

2026 -- S 2907

LC005536

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: Senators Gu, Bissaillon, Burke, Mack, and Kallman

Date Introduced: March 04, 2026

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 45-24-33, 45-24-38 and 45-24-73 of the General Laws in Chapter
2 45-24 entitled "Zoning Ordinances" are 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 [\(as defined in the state
14 building and fire codes\)](#) and lot line. Such units shall be allowed in zoning districts of the city or
15 town, as set forth in § 45-24-37(j), provided that:

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

18 (ii) The zoning ordinance shall allow each [attached](#) single-family [dwelling](#) unit to be
19 located on its own lot [through the subdivision of an existing property, at permitted levels of density,](#)
20 [and](#) without ~~increased~~ [specific](#) requirements for [maximum building lot coverage or](#) minimum lot
21 size, lot width, lot frontage, or lot depth ~~and~~ [for the individual lots, resulting from subdivision.](#)
22 [Other local regulations adopted pursuant to § 45-23-26, shall remain applicable to the development.](#)
23 [The zoning ordinance](#) shall [further](#) allow for a zero-lot line setback along the common property line
24 [between attached single-family dwelling units](#) to accommodate the subdivision for these units;
25 provided that, the unit(s) comply with requirements for building and fire codes; and

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

30 (iv) Cities and towns may establish additional standards for such units; provided that, such
31 standards do not restrict a dwelling unit’s floor area ratio to less than one, limit the bedrooms to
32 less than three (3), or require more than one off-street parking space for up to two (2) bedrooms,
33 and two (2) off-street parking spaces for up to three (3) bedrooms; and

34 (27) Providing for residential use options that are not limited to single-family detached

1 structures, in areas which have available public water and sewer capacity in municipalities in which
2 at least part of the area is located within the urban services boundary which is identified on Rhode
3 Island statewide planning program's future land use map tools and on the Rhode Island geographic
4 information system.

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

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

9 (i) Increased open space;

10 (ii) Increased housing choices;

11 (iii) Traffic and pedestrian improvements;

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

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

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

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

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

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

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

28 **45-24-38. General provisions — Substandard lots of record.**

29 (a) Any city or town adopting or amending a zoning ordinance under this chapter shall
30 regulate the development of any single substandard lot of record or contiguous lots of record at the
31 effective date of adoption or amendment of the zoning ordinance.

32 (b) Notwithstanding the failure of that lot or those lots to meet the dimensional and/or
33 quantitative requirements, and/or road frontage or other access requirements, applicable in the
34 district as stated in the ordinance, a substandard lot of record shall not be required to seek any

1 zoning relief based solely on the failure to meet minimum requirements for lot size, lot frontage,
2 lot width, or lot depth of the district in which such lot is located. For any structure proposed under
3 this section on a substandard lot of record, the following dimensional regulations shall apply:

4 (1) Minimum building setbacks, lot frontage, and lot width requirements for a lot that is
5 nonconforming in area shall be reduced by the same proportion that the area of such substandard
6 lot meets the minimum lot area of the district in which the lot is located. By way of example, if the
7 lot area of a substandard lot only meets forty percent (40%) of the minimum lot area required in
8 the district in which it is located, the setbacks, lot frontage, and lot width shall each be reduced to
9 forty percent (40%) of the requirements for those dimensional standards in the same district.
10 However, to the extent the city or town has a zoning district in which the lot would be conforming
11 as to size, the city or town may require compliance with the building setback, lot frontage, and lot
12 width requirements for said zoning district if such requirement is in the local zoning ordinance.

13 (2) Maximum lot building coverage for lots that are nonconforming in area shall be
14 increased by the inverse proportion that the area of such substandard lot meets the minimum area
15 requirements in the district in which the lot is located. By way of example, if the lot area of a
16 substandard lot only meets forty percent (40%) of the required minimum lot area, the maximum lot
17 building coverage is allowed to increase by sixty percent (60%) over the maximum permitted lot
18 building coverage in that district.

19 All proposals exceeding such reduced requirement shall proceed with a modification
20 request under § 45-24-46 or a dimensional variance request under § 45-24-41, whichever is
21 applicable.

