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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Senator Alana DiMario

Date Introduced: February 06, 2026

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24-31 of the General Laws in Chapter 45-24 entitled "Zoning
2 Ordinances" is hereby amended to read as follows:

3 **45-24-31. Definitions. [Effective January 1, 2026.]**

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.

(4) **Adaptive reuse.** “Adaptive reuse,” as defined in § 42-64.22-2.

(5) **Aggrieved party.** An aggrieved party, for purposes of this chapter, shall be:

6 (ii) Anyone requiring notice pursuant to this chapter.

(6) **Agricultural land.** “Agricultural land,” as defined in § 45-22.2-4.

(7) **Airport hazard area.** “Airport hazard area,” as defined in § 1-3-2.

11 **(9) Application.** The completed form, or forms, and all accompanying documents,
12 exhibits, and fees required of an applicant by an approving authority for development review,
13 approval, or 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.

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.

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

(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.** A specific residential development with units which provide living
14 and sleeping space which are independently rented and lockable for the exclusive use of an
15 occupant, but require the occupant to share sanitary and/or food preparation facilities with the other
16 units in the occupancy. This section shall not be read to allow the conversion of existing dwelling
17 units into co-living housing unless authorized by a local zoning ordinance.

18 (16) **Common ownership.** Either:

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

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

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

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

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

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

1 title 42;

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

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

12 (19) **Day care — Daycare center.** Any other daycare center that is not a family daycare
13 home.

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

18 (21) **Density, residential.** The number of dwelling units per unit of land.

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

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

23 (24) **District.** See "zoning use district."

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

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

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

(28) **Family member.** A person, or persons, related by blood, marriage, or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

7 (30) **Floodplains, or Flood hazard area.** As defined in § 45-22.2-4.

12 (32) **Groundwater.** “Groundwater” and associated terms, as defined in § 46-13.1-3.

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

16 (34) **Hardship.** See § 45-24-41.

17 (35) **Historic district or historic site.** As defined in § 45-22.2-4.

27 (i) A family, which may also include servants and employees living with the family; or
28 (ii) A person or group of unrelated persons living together. ~~The A municipality may set a~~
29 maximum number ~~may be set~~ by local ordinance, but such ordinance shall allow at least one person
30 per bedroom for dwelling units containing up to five (5) bedrooms. For dwelling units that exceed
31 five (5) bedrooms, a municipality shall allow at least five (5) unrelated persons per dwelling unit.
32 ~~but this maximum shall not be less than one person per bedroom and shall not exceed five (5)~~
33 ~~unrelated persons per dwelling.~~ The maximum number shall not apply to NARR-certified recovery
34 residences.

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

(39) **Infrastructure.** Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

6 (40) **Land development project.** As defined in § 45-23-32.

7 (41) **Lot.** Either:

(ii) A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or recorded map, and that is recognized as a separate legal entity for purposes of transfer of title.

(44) **Lot building coverage.** That portion of the lot that is, or may be, covered by buildings and accessory buildings.

19 (45) **Lot depth.** The distance measured from the front lot line to the rear lot line. For lots
20 where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

(46) **Lot frontage.** That portion of a lot abutting a street. A zoning ordinance shall specify how noncontiguous frontage will be considered with regard to minimum frontage requirements.

23 (47) **Lot line.** A line of record, bounding a lot, that divides one lot from another lot or from
24 a public or private street or any other public or private space and shall include:

25 (i) Front: the lot line separating a lot from a street right-of-way. A zoning ordinance shall
26 specify the method to be used to determine the front lot line on lots fronting on more than one
27 street, for example, corner and through lots;

28 (ii) Rear: the lot line opposite and most distant from the front lot line, or in the case of
29 triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length
30 entirely within the lot, parallel to and at a maximum distance from, the front lot line; and

(iii) Side: any lot line other than a front or rear lot line. On a corner lot, a side lot line may be a street lot line, depending on requirements of the local zoning ordinance.

(48) **Lot size, minimum.** Shall have the same meaning as "minimum lot area" defined herein.

(50) **Lot width.** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

18 (52) **Mere inconvenience.** See § 45-24-41.

19 (53) **Mixed use.** A mixture of land uses within a single development, building, or tract.

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

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

31 (ii) Nonconforming by dimension: a building, structure, or parcel of land not in compliance
32 with the dimensional regulations of the zoning ordinance. Dimensional regulations include all
33 regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building
34 or structure containing more dwelling units than are permitted by the use regulations of a zoning

1 ordinance is nonconforming by use; a building or structure containing a permitted number of
2 dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per
3 dwelling unit regulations, is nonconforming by dimension.

4 (56) **Overlay district.** A district established in a zoning ordinance that is superimposed on
5 one or more districts or parts of districts. The standards and requirements associated with an overlay
6 district may be more or less restrictive than those in the underlying districts consistent with other
7 applicable state and federal laws.

8 (57) **Performance standards.** A set of criteria or limits relating to elements that a
9 particular use or process must either meet or may not exceed.

10 (58) **Permitted use.** A use by right that is specifically authorized in a particular zoning
11 district.

12 (59) **Planned development.** A “land development project,” as defined in subsection (39),
13 and developed according to plan as a single entity and containing one or more structures or uses
14 with appurtenant common areas.

15 (60) **Plant agriculture.** The growing of plants for food or fiber, to sell or consume.

16 (61) **Preapplication conference.** A review meeting of a proposed development held
17 between applicants and reviewing agencies as permitted by law and municipal ordinance, before
18 formal submission of an application for a permit or for development approval.

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

22 (63) **Site plan.** The development plan for one or more lots on which is shown the existing
23 and/or the proposed conditions of the lot.

24 (64) **Slope of land.** The grade, pitch, rise, or incline of the topographic landform or surface
25 of the ground.

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

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

31 (67) **Substandard lot of record.** Any lot lawfully existing at the time of adoption or
32 amendment of a zoning ordinance and not in conformance with the dimensional or area provisions
33 of that ordinance.

34 (68) **Use.** The purpose or activity for which land or buildings are designed, arranged, or

1 intended, or for which land or buildings are occupied or maintained.

2 (69) **Variance.** Permission to depart from the literal requirements of a zoning ordinance.

3 An authorization for the construction or maintenance of a building or structure, or for the
4 establishment or maintenance of a use of land, that is prohibited by a zoning ordinance. There are
5 only two (2) categories of variance, a use variance or a dimensional variance.

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

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

12 (70) **Waters.** As defined in § 46-12-1(23).

13 (71) **Wetland, coastal.** As defined in § 45-22.2-4.

14 (72) **Wetland, freshwater.** As defined in § 2-1-20.

15 (73) **Zoning certificate.** A document signed by the zoning enforcement officer, as required
16 in the zoning ordinance, that acknowledges that a use, structure, building, or lot either complies
17 with, or is legally nonconforming to, the provisions of the municipal zoning ordinance or is an
18 authorized variance or modification therefrom.

19 (74) **Zoning map.** The map, or maps, that are a part of the zoning ordinance and that
20 delineate the boundaries of all mapped zoning districts within the physical boundary of the city or
21 town.

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

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

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

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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 amend the definition of a "household" in the "zoning ordinances" chapter
- 2 to clarify that the maximum number of unrelated persons living together may be set by local
- 3 ordinance; however, the maximum shall not be less than one person per bedroom, but may be
- 4 limited to one person per bedroom up to a five (5) bedroom unit. Units with more than five (5)
- 5 bedrooms may be limited to five (5) unrelated persons per unit.
- 6 This act would take effect upon passage.

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