed by the zoning enforcement officer, as
12 required in the zoning ordinance, that acknowledges that a use, structure, building, or lot either
13 complies with, or is legally nonconforming to, the provisions of the municipal zoning ordinance or
14 is an authorized variance or modification therefrom.

15 ~~(73)~~(74) Zoning map. The map, or maps, that are a part of the zoning ordinance and that
16 delineate the boundaries of all mapped zoning districts within the physical boundary of the city or
17 town.

18 ~~(74)~~(75) Zoning ordinance. An ordinance enacted by the legislative body of the city or
19 town pursuant to this chapter and in the manner providing for the adoption of ordinances in the city
20 or town's legislative or home rule charter, if any, that establish regulations and standards relating
21 to the nature and extent of uses of land and structures; that is consistent with the comprehensive
22 plan of the city or town as defined in chapter 22.2 of this title; that includes a zoning map; and that
23 complies with the provisions of this chapter.

24 ~~(75)~~(76) Zoning use district. The basic unit in zoning, either mapped or unmapped, to
25 which a uniform set of regulations applies, or a uniform set of regulations for a specified use.
26 Zoning use districts include, but are not limited to: agricultural, commercial, industrial,
27 institutional, open space, and residential. Each district may include sub-districts. Districts may be
28 combined.

29 **45-24-33. Standard provisions.**

30 (a) A zoning ordinance shall address each of the purposes stated in § 45-24-30 and shall
31 address, through reasonable objective standards and criteria, the following general provisions
32 which are numbered for reference purposes only except as prohibited by § 45-24-30(b), § 45-24-
33 30(c), or § 45-24-30(d):

34 (1) Permitting, prohibiting, limiting, and restricting the development of land and structures

- 1 in zoning districts, and regulating those land and structures according to their type and the nature
2 and extent of their use;
- 3 (2) Regulating the nature and extent of the use of land for residential, commercial,
4 industrial, institutional, recreational, agricultural, open space, or other use or combination of uses,
5 as the need for land for those purposes is determined by the city or town's comprehensive plan;
- 6 (3) Permitting, prohibiting, limiting, and restricting buildings, structures, land uses, and
7 other development by performance standards, or other requirements, related to air and water and
8 groundwater quality, noise and glare, energy consumption, soil erosion and sedimentation, and/or
9 the availability and capacity of existing and planned public or private services;
- 10 (4) Regulating within each district and designating requirements for:
- 11 (i) The height, number of stories, and size of buildings;
- 12 (ii) The dimensions, size, lot coverage, layout of lots or development areas and floor area
13 ratios provided that zoning ordinances must exclude any portion of a basement as defined in § 45-
14 24.3-5 from the calculation of floor area ratio;
- 15 (iii) The density and intensity of use;
- 16 (iv) Access to air and light, views, and solar access;
- 17 (v) Open space, yards, courts, and buffers;
- 18 (vi) Parking areas, road design, and, where appropriate, pedestrian, bicycle, and other
19 circulator systems;
- 20 (vii) Landscaping, fencing, and lighting;
- 21 (viii) Appropriate drainage requirements and methods to manage stormwater runoff;
- 22 (ix) Public access to waterbodies, rivers, and streams; and
- 23 (x) Other requirements in connection with any use of land or structure;
- 24 (5) Permitting, prohibiting, limiting, and restricting development in flood plains or flood
25 hazard areas and designated significant natural areas;
- 26 (6) Promoting the conservation of energy and promoting energy-efficient patterns of
27 development;
- 28 (7) Providing for the protection of existing and planned public drinking water supplies,
29 their tributaries and watersheds, and the protection of Narragansett Bay, its tributaries and
30 watershed;
- 31 (8) Providing for adequate, safe, and efficient transportation systems; and avoiding
32 congestion by relating types and levels of development to the capacity of the circulation system,
33 and maintaining a safe level of service of the system;
- 34 (9) Providing for the preservation and enhancement of the recreational resources of the city

1 or town;

2 (10) Promoting an economic climate that increases quality job opportunities and the overall
3 economic well-being of the city or town and the state;

4 (11) Providing for pedestrian access to and between public and private facilities, including,
5 but not limited to, schools, employment centers, shopping areas, recreation areas, and residences;

6 (12) Providing standards for, and requiring the provision of, adequate and properly
7 designed physical improvements, including plantings, and the proper maintenance of property;

8 (13) Permitting, prohibiting, limiting, and restricting land use in areas where development
9 is deemed to create a hazard to the public health or safety;

