

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**  
IN AMENDMENT OF CHAPTER 17 OF THE CODE OF THE CITY OF CRANSTON,  
AS AMENDED, ENTITLED, "ZONING"

No.

Passed:

Daniel R. Wall, Council President

Approved:

Kenneth J. Hopkins, Mayor

It is ordained by the City Council of the City of Cranston as follows:

**SECTION 1.** Chapter 17 of the Code of the City of Cranston, as amended, entitled "Zoning" (the "Zoning Ordinance"), is hereby amended as follows with deletions in ~~red-strikethrough~~ and insertions in underlined italics:

**17.04.030 Definitions.**

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

"Adaptive reuse" means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

"Attached single-family dwelling" means dwelling unit constructed side by side or horizontally and separated by a party wall and lot line.

"Basement" means ~~any area of the building having its floor subgrade (below ground level) on all sides.~~ that story of a building or dwelling located wholly or partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground, as measured from finished floor to finished ceiling.

48 “Cellar” means a portion of a building or dwelling located partly or wholly underground  
 49 and having half or more than half of its clear floor-to-ceiling height below the average grade  
 50 of the adjoining ground, as measured from finished floor to finished ceiling.

51  
 52 “Co-living housing” means a specific residential development with units which provide  
 53 living and sleeping space which are independently rented and lockable for the exclusive use  
 54 of an occupant, but require the occupant to share sanitary and/or food preparation facilities  
 55 with the other units in the occupancy.

56  
 57 “Floor Area Ratio” means the ratio of the useable floor area of a building to the area of the  
 58 lot.

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 60 "Floating zone" means an unmapped zoning district adopted within the ordinance which is  
 61 established on the zoning map is effective only when an application for development, meeting  
 62 the zone requirements, is approved and the approved plan is recorded.

63  
 64 “Hosting platform” means any electronic or operating system in which a person or entity  
 65 provides a means through which an owner may offer a residential unit for “tourist or  
 66 transient” use. This service is usually, though not necessarily, provided through an online or  
 67 web-based system which generally allows an owner to advertise the residential unit through a  
 68 hosted website and provides a means for a person or entity to arrange tourist or transient use  
 69 in exchange for payment, whether the person or entity pays rent directly to the owner or to the  
 70 hosting platform. All hosting platforms are required to collect and remit the tax owed under  
 71 this section.

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 73 "Household" means one or more persons living together in a single dwelling unit, with  
 74 common access to and common use of all living and eating areas and all areas and facilities  
 75 for the preparation and storage of food within the dwelling unit. The term "household unit"  
 76 shall be synonymous with the term "dwelling unit" for determining the number of such units  
 77 allowed within any structure on any lot in a zoning district. An individual household shall  
 78 consist of any one of the following:

- 79 1. A family, which may also include servants and employees living with the family; or  
 80 2. A person or group of unrelated persons living together, the maximum number of which shall  
 81 ~~not exceed three~~ be one person per bedroom and shall not exceed five persons per dwelling.  
 82 This shall not apply in any educational zone in the city of Cranston or to NARR-certified  
 83 recovery residences.

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 85 “Lot Building Coverage” means that portion of the lot that is, or may be, covered by  
 86 buildings and accessory buildings.

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 88 ~~"Manufactured (mobile) home" means a structure, transportable in one or more sections,~~  
 89 ~~which is built on a permanent chassis and is designed for use with or without a permanent~~  
 90 ~~foundation when attached to the required utilities. The term "manufactured home" does not~~  
 91 ~~include a "recreational vehicle."~~

92  
 93 “Manufactured home” means a structure, transportable in one or more sections, and which  
 94 is built on a permanent chassis and designed to be used as a dwelling with a permanent  
 95 foundation connected to the required utilities, and includes the plumbing, heating, air-

96 conditioning, and electrical systems. The structure shall originate from a manufacturer that  
 97 voluntarily filed a certification required by the United States Secretary of Housing and  
 98 Urban Development and complies with the standards established under Chapter 70 of Title  
 99 42 of the United States Code. Manufactured homes do not include any self-propelled  
 100 recreational vehicles.

101  
 102 "Modification" means permission granted and administered by the zoning enforcement  
 103 officer of the city or town, and to grant a dimensional variance other than lot area  
 104 requirements relief from the Zoning Ordinance to a limited degree as determined by Section  
 105 17.20.130, but not to exceed twenty-five percent (25%) of each of the applicable dimensional  
 106 requirements, except as set forth in Section 17.20.130.(F).

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 108 "Tourist or transient" means any use of a residential unit for occupancy for less than a thirty  
 109 (30) consecutive day term of tenancy, or occupancy for less than thirty (30) consecutive days  
 110 of a residential unit leased or owned by a business entity, whether on a short-term or long-  
 111 term basis, including any occupancy by employee or guests of a business entity for less than  
 112 thirty (30) consecutive days where payment for the residential unit is contracted for or paid  
 113 by the business entity.

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 115 "Wetland, freshwater" (as defined in RIGL Section 2-1-20) ~~means a marsh, swamp, bog,~~  
 116 ~~pond, river, river or stream floodplain or bank, area subject to flooding or storm flowage;~~  
 117 ~~emergent or submergent plant community in any body of fresh water or area within~~ includes,  
 118 but is not limited to, those areas that are inundated or saturated by surface or groundwater  
 119 at a frequency and duration to support, and that under normal circumstances do support a  
 120 prevalence of vegetation adapted for life in saturated soil conditions. Freshwater wetland  
 121 includes, but is not limited to: marshes, swamps, bogs, emergent, and submergent plant  
 122 communities, rivers, streams, ponds, and vernal pools.

123  
 124 "Wetland, coastal" (as defined in RIGL Section ~~2-1-1446-23-6~~) means a salt marsh bordering  
 125 on the tidal waters of this state ~~and contiguous up lands extending no more than fifty (50)~~  
 126 ~~yards inland therefrom~~, whether or not the tidal waters reach the littoral areas through  
 127 natural or artificial watercourses, and those uplands directly associated and contiguous  
 128 thereto which are necessary to preserve the integrity of that marsh.

### 129 § 17.04.070. Enforcement.

- 131 A. Inspector of Buildings. The provisions of this chapter shall be enforced by the inspector  
 132 of buildings. Qualifications of the inspector of buildings are defined in Section 9.07 of the  
 133 charter. No application, permit, plan, specifications or intended use which is not in  
 134 accordance with the provisions of this chapter shall be approved by the inspector of  
 135 buildings.

136 ~~In order to provide guidance or clarification, the~~ The zoning enforcement officer or agency  
 137 shall, upon written request, issue a zoning certificate or provide information to the  
 138 requesting party as to the determination by the official or agency within ~~fifteen (15)~~ twenty  
 139 (20) days of the written request. In the event that no written response is provided within  
 140 that time, the requesting party shall have the right to appeal to the zoning board of review  
 141 for the determination pursuant to Chapter 17.116.

The requesting party has the right to appeal the determination made in the zoning certificate pursuant to Chapter 17.116.

