

2025 -- H 5949

LC002052

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCE

Introduced By: Representative June Speakman

Date Introduced: February 28, 2025

Referred To: House Municipal Government & Housing

(Lieutenant Governor)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24-30 of the General Laws in Chapter 45-24 entitled "Zoning
2 Ordinances" is hereby amended to read as follows:

3 **45-24-30. General purposes of zoning ordinances.**

4 (a) Zoning regulations shall be developed and maintained in accordance with a
5 comprehensive plan prepared, adopted, and as may be amended, in accordance with chapter 22.2
6 of this title and shall be designed to address the following purposes. The general assembly
7 recognizes these purposes, each with equal priority and numbered for reference purposes only.

8 (1) Promoting the public health, safety, and general welfare.

9 (2) Providing for a range of uses and intensities of use appropriate to the character of the
10 city or town and reflecting current and expected future needs.

11 (3) Providing for orderly growth and development that recognizes:

12 (i) The goals and patterns of land use contained in the comprehensive plan of the city or
13 town adopted pursuant to chapter 22.2 of this title;

14 (ii) The natural characteristics of the land, including its suitability for use based on soil
15 characteristics, topography, and susceptibility to surface or groundwater pollution;

16 (iii) The values and dynamic nature of coastal and freshwater ponds, the shoreline, and
17 freshwater and coastal wetlands;

18 (iv) The values of unique or valuable natural resources and features;

19 (v) The availability and capacity of existing and planned public and/or private services and

1 facilities;

2 (vi) The need to shape and balance urban and rural development; and

3 (vii) The use of innovative development regulations and techniques.

4 (4) Providing for the control, protection, and/or abatement of air, water, groundwater, and
5 noise pollution, and soil erosion and sedimentation.

6 (5) Providing for the protection of the natural, historic, cultural, and scenic character of the
7 city or town or areas in the municipality.

8 (6) Providing for the preservation and promotion of agricultural production, forest,
9 silviculture, aquaculture, timber resources, and open space.

10 (7) Providing for the protection of public investment in transportation, water, stormwater
11 management systems, sewage treatment and disposal, solid waste treatment and disposal, schools,
12 recreation, public facilities, open space, and other public requirements.

13 (8) Promoting a balance of housing choices, for all income levels and groups, to assure the
14 health, safety, and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary
15 housing.

16 (9) Providing opportunities for the establishment of low- and moderate-income housing.

17 (10) Promoting safety from fire, flood, and other natural or unnatural disasters.

18 (11) Promoting a high level of quality in design in the development of private and public
19 facilities.

20 (12) Promoting implementation of the comprehensive plan of the city or town adopted
21 pursuant to chapter 22.2 of this title.

22 (13) Providing for coordination of land uses with contiguous municipalities, other
23 municipalities, the state, and other agencies, as appropriate, especially with regard to resources and
24 facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

25 (14) Providing for efficient review of development proposals, to clarify and expedite the
26 zoning approval process.

27 (15) Providing for procedures for the administration of the zoning ordinance, including,
28 but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

29 (16) Providing opportunities for reasonable accommodations in order to comply with the
30 Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing
31 Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act,
32 chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101
33 et seq.

34 [\(17\) The duty to affirmatively further fair housing extends to all public agencies' activities](#)

1 and programs relating to housing and community development. Zoning codes shall be consistent
2 with the values of affirmatively furthering fair housing, and shall meet the housing needs of
3 including, but not limited to, the following:

4 (i) Providing for older Rhode Islanders, such as senior citizens, in addition to their families
5 and caretakers, in finding appropriate, accessible housing affordable at their income level;

6 (ii) Providing for workers and their families, in finding appropriate, accessible housing
7 affordable at their income level;

8 (iii) Providing for students, dormitory, and student housing and other residential options;

9 (iv) Providing for market rate, moderate-income, low-income, and very-low-income
10 households, including rentals and homeownership units;

11 (v) Providing for persons with disabilities, in addition to their families and caretakers, in
12 finding appropriate, accessible housing affordable at their income level;

13 (vi) Providing for individuals and families facing homelessness in finding permanent
14 housing, single-room occupancy units, transitional housing, and shelters;

15 (vii) Providing for active servicemembers and veterans, in addition to their families and
16 caretakers, in finding appropriate, accessible housing affordable at their income level; and

17 (viii) Providing for individuals from protected statuses as referenced in § 34-37-2 who have
18 historically faced discrimination and barriers to accessing appropriate, accessible housing
19 affordable at their income level based on their race, color, national origin, religion, sex, sexual
20 orientation, gender, gender identity or expression.