10 (14) Permitting, prohibiting, limiting, and restricting extractive industries and earth
11 removal and requiring restoration of land after these activities;

12 (15) Regulating sanitary landfill, except as otherwise provided by state statute;

13 (16) Permitting, prohibiting, limiting, and restricting signs and billboards and other outdoor
14 advertising devices;

15 (17) Designating airport hazard areas under the provisions of chapter 3 of title 1, and
16 enforcement of airport hazard area zoning regulations under the provisions established in that
17 chapter;

18 (18) Designating areas of historic, cultural, and/or archaeological value and regulating
19 development in those areas under the provisions of chapter 24.1 of this title;

20 (19) Providing standards and requirements for the regulation, review, and approval of any
21 proposed development in connection with those uses of land, buildings, or structures specifically
22 designated as subject to development plan review in a zoning ordinance;

23 (20) Designating special protection areas for water supply and limiting or prohibiting
24 development in these areas, except as otherwise provided by state statute;

25 (21) Specifying requirements for safe road access to developments from existing streets,
26 including limiting the number, design, and location of curb cuts, and provisions for internal
27 circulation systems for new developments, and provisions for pedestrian and bicycle ways;

28 (22) Reducing unnecessary delay in approving or disapproving development applications
29 through provisions for preapplication conferences and other means;

30 (23) Providing for the application of the Rhode Island Fair Housing Practices Act, chapter
31 37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island
32 Civil Rights of People with Disabilities Act, chapter 87 of title 42; and the Americans with
33 Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.; and

34 (24) Regulating drive-through windows of varied intensity of use when associated with

1 land-use activities and providing standards and requirements for the regulation, review, and
2 approval of the drive-through windows, including, but not limited to:

3 (i) Identifying within which zoning districts drive-through windows may be permitted,
4 prohibited, or permitted by special-use permit;

5 (ii) Specifying requirements for adequate traffic circulation; and

6 (iii) Providing for adequate pedestrian safety and access, including issues concerning safety
7 and access for those with disabilities.

8 (b) A zoning ordinance may include special provisions for any or all of the following:

9 (1) Authorizing development incentives, including, but not limited to, additional permitted
10 uses, increased development and density, or additional design or dimensional flexibility in
11 exchange for:

12 (i) Increased open space;

13 (ii) Increased housing choices;

14 (iii) Traffic and pedestrian improvements;

15 (iv) Public and/or private facilities; and/or

16 (v) Other amenities as desired by the city or town and consistent with its comprehensive
17 plan. The provisions in the ordinance shall include maximum allowable densities of population
18 and/or intensities of use and shall indicate the type of improvements, amenities, and/or conditions.
19 Conditions may be made for donation in lieu of direct provisions for improvements or amenities;

20 (2) Establishing a system for transfer of development rights within or between zoning
21 districts designated in the zoning ordinance; and

22 (3) Regulating the development adjacent to designated scenic highways, scenic waterways,
23 major thoroughfares, public greenspaces, or other areas of special public investment or valuable
24 natural resources.

25 [\(4\) Authorizing community living options such as co-living housing in areas serviced by](#)
26 [transit and other services.](#)

27 (c) Slope of land shall not be excluded from the calculation of the buildable lot area or the
28 minimum lot size, or in the calculation of the number of buildable lots or units.

29 (d) Nothing in this section shall be construed to restrict a municipality's right, within state
30 and local regulations, to establish its own minimum lot size per zoning district in its town or city.

31 **45-24-37. General provisions — Permitted uses.**

32 (a) The zoning ordinance shall provide a listing of all land uses and/or performance
33 standards for uses that are permitted within the zoning use districts of the municipality. The
34 ordinance may provide for a procedure under which a proposed land use that is not specifically

1 listed may be presented by the property owner to the zoning board of review or to a local official
2 or agency charged with administration and enforcement of the ordinance for an evaluation and
3 determination of whether the proposed use is of a similar type, character, and intensity as a listed
4 permitted use. Upon such determination, the proposed use may be considered to be a permitted use.

5 (b) Notwithstanding any other provision of this chapter, the following uses are permitted
6 uses within all residential zoning use districts of a municipality and all industrial and commercial
7 zoning use districts except where residential use is prohibited for public health or safety reasons:

- 8 (1) Households;
- 9 (2) Community residences; and
- 10 (3) Family daycare homes.