### 17.08.010 Zoning districts.

This zoning chapter divides the city into zoning use districts, which include overlay districts and floating zone districts. Regulations and standards are set forth for each land use, type of development or type of building or structure within each district. Zoning use districts are depicted by type and location on the zoning map.

For the purposes of this chapter, the city is divided into the following districts:

Districts	Intended Primarily for the Use of
Residential A-80	Single-family dwellings on lots of minimum areas of eighty thousand (80,000) square feet.
Residential A-20	Single-family dwellings on lots of minimum areas of twenty thousand (20,000) square feet.
Residential A-12	Single-family dwellings on lots of minimum areas of twelve thousand (12,000) square feet.
Residential A-8	Single-family dwellings on lots of minimum areas of eight thousand (8,000) square feet.
Residential A-6	Single-family dwellings on lots of minimum areas of six thousand (6,000) square feet.
Residential B-1	Single-family <i>dwellings on lots of minimum areas of six thousand (6,000) square feet</i> and two-family dwellings <i>on lots of minimum areas of eight thousand (8,000) square feet.</i>
Residential B-2	Single-family <i>dwellings on lots of minimum areas of six thousand (6,000) square feet</i> , two-family <i>dwellings on lots of minimum areas of eight thousand (8,000) square feet</i> - and multi-family dwellings ( <i>see formula in Section 17.20.090</i> ).
Commercial C-1	Office business.
Commercial C-2	Neighborhood business.
Commercial C-3	General business.

Districts	Intended Primarily for the Use of
Commercial C-4	Highway business.
Commercial C-5	Heavy business, industry.
Industrial M-1	Restricted industry.
Industrial M-2	General industry.
Open space S-1	Uses containing high proportion of open space or natural character.
<i><u>Educational Institution EI</u></i>	<i><u>Educational institutions and schools</u></i>
<i><u>Government G</u></i>	<i><u>Government building or institution</u></i>
Planned districts	Uses in buildings arranged in an efficient, harmonious and convenient manner <del>on sites in accordance with Article VII.</del>

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The descriptions above of the primary uses within each district are intended for the purposes of summary only. Reference should be made to the detailed use provisions hereinafter set forth.

For the purposes of reference, the above districts may be referred to by symbols, excluding the terms "residential", "commercial", "industrial" or "open space".

For the purposes of reference, the above districts may be referred to in this chapter as members of a class of districts in the following manner:

Residential districts refer to all of the following districts	A-80, A-20, A-12, A-8, A-6, B-1 and B-2
Commercial districts refer to all of the following districts	C-1, C-2, C-3, C-4 and C-5
Industrial districts refer to all the following districts	M-1 and M-2
Open space district	S-1
<i><u>Institutional districts refer to all the following districts</u></i>	<i><u>EI and G</u></i>

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**17.12.010 Historic districts.**

D. Historic District Commission. There is established a historic district commission to carry out the purposes of this section.

The commission shall consist of seven members, who reside in Cranston and are appointed by the mayor and serve without compensation. Members shall have a demonstrated interest in historic preservation and desirable, but not required, examples of education or experience qualifications, including American history, architectural history, architecture, archaeology, historic preservation, law, real estate, building or planning, among others. Members shall be appointed for three year terms and appointments shall be staggered so that subsequent appointments shall not reoccur at the same time. Members shall be eligible for reappointment. In the event of a vacancy on the commission, the mayor shall promptly make an interim appointment, within ninety (90) days, for the remainder of the unexpired term. The mayor may name an auxiliary member to the commission in addition to the regular members, which auxiliary member shall sit as an active member at the chairperson's request, when and if a regular member is unable to serve at any commission meeting.

The commission shall organize annually and, by election, shall select from its membership a chairperson, vice chairperson and secretary.

The commission shall:

1. Compose all rules and regulations necessary to carry out its functions under the provisions of this chapter;
2. Compose standards of review to inform historic district residents, property owners and the general public of those criteria by which the commission shall determine whether to issue a certificate of appropriateness. From time to time these standards may be amended, as reasonably as necessary;
3. Present the foregoing rules, regulations and standards, including amendments thereto, to the city council for its approval; and
4. Publish and make available to the public all rules, regulations and standards of review, including amendments thereto, after approval by the Cranston city council.

All meetings of the commission shall be open to the public and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before the commission reaches its decision. The commission shall comply in all respects with the R.I. Open Meetings Law.

Notice of commission meetings at which an application for a certificate of appropriateness is being considered shall appear in a newspaper with general community circulation at least six days, but no more than fourteen (14) days prior to such meetings.

210 The fee for advertising shall be borne by the applicant and shall be paid at the time of  
 211 application submittal.

212 ~~Notice of any other commission meeting shall be prominently posted in at least three~~  
 213 ~~locations within city hall, for a period of at least ten (10) days prior to and including the~~  
 214 ~~meeting date.~~

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 216 A written record of all commission resolutions, proceedings, findings of fact, decisions  
 217 and actions shall be on file for public view at the city planning office.

218 Four members shall constitute a quorum and the concurring vote of not less than four  
 219 commissioners shall be necessary for either approval or rejection of any official business  
 220 of the commission.

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222 **§ 17.20.010 Generally.**

223 No building or structure shall be erected, occupied or used and no land or premises shall be used  
 224 except as authorized in Section 17.20.030 and in compliance with Section 17.20.110. In Section  
 225 17.20.030, the symbols have the following meanings:

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227 ~~a = permitted~~ Y = use allowed

228 s = use allowed by special permit

229 ~~p = prohibited use~~ N = use not allowed

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231 Accessory uses and buildings incidental to the principal uses shall be interpreted as permitted with  
 232 the principal use, subject to Sections 17.20.030 and 17.60.010.

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234 **17.20.020 Conditions for permitted uses.**

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236 A. The uses authorized in Section 17.20.030 are subject to all the applicable requirements in this  
 237 chapter. Certain categories of uses in Section 17.20.030 are permitted only in compliance with  
 238 additional performance standards articulated elsewhere in this chapter.

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240 B. ~~Notwithstanding any other provision of this chapter, t~~The following uses shall be permitted  
 241 uses within all residential zoning use districts of a municipality and all ~~industrial and~~  
 242 commercial zoning use districts except where residential use is prohibited for public health or  
 243 safety reasons:

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1. Households.

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2. Community residences.

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3. Family day care homes.

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248 C. Any time a building or other structure used for residential purposes, or a portion of a building  
 249 containing residential units, is rendered uninhabitable by virtue of a casualty such as fire or  
 250 flood, the owner of the property is allowed to park, temporarily, mobile and manufactured  
 251 home, as the need may be, elsewhere upon the land, for use and occupancy of the former  
 252 occupants for a period of up to twelve (12) months, or until the building or structure is  
 253 rehabilitated and otherwise made fit for occupancy. The property owner, or a properly  
 254 designated agent of the owner, is only allowed to cause the mobile and manufactured home,  
 255 or homes, to remain temporarily upon the land by making timely application to the local  
 256 building official for the purposes of obtaining the necessary permits to repair or rebuild the  
 257 structure.

