**The tables on the following pages provide guidance where changes to enabling legislation are readily available for direct insertion into the local regulatory framework. The language presented below does not constitute a full assemblage of the required changes, only those that are for direct insertion, consisting primarily of definition language. The use of the language in the table below is prefaced with the following information:**

* Language that must be removed from a local ordinance is presented with a ~~strikethrough.~~
* Language that must be inserted into a local ordinance is presented as **bold and underlined.**
* The orange boxes provide additional information on which templates will further assist in making changes to local regulations and ordinances to properly insert the required language. Template language that is in red is required to be inserted into local regulations and ordinance as is, without modification.
* Language bracketed [AND CAPITALIZED] is provided where a municipality must insert a local zoning ordinance section number.
* The language in the tables below represents the sections from the amendments that are more easily inserted directly into regulations and ordinances. Additional amendments will be needed to comply with the changes to the statutory changes. More specific guidance on how to do that can be found in the associated template documents referenced in the orange boxes.

|  |  |  |
| --- | --- | --- |
| **Bill Title** | Zoning Enabling Act | |
| **House Number** | [H 6059 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/HouseText23/H6059A.pdf) | |
| **Senate Number** | [S 1032 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1032A.pdf) | |
| **RIGL Section and Language for Insertion into the Local Zoning Ordinance** | §45-24-31(66)(ii)  Definitions | **For definition section:**  (ii) Dimensional variance. Permission to depart from the dimensional requirements of a zoning ordinance~~, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that the structure may be more valuable after the relief are not grounds for relief~~ **under the applicable standards set forth in [INSERT LOCAL SECTION REFERENCE].** |
| [See dimensional variance template language for how to incorporate the required revisions into the local zoning ordinance.](https://www.rihousing.com/wp-content/uploads/MTAP_Templates_Dimensional-Variance-Definition-and-Standards_Final_20230918.docx) | | |
|  | §45-24-38(a) and (b) and (c)  Substandard lots of record | **For sections related to substandard lots of record:**   1. Any city or town adopting or amending a zoning ordinance under this chapter shall regulate the ~~use or uses~~ **development** of any single substandard lot of record or contiguous lots of record at the effective date of adoption or amendment of the zoning ordinance. 2. Notwithstanding the failure of that lot or those lots to meet the dimensional and/or quantitative requirements, and/or road frontage or other access requirements, applicable in the district as stated in the ordinance, **a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. All proposals exceeding such reduced requirement shall proceed with a modification request under [INSERT LOCAL SECTION REFERENCE] or a dimensional variance request under [INSERT LOCAL SECTION REFERENCE], whichever is applicable.** 3. Provisions may be made for the merger of contiguous unimproved, or improved and unimproved, substandard lots of record in the same ownership to create dimensionally conforming lots or to reduce the extent of dimensional nonconformance. The ordinance shall specify the standards, on a district-by-district basis, which determine the mergers. The standards include, but are not to be limited to, the availability of infrastructure, the character of the neighborhood, and the consistency with the comprehensive plan. **The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200') of the subject lot, as confirmed by the zoning enforcement officer.** |
| [See substandard lots template language for how to incorporate the required revisions into the local zoning ordinance.](https://www.rihousing.com/wp-content/uploads/MTAP_Template_Substandard-Lots-and-Merger_Final_20230915.docx) | | |
|  | §45-24-41(d)(2) and (4)  Variances | (2) That the hardship is not the result of any prior action of the applicant ~~and does not result primarily from the desire of the applicant to realize greater financial gain.~~  ~~(4) That the relief to be granted is the least relief necessary.~~ |
| §45-24-41(e)(2)  Variances | (2) In granting the dimensional variance, that the hardship suffered by the owner of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience, **meaning that the relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted**. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted is not grounds for relief. The zoning board of review or planning board has the power to grant dimensional variances where the use is permitted by special use permit ~~if provided for in the special use permit sections of the zoning ordinance.~~ |
| [See the variance template language for how to incorporate the required revisions into the local zoning ordinance.](https://www.rihousing.com/wp-content/uploads/MTAP_Templates_Dimensional-Variance-Definition-and-Standards_Final_20230918.docx) | | |
|  | §45-24-46  Modification | See modification template language for how to incorporate the requirements into the local zoning ordinance |
|  | | |
| [See the special use permit template for guidance on specific and objective criteria for special use permits under this bill.](https://www.rihousing.com/wp-content/uploads/MTAP_Templates_Special-Use-Permit_Final_20230918.docx) | | |

