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LC002158

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 June Speakman

Date Introduced: February 27, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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

3 **45-24-33. Standard provisions.**

4 (a) A zoning ordinance shall address each of the purposes stated in § 45-24-30 and shall
5 address, through reasonable objective standards and criteria, the following general provisions
6 which are numbered for reference purposes only except as prohibited by § 45-24-30(b), § 45-24-
7 30(c), or § 45-24-30(d):

8 (1) Permitting, prohibiting, limiting, and restricting the development of land and structures
9 in zoning districts, and regulating those land and structures according to their type and the nature
10 and extent of their use;

11 (2) Regulating the nature and extent of the use of land for residential, commercial,
12 industrial, institutional, recreational, agricultural, open space, or other use or combination of uses,
13 as the need for land for those purposes is determined by the city or town's comprehensive plan;

14 (3) Permitting, prohibiting, limiting, and restricting buildings, structures, land uses, and
15 other development by performance standards, or other requirements, related to air and water and
16 groundwater quality, noise and glare, energy consumption, soil erosion and sedimentation, and/or
17 the availability and capacity of existing and planned public or private services;

18 (4) Regulating within each district and designating requirements for:

19 (i) The height, number of stories, and size of buildings;

- 1 (ii) The dimensions, size, lot coverage, layout of lots or development areas and floor area
2 ratios provided that zoning ordinances must exclude any portion of a basement as defined in § 45-
3 24.3-5 from the calculation of floor area ratio;
- 4 (iii) The density and intensity of use;
- 5 (iv) Access to air and light, views, and solar access;
- 6 (v) Open space, yards, courts, and buffers;
- 7 (vi) Parking areas, road design, and, where appropriate, pedestrian, bicycle, and other
8 circulator systems;
- 9 (vii) Landscaping, fencing, and lighting;
- 10 (viii) Appropriate drainage requirements and methods to manage stormwater runoff;
- 11 (ix) Public access to waterbodies, rivers, and streams; and
- 12 (x) Other requirements in connection with any use of land or structure;
- 13 (5) Permitting, prohibiting, limiting, and restricting development in flood plains or flood
14 hazard areas and designated significant natural areas;
- 15 (6) Promoting the conservation of energy and promoting energy-efficient patterns of
16 development;
- 17 (7) Providing for the protection of existing and planned public drinking water supplies,
18 their tributaries and watersheds, and the protection of Narragansett Bay, its tributaries and
19 watershed;
- 20 (8) Providing for adequate, safe, and efficient transportation systems; and avoiding
21 congestion by relating types and levels of development to the capacity of the circulation system,
22 and maintaining a safe level of service of the system;
- 23 (9) Providing for the preservation and enhancement of the recreational resources of the city
24 or town;
- 25 (10) Promoting an economic climate that increases quality job opportunities and the overall
26 economic well-being of the city or town and the state;
- 27 (11) Providing for pedestrian access to and between public and private facilities, including,
28 but not limited to, schools, employment centers, shopping areas, recreation areas, and residences;
- 29 (12) Providing standards for, and requiring the provision of, adequate and properly
30 designed physical improvements, including plantings, and the proper maintenance of property;
- 31 (13) Permitting, prohibiting, limiting, and restricting land use in areas where development
32 is deemed to create a hazard to the public health or safety;
- 33 (14) Permitting, prohibiting, limiting, and restricting extractive industries and earth
34 removal and requiring restoration of land after these activities;

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

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

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

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

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

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

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

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

19 (23) Providing for the application of the Rhode Island Fair Housing Practices Act, chapter
20 37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island
21 Civil Rights of People with Disabilities Act, chapter 87 of title 42; and the Americans with
22 Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.; and

23 (24) Regulating drive-through windows of varied intensity of use when associated with
24 land-use activities and providing standards and requirements for the regulation, review, and
25 approval of the drive-through windows, including, but not limited to:

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

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

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

31 (25) Allowing the construction of attached single-family dwellings in designated zoning
32 districts. For purposes of this chapter, "attached single-family dwelling" means a dwelling unit
33 constructed side by side or horizontally and separated by a party wall and lot line. Such units shall
34 be allowed in designated zoning districts of the city or town, provided that:

1 (i) The unit(s) have access to public water and sewer, or have adequate access to private
2 water and/or wastewater systems approved by the relevant state agency; and

3 (ii) The zoning ordinance shall allow each single-family unit to be located on its own lot,
4 without requirements for minimum lot size, lot width, lot frontage or lot depth and allow for a zero-
5 lot line setback along the common property line to accommodate the subdivision for these units;
6 provided that, the unit(s) comply with requirements for building and fire codes; and

7 (iii) Other setbacks of the base zoning district shall apply to the outside perimeter property
8 lines of the development as a whole; and

9 (iv) Cities and towns may establish additional standards for such units; provided that, such
10 standards do not restrict a dwelling to less than three (3) stories, restrict its floor area ratio to less
11 than one, limit the bedrooms to less than three (3), or require more than one off street parking space
12 for up to two (2) bedrooms, and two (2) off-street parking spaces for up to three (3) bedrooms.

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

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

17 (i) Increased open space;

18 (ii) Increased housing choices;

19 (iii) Traffic and pedestrian improvements;

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

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

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

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

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

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

34 **45-24-37. General provisions — Permitted uses.**

1 (a) The zoning ordinance shall provide a listing of all land uses and/or performance
2 standards for uses that are permitted within the zoning use districts of the municipality. The
3 ordinance may provide for a procedure under which a proposed land use that is not specifically
4 listed may be presented by the property owner to the zoning board of review or to a local official
5 or agency charged with administration and enforcement of the ordinance for an evaluation and
6 determination of whether the proposed use is of a similar type, character, and intensity as a listed
7 permitted use. Upon such determination, the proposed use may be considered to be a permitted use.

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

- 11 (1) Households;
- 12 (2) Community residences; and
- 13 (3) Family daycare homes.

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

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

26 (e) Notwithstanding any other provision of this chapter, an accessory dwelling unit
27 (“ADU”) that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be a permitted use in
28 all residential zoning districts. An ADU that meets the requirements of §§ 45-24-31 and 45-24-
29 73(a) shall be permitted through an administrative building permit process only.

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

33 (g) Notwithstanding any other provisions of this chapter, plant agriculture is a permitted
34 use within all zoning districts of a municipality, including all industrial and commercial zoning

1 districts, except where prohibited for public health or safety reasons or the protection of wildlife
2 habitat.

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

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

13 (2) **Density.**

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

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

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

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

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

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

33 (4) For adaptive reuse projects, notwithstanding any other provisions of this chapter, the
34 height of the existing structure, if it exceeds the maximum height of the zoning district, may remain

1 and shall be considered legal nonconforming, and any rooftop construction shall be included within
2 the height exemption.

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

7 (j) Attached single family dwellings. Notwithstanding any other provision of this chapter,
8 all towns and cities shall allow attached single-family units, as defined in § 45-24-33, in residential
9 districts which allow for the construction of two (2) or more units. The number of attached single
10 family units allowed and the dimensional requirements shall be the same as the corresponding
11 vertical construction density for the property and zoning district.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

- 1 This act would add the process of permitting the construction of attached single-family
- 2 dwellings in identified zoning districts as a factor that zoning ordinances must address.
- 3 This act would take effect on January 1, 2026.

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