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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Senators Mack, Bissailon, Kallman, Quezada, and Bell

Date Introduced: March 07, 2025

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

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

3 **45-24-33. Standard provisions.**

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.; and

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 (b) ~~A~~ [On or before July 31, 2026, a](#) zoning ordinance ~~may~~ [shall](#) include special provisions
32 for ~~any or all of~~ the following:

33 (1) Authorizing development incentives, including, but not limited to, additional permitted
34 uses, increased development and density, or additional design or dimensional flexibility in

1 exchange for:

2 (i) Increased open space;

3 (ii) Increased housing choices;

4 (iii) Traffic and pedestrian improvements;

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

6 (v) Other amenities as desired by the city or town and consistent with its comprehensive

7 plan. The provisions in the ordinance shall include maximum allowable densities of population

8 and/or intensities of use and shall indicate the type of improvements, amenities, and/or conditions.

9 Conditions may be made for donation in lieu of direct provisions for improvements or amenities;

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

12 (3) Regulating the development adjacent to designated scenic highways, scenic waterways,
13 major thoroughfares, public greenspaces, or other areas of special public investment or valuable
14 natural resources.

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

17 (d) Nothing in this section shall be construed to restrict a municipality's right, within state
18 and local regulations, to establish its own minimum lot size per zoning district in its town or city;
19 provided that, in order to conserve the state's farmlands and forests, as well as to make efficient
20 use of existing public infrastructure investments, no minimum lot size requirement for a residential
21 use shall exceed the following parameters:

22 (1) Two thousand five hundred (2,500) square feet, for a lot that is served by public water
23 and sewer and any portion of the lot is located within a quarter (1/4) mile of a public transit stop or
24 station;

25 (2) Five thousand (5,000) square feet, for a lot that is served by public water and sewer;
26 and

27 (3) One acre, for any other lot; provided that, all parcels remain subject to state law and
28 regulation concerning drinking water wells, individual sewage disposal systems, and the protection
29 of freshwater wetlands.

30 (4) Each city or town shall amend its zoning ordinance and comprehensive plan to conform
31 to this subsection.

32 SECTION 2. Section 45-23-44 of the General Laws in Chapter 45-23 entitled "Subdivision
33 of Land" is hereby amended to read as follows:

34 **45-23-44. General provisions — Physical design requirements.**

1 (a) All local regulations shall specify, through reasonable, objective standards and criteria,
2 all physical design requirements for subdivisions and land-development projects that are to be
3 reviewed and approved pursuant to the regulations. Regulations shall specify all requirements and
4 policies for subdivisions and land-development projects that are not contained in the municipality's
5 zoning ordinance.

6 (b) Nothing in this section shall be construed to restrict a municipality's right, within state
7 and local regulations, to establish its own minimum lot size per zoning district in its town or city,
8 [subject to the limitation set forth in § 45-24-33\(d\)](#).

9 (c) The slope of land shall not be excluded from the calculation of the buildable lot area or
10 the minimum lot size, or in the calculation of the number of buildable lots or units.

11 (d) Wetland buffers, as defined in § 2-1-20, shall be included in the calculation of a
12 minimum lot area and in the total number of square feet or acres of a tract or parcel of land before
13 calculating the maximum potential number of units or lots for development; provided, however,
14 that this shall not apply to lots directly abutting surface reservoirs with direct withdrawals used for
15 public drinking water. Nothing herein changes the definition and applicability of a "buildable lot"
16 as set forth under § 45-23-60(a)(4); and nothing herein permits the disturbance of wetlands or
17 wetland buffers or otherwise alters the provisions of the freshwater wetlands act, § 2-1-18 et seq.

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

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

27 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would limit municipal minimum lot sizes for residential use to 2,500 sq ft near
2 transit, 5,000 sq. ft with water/sewer, and 1 acre otherwise, while protecting farmlands, forests, and
3 wetlands, and requiring zoning updates to comply.

4 This act would take effect upon passage.

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