|  |  |  |
| --- | --- | --- |
| **Bill Title** | Adaptive Reuse | |
| **House Number** | [H 6090 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/HouseText23/H6090A.pdf) | |
| **Senate Number** | [S 1035 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1035A.pdf) | |
| **RIGL Section and Language for Insertion into the Local Zoning Ordinance** | §45-24-31  Definition | **For definition section:**  **Adaptive reuse. 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.** |
| This definition should be added to the zoning ordinance definition section.  [See the adaptive reuse template language for how to incorporate the required revisions into the local zoning ordinance.](https://www.rihousing.com/wp-content/uploads/MTAP_Adaptive-Reuse_Template_Final_20230918.pdf) | | |

| **Bill Title** | Land Development and Subdivision | |
| --- | --- | --- |
| **House Number** | [H 6061 Substitute Aaa](http://webserver.rilegislature.gov/BillText/BillText23/HouseText23/H6061Aaa.pdf) | |
| **Senate Number** | [S 1034 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1034A.pdf) | |
| **RIGL Section and Language for Insertion into the Local Land Development and Subdivision Regulation** | §45-23-32  Definitions | **For the definition section:**  Administrative officer. The municipal official**(s)** designated by the local regulations to administer the land development and subdivision regulations to **review and approve qualified applications and/or** coordinate with local boards and commissions, municipal staff and state agencies **as set forth herein.** The administrative officer may be a member of, or the chair, of the planning board, **an employee of the municipal planning or zoning departments**, or an appointed official of the municipality.  Administrative subdivision. ~~Re-subdivision~~ **Subdivision** of existing lots which yields no additional lots for development and involves no creation or extension of streets. ~~The re-~~**This** subdivision only involves divisions, mergers, mergers and division, or adjustments of boundaries of existing lots.  Board of appeal. The local review authority for appeals of actions of the administrative officer ~~and the planning board on matters of land development and subdivision,~~ which shall be the zoning board of review constituted as the board of appeal.  Certificate of completeness. A notice issued by the administrative officer informing an applicant that the application is complete and meets the requirements of the municipality’s regulations, and that the applicant may proceed with the ~~approval~~ review process.  **Development plan review. Design or site plan review of a development of a permitted use. A municipality may utilize development plan review under limited circumstances to encourage development to comply with design and/or performance standards of the community under specific and objective guidelines, for developments including, but not limited to:**   * **A change in use at the property where no extensive construction of improvements is sought.** * **An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought.** * **An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.** * **Development in a designated urban or growth center.** * **Institutional development design review for educational or hospital facilities.** * **Development in a historic district.**   **Land-development project. A project in which one or more lots, tracts, or parcels of land or a portion thereof are developed or redeveloped as a coordinated site for one or more uses, units, or structures, including but not limited to, planned development or cluster development for residential commercial, institutional, recreational, open space, or mixed uses.**  Major land development ~~plan~~ **project**. ~~Any land development plan not classified as a minor land development plan.~~ **A land development project which exceeds the thresholds for a minor land development project as set forth in this section. The process by which major land development projects are reviewed by the planning board, technical review committee, or administrative officer is set forth in [INSERT LOCAL SECTION REFERENCE].**  Major subdivision. ~~Any subdivision not classified as a either an administrative subdivision or a minor subdivision.~~ **A subdivision creating ten (10) or more buildable lots.**  Master plan. An overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. Required in major land development or major subdivision review **only. It is the first formal review step of the major land development or major subdivision process and the step in the process in which a public hearing is held.**  Minor land development ~~plan~~ **project.** ~~A development plan for a residential project as defined in local regulations, provided that the development does not require waivers or modifications as specified in this act. All nonresidential land development projects are considered major land development plans.~~ **A land development project involving any one the following:**   * **Seven thousand five hundred (7,500) gross square feet of floor area of new commercial, manufacturing or industrial development; or less, or** * **An expansion of up to fifty percent (50%) of existing floor area or up to ten thousand (10,000) square feet for commercial, manufacturing, or industrial structures; or** * **Mixed-use development consisting of up to six (6) dwelling units and two thousand five hundred (2,500) gross square feet of commercial space or less.** * **Multi-family residential or residential condominium development of nine (9) units or less.** * **Change in use at the property where no extensive construction of improvements are sought.** * **An adaptive reuse project of up to twenty-five thousand (25,000) square feet of gross floor area located in a commercial zone where no extensive exterior construction of improvements is sought.** * **An adaptive reuse project located in a residential zone which results in less than nine (9) residential units.**   Minor subdivision. A ~~plan for~~ subdivision of land ~~consisting of five (5) or fewer units~~ **~~or~~ creating nine (9) or fewer buildable** lots~~, provided that the subdivision does not require waivers or modifications as specified in this chapter~~.  Permitting authority. The local agency of government, **meaning any board, commission, or administrative officer** specifically empowered by state enabling law and local **regulation or** ordinance to hear and decide on specific matters pertaining to local land use.  Preliminary plan. ~~The~~ **A** required stage of land development and subdivision review which **generally** requires detailed engineered drawings ~~and all required state and federal permits~~.  **Public hearing. A hearing before the planning board which is duly noticed in accordance with [INSERT LOCAL SECTION REFERENCE] and which allows public comment. A public hearing is not required for an application or stage of approval unless otherwise stated in this section.**  ~~Public informational meeting. A meeting of the planning board or governing body preceded by notice, open to the public and at which the public is heard.~~  ~~Re subdivision. Any change of an approved or recorded subdivision plat or in a lot recorded in the municipal land evidence records, or that affects the lot lines of any areas reserved for public use, or that affects any map or plan legally recorded prior to the adoption oft eh local land development and subdivision regulations.~~  Subdivision. The division ~~or re division,~~ of a lot, tract, or parcel of land into two or more lots, tracts, or parcels~~. Any~~ or any adjustments to existing lot lines ~~of a recorded lot by any means~~ is considered a subdivision. ~~All re subdivision activity is considered a subdivision. The division of property for the purposes of financing constitutes a subdivision.~~  Technical review committee. A committee **or committees** appointed by the ~~planning board~~ **municipality** for the purpose of reviewing, commenting, ~~and~~ **approving and/or** making recommendations to the planning board ~~with respect to approval of land development and subdivision applications~~ **or administrative officer as set forth in [INSERT LOCAL SECTION REFERENCE].** |
| See the subdivision regulation template language for how to incorporate all the required revisions into the local land development and subdivision regulations. | | |