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D. Appropriate access for people with disabilities to residential structures is allowed as a reasonable accommodation for any person(s) residing, or intending to reside, in the residential structure.

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

F. Adaptive reuse.

1. Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, mills, and malls into residential units or mixed-use developments which include the development of at least fifty percent (50%) of the existing gross floor area into residential units, shall be a permitted use.

2. Prohibitions. Adaptive reuse under this section shall not be allowed where:

a. Residential use is prohibited by environmental land use restrictions recorded on the property by the state of Rhode Island department of environmental management or the United States Environmental Protection Agency.

b. In the M-1 and M-2 zoning districts, or a portion thereof, where residential use is prohibited for public health and safety reasons which are based on specific and detailed findings;

c. In any building previously used for industrial or manufacturing use(s), which has not been vacant of an industrial use for less than one year prior to the submission of the permit or application for adaptive reuse.

3. Density

Provided that all minimum building, rehabilitation and fire code requirements are met for all residential units, as applicable; and provided that, for projects with more than four (4) residential units, not less than ten percent (10%) of low- or moderate-income housing is provided. If less than ten percent (10%) of low- or moderate-income housing is provided, then the allowable maximum density shall be less than fifteen (15) units per acre.

4. Dimensional Requirements

a. Building envelope. The development shall be limited to the existing building envelope, except that the envelope is allowed to be expanded to accommodate upgrades of non-occupiable space related to the building and fire codes and utilities such as HVAC equipment, stairs, and elevators.

b. Parking. A minimum of one (1) off-street parking space for the first two (2) bedrooms of any dwelling unit shall be provided and one (1) additional parking space per additional bedroom.

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*c. Existing setbacks. Existing building setbacks shall remain and shall be considered legal nonconforming, but no additional encroachments shall be permitted into any nonconforming setback, unless relief is granted by the applicable authority.*

*d. Height. For adaptive reuse projects, the height of the existing structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legal nonconforming, and any non-occupiable rooftop construction such as HVAC equipment and stairs or elevator towers, but excluding rooftop decks, shall be included within the height exemption.*

*5. Water and sewer. The development shall have access to public water and sewer services or shall have access to adequate private water, such as a well(s) and and/or on-site wastewater treatment system(s) approved by the relevant state agency.*

*G. Manufactured homes, as defined in Section 17.04.030, that comply with RIGL § 23-27.3-109.1.3 shall be allowed as a type of single-family home on any lot zoned for single-family use. Such home shall comply with all dimensional requirements of a single-family home in the district.*

**17.20.030 Schedule of uses, Table of Principal Use**

	A-80	A-20	A-12	A-8	A-6	B-1	B-2	C-1	C-2	C-3	C-4	C-5	M-1	M-2	S-1	EI	G
<b>RESIDENTIAL** +++</b>																	
<b>Single family Accessory Dwelling Unit</b>	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
<u>Attached single-family dwelling</u>	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N
<u>Co-living housing</u>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<u>Manufactured Homes</u>	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N

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Notes:  
The symbols have the following meanings:  
Y = use allowed **by-right**  
S = use allowed by special permit  
N = use not allowed  
\*Massage therapy establishment: See day spa.  
\*\*Should any use not be listed herein, the zoning official shall review the application using the criteria of the use most similar to the proposed use and also shall determine if the proposed use is similar in type, character, and intensity as a listed use requiring a special use permit.  
!A special use permit is required for ground-mounted minor accessory SESs only. A special use permit is not required for roof-mounted SESs, building-integrated SESs or solar canopies.  
++Uses authorized elsewhere in the use table.  
+++For any use that requires **s** a state license or permit, receipt of said license or permit shall be required as part of the definition.

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**17.20.040 Conformance to District Regulations**

**B. Development Proposals**

1. Primary structures shall be permitted on substandard lots of record unless said lot is merged to form a conforming lot per Section 17.88.010, (Substandard lots of records and lot mergers), and provided that the lot has sufficient accommodations for vehicular access including that required for emergency vehicles as determined by the fire chief or his/her designee. Such proposals shall not require conformance with minimum lot area, ~~and lot width, and lot depth, or lot frontage of the zoning district the lot is located in. Instead, the following applies:~~

(a) (i) If there is a zoning district in which the subject lot conforms to the minimum lot size requirements listed in Section 17.20.120, the lot shall comply with the building setback, lot frontage, and lot width requirements for said zoning district.

(ii) If the subject lot is not conforming as to lot area in any zoning district, ~~the~~ ~~the~~ setback, frontage, and/or lot width requirements for a structure subject to this Section and Section 17.88.010 shall be reduced ~~and the maximum building coverage shall be increased~~ by the same proportion as the lot area of the substandard lot is to the minimum lot requirement of the zoning district in which the lot is located.

(b) Maximum lot building coverage for lots that are nonconforming in area shall be increased by the inverse proportion that the area of such substandard lot meets the minimum area requirements in the district in which the lot is located.

2. All proposals exceeding such reduced requirement shall proceed with a modification request under Section 17.20.130. or a dimensional variance request under Section 17.92.010, whichever is applicable.

**§ 17.20.120. Schedule of intensity regulations.**

District	Minimum Lot Area (sq. ft.)*	Minimum Lot Width and Frontage (ft.)	Minimum Yards (ft.) Front	Minimum Yards (ft.) Rear	Minimum Yards (ft.) Side	Maximum Lot Coverage	Maximum Building Height*
S-1, A-80	80,000	200	40	100	20	10	35
A-20	20,000	125	30	30	15	20	35
A-12	12,000	100	25	20	10	30	35
A-8	8,000	80	25	20	10	30	35
A-6	6,000	60	25	20	8	30	35

B-1 and B-2 (single-family)	6,000	60	25	20	8	35	35
B-1 and B-2 (two-family)	8,000	60	25	20	8	35	35
B-2 (multi-family)	See formula in Section <u>17.20.090</u> <del>30-14(a)</del>	See formula in Section <u>17.20.090</u> <del>30-14(a)</del>	25	20	8	50	35
C-1	6,000	60	25	20	8	60	35
C-2	6,000	60	25	20	8	60	30
C-3	6,000	60	0	20	0	100	35
C-4	12,000	120	40	20	8	50	35
C-5	10,000	80	30	20	8	60	35
M-1	30,000	150	40	30	20	60	35
M-2	60,000	200	40	30	25	60	35
EI**	10,000	0	0	20***	20***	100%***	35****

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**17.20.130. Modifications.**

The building official is empowered to hear and grant modifications. Submission requirements for applications for such modifications shall be in accordance with Section 17.20.120 provided that references to the zoning board shall refer to the building official.

