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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 -- ZONING  
ORDINANCES

Introduced By: Senators Kallman, Thompson, Zurier, Mack, DiPalma, Murray,  
Bissaillon, DiMario, and Bell

Date Introduced: February 26, 2025

Referred To: Senate Housing & Municipal Government

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 [except subject to subsection \(g\) of this section.](#)

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"

1 as set forth under § 45-23-60(a)(4); and nothing herein permits the disturbance of wetlands or  
2 wetland buffers or otherwise alters the provisions of the freshwater wetlands act, § 2-1-18 et seq.

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

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

12 (g) Local regulations shall be modified as needed to meet the purposes of § 45-24-78  
13 concerning attached single-family dwellings including, but not limited to, updated physical design  
14 requirements concerning minimum lot size, lot width, lot frontage, lot depth requirements, setbacks  
15 and street access.

16 (1) In a land development project consisting of attached single-family dwellings, individual  
17 lots shall not be required to provide permanent physical access to a public street, regardless of lot  
18 frontage; provided that, the development as a whole, shall provide adequate permanent physical  
19 access to a public street consistent with local regulations.

20 SECTION 2. Sections 45-24-31 and 45-24-37 of the General Laws in Chapter 45-24  
21 entitled "Zoning Ordinances" are hereby amended to read as follows:

22 **45-24-31. Definitions.**

23 Where words or terms used in this chapter are defined in § 45-22.2-4 or § 45-23-32, they  
24 have the meanings stated in that section. In addition, the following words have the following  
25 meanings. Additional words and phrases may be used in developing local ordinances under this  
26 chapter; however, the words and phrases defined in this section are controlling in all local  
27 ordinances created under this chapter:

28 (1) Abutter. One whose property abuts, that is, adjoins at a border, boundary, or point with  
29 no intervening land.

30 (2) Accessory dwelling unit (ADU). A residential living unit on the same lot where the  
31 principal use is a legally established single-family dwelling unit or multi-family dwelling unit. An  
32 ADU provides complete independent living facilities for one or more persons. It may take various  
33 forms including, but not limited to: a detached unit; a unit that is part of an accessory structure,  
34 such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

1 (3) Accessory use. A use of land or of a building, or portion thereof, customarily incidental  
2 and subordinate to the principal use of the land or building. An accessory use may be restricted to  
3 the same lot as the principal use. An accessory use shall not be permitted without the principal use  
4 to which it is related.

5 (4) Adaptive reuse. "Adaptive reuse," as defined in § 42-64.22-2.

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

7 (i) Any person, or persons, or entity, or entities, who or that can demonstrate that his, her,  
8 or its property will be injured by a decision of any officer or agency responsible for administering  
9 the zoning ordinance of a city or town; or

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

11 (6) Agricultural land. "Agricultural land," as defined in § 45-22.2-4.

12 (7) Airport hazard area. "Airport hazard area," as defined in § 1-3-2.

13 (8) Applicant. An owner, or authorized agent of the owner, submitting an application or  
14 appealing an action of any official, board, or agency.

15 (9) Application. The completed form, or forms, and all accompanying documents, exhibits,  
16 and fees required of an applicant by an approving authority for development review, approval, or  
17 permitting purposes.

18 (10) Buffer. Land that is maintained in either a natural or landscaped state, and is used to  
19 screen or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

20 (11) Building. Any structure used or intended for supporting or sheltering any use or  
21 occupancy.

22 (12) Building envelope. The three-dimensional space within which a structure is permitted  
23 to be built on a lot and that is defined by regulations governing building setbacks, maximum height,  
24 and bulk; by other regulations; or by any combination thereof.

25 (13) Building height. For a vacant parcel of land, building height shall be measured from  
26 the average, existing-grade elevation where the foundation of the structure is proposed. For an  
27 existing structure, building height shall be measured from average grade taken from the outermost  
28 four (4) corners of the existing foundation. In all cases, building height shall be measured to the top  
29 of the highest point of the existing or proposed roof or structure. This distance shall exclude spires,  
30 chimneys, flag poles, and the like. For any property or structure located in a special flood hazard  
31 area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the  
32 Rhode Island coastal resources management council (CRMC) suggested design elevation three foot  
33 (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100)  
34 storm, the greater of the following amounts, expressed in feet, shall be excluded from the building

1 height calculation:

2 (i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or  
3 proposed freeboard, less the average existing grade elevation; or

4 (ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a  
5 one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate  
6 the appropriate suggested design elevation map for the exclusion every ten (10) years, or as  
7 otherwise necessary.