|  |  |  |
| --- | --- | --- |
| **Bill Title** | LMI Housing | |
| **House Number** | [H 6081 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/HouseText23/H6081A.pdf) | |
| **Senate Number** | [S 1037 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1037A.pdf) | |
| **RIGL Section and Language for Insertion into Local Ordinance/Regulation** | §45-53-3(1)  Definition | 1. **Adjustment(s) means a request, or requests by the applicant to seek relief from the literal use and dimensional requirements of the municipal zoning ordinance and/or the design standards or requirements of the municipal land development and subdivision regulations.** |
| [See the comprehensive permit template language for how to incorporate all the required revisions into the local zoning ordinance.](https://www.rihousing.com/wp-content/uploads/MTAP_Templates_Special-Use-Permit_Final_20230918.docx) | | |

|  |  |  |
| --- | --- | --- |
| **Bill Title** | Inclusionary Zoning | |
| **House Number** | [H 6058 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/HouseText23/H6058A.pdf) | |
| **Senate Number** | [S 1051 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1051A.pdf) | |
| **RIGL Section and Language for Insertion into Local Ordinance/Regulation** | §45-24-46.1(a) | (a) A zoning ordinance requiring the inclusion of affordable housing as part of a development shall provide that the housing will be affordable housing, as defined in § 42-128-8.1(d)(1); that the affordable housing will constitute not less than ~~ten percent (10%)~~ **twenty-five (25%)** of the total units in the development; and that the units will remain affordable for a period of not less than thirty-years (30) from initial occupancy enforced through a land lease and/or deed restriction enforceable by the municipality and the state of Rhode Island. **A zoning ordinance which requires the inclusion of affordable housing as part of a development shall specify the threshold in which the inclusion of affordable housing is required, but in no event shall a minimum threshold triggering the inclusion of affordable housing be higher than ten (10) dwelling units.** |
| §45-24-46.1(c)(1)  Incentives | (c) **Density bonus, zoning incentives and municipal subsidies.** For all projects subject to inclusionary zoning, ~~density bonuses and other incentives shall be established by the community and shall apply to offset differential costs of below-market units.~~ **subject to applicable setback, lot width, or frontage requirements or the granting of relief from the same, a municipality shall allow the addition of two (2) market rate units for each affordable unit provided and the minimum lot area per dwelling unit normally required in the applicable zoning district shall be reduced by that amount necessary to accommodate the development. Larger density bonuses for the provision of an increased percentage of affordable housing in a development may be provided by a municipality in the zoning ordinance. Nothing herein shall prohibit a municipality from providing, or an applicant from requesting additional zoning incentives and/or municipal government subsidies as defined in § 45-53-3 to offset differential costs of affordable units. Available zoning incentives and municipal government subsidies shall be listed in the zoning ordinance.** |
| [See the inclusionary zoning template language for how to incorporate all the required revisions into the local zoning ordinance.](https://www.rihousing.com/wp-content/uploads/MTAP_Templates_Inclusionary-Zoning_Final_20230918.docx) | | |