21 Provided, however, that any zoning ordinance in which a community sets forth standards
22 or requirements for the location, design, construction, or maintenance of on-site wastewater
23 treatment systems shall first be submitted to the director of the department of environmental
24 management for approval as to the technical merits of the ordinance. In addition, any zoning
25 ordinance in which a municipality sets forth standards regarding wetland requirements, shall first
26 be submitted to the director of the department of environmental management for approval as to the
27 technical merits of the ordinance.

28 (b) Upon the effective date of this section, a city or town shall no longer be authorized to
29 adopt as a provision of its zoning ordinance new requirements that specify buffers or setbacks in
30 relation to freshwater wetland, freshwater wetland in the vicinity of the coast, or coastal wetland or
31 that specify setback distances between an onsite wastewater treatment system and a freshwater
32 wetlands, freshwater wetland in the vicinity of the coast, or coastal wetland.

33 (c) Cities and towns shall be prohibited from applying the requirements in existing zoning
34 ordinances pertaining to both wetland buffers and onsite wastewater treatment system setbacks to

1 development, redevelopment, construction, or rehabilitation applications submitted to a
2 municipality. Nothing herein shall rescind the authority of a city or town to enforce other local
3 zoning requirements.

4 (d) Cities and towns shall act to amend their ordinances and regulations to conform to this
5 section within twelve (12) months of the effective date of state regulations referenced herein.

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

8 **45-24-31. Definitions.**

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

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

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

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

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

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

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

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

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

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

33 (8) "Affirmatively furthering fair housing" means taking meaningful actions, in addition
34 to combatting discrimination, that overcome patterns of segregation and foster inclusive

1 communities free from barriers that restrict access to opportunity based on protected characteristics.
2 Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken
3 together, address significant disparities in housing needs patterns, transforming racially and
4 ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining
5 compliance with civil rights and fair housing laws.

6 ~~(8)~~(9) Applicant. An owner, or authorized agent of the owner, submitting an application or
7 appealing an action of any official, board, or agency.

8 ~~(9)~~(10) Application. The completed form, or forms, and all accompanying documents,
9 exhibits, and fees required of an applicant by an approving authority for development review,
10 approval, or permitting purposes.

11 ~~(10)~~(11) Buffer. Land that is maintained in either a natural or landscaped state, and is used
12 to screen or mitigate the impacts of development on surrounding areas, properties, or rights-of-
13 way.

14 ~~(11)~~(12) Building. Any structure used or intended for supporting or sheltering any use or
15 occupancy.

16 ~~(12)~~(13) Building envelope. The three-dimensional space within which a structure is
17 permitted to be built on a lot and that is defined by regulations governing building setbacks,
18 maximum height, and bulk; by other regulations; or by any combination thereof.

19 ~~(13)~~(14) Building height. For a vacant parcel of land, building height shall be measured
20 from the average, existing-grade elevation where the foundation of the structure is proposed. For
21 an existing structure, building height shall be measured from average grade taken from the
22 outermost four (4) corners of the existing foundation. In all cases, building height shall be measured
23 to the top of the highest point of the existing or proposed roof or structure. This distance shall
24 exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special
25 flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted
26 on the Rhode Island coastal resources management council (CRMC) suggested design elevation
27 three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-
28 year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from
29 the building height calculation:

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

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

1 otherwise necessary.

2 ~~(14)~~(15) Cluster. A site-planning technique that concentrates buildings in specific areas on
3 the site to allow the remaining land to be used for recreation, common open space, and/or
4 preservation of environmentally, historically, culturally, or other sensitive features and/or
5 structures. The techniques used to concentrate buildings shall be specified in the ordinance and may
6 include, but are not limited to, reduction in lot areas, setback requirements, and/or bulk
7 requirements, with the resultant open land being devoted by deed restrictions for one or more uses.
8 Under cluster development, there is no increase in the number of lots that would be permitted under
9 conventional development except where ordinance provisions include incentive bonuses for certain
10 types or conditions of development.