- A. A modification may be requested for adjustments or deviations not exceeding twenty-five (25) percent of any of the *dimensional* requirements *specified herein* ~~of dimensional or quantitative requirements of parking, signs, landscaping and other similar requirements of this section, yet excluding the moving of lot lines and lot area and density which are subject to the requirements of this section.~~
- B. A modification of five (5) percent or less shall be permitted by the building official, subject to the criteria of subsection E of this section, without requiring any notice as detailed in subsection C of this section.
- C. Prior to ruling on a modification of more than five (5) percent and less than twenty-five (25) *percent* of any dimensional or quantitative requirements of this chapter, the building official shall give notice in the same manner as would be given for a variance application, pursuant to the Section 17.108.070 requirements, by ~~ordinary~~ *first class* mail, to all property owners within a four hundred (400) foot radius and publish in a newspaper having local circulation in the city of Cranston that he or she is considering such modification, the location of property in question, the nature of the proposed modification, a statement that such modification may be granted by the building official if no objection *by anyone who is entitled to notice under this section* is received within fourteen (14) days, and an invitation to allow any member of the public to inspect plot plans and application forms during normal working hours at the city hall.
- D. If one or more written and duly signed objections are received by the building official within fourteen (14) days of the date of such public notice, the modification shall forthwith be filed with the zoning board of review if the applicant so desires, as a request for a dimensional variance in accordance with the provisions of Sections 17.108.070 and 17.108.080 and the building official shall have no further role in deciding the case.

412 E. If there are no objections within the specified time period as provided in subsection (C)  
 413 above, the building official shall render a decision no later than fourteen (14) days after  
 414 the date of the public notice. The following determination shall be made by the building  
 415 official.

- 416 1. The modification requested is *minimal to a reasonable enjoyment of the permitted*  
 417 *use to which the property is supposed to be devoted* ~~reasonable necessary for the~~  
 418 ~~full enjoyment of the permitted use~~;
- 419 2. If the modification is granted, neighboring property will neither be substantially  
 420 injured nor its appropriate use substantially impaired;
- 421 3. The modification requested is in harmony with the purposes and intent of the  
 422 comprehensive plan and zoning ordinance of the city; and
- 423 4. The modification requested does not require a variance of a flood hazard  
 424 requirement.

#### 426 17.24.010 Specific Performance Standards

427 F. Accessory ~~Family Apartments~~ Dwelling Unit

- 428 1. One accessory dwelling unit (ADU) per lot shall be allowed by right under the  
 429 following circumstances:  
 430 (i) On an owner-occupied property as a reasonable accommodation for family  
 431 members with disabilities as defined in RIGL § 42-87-1(5); or  
 432 (ii) On a lot with a total lot area of twenty thousand square feet (20,000 sq.  
 433 ft.) or more for which the primary use is residential; or  
 434 (iii) Where the proposed ADU is located within the existing footprint of the  
 435 primary structure or existing accessory attached or detached structure and  
 436 does not expand the footprint of the structure.
- 437 2. Total floor space devoted to an accessory ~~family apartment~~ dwelling unit shall  
 438 not exceed twenty-five (25) percent of the entire floor area of the primary  
 439 dwelling (exclusive of porches or basements) and shall be a minimum of four  
 440 hundred (400) square feet ~~and a maximum of six hundred (600) square feet~~ in  
 441 gross floor area. A studio or one bedroom ADU may not exceed nine hundred  
 442 square feet (900 sq. ft), or sixty percent (60%) of the floor area of the  
 443 principal dwelling, whichever is less; and an ADU with two bedrooms may  
 444 not exceed twelve hundred square feet (1,200 sq. ft.), or sixty percent (60%) of  
 445 the floor area of the principal dwelling, whichever is less. ~~The apartment shall~~  
 446 ~~have no more than one bedroom.~~ An ADU may not contain more than two  
 447 bedrooms. There shall be no more than one ~~accessory family apartment~~ ADU  
 448 permitted in a single-family structure per residential lot.
- 449 3. Homeowners who install an accessory dwelling unit ~~family apartment~~ as a  
 450 reasonable accommodation for family members with disabilities shall sign an  
 451 affidavit stating that the occupant of the apartment is either a parent(s) or  
 452 grandparent(s) by blood or marriage of the owner of the principal single-  
 453 family dwelling unit.

459 Accessory dwelling units permitted this way shall be in effect as long as the  
 460 disabled resident dwells in the unit or there is a change of ownership of  
 461 property. A change of ownership occurring as a result of the death of a joint  
 462 owner with the survivor continuing to own the property shall not cause the  
 463 special permit to be terminated.

464  
 465 ~~3. Special permits for an accessory family apartment shall be renewable on a~~  
 466 ~~yearly basis by the building inspector, with a maximum fine of one hundred~~  
 467 ~~dollars (\$100.00) for every day the apartment is inhabited by a person who is~~  
 468 ~~not of the relationship stated in subsection (F) of this section.~~

469  
 470 ~~4. The dwelling containing an accessory family apartment shall retain the~~  
 471 ~~appearance of a single family dwelling with no major structural alterations to~~  
 472 ~~the exterior. The accessory family apartment shall have no additional external~~  
 473 ~~entrance that faces a street.~~

474  
 475 ~~5.~~ 4. Where sewers are not available, adequate provisions must be made for  
 476 sewage disposal, including evidence that the on-site septic system is designed  
 477 to accommodate the additional sewage flow.

478  
 479 ~~6. Change of ownership of the principal single family dwelling within which an~~  
 480 ~~accessory family apartment is located shall cause the special permit for the~~  
 481 ~~accessory family apartment to be terminated. A change of ownership~~  
 482 ~~occurring as a result of the death of a joint owner with the survivor continuing~~  
 483 ~~to own the property shall not cause the special permit to be terminated.~~

484  
 485 ~~7.~~ 5. The design of the accessory ~~family apartment~~ dwelling unit shall conform to  
 486 all applicable standards in the health, building and fire codes.

487  
 488 6. ADUs shall remain as an accessory use to a primary structure and shall not  
 489 be separated from the primary structure, separated through subdivision,  
 490 and/or sold by way of condominium creation, ground lease, tenancy in  
 491 common or other mechanism.

492  
 493 7. ADUs are allowed as part of applications for new primary dwelling units or  
 494 subdivisions provided they meet one of the listed criteria in Section  
 495 17.24.010.F.1. For proposed ADUs that are part of a larger development  
 496 proposal, ADUs shall not count toward density of the proposal for purposes of  
 497 limiting the number of dwelling units allowed in such development proposal.

498  
 499 ~~8. A copy of the decision of the zoning board of review granting the special~~  
 500 ~~permit for an accessory family apartment shall be recorded with the records of~~  
 501 ~~land evidence of the city by the homeowner within thirty (30) days from the~~  
 502 ~~date of said decision.~~

503  
 504 8. ADUs shall not be offered or rented for tourist or transient use or through a  
 505 hosting platform, as such terms are defined in Section 17.04.030.  
 506

G. Attached single-family dwellings

1. The unit(s) shall have access to public water and sewer, or have adequate access to private water and/or wastewater systems approved by the relevant state agency.
2. Each single-family unit shall be located on its own lot. Setbacks to these dwellings shall be subject to the same setbacks and minimum lot area requirements of two-family dwellings as per Section 17.20.120, except that a zero-lot line setback along the common property line shall be permitted to accommodate the subdivision for these units; provided that, the unit(s) comply with requirements for building and fire codes.
3. Required minimum frontage and minimum lot area shall be reduced to accommodate the subdivision, provided that the number of attached single-family units allowed is the same as the corresponding residential density for the property and zoning district.

