

Technical Paper Number 148

Inventory of Local Zoning Ordinances and Land Development Regulations

April 2001

Statewide Planning Program
Rhode Island Department of Administration
One Capitol Hill
Providence, RI 02908-5870

www.planning.state.ri.us

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ABSTRACT

TITLE: Inventory of Local Zoning Ordinances and Land Development Regulations

SUBJECT: Local zoning ordinance and land development regulation provisions

DATE: April 2001

AGENCY AND SOURCE OF COPIES: Rhode Island Department of Administration
Statewide Planning Program
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This paper is available as a pdf file on the Statewide Planning Program Website, www.planning.state.ri.us. In addition, the base data in narrative format by City and Town is also available for those interested in more detailed information about the provisions summarized in the tables for this technical paper.

SERIES NO.: Technical Paper Number 148

NO. OF PAGES: 46

ABSTRACT: This paper compiles data on selected provisions of zoning ordinances and land development/subdivision review regulations of Rhode Island's thirty-nine municipalities. The provisions range from protection of natural resources and retention of community character to provisions for affordable housing and modally balanced transportation systems.

PREFACE

The original intent of this effort was a simple update of Technical Paper 139: *Inventory of Rhode Island Local Zoning and Subdivision Provisions Relating to Open Space or Affordable Housing, 1990*. However, since the first inventory, Rhode Island's land use laws changed dramatically to mandate comprehensive planning and formally recognize the nexus between local comprehensive plans, zoning, and land development regulations.¹

Every Rhode Island community has adopted a new comprehensive plan, zoning ordinance, and set of land development regulations since the publication of the first inventory.² Most have incorporated new design techniques, standards, and processes aimed at resource protection and preservation of community character in their zoning and land development regulations. This inventory was expanded to catalogue those provisions.

Ordinances and land development regulations are evolving locally and in relation to the state legislative and regulatory environment. They are dynamic and increasingly complex. In the course of this study, multiple reviews were completed for numerous communities in an attempt to keep pace with ongoing revisions to zoning and land development regulations. This inventory thus records a static point in time for each of the 39 cities and towns. It is designed to recognize local differences while presenting data that can be compared and summarized statewide.

Kathleen Crawley, Principal Planner, conducted the research and is principal author. This paper was produced under the supervision of William Sheridan, Assistant Chief, and Grace Beiser, Supervising Planner for Land Use. George Johnson, Supervising Planner for Transportation, designed and published the previous inventory and designed categories for this effort. Derwent Riding, Principal Planner, provided valuable review of data at all levels, assistance in interpreting the categories, and outreach to the communities. Mansuet J. Giusti, III, Supervising Draftsperson and Kim A. Gelfuso Information Services Technician II prepared the document for printing and web publication. The participation of the local planning community contributed greatly to the accuracy and usefulness of this inventory. Thirty-five of the thirty-nine municipalities reviewed primary narrative data. Thirty-one of the thirty-nine reviewed the draft tables.

Finally, the Statewide Planning Program would like to acknowledge the efforts of three interns from the Rhode Island State Government Internship Program who produced an unpublished update of Technical Paper 139 in 1998: Frances Kelly, a student at Boston College Law School, Michelle Berthiaume, a graduate of the University of Nebraska and a student at Roger Williams University School of Law, and J. Yannick Perrette, an undergraduate at Brown University.

¹ See: The Comprehensive Planning and Land Use Regulation Act (R.I. General Laws, Ch. 45-22.2), Rhode Island Zoning Enabling Act of 1991. (R.I. General Laws Ch. 45-24-27 *et. seq.*), and The Rhode Island Land Development and Subdivision Review Act of 1992 (R.I. General Laws Ch. 45-23-25 *et. seq.*).