8 (14) Cluster. A site-planning technique that concentrates buildings in specific areas on the  
9 site to allow the remaining land to be used for recreation, common open space, and/or preservation  
10 of environmentally, historically, culturally, or other sensitive features and/or structures. The  
11 techniques used to concentrate buildings shall be specified in the ordinance and may include, but  
12 are not limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the  
13 resultant open land being devoted by deed restrictions for one or more uses. Under cluster  
14 development, there is no increase in the number of lots that would be permitted under conventional  
15 development except where ordinance provisions include incentive bonuses for certain types or  
16 conditions of development.

17 (15) Common ownership. Either:

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

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

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

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

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

32 (iii) A residence for children providing care or supervision, or both, to not more than eight  
33 (8) children, including those of the caregiver, and licensed by the state pursuant to chapter 72.1 of  
34 title 42;

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

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

11 (18) Day care — Daycare center. Any other daycare center that is not a family daycare  
12 home.

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

17 (20) Density, residential. The number of dwelling units per unit of land.

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

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

22 (23) District. See "zoning use district."

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

27 (25) Dwelling, attached single-family. A dwelling unit located within a residential structure  
28 containing two (2) or more dwelling units arranged side-by-side and attached by a party wall at the  
29 lot line, but with each dwelling located on a separate lot. This type of dwelling unit may also be  
30 referred to as a townhouse or rowhouse.

31 ~~(25)~~(26) Dwelling unit. A structure, or portion of a structure, providing complete,  
32 independent living facilities for one or more persons, including permanent provisions for living,  
33 sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

34 ~~(26)~~(27) Extractive industry. The extraction of minerals, including: solids, such as coal and

1 ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes  
2 quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other  
3 preparation customarily done at the extraction site or as a part of the extractive activity.

4 ~~(27)~~(28) Family member. A person, or persons, related by blood, marriage, or other legal  
5 means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law,  
6 grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

7 ~~(28)~~(29) Floating zone. An unmapped zoning district adopted within the ordinance that is  
8 established on the zoning map only when an application for development, meeting the zone  
9 requirements, is approved.

10 ~~(29)~~(30) Floodplains, or Flood hazard area. As defined in § 45-22.2-4.

11 ~~(30)~~(31) Freeboard. A factor of safety expressed in feet above the base flood elevation of  
12 a flood hazard area for purposes of floodplain management. Freeboard compensates for the many  
13 unknown factors that could contribute to flood heights, such as wave action, bridge openings, and  
14 the hydrological effect of urbanization of the watershed.

15 ~~(31)~~(32) Groundwater. “Groundwater” and associated terms, as defined in § 46-13.1-3.

16 ~~(32)~~(33) Halfway house. A residential facility for adults or children who have been  
17 institutionalized for criminal conduct and who require a group setting to facilitate the transition to  
18 a functional member of society.

19 ~~(33)~~(34) Hardship. See § 45-24-41.

20 ~~(34)~~(35) Historic district or historic site. As defined in § 45-22.2-4.

21 ~~(35)~~(36) Home occupation. Any activity customarily carried out for gain by a resident,  
22 conducted as an accessory use in the resident’s dwelling unit.

23 ~~(36)~~(37) Household. One or more persons living together in a single-dwelling unit, with  
24 common access to, and common use of, all living and eating areas and all areas and facilities for  
25 the preparation and storage of food within the dwelling unit. The term “household unit” is  
26 synonymous with the term “dwelling unit” for determining the number of units allowed within any  
27 structure on any lot in a zoning district. An individual household shall consist of any one of the  
28 following:

29 (i) A family, which may also include servants and employees living with the family; or

30 (ii) A person or group of unrelated persons living together. The maximum number may be  
31 set by local ordinance, but this maximum shall not be less than one person per bedroom and shall  
32 not exceed five (5) unrelated persons per dwelling. The maximum number shall not apply to  
33 NARR-certified recovery residences.

34 ~~(37)~~(38) Incentive zoning. The process whereby the local authority may grant additional

1 development capacity in exchange for the developer’s provision of a public benefit or amenity as  
2 specified in local ordinances.

3 ~~(38)~~(39) Infrastructure. Facilities and services needed to sustain residential, commercial,  
4 industrial, institutional, and other activities.

5 ~~(39)~~(40) Land development project. As defined in § 45-23-32.

6 ~~(40)~~(41) Lot. Either:

7 (i) The basic development unit for determination of lot area, depth, and other dimensional  
8 regulations; or

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

12 ~~(41)~~(42) Lot area. The total area within the boundaries of a lot, excluding any street right-  
13 of-way, usually reported in acres or square feet.

14 ~~(42)~~(43) Lot area, minimum. The smallest land area established by the local zoning  
15 ordinance upon which a use, building, or structure may be located in a particular zoning district.

16 ~~(43)~~(44) Lot building coverage. That portion of the lot that is, or may be, covered by  
17 buildings and accessory buildings.

