



DEPARTMENT OF PLANNING & DEVELOPMENT
MAYOR BRETT P. SMILEY

September 13, 2023

To: City Plan Commission

From: Robert E. Azar, AICP, Deputy Director

Re: Zoning Ordinance and Development Review Regulations Changes Related to State Law Changes

As we discussed last month, the Department of Planning and Development and the Zoning Official have been working on amendments to the Zoning Ordinance and Development Review Regulations in response to the bills passed by the R.I. General Assembly at the end of the 2023 session. The bills require local changes to be in effect by January 1, 2024.

We are presenting the zoning changes first because they need to be introduced to the City Council soon to ensure that they can be passed before January 1. The Development Review Regulations are adopted by the CPC. We will have a draft of these for the October meeting.

Below is a summary of the zoning changes.

Article 2, Definitions

Several definitions are being added or modified in conjunction with substantive changes as described below.

Article 4, Residential Districts

Table 4-1 is being amended to comply with the revised state law that prevents us from restricting the number of dwelling units on undersized lots. For example, we currently allow three units on a conforming lot (5,000 sf or larger) in an R-3 zone. We require at least 3,500 sf for two units. Under the new law, we will have to permit three units on a lot of any size in the R-3 zone. We also have to allow for setbacks to be reduced and building coverage to increase in proportion to the degree to which a lot is substandard. To prevent the entirety of a small lot from being impervious, we have introduced minimum pervious surface requirements.

Article 6, Downtown District

The new rules about development plan review will permit both the Downtown Design Review Committee and the administrative officer to grant design waivers. Therefore, all reference to waivers states that the “permitting authority” may grant them.

Article 12, Uses

We have revised the section on accessory dwelling units to comply with a law that was passed in 2022. It broadens the population that may occupy an ADU and removes restrictive language.

The new law requires all uses by special use permit to have standards for review by the Zoning Board. We have added use standards (e. g. funeral home, transitional shelter), or, in some cases we have changed the use from special use to permitted or prohibited.

We have added regulations to allow adaptive reuse of non-residential buildings in residential zones by right, as required by the new statute.

We have revised the number of people receiving day care in Family Day Care Homes to be consistent with all state laws that reference this use.

Article 17, Ordinance Administrators

Under the new law, administrative officers, appointed by the CPC, will have authority to conduct several types of review. Also, Development Plan Review (DPR) may be carried out by a planning board, technical review committee, or administrative officer. DPR carried out by the staff level development review committee will now be under the authority of an administrative officer (in consultation with other city officials). The Downtown Design Review Committee will become a technical review committee in order to continue to conduct DPR of projects in the D-1 District. Procedures for carrying out DPR must now be contained in the development review regulations.

Article 18, Application and Notice Procedures

This article is being modified to reflect that procedures for all development plan review will be contained in the development review regulations. We have also revised notice requirements per the amended statute.

Article 19, Zoning Applications and Approvals

We have revised standards for variances, special use permits, and administrative modification. We have renamed staff level DPR. It is now called administrative DPR. All DPR done by the City Plan Commission and Downtown Design Review Committee will be called formal DPR. All procedures for development plan review will be contained in the development review regulations.

Article 20, Nonconformities

This article is being renamed to Nonconformities and Uses by Variance and Special Use. Regulations for nonconforming lots are revised to comply with new law that requires setbacks to be reduced and lot coverage to increase for nonconforming lots. A new section is added to create standards for the conversion of uses by variance or special use.