11 ~~(15)~~(16) Common ownership. Either:

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

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

16 ~~(16)~~(17) Community residence. A home or residential facility where children and/or adults
17 reside in a family setting and may or may not receive supervised care. This does not include halfway
18 houses or substance-use-disorder-treatment facilities. This does include, but is not limited to, the
19 following:

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

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

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

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

1 fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

2 ~~(17)~~(18) Comprehensive plan. The comprehensive plan adopted and approved pursuant to

3 chapter 22.2 of this title and to which any zoning adopted pursuant to this chapter shall be in

4 compliance.

5 ~~(18)~~(19) Day care — Daycare center. Any other daycare center that is not a family daycare

6 home.

7 ~~(19)~~(20) Day care — Family daycare home. Any home, other than the individual’s home,

8 in which day care in lieu of parental care or supervision is offered at the same time to six (6) or less

9 individuals who are not relatives of the caregiver, but may not contain more than a total of eight

10 (8) individuals receiving day care.

11 ~~(20)~~(21) Density, residential. The number of dwelling units per unit of land.

12 ~~(21)~~(22) Development. The construction, reconstruction, conversion, structural alteration,

13 relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance;

14 or any change in use, or alteration or extension of the use, of land.

15 ~~(22)~~(23) Development plan review. See §§ 45-23-32 and 45-23-50.

16 ~~(23)~~(24) District. See “zoning use district.”

17 ~~(24)~~(25) Drainage system. A system for the removal of water from land by drains, grading,

18 or other appropriate means. These techniques may include runoff controls to minimize erosion and

19 sedimentation during and after construction or development; the means for preserving surface and

20 groundwaters; and the prevention and/or alleviation of flooding.

21 ~~(25)~~(26) Dwelling unit. A structure, or portion of a structure, providing complete,

22 independent living facilities for one or more persons, including permanent provisions for living,

23 sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

24 ~~(26)~~(27) Extractive industry. The extraction of minerals, including: solids, such as coal and

25 ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes

26 quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other

27 preparation customarily done at the extraction site or as a part of the extractive activity.

28 ~~(27)~~(28) Family member. A person, or persons, related by blood, marriage, or other legal

29 means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law,

30 grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

31 ~~(28)~~(29) Floating zone. An unmapped zoning district adopted within the ordinance that is

32 established on the zoning map only when an application for development, meeting the zone

33 requirements, is approved.

34 ~~(29)~~(30) Floodplains, or Flood hazard area. As defined in § 45-22.2-4.

1 ~~(30)~~(31) Freeboard. A factor of safety expressed in feet above the base flood elevation of
2 a flood hazard area for purposes of floodplain management. Freeboard compensates for the many
3 unknown factors that could contribute to flood heights, such as wave action, bridge openings, and
4 the hydrological effect of urbanization of the watershed.

5 ~~(31)~~(32) Groundwater. “Groundwater” and associated terms, as defined in § 46-13.1-3.

6 ~~(32)~~(33) Halfway house. A residential facility for adults or children who have been
7 institutionalized for criminal conduct and who require a group setting to facilitate the transition to
8 a functional member of society.

9 ~~(33)~~(34) Hardship. See § 45-24-41.

10 ~~(34)~~(35) Historic district or historic site. As defined in § 45-22.2-4.

11 ~~(35)~~(36) Home occupation. Any activity customarily carried out for gain by a resident,
12 conducted as an accessory use in the resident’s dwelling unit.

13 ~~(36)~~(37) Household. One or more persons living together in a single-dwelling unit, with
14 common access to, and common use of, all living and eating areas and all areas and facilities for
15 the preparation and storage of food within the dwelling unit. The term “household unit” is
16 synonymous with the term “dwelling unit” for determining the number of units allowed within any
17 structure on any lot in a zoning district. An individual household shall consist of any one of the
18 following:

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

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

24 ~~(37)~~(38) Incentive zoning. The process whereby the local authority may grant additional
25 development capacity in exchange for the developer’s provision of a public benefit or amenity as
26 specified in local ordinances.

