**DELETE CURRENT LANGUAGE THAT DEFINES “DIMENSIONAL VARIANCE”**

**ADD:**

Definitions.

Dimensional Variance. Permission to depart from the dimensional requirements of [this] zoning ordinance under the applicable standards set forth in R.I.G.L. § 45-24-41.

**AMEND THE SECTION OF THE LOCAL REGULATIONS THAT IDENTIFIES THE STANDARDS FOR APPROVAL OF A VARIANCE IN ACCORDANCE WITH THE LANGUAGE BELOW:**

## *General provisions — Variances.*

1. An application for relief from the literal requirements of this zoning ordinance because of hardship may be made by any person, group, agency, or corporation by filing with the zoning enforcement officer or agency an application describing the request and supported by any data and evidence as may be required by the zoning board of review or by the terms of this ordinance. The zoning enforcement officer or agency shall immediately transmit each application received to the zoning board of review and a copy of each application to the [planning board].
2. 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] 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/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 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 RIGL §45-24-53. The notice shall also include the street address of the subject property. [**OPTIONAL:** A supplemental notice, that an application for a variance is under consideration, shall 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 cost of notification shall be borne by the applicant.
3. Requests for dimensional and use variances and special use permits submitted under a unified development review provision of this zoning ordinance shall be submitted as part of the subdivision or land-development application to the administrative officer of the [planning board], pursuant to RIGL §45-24-46.4(a)[INSERT SECTION]. All subdivision or land-development applications submitted under the unified development review provisions of this zoning ordinance shall have a public hearing, which shall meet the requirements of [INSERT LOCAL SECTION REFERENCE] and RIGL §45-23-50.1(c).
4. In granting a variance, the zoning board of review, or the [planning board] under unified development review as appropriate, shall require that evidence to the satisfaction of the following standards is entered into the record of the proceedings:
5. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in RIGL §45-24-30(a)(16);
6. That the hardship is not the result of any prior action of the applicant; and
7. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based;
8. The zoning board of review, or, where unified development review is enabled, the [planning board] shall, in addition to the above standards, require that evidence is entered into the record of the proceedings that:
9. In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the zoning ordinance. Nonconforming use of neighboring land or structures in the same district and permitted use of lands or structures in an adjacent district shall not be considered in granting a use variance; and
10. In granting a 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 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] in unified development review, has the power to grant dimensional variances where the use is permitted by special-use permit.