² Several have also adopted design manuals individually or regionally to promote flexible design, encourage traditional patterns of development, and protect specified resources, most notably watersheds. Regional examples include the South County Design Manual (currently in draft form) and the Rural Design Manual, Scituate Reservoir Watershed Zoning Project- Part 2. Newport Collaborative Architects, Inc., 1998. South Kingstown's Residential Design Manual was adopted, in part to "explore South Kingstown's varied landscapes and to suggest ways to design residential development that fits into its context." Dodson Associates, 1999.

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PART ONE: INTRODUCTION

Introduction

The intent of this inventory is to provide planners, policy makers, and local officials with an overview of current zoning and land development techniques employed in Rhode Island, by city and town. Part One consists of a summary chart (Table 1) which compares current provisions (2000) to those originally presented in Technical Paper 139: *Inventory of Rhode Island Local Zoning and Subdivision Provisions Relating to Open Space or Affordable Housing, 1990*. Modern land management techniques for “preserving community character” and encouraging intermodal transportation have been added to this inventory to reflect the new laws and the spirit of local comprehensive plans.

This inventory has six major categories:

- ◆ Resource Protection
- ◆ Open Space Zoning
- ◆ Planned Residential Development (Cluster and Open Space Subdivision)
- ◆ Planned Unit Development (Mixed Use: Residential, Commercial, Industrial)
- ◆ Affordable Housing
- ◆ Other Provisions Related to Community Character, Intermodal Transportation, and Administration.

Methodology

Project design

Since this research was intended to update a previously published (1990) inventory, the data matrix used in the prior study was selected as the starting point. Supervisory staff of the Statewide Planning Program and the Office of Municipal Affairs reviewed and revised the design and content.

Data collection and analysis

Each zoning ordinance and set of land development regulations was reviewed from beginning to end. Provisions related to the inventory were noted as found. Provisions that reached the level of a regulatory or review standard or required finding were noted in the tables. General statements of intent, though noteworthy in the evolution of zoning in Rhode Island, were not noted on the tables. Standards that support intent were.

Municipal review and verification

Communities were contacted in advance to ensure that Statewide Planning had the most recent copies of the zoning and land development regulations on file. Once the documents were reviewed and summarized, communities were contacted by telephone. The narrative data was then sent to the local planning contact for review. These reviews were conducted over the course of a year from November of 1999 to December of 2000 with thirty-five of

the thirty-nine communities responding. Draft data tables were produced and sent to municipal planning contacts in January 2001 for final review. Thirty-one responded.

Limits of the data

Users of the data are cautioned to be aware of the following limitations:

- ◆ The inventory was limited to zoning ordinances and land development/subdivision review regulations in force at the time of the review (see Appendices A and B). Communities may have relevant provisions incorporated elsewhere in their municipal codes (e.g., tree ordinances, floodplain standards and requirements, erosion and sediment control requirements, etc.). In other situations, new provisions were proposed or pending at the time of the research. The scope of the inventory could not encompass these separate or pending provisions. In light of the new impact fee legislation, communities that have adopted separate ordinances have been noted when local planners have forwarded the information.³
- ◆ While objective, the inventory necessarily has a subjective component: interpreting zoning ordinance/land development regulation language and assessing applicability to the search criteria.
- ◆ Since the inventory is principally quantitative, it records the most basic attribute of regulatory provisions—generally only their existence. This said, however, provisions did need to rise to the level of a regulatory standard, review requirement and/or finding of fact to merit notation in this inventory. General statements of intent, mirroring the enabling acts, while laudable, do not meet that standard unless supporting regulations also exist. Similarly, subdivision checklist requirements absent review requirements would not meet the standard.
- ◆ No qualitative assessments were made as to the content of various provisions or their implementation. There is no assessment of how well a particular approach or technique works in practice, or whether they are effectively administered and enforced.
- ◆ Provisions were not compared to national models, or the ordinances of other communities. For example, while the inventory reports the number of communities that have landscaping requirements and how they are provided, it does not speak to the virtues of the content of individual provisions.
- ◆ While this inventory is designed to assist in researching the provisions of other ordinances, it does not evaluate the legality of provisions as they relate to state enabling legislation, case law and local charters, comprehensive plans, and other local regulations.