**§ 17.60.010. Accessory uses.**

- A. Permitted Residential Accessory Uses. Accessory uses, including private garages and private marinas in a residential district are permitted which:
1. Are clearly incidental and subordinate to and customarily associated with the principal residential use;
  2. Are operated and maintained under the same ownership and on the same lot as the principal use;
  3. Do not include residential occupancy, except as an Accessory Dwelling Unit conforming with Section 17.24.010;
  4. Specifically include but are not limited to the sale at retail of farm, garden or nursery products raised on the premises.
  5. Home occupations and professional home office or studio in accordance with Section 17.24.~~050~~010.
- B. Location of Residential Accessory Building. A building accessory to a dwelling, including an attached or detached garage or carport, shall not be located in any required front or corner side yard, shall not be located within ten (10) feet of any rear lot line in A-80, A-20 and A-12 zoning districts and shall not be located within five feet of any rear lot line in A-8, A-6, B-1 and B-2 zoning districts. Accessory buildings may be located within a required side yard as follows:
1. In residential district A-80 to within fifteen (15) feet of a side lot line;
  2. In residential district A-20 to within ten (10) feet of a side lot line;
  3. In residential district A-12 to within eight (8) feet of a side lot line;
  4. In residential district A-8 to within five (5) feet of a side lot line;
  5. In residential district A-6 to within five (5) feet of a side lot line;
  6. In residential district B-1 to within five (5) feet of a side lot line;
  7. In residential district B-2 to within five (5) feet of a side lot line;
  - ~~8. On residential district lots with less than sixty (60) feet of frontage, to within three feet of a side lot line.~~

- 555 C. Private Garages and Parking Spaces in Residential Districts. Any private garage or  
 556 parking space in a residential district when used for boat or vehicle storage shall be  
 557 occupied only by boats or vehicles owned and operated by the residents of the dwelling  
 558 on the same lot except that one private garage may be occupied by the boat or vehicle  
 559 of a nonresident owner.
- 560 Vehicles other than passenger vehicles and school buses having a capacity of more than  
 561 one ton or having three or more axles, shall be prohibited from being stored or garaged  
 562 in residential districts.
- 563 D. Swimming Pools. A private swimming pool is declared to be an accessory use in a  
 564 residential district and shall conform to the appropriate side, front and rear yard  
 565 requirements of the particular residential district in which it is located; provided,  
 566 however, that any filter and pump shall be located not less than fifteen (15) feet from the  
 567 side yard line. ~~The following exceptions shall apply:~~
- 568 ~~1. Above ground pools which are up to and including fifteen (15) feet by twenty five~~  
 569 ~~(25) feet rectangular, eighteen (18) feet diameter round or twelve (12) feet by~~  
 570 ~~twenty four (24) feet oval, which are located on lots that are less than six thousand~~  
 571 ~~(6,000) square feet or that have less than sixty (60) feet of frontage, may have a~~  
 572 ~~minimum side yard setback of three feet and a minimum rear yard setback of five~~  
 573 ~~feet.~~
- 574 ~~2. Below ground pools which are up to and including sixteen (16) feet by thirty two~~  
 575 ~~(32) feet rectangular which are located on lots that are less than six thousand (6,000)~~  
 576 ~~square feet or that have less than sixty (60) feet of frontage may have a minimum~~  
 577 ~~three foot side yard setback and five foot rear setback.~~
- 578 E. Open Space District Accessory Uses. Any single-family dwelling unit located on an  
 579 undivided tract of land used for any purpose permitted within ~~An~~ an S-1 district shall  
 580 be considered an accessory use to the permitted use. It shall comply with intensity  
 581 regulations provided for single-family dwellings in the A-80 district, as provided in  
 582 Section 17.20.030 and the building accessory to such residential use shall comply with  
 583 this section.
- 584 F. Marinas. Marinas shall be considered as an accessory use. When no other use is  
 585 associated with a marina, the principal use shall be considered to be a sales room for  
 586 the display of vehicles, trailers, boats and machinery.
- 587 G. Temporary Uses Permitted. A temporary building or yard for construction materials or  
 588 equipment and a temporary office for the sale or rental of real property, if in connection  
 589 with an incidental and necessary to a real estate development, shall be permitted in any  
 590 district; provided, that any building permit issued for any such use shall be valid for not  
 591 more than six months and may not be extended more than three consecutive times.
- 592 H. Sheds. Sheds shall be considered accessory uses. Sheds may be free-standing or  
 593 attached to another structure, containing no utilities except electricity. Sheds shall be  
 594 one level, the maximum area being one hundred ninety-two (192) square feet, with no  
 595 dimension greater than sixteen (16) feet. ~~Sheds larger than one hundred twenty (120)~~  
 596 ~~square feet shall be allowed subject to setbacks as noted in Section 17.60.010. Sheds~~  
 597 ~~up to one hundred twenty (120) square feet which are constructed on lots up to six~~

598 ~~thousand (6,000) square feet may be located to within two feet of a rear or side lot line.~~  
 599 ~~Sheds up to one hundred twenty (120) square feet which are constructed on lots~~  
 600 ~~between six thousand (6,000) and eight thousand (8,000) square feet may be located to~~  
 601 ~~within three feet of a rear or side lot line.~~

602  
 603 **Accessory Buildings and Structures Setbacks**  
 604

<u>Zoning District</u>	<u>Maximum Lot Coverage (%)*</u>	<u>Minimum Side Yard Setback (ft.)</u>	<u>Minimum Rear Yard Setback (ft.)</u>
<u>S-1, A-80</u>	<u>10%</u>	<u>15'</u>	<u>10'</u>
<u>A-20</u>	<u>20%</u>	<u>10'</u>	<u>10'</u>
<u>A-12</u>	<u>30%</u>	<u>8'</u>	<u>10'</u>
<u>A-8</u>	<u>30%</u>	<u>5'</u>	<u>5'</u>
<u>A-6</u>	<u>30%</u>	<u>5'</u>	<u>5'</u>
<u>B-1</u>	<u>35%</u>	<u>5'</u>	<u>5'</u>
<u>B-2</u>	<u>35%</u>	<u>5'</u>	<u>5'</u>
<u>B-2 (multi-family)</u>	<u>50%</u>	<u>5'</u>	<u>5'</u>

605 *\*Maximum Lot Coverage includes primary and accessory buildings. Uncovered structures such*  
 606 *as pools and decks are not included.*

607  
 608 **Septic System Minimum Setbacks**  
 609

	<u>General Building Sewer, Grease Tank, Distribution Box, Pump Tank, Septic Tank, Septic Tank Effluent Pipe (ft.)</u>	<u>Leach-field (ft.)</u>
<u>Swimming Pools</u>		
<u>In-Ground:</u>	<u>10</u>	<u>25</u>
<u>Above Ground:</u>	<u>10</u>	<u>10</u>

610  
 611  
 612 **§ 17.64.010. Off-street parking.**  
 613

- 614 I. Off-Street Parking Space Requirements. The following numbers of amounts of off-street  
 615 parking spaces or areas shall be required for the following uses:
- 616 1. Accessory ~~family apartment~~ *dwelling unit*: one additional parking space.
  - 617 2. Bowling alleys: three spaces for every two alleys.
  - 618 3. Churches: one space for each ten (10) seats in main room or area in which services  
 619 are held.
  - 620 4. Congregate retirement living facilities: one space for each two units, plus one for each  
 621 employee.
  - 622 5. Dance halls and nightclubs, hall include all of the following three requirements.  
 623 a. One space per twenty-five square feet of dance floor area.