18 ~~(44)~~(45) Lot depth. The distance measured from the front lot line to the rear lot line. For  
19 lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

20 ~~(45)~~(46) Lot frontage. That portion of a lot abutting a street. A zoning ordinance shall  
21 specify how noncontiguous frontage will be considered with regard to minimum frontage  
22 requirements.

23 ~~(46)~~(47) Lot line. A line of record, bounding a lot, that divides one lot from another lot or  
24 from 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

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

33 ~~(47)~~(48) Lot size, minimum. Shall have the same meaning as “minimum lot area” defined  
34 herein.

1           ~~(48)~~(49) Lot, through. A lot that fronts upon two (2) parallel streets, or that fronts upon two  
2 (2) streets that do not intersect at the boundaries of the lot.

3           ~~(49)~~(50) Lot width. The horizontal distance between the side lines of a lot measured at right  
4 angles to its depth along a straight line parallel to the front lot line at the minimum front setback  
5 line.

6           ~~(50)~~(51) Manufactured home. As used in this section, a manufactured home shall have the  
7 same definition as in 42 U.S.C. § 5402, meaning a structure, transportable in one or more sections,  
8 which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more  
9 in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is  
10 built on a permanent chassis and designed to be used as a dwelling with a permanent foundation  
11 connected to the required utilities, and includes the plumbing, heating, air-conditioning, and  
12 electrical systems contained therein; except that such term shall include any structure that meets  
13 all the requirements of this definition except the size requirements and with respect to which the  
14 manufacturer voluntarily files a certification required by the United States Secretary of Housing  
15 and Urban Development and complies with the standards established under chapter 70 of Title 42  
16 of the United States Code; and except that such term shall not include any self-propelled  
17 recreational vehicle.

18           ~~(51)~~(52) Mere inconvenience. See § 45-24-41.

19           ~~(52)~~(53) Mixed use. A mixture of land uses within a single development, building, or tract.

20           ~~(53)~~(54) Modification. Permission granted and administered by the zoning enforcement  
21 officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional  
22 variance other than lot area requirements from the zoning ordinance to a limited degree as  
23 determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%)  
24 of each of the applicable dimensional requirements.

25           ~~(54)~~(55) Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully  
26 existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with  
27 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 ~~(55)~~(56) Overlay district. A district established in a zoning ordinance that is superimposed  
5 on one or more districts or parts of districts. The standards and requirements associated with an  
6 overlay district may be more or less restrictive than those in the underlying districts consistent with  
7 other applicable state and federal laws.

8 ~~(56)~~(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 ~~(57)~~(58) Permitted use. A use by right that is specifically authorized in a particular zoning  
11 district.

12 ~~(58)~~(59) Planned development. A “land development project,” as defined in subsection  
13 (39), and developed according to plan as a single entity and containing one or more structures or  
14 uses with appurtenant common areas.

15 ~~(59)~~(60) Plant agriculture. The growing of plants for food or fiber, to sell or consume.

16 ~~(60)~~(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 ~~(61)~~(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 ~~(62)~~(63) Site plan. The development plan for one or more lots on which is shown the  
23 existing and/or the proposed conditions of the lot.

24 ~~(63)~~(64) Slope of land. The grade, pitch, rise, or incline of the topographic landform or  
25 surface of the ground.

26 ~~(64)~~(65) Special use. A regulated use that is permitted pursuant to the special-use permit  
27 issued by the authorized governmental entity, pursuant to § 45-24-42. Formerly referred to as a  
28 special exception.

29 ~~(65)~~(66) Structure. A combination of materials to form a construction for use, occupancy,  
30 or ornamentation, whether installed on, above, or below the surface of land or water.

31 ~~(66)~~(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 ~~(67)~~(68) Use. The purpose or activity for which land or buildings are designed, arranged,

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

2 ~~(68)~~(69) Variance. Permission to depart from the literal requirements of a zoning  
3 ordinance. An authorization for the construction or maintenance of a building or structure, or for  
4 the establishment or maintenance of a use of land, that is prohibited by a zoning ordinance. There  
5 are 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 ~~(69)~~(70) Waters. As defined in § 46-12-1(23).

13 ~~(70)~~(71) Wetland, coastal. As defined in § 45-22.2-4.

14 ~~(71)~~(72) Wetland, freshwater. As defined in § 2-1-20.

15 ~~(72)~~(73) Zoning certificate. A document signed by the zoning enforcement officer, as  
16 required in the zoning ordinance, that acknowledges that a use, structure, building, or lot either  
17 complies with, or is legally nonconforming to, the provisions of the municipal zoning ordinance or  
18 is an authorized variance or modification therefrom.