22 (c) Except as set forth otherwise in this chapter and in chapter 23 of this title, provisions
23 may be made for the merger of contiguous unimproved, or improved and unimproved, substandard
24 lots of record in the same ownership to create dimensionally conforming lots or to reduce the extent
25 of dimensional nonconformance. The ordinance shall specify the standards, on a district by district
26 basis, which determine the mergers. The standards shall include, but are not to be limited to, the
27 availability of infrastructure, the character of the neighborhood, and the consistency with the
28 comprehensive plan. The merger of lots shall not be required when the substandard lot of record
29 has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred
30 feet (200') of the subject lot, as confirmed by a compilation plan signed by a professional land
31 surveyor as such term is defined by the rules and regulations for professional land surveying.

32 (d) Any single substandard lot of record with more than one principal dwelling building
33 shall, at the request of the property owner, be a minor subdivision under § 45-23-38, such that as
34 much as each principal dwelling building stands as its own lot. No affirmative findings, beyond the

1 requirements of this section shall be required. Whenever such a subdivision is proposed, the
2 resulting dimensions shall be considered a reduction in nonconformity and shall not require zoning
3 relief. The municipality's administrative officer may require the subdivision to occur in a manner
4 to minimize nonconformance, but shall not otherwise condition the subdivision. The zoning
5 ordinance shall provide for the continuation of any use or structure lawfully existing at the time of
6 the subdivision; however, no additional zoning rights shall vest, by virtue of the approval and
7 recording of the administrative subdivision and the resulting lots shall not be eligible to add an
8 accessory dwelling unit under § 45-24-73.

9 **45-24-73. Design standards required for accessory dwelling units — Consistent**
10 **statewide treatment of accessory dwelling units required.**

11 (a) Pursuant to § 45-24-37, one accessory dwelling unit (ADU) per lot shall be allowed by
12 right under the following circumstances:

13 (1) On an owner-occupied property as a reasonable accommodation for family members
14 with disabilities; or

15 (2) On a lot with a total lot area of ~~twenty thousand square feet (20,000 sq. ft.)~~ ten thousand
16 square feet (10,000 sq. ft.) or more for which the primary use is residential; or

17 (3) Where the proposed ADU is located within the existing footprint of the primary
18 structure or the existing footprint of an accessory attached or detached structure that has lawfully
19 existed at least three (3) years prior to the submission of the ADU application, and that the proposed
20 ADU does not expand the footprint of the existing structure.

21 (b) **Uniform standards.**

22 (1) A municipality may establish a maximum unit size regulations for ~~an ADU~~ ADUs ~~but~~
23 ~~such limitation must allow;~~ provided that, such regulations shall allow an ADU permitted, pursuant
24 to subsection (a) of this section to be sized as follows, subject to applicable dimensional
25 requirements:

26 (i) ~~A~~ For a studio or one bedroom ADU ~~of at least, up to~~ up to nine hundred square feet (900 sq.
27 ft), or sixty percent (60%) of the gross floor area of the principal dwelling, whichever is less; and

28 (ii) ~~A two-bedroom (2) ADU, of at least~~ For an ADU with two (2) bedrooms or more, up
29 to twelve hundred square feet (1,200 sq. ft.), or sixty percent (60%) of the gross floor area of the
30 principal dwelling, whichever is less. For the purposes of this section, “gross floor area” has the
31 same meaning as set forth in chapter 27.3 of title 23 (“state building code”).