- 624 b. One space per three seats for tables and chair areas or one for every three persons  
 625 based on the capacity as determined by the fire chief or designee, which ever is  
 626 greater.
- 627 c. One space per three-fourths employees of the facility.
- 628 6. Eating and drinking establishments: one space for each three seats provided for patron  
 629 use.
- 630 7. Funeral homes: one space for each company vehicle, plus one space for each three  
 631 seats in meeting rooms.
- 632 8. Game room: one space for every three amusement machines or devices or higher  
 633 fraction thereof.
- 634 9. Hospitals and sanitariums: one space for each two beds.
- 635 10. Hotels, motels: one space for each room to rent.
- 636 11. Marinas: where marinas are included as an accessory use, the parking spaces  
 637 otherwise required shall be increased by one parking space for each boat mooring  
 638 space in excess of five boat moorings.
- 639 12. Medical or dental clinics: four spaces for each one thousand (1,000) square feet of  
 640 floor area.
- 641 13. Multi-family dwelling structures: for residential structures or groups of structures  
 642 with three or more dwelling units, two spaces for each dwelling unit, excepting that  
 643 for multi- family structures designed for the elderly, ninety (90) percent or more of  
 644 whose units are to be occupied by persons at least sixty (60) years of age, the number  
 645 of parking spaces shall be one for each dwelling unit.
- 646 14. Nursing homes: one space for each two beds.
- 647 15. Offices: four spaces for each one thousand (1,000) square feet of floor area.
- 648 16. Retail business and service establishments except eating and drinking establishments:  
 649 one space for each three hundred (300) square feet of gross floor area of buildings or  
 650 groups of buildings having a gross floor area of zero to five thousand (5,000) square  
 651 feet, excluding basement storage area.  
 652 One space for each two hundred (200) square feet of gross floor area of buildings or  
 653 groups of buildings having a gross floor area greater than five thousand (5,000)  
 654 square feet, excluding basement storage.  
 655 Four spaces for each one thousand (1,000) square feet of gross floor area of buildings  
 656 or groups of buildings located within a State Enterprise Zone having a gross floor  
 657 area greater than one hundred ninety thousand (190,000) square feet, excluding  
 658 basement storage.
- 659 17. Schools: one space for each two employees, including teachers and administrators,  
 660 but excluding members of religious orders, plus sufficient off-street space for safe  
 661 and convenient loading and unloading of students.
- 662 18. *Detached and attached* Single and two-family dwellings: one space for each dwelling  
 663 unit.
- 664 19. Theaters, auditoriums, stadiums: one space for each four seats, plus one additional  
 665 space for each two employees.
- 666 20. Welfare institutions (asylums orphanages and so forth): one space for each doctor  
 667 (staff or visiting) associated with the institution, plus additional spaces equal to three-  
 668 fourths of the number of employees, plus such additional space for business and  
 669 social visitors as shall be determined necessary by the inspector of buildings in light  
 670 of the needs of the particular institution.

671 21. Wholesale establishments, establishments processing for direct consumption and  
 672 industrial district uses: one space for each employee-used vehicle or one space for  
 673 each four employees employed at maximum employment, whichever is greater; plus  
 674 space for every company owned and operated vehicle plus spaces for customers'  
 675 vehicles as determined appropriate by the inspector of buildings.

676 **17.86.030 Public hearing.**

677 A. A public hearing on the application, including any variance and special-use permit  
 678 requests shall be held prior to consideration of the preliminary plan by the city  
 679 plan commission. Public notice of the hearing shall be given at least fourteen (14)  
 680 days prior to the date of the hearing in a newspaper of general circulation within  
 681 the city. Notice shall be sent to the applicant and to each owner within ~~two~~  
 682 ~~hundred (200)~~ *four hundred (400)* feet of the perimeter of the area included in the  
 683 subdivision and/or land development project by ~~certified~~ *first class* mail, ~~return~~  
 684 ~~receipt requested~~, not less than ten (10) days prior to the date of the hearing. *The*  
 685 *sender of said notice shall provide a notarized affidavit of mailing to the*  
 686 *Administrative Officer prior to the noticed public hearing.* Notice shall also be  
 687 sent to any individual or entity holding a recorded conservation or preservation  
 688 restriction on the property that is the subject of the application.

689 B. Notice of the public hearing shall be sent by the administrative officer to the  
 690 administrative officer of an adjacent municipality if: (1) the notice area extends  
 691 into the adjacent municipality; or (2) the development site extends into the  
 692 adjacent municipality; or (3) there is a potential for significant negative impact on  
 693 the adjacent municipality.

694 Notice of the public hearing shall be sent by first-class mail to the planning board of any  
 695 municipality where there is a public or quasi-public water source, or private water source  
 696 that is used, or is suitable for use, as a public water source, located within two thousand  
 697 (2,000) feet of the municipal boundaries.

698 Notice of a public hearing shall be sent to the governing body of any state or municipal  
 699 water department or agency, special water district, or private water company that has  
 700 riparian rights to a surface water resource and/or surface watershed that is used, or is  
 701 suitable for use, as a public water source, located within either the municipality or two  
 702 thousand feet (2,000') of the municipal boundaries; provided, that a map survey has been  
 703 filed with the building inspector as specified in RIGL § 45-24-53(f).

704 C. The notice for the public hearing shall include the following information:

- 705 1. The date, time, and place of the hearing;
- 706 2. The street address of the subject property, or if no street address is available,  
 707 the distance from the nearest existing intersection in tenths of a mile; and,
- 708 3. The specific variance(s) to be considered for the subdivision and/or land  
 709 development project.

710 D. The administrative officer shall review the UDR application for completeness and  
 711 for compliance with this section. The time period for the administrative officer  
 712 to certify as complete or incomplete a UDR application shall be the same as the time  
 713 period for certifying the accompanying application for a subdivision, development  
 714 plan review, or land development project. The administrative officer's decision on a  
 715 UDR application is appealable in the same manner as an appeal from any other  
 716 decision of the administrative officer application.

