

2026 -- H 8005 SUBSTITUTE A

=====
LC005899/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Representatives Giraldo, Voas, Cruz, and Morales

Date Introduced: February 27, 2026

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

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

3 **45-24-33. Standard provisions. [Effective January 1, 2026.]**

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.;

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) Providing for residential development in all or some of the areas encompassing
32 commercial district(s) in a city or town; provided that, such objective standards and criteria address
33 the following:

34 (i) Standards to ensure that residential uses are allowed and integrated with commercial

1 uses in a mixed use or village development;

2 (ii) Provisions that allow residential units above commercial uses on the ground floor or
3 first floor of a structure(s);

4 (iii) Provisions to permit medium to high density residential development in the
5 commercial zones allowing residential use;

6 (iv) Flexible and reasonable dimensional standards that promote and allow for the mixed
7 use or village development; and

8 (v) Municipalities with a population in excess of forty thousand (40,000) shall provide for
9 residential development as set forth in this section in at least thirty percent (30%) of the area in the
10 commercial zoning use districts;

11 (26) Allowing the construction of attached single-family dwellings in designated zoning
12 districts. For purposes of this chapter, “attached single-family dwelling” means a dwelling unit
13 constructed side by side or horizontally and separated by a party wall and lot line. Such units shall
14 be allowed in zoning districts of the city or town, as set forth in § 45-24-37(j), provided that:

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

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

21 (iii) Other dimensional requirements of the base zoning district shall apply to the outside
22 perimeter property lines of the end-units of the development, however, there shall not be increased
23 dimensional requirements solely applicable to attached single-family structures and not applicable
24 to other residential structures containing the same density in the same zoning district; and

25 (iv) Cities and towns may establish additional standards for such units; provided that, such
26 standards do not restrict a dwelling unit’s floor area ratio to less than one, limit the bedrooms to
27 less than three (3), ~~or nor~~ require more than ~~one~~ two off-street parking spaces per dwelling unit,
28 which spaces may be tandem ~~space for up to two (2) bedrooms, and two (2) off-street parking~~
29 ~~spaces for up to three (3) bedrooms; and~~

30 (27) Providing for residential use options that are not limited to single-family detached
31 structures, in areas which have available public water and sewer capacity in municipalities in which
32 at least part of the area is located within the urban services boundary which is identified on Rhode
33 Island statewide planning program’s future land use map tools and on the Rhode Island geographic
34 information system; and

1 (28) Specifying parking requirements for uses, unless otherwise set forth in this chapter,
2 provided that there shall be no ordinance which mandates more than one off-street parking space
3 per dwelling unit in a multi-family structure or development, where the property is located in a
4 transit oriented area within a one-quarter (1/4) mile radius of an existing regional mobility hub or a
5 one-eighth (1/8) mile radius of an existing frequent transit stop as such terms are defined in the 2020
6 Rhode Island transit master plan or its successor document.

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

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

11 (i) Increased open space;

12 (ii) Increased housing choices;

13 (iii) Traffic and pedestrian improvements;

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

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

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

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

24 (4) Authorizing community living options such as co-living housing in areas serviced by
25 transit and other services.

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

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

30 SECTION 2. This act shall take effect upon passage.

=====
LC005899/SUB A
=====

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

- 1 This act would amend the standards and limitations on permitted parking requirements for
- 2 dwelling units.
- 3 This act would take effect upon passage.

=====
LC005899/SUB A
=====