32 (2) For all ADU applications, a municipality shall not:

33 (i) Restrict tenants based on familial relationships or age unless such restriction is necessary
34 to comply with the terms of the federal subsidy related to affordability;

- 1 (ii) Charge application or permitting fees for the creation of an ADU that exceed those that
2 would be charged for a new single-family dwelling;
- 3 (iii) Require infrastructure improvements in connection with the ADU, including, but not
4 limited to, separate water or sewer service lines or expanded septic system capacity unless such
5 improvements and/or modifications are required by an applicable state agency for compliance
6 under state law or regulation, or to comply with building code requirements, or to address capacity
7 or upgrades necessary to accommodate the ADU;
- 8 (iv) Discriminate against populations protected under state and federal fair housing laws;
- 9 (v) Impose dimensional requirements or other development standards on ADUs that in any
10 instance exceed the requirements for an accessory structure in the same zoning district;
- 11 (vi) Require additional lot area, lot frontage, or lot width for conforming lots or legal
12 nonconforming lots of record solely to accommodate an ADU;
- 13 (vii) Require zoning relief for ADU applications proposed within an existing footprint of
14 the primary or accessory structure which is a legal nonconforming structure in order to address the
15 existing dimensional nonconformity;
- 16 (viii) Require more than one off-street parking space per bedroom of the ADU;
- 17 (ix) Limit ADUs to lots with preexisting dwellings, or otherwise prohibit ADUs as part of
18 applications for new primary dwelling units or subdivisions;
- 19 (x) Prohibit an ADU that otherwise complies with this chapter and applicable dimensional
20 regulations from having up to two (2) bedrooms;
- 21 (xi) Require an ADU to be exclusively occupied by a household that is low- or moderate-
22 income or less as defined by § 42-128-8.1, unless such ADU is part of an inclusionary zoning or
23 comprehensive permit application; or
- 24 (xii) Revoke the permitted status or otherwise require the disassembly of a legally
25 established ADU upon transfer of title or occupancy.
- 26 (3) An application for an ADU that is not allowed by right under this section, shall not, by
27 itself, be reviewed as a minor land development or major land development project.
- 28 (4) A municipality shall allow ADUs as part of applications for new primary dwelling units
29 or subdivisions. For proposed ADUs that are part of a larger development proposal, a municipality
30 shall not count such ADUs toward density of the proposal for purposes of limiting the number of
31 dwelling units allowed in such development proposal.
- 32 (i) Municipalities may utilize a unified development review process for any application
33 that includes ADUs, regardless of whether a city or town has opted into the current unified
34 development review statute.

1 (5) As part of the approval process, municipalities may exempt ADUs from all or part of
2 utility assessment and/or tie in fees.

3 (6) Private restrictions on ADUs imposed by condominium associations, homeowner
4 associations, or similar residential property governing bodies, which conflict with the provisions
5 of this section or the definition of an ADU as set forth in § 45-24-31, shall be void as against public
6 policy. Provided, however, if ADUs are allowed by condominium association covenants,
7 homeowner association covenants, or similar residential property governing bodies, they shall be
8 deemed in compliance with this subsection.

9 (7) The development of ADUs shall not be restricted by any locally adopted ordinance or
10 policy that places a limit or moratorium on the development of residential units in land zoned for
11 residential use.

12 (8) ADUs shall not be offered or rented for tourist or transient use or through a hosting
13 platform, as such terms are defined in § 42-63.1-2.

14 (c) Nothing in this section shall be construed to restrict a municipality's right, within state
15 and local regulations, to require a year-round occupancy restriction in connection with an ADU,
16 offered for rental occupancy. Such a restriction shall not be subject to the thirty (30) year limitation
17 on restricted covenants provided for in § 34-4-21 and shall be enforceable in the same manner, that
18 a housing restriction is enforceable under § 34-39.1-4.

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

=====
LC005536
=====

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

1 This act would clarify the means by which attached single-family dwelling units may be
2 created, recorded, and regulated as subdivisions of an existing lot under current zoning ordinance
3 law. This act would allow owners of a substandard lot of record with more than one dwelling, to
4 subdivide the lot such that each dwelling is treated as on its own lot. This act would also expand
5 the circumstances in which an accessory dwelling is treated as its own lot. This act would further
6 expand the circumstances in which an accessory dwelling unit (ADU) may be allowed by right,
7 clarify the extent to which local authorities can set the maximum size of ADUs, in relation to the
8 gross area of the principal dwelling, and ensure the right of municipalities to require year-round
9 occupancy for such units.

10 This act would take effect upon passage.

=====
LC005536
=====