11 (c) Any time a building or other structure used for residential purposes, or a portion of a
12 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire
13 or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home,
14 or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former
15 occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated
16 and otherwise made fit for occupancy. The property owner, or a properly designated agent of the
17 owner, is only allowed to cause the mobile and manufactured home, or homes, to remain
18 temporarily upon the land by making timely application to the local building official for the
19 purposes of obtaining the necessary permits to repair or rebuild the structure.

20 (d) Notwithstanding any other provision of this chapter, appropriate access for people with
21 disabilities to residential structures is allowed as a reasonable accommodation for any person(s)
22 residing, or intending to reside, in the residential structure.

23 (e) Notwithstanding any other provision of this chapter, an accessory dwelling unit
24 (“ADU”) that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be a permitted use in
25 all residential zoning districts. An ADU that meets the requirements of §§ 45-24-31 and 45-24-
26 73(a) shall be permitted through an administrative building permit process only.

27 (f) When used in this section the terms “people with disabilities” or “member, or members,
28 with disabilities” means a person(s) who has a physical or mental impairment that substantially
29 limits one or more major life activities, as defined in 42-87-1(5).

30 (g) Notwithstanding any other provisions of this chapter, plant agriculture is a permitted
31 use within all zoning districts of a municipality, including all industrial and commercial zoning
32 districts, except where prohibited for public health or safety reasons or the protection of wildlife
33 habitat.

34 (h) Adaptive reuse. Notwithstanding any other provisions of this chapter, adaptive reuse

1 for the conversion of any commercial building, including offices, schools, religious facilities,
2 medical buildings, and malls into residential units or mixed-use developments which include the
3 development of at least fifty percent (50%) of the existing gross floor area into residential units,
4 shall be a permitted use and allowed by specific and objective provisions of a zoning ordinance,
5 except where such is prohibited by environmental land use restrictions recorded on the property by
6 the state of Rhode Island department of environmental management or the United States
7 Environmental Protection Agency preventing the conversion to residential use.

8 (1) The specific zoning ordinance provisions for adaptive reuse shall exempt adaptive reuse
9 developments from off-street parking requirements of over one space per dwelling unit.

10 (2) **Density.**

11 (i) Co-living housing which meets the applicable requirements of the building and fire
12 codes, may be allowed in adaptive reuse developments.

13 ~~(i)~~(ii) For projects that meet the following criteria, zoning ordinances shall allow for high
14 density development and shall not limit the density to less than fifteen (15) dwelling units per acre:

15 (A) Where the project is limited to the existing footprint, except that the footprint is allowed
16 to be expanded to accommodate upgrades related to the building and fire codes and utilities; and

17 (B) The development includes at least twenty percent (20%) low- and moderate-income
18 housing; and

19 (C) The development has access to public sewer and water service or has access to adequate
20 private water, such as a well and and/or wastewater treatment system(s) approved by the relevant
21 state agency for the entire development as applicable.

22 ~~(i)~~(iii) For all other adaptive reuse projects, the residential density permitted in the
23 converted structure shall be the maximum allowed that otherwise meets all standards of minimum
24 housing and has access to public sewer and water service or has access to adequate private water,
25 such as a well, and wastewater treatment system(s) approved by the relevant state agency for the
26 entire development, as applicable. The density proposed shall be determined to meet all public
27 health and safety standards.

28 (3) Notwithstanding any other provisions of this chapter, for adaptive reuse projects,
29 existing building setbacks shall remain and shall be considered legal nonconforming, but no
30 additional encroachments shall be permitted into any nonconforming setback, unless otherwise
31 allowed by zoning ordinance or relief is granted by the applicable authority.

32 (4) For adaptive reuse projects, notwithstanding any other provisions of this chapter, the
33 height of the existing structure, if it exceeds the maximum height of the zoning district, may remain
34 and shall be considered legal nonconforming, and any rooftop construction shall be included within

1 the height exemption.

2 (i) Notwithstanding any other provisions of this chapter, all towns and cities may allow
3 manufactured homes that comply with § 23-27.3-109.1.3 as a type of single-family home on any
4 lot zoned for single-family use. Such home shall comply with all dimensional requirements of a
5 single-family home in the district or seek relief for the same under the provisions of this chapter.

6 SECTION 2. This act shall take effect on January 1, 2026.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

1 This act would add a definition for "co-living housing" to the zoning ordinance provisions
2 of the general laws and would include such housing as a special provision to be included in a zoning
3 ordinance.

4 This act would take effect on January 1, 2026.

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LC002157
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