27 ~~(38)~~(39) Infrastructure. Facilities and services needed to sustain residential, commercial,
28 industrial, institutional, and other activities.

29 ~~(39)~~(40) Land development project. As defined in § 45-23-32.

30 ~~(40)~~(41) Lot. Either:

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

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

1 purposes of transfer of title.

2 ~~(41)~~(42) Lot area. The total area within the boundaries of a lot, excluding any street right-
3 of-way, usually reported in acres or square feet.

4 ~~(42)~~(43) Lot area, minimum. The smallest land area established by the local zoning
5 ordinance upon which a use, building, or structure may be located in a particular zoning district.

6 ~~(43)~~(44) Lot building coverage. That portion of the lot that is, or may be, covered by
7 buildings and accessory buildings.

8 ~~(44)~~(45) Lot depth. The distance measured from the front lot line to the rear lot line. For
9 lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

10 ~~(45)~~(46) Lot frontage. That portion of a lot abutting a street. A zoning ordinance shall
11 specify how noncontiguous frontage will be considered with regard to minimum frontage
12 requirements.

13 ~~(46)~~(47) Lot line. A line of record, bounding a lot, that divides one lot from another lot or
14 from a public or private street or any other public or private space and shall include:

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

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

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

23 ~~(47)~~(48) Lot size, minimum. Shall have the same meaning as “minimum lot area” defined
24 herein.

25 ~~(48)~~(49) Lot, through. A lot that fronts upon two (2) parallel streets, or that fronts upon two
26 (2) streets that do not intersect at the boundaries of the lot.

27 ~~(49)~~(50) Lot width. The horizontal distance between the side lines of a lot measured at right
28 angles to its depth along a straight line parallel to the front lot line at the minimum front setback
29 line.

30 ~~(50)~~(51) Manufactured home. As used in this section, a manufactured home shall have the
31 same definition as in 42 U.S.C. § 5402, meaning a structure, transportable in one or more sections,
32 which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more
33 in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is
34 built on a permanent chassis and designed to be used as a dwelling with a permanent foundation

1 connected to the required utilities, and includes the plumbing, heating, air-conditioning, and
2 electrical systems contained therein; except that such term shall include any structure that meets
3 all the requirements of this definition except the size requirements and with respect to which the
4 manufacturer voluntarily files a certification required by the United States Secretary of Housing
5 and Urban Development and complies with the standards established under chapter 70 of Title 42
6 of the United States Code; and except that such term shall not include any self-propelled
7 recreational vehicle.

8 ~~(51)~~(52) Mere inconvenience. See § 45-24-41.

9 ~~(52)~~(53) Mixed use. A mixture of land uses within a single development, building, or tract.

10 ~~(53)~~(54) Modification. Permission granted and administered by the zoning enforcement
11 officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional
12 variance other than lot area requirements from the zoning ordinance to a limited degree as
13 determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%)
14 of each of the applicable dimensional requirements.

15 ~~(54)~~(55) Nonconformance. A building, structure, or parcel of land, or use thereof, lawfully
16 existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with
17 the provisions of that ordinance or amendment. Nonconformance is of only two (2) types:

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

21 (ii) Nonconforming by dimension: a building, structure, or parcel of land not in compliance
22 with the dimensional regulations of the zoning ordinance. Dimensional regulations include all
23 regulations of the zoning ordinance, other than those pertaining to the permitted uses. A building
24 or structure containing more dwelling units than are permitted by the use regulations of a zoning
25 ordinance is nonconforming by use; a building or structure containing a permitted number of
26 dwelling units by the use regulations of the zoning ordinance, but not meeting the lot area per
27 dwelling unit regulations, is nonconforming by dimension.

28 ~~(55)~~(56) Overlay district. A district established in a zoning ordinance that is superimposed
29 on one or more districts or parts of districts. The standards and requirements associated with an
30 overlay district may be more or less restrictive than those in the underlying districts consistent with
31 other applicable state and federal laws.

32 ~~(56)~~(57) Performance standards. A set of criteria or limits relating to elements that a
33 particular use or process must either meet or may not exceed.

34 ~~(57)~~(58) Permitted use. A use by right that is specifically authorized in a particular zoning

1 district.

