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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

Introduced By: Representatives Cruz, Sanchez, Morales, Potter, Kislak, and Alzate

Date Introduced: February 28, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-23-44 of the General Laws in Chapter 45-23 entitled "Subdivision
2 of Land" is hereby amended to read as follows:

3 **45-23-44. General provisions — Physical design requirements.**

4 (a) All local regulations shall specify, through reasonable, objective standards and criteria,
5 all physical design requirements for subdivisions and land-development projects that are to be
6 reviewed and approved pursuant to the regulations. Regulations shall specify all requirements and
7 policies for subdivisions and land-development projects that are not contained in the municipality's
8 zoning ordinance.

9 (b) Nothing in this section shall be construed to restrict a municipality's right, within state
10 and local regulations, to establish its own minimum lot size per zoning district in its town or city,
11 [subject to the limitation forth in § 45-24-33\(d\).](#)

12 (c) The slope of land shall not be excluded from the calculation of the buildable lot area or
13 the minimum lot size, or in the calculation of the number of buildable lots or units.

14 (d) Wetland buffers, as defined in § 2-1-20, shall be included in the calculation of a
15 minimum lot area and in the total number of square feet or acres of a tract or parcel of land before
16 calculating the maximum potential number of units or lots for development; provided, however,
17 that this shall not apply to lots directly abutting surface reservoirs with direct withdrawals used for
18 public drinking water. Nothing herein changes the definition and applicability of a "buildable lot"
19 as set forth under § 45-23-60(a)(4); and nothing herein permits the disturbance of wetlands or

1 wetland buffers or otherwise alters the provisions of the freshwater wetlands act, § 2-1-18 et seq.

2 (e) The requirements and policies may include, but are not limited to: requirements and
3 policies for rights-of-way, open space, landscaping, connections of proposed streets and drainage
4 systems with those of the surrounding neighborhood; public access through property to adjacent
5 public property; and the relationship of proposed developments to natural and man-made features
6 of the surrounding neighborhood.

7 (f) The regulations shall specify all necessary findings, formulas for calculations, and
8 procedures for meeting the requirements and policies. These requirements and policies apply to all
9 subdivisions and land development projects reviewed and/or administered under the local
10 regulations.

11 SECTION 2. Section 45-24-33 of the General Laws in Chapter 45-24 entitled "Zoning
12 Ordinances" is hereby amended to read as follows:

13 **45-24-33. Standard provisions.**

14 (a) A zoning ordinance shall address each of the purposes stated in § 45-24-30 and shall
15 address, through reasonable objective standards and criteria, the following general provisions
16 which are numbered for reference purposes only except as prohibited by § 45-24-30(b), § 45-24-
17 30(c), or § 45-24-30(d):

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

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

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

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

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

30 (ii) The dimensions, size, lot coverage, layout of lots or development areas and floor area
31 ratios provided that zoning ordinances must exclude any portion of a basement as defined in § 45-
32 24.3-5 from the calculation of floor area ratio;

33 (iii) The density and intensity of use;

34 (iv) Access to air and light, views, and solar access;

- 1 (v) Open space, yards, courts, and buffers;
- 2 (vi) Parking areas, road design, and, where appropriate, pedestrian, bicycle, and other
3 circulator systems;
- 4 (vii) Landscaping, fencing, and lighting;
- 5 (viii) Appropriate drainage requirements and methods to manage stormwater runoff;
- 6 (ix) Public access to waterbodies, rivers, and streams; and
- 7 (x) Other requirements in connection with any use of land or structure;
- 8 (5) Permitting, prohibiting, limiting, and restricting development in flood plains or flood
9 hazard areas and designated significant natural areas;
- 10 (6) Promoting the conservation of energy and promoting energy-efficient patterns of
11 development;
- 12 (7) Providing for the protection of existing and planned public drinking water supplies,
13 their tributaries and watersheds, and the protection of Narragansett Bay, its tributaries and
14 watershed;
- 15 (8) Providing for adequate, safe, and efficient transportation systems; and avoiding
16 congestion by relating types and levels of development to the capacity of the circulation system,
17 and maintaining a safe level of service of the system;
- 18 (9) Providing for the preservation and enhancement of the recreational resources of the city
19 or town;
- 20 (10) Promoting an economic climate that increases quality job opportunities and the overall
21 economic well-being of the city or town and the state;
- 22 (11) Providing for pedestrian access to and between public and private facilities, including,
23 but not limited to, schools, employment centers, shopping areas, recreation areas, and residences;
- 24 (12) Providing standards for, and requiring the provision of, adequate and properly
25 designed physical improvements, including plantings, and the proper maintenance of property;
- 26 (13) Permitting, prohibiting, limiting, and restricting land use in areas where development
27 is deemed to create a hazard to the public health or safety;
- 28 (14) Permitting, prohibiting, limiting, and restricting extractive industries and earth
29 removal and requiring restoration of land after these activities;
- 30 (15) Regulating sanitary landfill, except as otherwise provided by state statute;
- 31 (16) Permitting, prohibiting, limiting, and restricting signs and billboards and other outdoor
32 advertising devices;
- 33 (17) Designating airport hazard areas under the provisions of chapter 3 of title 1, and
34 enforcement of airport hazard area zoning regulations under the provisions established in that

1 chapter;

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

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

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

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

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

14 (23) Providing for the application of the Rhode Island Fair Housing Practices Act, chapter
15 37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island
16 Civil Rights of People with Disabilities Act, chapter 87 of title 42; and the Americans with
17 Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.; and

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

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

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

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

26 (b) ~~A~~ On or before July 31, 2026 zoning ordinance ~~may~~ shall include special provisions for
27 ~~any or all~~ of the following:

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

31 (i) Increased open space;

32 (ii) Increased housing choices;

33 (iii) Traffic and pedestrian improvements;

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

1 (v) Other amenities as desired by the city or town and consistent with its comprehensive
2 plan. The provisions in the ordinance shall include maximum allowable densities of population
3 and/or intensities of use and shall indicate the type of improvements, amenities, and/or conditions.

4 Conditions may be made for donation in lieu of direct provisions for improvements or amenities;

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

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

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

12 (d)(1) Nothing in this section shall be construed to restrict a municipality's right, within
13 state and local regulations, to establish its own minimum lot size per zoning district in its town or
14 city, however, no minimum lot size requirement for residential use shall exceed the following
15 parameters:

16 (i) Two thousand five hundred square feet (2,500 ft²) for a lot that is served by public water
17 and sewer and any portion of the lot is located within a quarter (1/4) mile of a public transit stop or
18 station;

19 (ii) Five thousand square feet (5,000 ft²) for a lot that is served by public water and sewer;
20 and

21 (iii) One acre, for any other lot; provided that, all parcels remain subject to state law and
22 regulation concerning drinking water wells, individual sewage disposal systems, and the protection
23 of freshwater wetlands.

24 (2) Each city or town shall amend its zoning ordinances and comprehensive plan to
25 conform to this subsection.

26 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES -- SUBDIVISION OF LAND

- 1 This act would cap the minimum lot size that may be required to not exceed three (3) new
- 2 separate parameters relating to the availability of public water, sewer, and transit.
- 3 This act would take effect upon passage.

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