717 **17.88.010 Substandard lots of record and lot mergers.**

718 B. Lot Mergers.

- 719 1. If two or more contiguous substandard unimproved or improved and unimproved lots  
 720 of record are owned by the same person or entity as of January 1, 1966, or if one of any  
 721 two abutting lots under common ownership by the same person or entity as of the same  
 722 date is less than ~~four thousand (4,000) square feet~~ required for the district, such lots  
 723 shall be considered to be combined and merged to form conforming lots, unless the lot  
 724 meets the exemption as outlined in subsection (3) below.
- 725 2. In the event that there are multiple contiguous substandard lots of record with more  
 726 than one way the lots could be merged, upon request of a zoning certificate, the zoning  
 727 official shall determine which lots are merged. The determination shall be based upon  
 728 factors including but not limited to the existing improvements on site, natural  
 729 conditions, and/or the sum of the area and frontage of the substandard lots (those lots  
 730 whose sum is closest to the minimum required in the underlying zoning district would  
 731 be combined before lots with larger sums, all other conditions being equal).
- 732 3. Lots having an area equal to or greater than ~~the average of~~ fifty percent (50%) parcels  
 733 within two hundred (200) feet of the lot need not be so combined, as confirmed by ~~the~~  
 734 Zoning Enforcement Officer a compilation plan signed by a professional land surveyor  
 735 and submitted to the Zoning Enforcement Officer for confirmation through a request  
 736 for a zoning certificate. Substandard lots of record that are merged shall be considered  
 737 merged for the purposes of calculation of this provision. Non-buildable lots of record  
 738 and lots with zoning designations other than the subject lot shall not be included in the  
 739 calculation. Side corner lots and double frontage lots may qualify for this exemption by  
 740 measuring from any of its available frontages, so long as that frontage becomes the  
 741 primary front for the subsequent development of the lot. The Zoning Enforcement  
 742 Officer may require an applicant to submit proof of ownership, title and subdivision  
 743 history of the subject lot and surrounding lots to make a proper determination.

744

745 **17.88.070 Restoration.**

746 No building damaged by fire or other causes to the extent of one hundred (100) percent of its  
 747 assessed value shall be repaired or rebuilt except in conformity with the regulations of this  
 748 chapter. ~~churches~~ places of worship, schools and single-, two- and three-family dwellings  
 749 are excepted from this provision.

750

751 **17.92.010 Variances.**

752 A. An application for relief from the literal requirements of a zoning ordinance because of  
 753 hardship may be made by any person, group, agency or corporation by filing with the zoning  
 754 enforcement officer or agency an application describing the request and supported by such

755 data and evidence as may be required by the zoning board of review or by the terms of the  
 756 ordinance. The zoning enforcement officer or agency shall immediately transmit each  
 757 application received to the zoning board of review and shall transmit a copy of each  
 758 application to the planning commission for their review and recommendation.  
 759

760 B. Applications for dimensional or use variances for properties undergoing review by the  
 761 City Plan Commission as a land development or subdivision project pursuant to Chapter  
 762 17.86 shall be made through Unified Development Review process.  
 763

764 **§ 17.104.020. Development standards.**  
 765

766 C. Maximum Number of Dwelling Units. The maximum number of dwelling units allowed  
 767 in an RPD shall not exceed the amount computed using the following formula:  
 768 The number of dwelling units permitted is equal to the gross area of tract-land unsuitable  
 769 for development divided by the minimum lot size permitted in zoning district (Section  
 770 17.20.110).

771 In no case shall the number of dwelling units permitted in the RPD exceed the number  
 772 which would be permitted in the zoning district(s) in which the tract lies if developed in  
 773 the conventional manner.

774 1. Land unsuitable for development shall include:

- 775 a. Freshwater Wetlands as defined in RIGL § 2-1-20 ~~Title 2, Chapter 1 of the~~  
 776 ~~General Laws of Rhode Island~~, as amended. As relates to this article, the setback  
 777 requirements of said title and chapter shall not be considered wetlands.
- 778 b. Existing water bodies.
- 779 c. Coastal wetlands, as defined by RIGL § 46-23-6.
- 780 d. Floodplain or Flood Hazard Areas
- 781 e. Streets, including all areas proposed for public and/or common vehicular access,  
 782 whether or not intended to be dedicated to the city.
- 783 f. Land possessing other physical constraints, including, but not limited to areas  
 784 with ~~slope in excess of fifteen (15) percent~~, ledge outcrops, cemeteries, etc.,  
 785 which by their nature and severity would preclude conventional development.
- 786 g. Land within any easement on which utilities, including, but not limited to  
 787 electrical transmission and distribution lines, natural gas mains, oil pipelines,  
 788 sewer mains and water mains are constructed and/or located.
- 789 h. Land with existing conservation easements.  
 790

791 **17.108.070 Public hearings.**

792 No action shall be taken by the board until after a public hearing has been held upon the  
 793 proposed action before the board, which shall first give written notice of the time and place of  
 794 such public hearing and the nature and purpose thereof, to the petitioner and to all owners of any  
 795 real property within four hundred (400) feet of the perimeter of the real property which is the  
 796 subject matter of the petition, by ordinary mail at least fourteen (14) days before the date of such  
 797 hearing and by publication of such notice in a newspaper of local circulation within the city at  
 798 least fourteen (14) days prior to the date of such hearing. The same notice shall be posted in the  
 799 city clerk's office and one other municipal building within the city and the city shall make the  
 800 notice accessible on the home page of its website at least fourteen (14) days prior to the hearing.  
 801 The posting is for information purposes only and does not constitute required notice of a public  
 802 hearing.

803  
 804 The notice required by this section indicating the time and place for such public hearing and the  
 805 nature and purpose thereof, shall also contain a statement that the recipient of such notice shall  
 806 be allowed to address the zoning board on the subject matter of the notice and if he or she so  
 807 desires, he or she may be represented by an attorney and have expert witnesses testify on his or  
 808 her behalf. Should the decision of the zoning board be unfavorable, the petitioner may appeal  
 809 same to the Providence County Superior Court within a period of twenty (20) days following the  
 810 recording of the zoning board decision, in accordance with RIGL §§ 45-24-69, 45-24-70 and 45-  
 811 24-71.

812  
 813 Within ~~four days~~ one business day of recording a decision ~~has been rendered by the board~~, the  
 814 board shall mail, by any method that provides confirmation of receipt to the applicant ~~ordinary~~  
 815 ~~mail~~, a copy of the decision to the owners and applicant of the property that is the subject matter  
 816 of the application, and to any other person or entity requesting said decision from the zoning  
 817 official.