2 ~~(58)~~(59) Planned development. A “land development project,” as defined in subsection
3 (39), and developed according to plan as a single entity and containing one or more structures or
4 uses with appurtenant common areas.

5 ~~(59)~~(60) Plant agriculture. The growing of plants for food or fiber, to sell or consume.

6 ~~(60)~~(61) Preapplication conference. A review meeting of a proposed development held
7 between applicants and reviewing agencies as permitted by law and municipal ordinance, before
8 formal submission of an application for a permit or for development approval.

9 ~~(61)~~(62) Setback line or lines. A line, or lines, parallel to a lot line at the minimum distance
10 of the required setback for the zoning district in which the lot is located that establishes the area
11 within which the principal structure must be erected or placed.

12 ~~(62)~~(63) Site plan. The development plan for one or more lots on which is shown the
13 existing and/or the proposed conditions of the lot.

14 ~~(63)~~(64) Slope of land. The grade, pitch, rise, or incline of the topographic landform or
15 surface of the ground.

16 ~~(64)~~(65) Special use. A regulated use that is permitted pursuant to the special-use permit
17 issued by the authorized governmental entity, pursuant to § 45-24-42. Formerly referred to as a
18 special exception.

19 ~~(65)~~(66) Structure. A combination of materials to form a construction for use, occupancy,
20 or ornamentation, whether installed on, above, or below the surface of land or water.

21 ~~(66)~~(67) Substandard lot of record. Any lot lawfully existing at the time of adoption or
22 amendment of a zoning ordinance and not in conformance with the dimensional or area provisions
23 of that ordinance.

24 ~~(67)~~(68) Use. The purpose or activity for which land or buildings are designed, arranged,
25 or intended, or for which land or buildings are occupied or maintained.

26 ~~(68)~~(69) Variance. Permission to depart from the literal requirements of a zoning
27 ordinance. An authorization for the construction or maintenance of a building or structure, or for
28 the establishment or maintenance of a use of land, that is prohibited by a zoning ordinance. There
29 are only two (2) categories of variance, a use variance or a dimensional variance.

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

34 (ii) Dimensional variance. Permission to depart from the dimensional requirements of a

1 zoning ordinance under the applicable standards set forth in § 45-24-41.

2 ~~(69)~~(70) Waters. As defined in § 46-12-1(23).

3 ~~(70)~~(71) Wetland, coastal. As defined in § 45-22.2-4.

4 ~~(71)~~(72) Wetland, freshwater. As defined in § 2-1-20.

5 ~~(72)~~(73) Zoning certificate. A document signed by the zoning enforcement officer, as
6 required in the zoning ordinance, that acknowledges that a use, structure, building, or lot either
7 complies with, or is legally nonconforming to, the provisions of the municipal zoning ordinance or
8 is an authorized variance or modification therefrom.

9 ~~(73)~~(74) Zoning map. The map, or maps, that are a part of the zoning ordinance and that
10 delineate the boundaries of all mapped zoning districts within the physical boundary of the city or
11 town.

12 ~~(74)~~(75) Zoning ordinance. An ordinance enacted by the legislative body of the city or
13 town pursuant to this chapter and in the manner providing for the adoption of ordinances in the city
14 or town’s legislative or home rule charter, if any, that establish regulations and standards relating
15 to the nature and extent of uses of land and structures; that is consistent with the comprehensive
16 plan of the city or town as defined in chapter 22.2 of this title; that includes a zoning map; and that
17 complies with the provisions of this chapter.

18 ~~(75)~~(76) Zoning use district. The basic unit in zoning, either mapped or unmapped, to
19 which a uniform set of regulations applies, or a uniform set of regulations for a specified use.
20 Zoning use districts include, but are not limited to: agricultural, commercial, industrial,
21 institutional, open space, and residential. Each district may include sub-districts. Districts may be
22 combined.

23 SECTION 3. If any portion of this law is found by a court of competent jurisdiction to be
24 unlawful, such finding shall not affect any other portion of said law not specifically so found.

25 SECTION 4. This act shall take effect upon passage.

=====
LC002052
=====

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

- 1 This act would provide among the purposes of zoning ordinances, the duty to affirmatively
- 2 further fair housing.
- 3 This act would take effect upon passage.

=====
LC002052
=====