19 ~~(73)~~(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 ~~(74)~~(75) Zoning ordinance. An ordinance enacted by the legislative body of the city or  
23 town pursuant to this chapter and in the manner providing for the adoption of ordinances in the city  
24 or town's legislative or home rule charter, if any, that establish regulations and standards relating  
25 to the nature and extent of uses of land and structures; that is consistent with the comprehensive  
26 plan 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 ~~(75)~~(76) Zoning use district. The basic unit in zoning, either mapped or unmapped, to  
29 which a uniform set of regulations applies, or a uniform set of regulations for a specified use.  
30 Zoning use districts include, but are not limited to: agricultural, commercial, industrial,  
31 institutional, open space, and residential. Each district may include sub-districts. Districts may be  
32 combined.

33 **45-24-37. General provisions — Permitted uses.**

34 (a) The zoning ordinance shall provide a listing of all land uses and/or performance

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

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

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

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

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

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

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

32 (g) Notwithstanding any other provisions of this chapter, plant agriculture is a permitted  
33 use within all zoning districts of a municipality, including all industrial and commercial zoning  
34 districts, except where prohibited for public health or safety reasons or the protection of wildlife

1 habitat.

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

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

12 (2) **Density.**

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

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

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

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

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

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

32 (4) For adaptive reuse projects, notwithstanding any other provisions of this chapter, the  
33 height of the existing structure, if it exceeds the maximum height of the zoning district, may remain  
34 and shall be considered legal nonconforming, and any rooftop construction shall be included within

1 the height exemption.

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

6 (j) Notwithstanding any other provision of this chapter, an attached single-family dwelling  
7 that meets the requirements of § 45-24-78 shall be a permitted use in all residential zoning districts  
8 according to the conditions set forth therein.

9 (1) Each city or town shall amend its zoning ordinances to conform to subsection (j) of this  
10 section within six (6) months of the department of housing publishing model ordinance language  
11 pursuant to § 45-24-78(b). In the event that a city or town fails to timely amend its zoning  
12 ordinances, attached single-family dwellings shall be permitted in the residential zoning districts  
13 of the city or town according to the terms of the model ordinance language.

14 SECTION 3. Chapter 45-24 of the General Laws entitled "Zoning Ordinances" is hereby  
15 amended by adding thereto the following section:

16 **45-24-78. Attached single-family dwellings.**

17 (a) Pursuant to § 45-24-37, attached single-family dwellings shall be allowed by right in  
18 residential zoning districts under the following circumstances:

19 (1) The parcel to be developed has access to public sewer and water service or has access  
20 to adequate private water, such as a well and/or wastewater treatment system(s) approved by the  
21 relevant state agency.

22 (2) The residential density of the development does not exceed the greater of:

23 (i) The maximum density permitted by the comprehensive plan of the city or town for the  
24 area in which the parcel is located, irrespective of zoned density; or

25 (ii) The total number of units permitted to be developed on the parcel by local ordinance.  
26 If the foregoing criteria are satisfied, each attached single-family dwelling shall be entitled to its  
27 own parcel through subdivision regardless of any base zone standards concerning minimum lot  
28 size, lot width, lot frontage, or lot depth.

29 (3) Any base zone standards concerning setbacks shall apply relative to the external  
30 boundary of a row of attached single-family dwellings rather than to each individual parcel. Any  
31 standards concerning permeable surface or lot building coverage shall apply to individual parcels  
32 in the form of a percentage, calculated according to what the base zone permits by right for detached  
33 single-family dwellings. All other dimensional standards of the base zone shall apply.

34 (4) Cities and towns may establish additional development standards for attached single-

1 family dwellings in local ordinance; provided that, such standards shall not restrict a dwelling to  
2 less than three (3) stories, restrict its floor area ratio to less than one, or require more than one off-  
3 street parking space. The off-street parking, lot access, or other amenities for an attached single-  
4 family dwelling may be provided off-site through a homeowners' association or other form of  
5 common ownership arrangement.

6 (b) To alleviate administrative burdens for cities and towns, the department of housing  
7 shall issue a guidance document setting forth model ordinance language on attached single-family  
8 dwellings within three (3) months from the effective date of this section.

9 (c) An attached single-family dwelling authorized under this section shall be considered to  
10 have satisfied the positive findings required under § 45-23-60(a)(1) and (a)(3).

11 SECTION 4. 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 -- SUBDIVISION OF LAND -- ZONING  
ORDINANCES

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1           This act would require cities and towns to permit attached single-family dwellings in any  
2 residential zoning districts and each such dwelling would be entitled to its own parcel thorough  
3 subdivision regardless of any base zone standards concerning minimum lot size, lot width, lot  
4 frontage or lot depth. It would also require each city and town to amend its zoning ordinances  
5 pursuant to model ordinance language drafted by the department of housing.

6           This act would take effect upon passage.

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