³ The Rhode Island Development Impact Fee Act (R.I. General Laws Ch. 22.4).

Summary of Local Provisions 1990 and 2000

Table 1
Comparison of Local Zoning and Land Development Provisions, 1990 and 2000

PROVISION	NUMBER OF COMMUNITIES WITH PROVISION	
	1990	2000
Open Space Zoning		
Established Districts	14	23
Resource Protection		
Wetlands	26	33
Watercourses	32	33
Scenic areas	10	30
Coastal areas	7	20
Agricultural land	12	25
Groundwater	12	33
Water supply watersheds	7	17
Floodplains	26	37
Planned Residential Development		
Allowed in community	19	28
Mandatory cluster	Not Inventoried	5
Density bonus given	7	8
Open space dedication required	14	26
Planned Unit Development		
Allowed in community	15	18
Density bonus given	5	9
Open space dedication required	10	12
Congregate Housing		
Allowed in community	4	23
Accessory Apartments		
Allowed in community	5	27
Multifamily Residential		
Allowed in community	37	38
Mobile Homes		
Allowed in community	25	9
Expressly prohibited		23
Incentive Zoning For Affordable Housing	Not Inventoried	7
Impact Fees Charged	6	7

PART TWO: INVENTORY OF LOCAL PROVISIONS 2000

Section 1: Natural Resource Protection

This section of the inventory identifies zoning ordinance provisions or land development regulations intended to protect specified resources. The table also indicates how communities have provided protection (overlay, plan review, etc.).

Inventory Categories: Natural Resource Protection

The inventory catalogs provisions intended to protect the following resources:

- Rare Species - Critical Habitats
- Farmland
- Floodplains
- Buffers
- Historic Resources/Sites
- Scenic Vistas/Roadways
- Trees/Woodlands
- Coastal Features
- Groundwater Aquifers
- Public Surface Drinking Water
- Watercourses
- River Corridors
- Wetlands

Explanation of Symbols: Natural Resource Protection

Blank A blank space indicates that no provision was found. A blank may also indicate that the category does not apply to the community. For example, a community with no surface water bodies or coastal features would not contain provisions protecting the resource.

From Zoning:

ZO The community has established an overlay district for the protection of the resource.

ZOS The community protects this resource through standards for an overlay created to protect another resource. For example, a community with a wetland overlay district may also provide for the protection of barrier beaches and sand dunes as well as flood hazard areas. The letters “ZO” would appear in the wetlands category while “ZOS” would appear in the coastal and floodplains categories.

RZO The community has established a residential overlay district to protect the resource(s). The Town of Bristol has created two overlays- the Residential Cluster Overlay Zone and the Resource Conservation and Creative Development Overlay Zone which seek to protect and conserve agricultural land, historic, cultural and natural resources. Lincoln’s Rural Protection Zone (RPZ) is intended *to preserve*

open land, sensitive natural areas, and rural community character that would be lost under conventional development.

SR An SR designation means that the zoning ordinance contains special regulations or requirements. These could be standards for particular uses like cluster developments, or uses requiring a special use permit. Setback requirements for ISDS or hazardous waste facilities (if not part of any industrial performance standards) would receive this designation as would design and public improvement standards contained in the ordinance.

Note: A city or town with the letters SR in the *floodplains* category has flood hazard regulations and standards in the zoning ordinance. When these floodplain standards apply to the protection of other resources, “SR” is entered in those columns as well. Reference to the flood maps technically makes these overlay districts, but the community does not expressly designate the district as an overlay. A community that designates the district as an overlay would receive a “ZO” designation and ZOS would be entered in those resource categories that are regulated by the overlay standards and regulations.