| **Bill Title** | Notice Requirements | |
| --- | --- | --- |
| **House Number** | [H 6086 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/HouseText23/H6086A.pdf) | |
| **Senate Number** | [S 1038 Substitute A](http://webserver.rilegislature.gov/BillText/BillText23/SenateText23/S1038A.pdf) | |
| **RIGL Section and Language for Insertion into Local Ordinance/Regulation** | §45-23-42(b) and (d)  Public hearing subdivision and land development | (b) Notice requirements. Public notice of the hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of ~~general~~ **local** circulation within the municipality following the municipality’s usual and customary practices for this kind of advertising. **The same notice shall be posted in the town or city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing.** Notice shall be sent to the applicant and to each owner within the notice area, by ~~certified mail, return receipt requested~~ first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the application **at least fourteen (14) days prior to the hearing**. The notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in tenths (1/10’s) of a mile. Local regulations may require a supplemental notice that an application for development approval is under consideration be posted at the location in question. The posting is for informational purposes only and does not constitute required notice of a public hearing. **For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.**  (d) Notice cost. The cost of all ~~notice~~ **newspaper and mailing notices** shall be borne by the applicant. |
| §45-23-53 (a) and (f)  Public hearing regulation adoption | 1. No local regulations shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the city or town planning board. The city or town planning board shall first give notice of the public hearing by publication of notice in a newspaper of ~~general~~ **local** circulation within the municipality at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held. **The same notice shall be posted in the town or city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing.** At this hearing, opportunity shall be given to all persons interested on being heard upon the matter of the proposed regulations. The newspaper notice ~~shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and~~ shall   (f) The cost of newspaper notice and mailings shall be borne by the applicant. |
| §45-24-41(b)  Variance | 1. A zoning ordinance provides that the zoning board of review, immediately upon receipt of an application for a variance in the application of the literal terms of the zoning ordinance, may request that the planning board or commission and/or staff report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the comprehensive plan of the city or town, in writing, to the zoning board of review within thirty (30) days of receipt of the application from that board. The zoning board shall hold a public hearing on any application for variance in an expeditious manner, after receipt, in proper form, of an application, and shall give public notice at least fourteen (14) days prior to the date of the hearing in a newspaper of ~~general~~ **local** circulation in the city or town. Notice of hearing shall be sent by first-class mail to the applicant, and to at least all those who would require notice under § 45-24-53 The notice shall also include the street address of the subject property. A zoning ordinance may require that a supplemental notice, that an application for a variance is under consideration, be posted at the location in question. The posting is for information purposes only and does not constitute required notice of a public hearing. **The same notice shall be posted in the town or city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing.** **For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.** The cost of **newspaper and mailing** notification shall be borne by the applicant. |
| §45-24-53(a) and (c)  Zoning ordinance adoption | 1. No zoning ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the city or town council. The city or town council shall first give notice of the public hearing by publication of notice in a newspaper of ~~general~~ **local** circulation within the city or town at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. Written notice~~, which may be a copy of the newspaper notice,~~ shall be mailed to the parties specified in subsections (b), (c), (d), (e), and (f) of this section, at least two (2) weeks prior to the hearing. ~~The newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and~~ **The same notice shall be posted in the town or city clerk's office and one other municipal building in the municipality and the municipality must make the notice accessible on their municipal home page of its website at least fourteen (14) days prior to the hearing.** 2. Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the city or town. The notice shall be given by **first-class mail** at least two (2) weeks prior to the hearing at which the text amendment is to be considered, with the content required by subsection If the city or town zoning ordinance contains an existing merger clause to which the nonconforming lots would be subject, the notice shall include reference to the merger clause and the impacts of common ownership of nonconforming lots. ~~The sender of the notice shall utilize and obtain a United States Postal Service certificate of mailing, and the certificate or an electronic copy thereof shall be retained to demonstrate proof of the mailing.~~ **For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.** |
|  | §45-24-53(d)(2) and (h)(i)  Specific zoning map amendment | (d)(2) Written notice of the date, time, and place of the public hearing and the nature and purpose of the hearing shall be sent to all owners of real property whose property is located in or within not less than two hundred feet (200′) of the perimeter of the area proposed for change, whether within the city or town or within an adjacent city or town. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by ~~registered, certified, or~~ first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the city or town in which the property is located; provided, for any notice sent by first-class mail, the sender of the notice shall ~~utilize and obtain a United States Postal Service certificate of mailing, PS form 3817, or any applicable version thereof, to demonstrate proof of~~ **submit a notarized affidavit to attest to such mailing.**  **(**h)(i) Costs of ~~any notice~~ **newspaper and mailing notices** required under this section shall be borne by the applicant. |
| Notice requirements are found in several sections of zoning ordinances and subdivision regulations. The changes for requirements for notice are provided here and should be changes should be made to the local zoning ordinance and subdivision regulations to reflect the modifications to enabling legislation. There is no template document provided for this as the references are generally scattered within the ordinance and regulation. The language provided in this table can be used to update the various locations where this language occurs in the local ordinance and regulation. | | |