**DELETE ALL CURRENT LANGUAGE REGARDING MODIFICATIONS.**

**ADD:**

Special Provisions.

Modifications to Dimensional Requirements.

The zoning officer is authorized to grant modification permits of up to and including fifteen percent (15%)**[[1]](#footnote-1)** of the literal dimensional requirements of this ordinance as follows:

1. Within ten (10) days of the receipt of a request for a modification, the zoning enforcement officer shall make a decision as to the suitability of the requested modification based on the following determinations:
2. The modification is reasonably necessary for the full enjoyment of the permitted use;
3. If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
4. The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations;
5. The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.
6. Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the zoning enforcement offer shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than five percent (5%), the zoning enforcement officer shall notify, by first class mail, all property owners abutting the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city or town that the modification will be granted unless written objection is received within fourteen (14) days of the public notice. If written objection is received within fourteen (14) days, the request for modification shall be scheduled for the next available hearing before the zoning board of review on application for a dimensional variance following the standard procedures for such variances, including notice requirements provided for under this chapter. If no written objections are received within fourteen (14) days, the zoning enforcement officer shall grant the modification.
7. The zoning enforcement officer may apply any special conditions to the permit as may, in the opinion of the officer, be requested to conform to the intent and purposes of the zoning ordinance.
8. The zoning enforcement officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received.
9. Costs of any notice required under this subsection shall be borne by the applicant requesting the modification.

1. Amended RIGL §45-53-4(d)(3)(i)(A) allows municipalities to permit modifications of up to twenty-five percent (25%). [↑](#footnote-ref-1)