818  
 819 ~~The notice required by this section indicating the time and place for such public hearing and the~~  
 820 ~~nature and purpose thereof, shall also contain a statement that the recipient of such notice shall~~  
 821 ~~be allowed to address the zoning board on the subject matter of the notice and if he or she so~~  
 822 ~~desires, he or she may be represented by an attorney and have expert witnesses testify on his or~~  
 823 ~~her behalf. Should the decision of the zoning board be unfavorable, the petitioner may appeal~~  
 824 ~~same to the Providence County Superior Court within a period of twenty (20) days following the~~  
 825 ~~recording of the zoning board decision, in accordance with RIGL §§ 45-24-69, 45-24-70 and 45-~~  
 826 ~~24-71. The zoning board and the city plan commission upon closing the testimonial portion of~~  
 827 ~~the hearing on a matter shall proceed to deliberate and vote on that matter before beginning the~~  
 828 ~~testimonial portion of the public hearing on any other matter.~~

829  
 830 **17.120.040 Notice and hearing requirements.**

- 831 A. No zoning ordinance shall be adopted, repealed or amended until after a public hearing has  
 832 been held upon the question before the city council. The city council shall first give notice of  
 833 the public hearing by publication of notice in a newspaper of general circulation within the  
 834 city at least once each week for three successive weeks prior to the date of the hearing, which  
 835 may include the week in which the hearing is to be held, at which hearing opportunity shall  
 836 be given to all persons interested to be heard upon the matter of the proposed ordinance.  
 837 Written notice, which may be a copy of the newspaper notice shall be mailed to the Associate  
 838 Director of the Division of Planning of the Rhode Island Department of Administration and,  
 839 where applicable, to the parties specified in subsections (B), (C), (D) and (E) of this section,  
 840 at least two weeks prior to the hearing. The newspaper notice shall be published as a display  
 841 advertisement, using a type size at least as large as the normal type size used by the  
 842 newspaper in its news articles and shall:
- 843 1. Specify the place of the hearing and the date and time of its commencement;
  - 844 2. Indicate that adoption, amendment or repeal of a zoning ordinance is under consideration;
  - 845 3. Contain a statement of the proposed amendments to the ordinance that may be printed  
 846 once in its entirety, or summarize and describe the matter under consideration;
  - 847 4. Advise those interested where and when a copy of the matter under consideration may be  
 848 obtained or examined and copied; and
  - 849 5. State that the proposals shown thereon may be altered or amended prior to the close of  
 850 the public hearing without further advertising, as a result of further study or because of

- 851 the views expressed at the public hearing. Any alteration or amendment must be  
 852 presented for comment in the course of the hearing. However, the city council shall limit  
 853 the scope of alterations or amendments to comments expressed at the public hearing that  
 854 do not substantially alter the original intent of the ordinance as advertised. If the city  
 855 council determines that amendments offered through the public hearing do, in fact,  
 856 substantially alter the content of the ordinance as advertised, then the city council shall  
 857 require readvertising of the public hearing to include proposed amendments.
- 858 B. Where a proposed general amendment to an existing zoning ordinance includes changes in an  
 859 existing zoning map, public notice shall be given as required by subsection (A) of this  
 860 section.
- 861 C. Where a proposed amendment to an existing ordinance includes a specific change in a zoning  
 862 district map, but does not affect districts generally, public notice shall be given as required by  
 863 subsection (A) of this section, with the additional requirements that:
- 864 1. Notice shall include a map showing the existing and proposed boundaries, zoning district  
 865 boundaries and existing streets and roads and their names and city boundaries where  
 866 appropriate.
  - 867 2. Written notice of the date, time and place of the public hearing and the nature and  
 868 purpose thereof shall be sent to all owners of real property whose property is located in or  
 869 within not less than four hundred (400) feet of the perimeter of the area proposed for  
 870 change, whether within the city or within an adjacent city or town. The notice shall be  
 871 sent by first class mail ~~registered or certified mail/return receipt requested~~ to the last  
 872 known address of the owners, as shown on the current real estate tax assessment records  
 873 of the city or town in which the property is located.
- 874 D. Notice of public hearing shall be sent by first class mail to the city or town council or any  
 875 city or town to which one or more of the following pertain:
- 876 1. Which is located in or within not less than four hundred (400) feet of the boundary of the  
 877 area proposed for change; or
  - 878 2. Where there is a public or quasi-public water source or private water source that is used  
 879 or is suitable for use as a public water source, within two thousand (2,000) feet of any  
 880 real property that is the subject of proposed zoning change, regardless of municipal  
 881 boundaries.
- 882 E. Notice of a public hearing shall be sent to the governing body of any state or municipal  
 883 water department or agency, special water district or private water company that has riparian  
 884 rights to a surface water district or private watershed that is used or is suitable for use as a  
 885 public water source and that is within two thousand (2,000) feet of any real property which is  
 886 the subject of a proposed zoning change, provided, however, that the governing body of any  
 887 state or municipal water department or agency, special water district or private water  
 888 company has filed with the building inspector in the city or town a map survey, which shall  
 889 be kept as a public record, showing areas of surface water resources and/or watersheds and  
 890 parcels of land within two thousand (2,000) feet thereof.
- 891 F. No defect in the form of any notice under this section shall render any ordinance or  
 892 amendment invalid, unless the defect is found to be intentional or misleading.
- 893 G. The actual cost of all notices required under this section including the cost of newspaper  
 894 advertising for notice by publication, as well as the cost of postage for written notice shall be  
 895 borne by the applicant. Payment of said costs shall be made at the time of application to the  
 896 city clerk and no application shall be accepted by the city clerk without payment of said  
 897 costs.
- 898 H. In granting a zoning ordinance amendment, notwithstanding the provisions of RIGL

899 Section 45-24-37, the city council may limit the change to one of the permitted uses in the  
900 zone to which the subject land is rezoned and impose such limitations, conditions and  
901 restrictions, including, without limitation:

- 902 1. Requiring the petitioner to obtain a permit or approval from any and all state and local
- 903 governmental agencies or instrumentalities having jurisdiction over the land and use
- 904 which are the subject of the zoning change;
- 905 2. Those relating to the effectiveness or continued effectiveness of the zoning change;
- 906 and/or
- 907 3. Those relating to the use of the land, as it deems necessary.

908 The responsible city official shall cause the limitations and conditions so imposed to be clearly  
909 noted on the zoning map and recorded in the land evidence records; provided, however, in the  
910 case of a conditional zone change, the limitations, restrictions and conditions shall not be noted  
911 on the zoning map until the zone change has become effective. If the permitted use for which the  
912 land has been rezoned is abandoned or if the land is not used for the requested purpose for a  
913 period of two years or more after the zone change becomes effective, the city council may, after  
914 a public hearing as hereinbefore set forth, change the land to its original zoning use before the  
915 petition was filed. If any limitation, condition or restriction in an ordinance is held to be invalid  
916 by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

917  
918 **SECTION 2.** This Ordinance shall take effect upon its final adoption.

919 Positive Endorsement:		Negative Endorsement: (Attach reasons)	
920		920	
921		921	
922		922	
923	_____	923	_____
924	Christopher T. Millea      Date	924	Christopher T. Millea      Date
925	City Solicitor	925	City Solicitor

926  
927 Sponsored by Councilman Ritz  
928 Co-Sponsored by Councilmen Andujar and Buonanno  
929  
930 Referred to Ordinance Committee January 7, 2026  
931