DPR These letters indicate that the community has adopted some variation of development plan review with standards that protect the particular resource. Communities have adopted varied terms and standards. The process may be called site plan review or development plan review, and may apply to all major land developments/subdivisions and/or special uses, variances, etc. It may only apply to industrial uses, commercial and industrial, new development or expansions meeting specified threshold criteria. Development plan review is defined in the state zoning enabling legislation as⁴:

(21) Development Plan Review. The process whereby authorized local officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of the ordinance.

IPS The community protects the resource with industrial performance standards. This category would include standards that apply only to industrial uses and constitute performance standards. They are designated as industrial performance standards.

LDR The community states that the protection of the resource is an intended purpose of a low-density residential zoning district. This is very common for the farming category with many communities adopting larger lot zoning for the preservation of agricultural land and/or working farms. This is distinguished in the inventory from an RZO which is a residential zoning overlay district.

MD This designation indicates that the community has established a mapped zoning district to protect a particular resource. It should be noted that an overlay can be

⁴ From R.I. General Laws, Chapter 45-24-31, Zoning Ordinances.

mapped or unmapped. The two communities with this designation adopted special districts specifically to protect the resource. Barrington's zoning ordinance establishes a Wildlife Refuge District for town-owned land and land "held by private organizations whose stated goal is the preservation of significant natural areas, including wildlife habitat areas." [Article III, 185-6 Zoning Districts (A) Wildlife Refuge District]. A stated purpose of the Conservation District is to maintain the area in its natural condition and/or protect a plant or animal habitat area [Article III, Zoning Districts and Zoning Map, Section 185-6 (B) Conservation District]. Warren's Farm Conservation District includes agricultural lands which are permanently protected against development, and are now or formerly in active farming use.

- * This designation appears for Coventry under the floodplain category to indicate that they have a stand-alone ordinance that is referenced in the zoning ordinance.

From the Land Development/Subdivision Regulations:

DS Any design standards, required findings or review requirements found in the land development regulations to protect the resource are noted with the letters DS. Requiring identification of the resource on a checklist, while important, does not warrant designation unless additional standards are contained in the regulations.

**Table 2
Natural Resource Protection Provisions by Community**

Community	Rare Species	Farmland	Floodplains	Buffers	Historic Resources or Sites	Scenic Vistas and Roadways	Trees and Woodlands	Coastal Features	Groundwater	Public Surface Drinking Water	Watercourses	River Corridors	Wetlands
Barrington	MD		SR, DS	DPR, DS	DPR	DPR	DPR, DS	ZOS, SR	ZOS, DPR		SR		ZO, SR, DPR
Bristol	RZO, DS	RZO, DS	ZO, DS	RZO, DPR, DS	ZO, RZO, DS	ZO, DS	RZO, DS	RZO, DS			RZO, SR, DS		ZOS, RZO, DS
Burrillville		LDR	SR, DS				ZOS, DS		ZO, SR, DPR		SR		SR, DPR
Central Falls					ZO								
Charlestown	DS	ZOS, SR, DS	ZO, SR, DS	SR, DPR, DS	ZO, DPR, DS	DPR, DS	DS	ZOS, SR, DS	ZO, LDR, DPR, SR, DS		ZOS, DS		SR, DS
Coventry	DS	DS	DPR, DS, *	SR, DPR, DS	DPR, DS	DPR	DPR, DS		DPR, DS	DPR	SR		DPR, DS
Cranston	SR, DPR, DS		ZO, IPS, DS	SR, DPR, DS	ZO, SR, DPR, DS	DPR, DS	DPR, DS	DS	SR, DS		SR, IPS, DS		IPS, SR, DS
Cumberland		LDR, SR	DS	SR	ZO, DS		SR, DS		DS	DS		DS	DS
East Greenwich	SR, DS	LDR, SR	DS	SR, DS	ZO, DS	ZOS, DPR, SR, DS	DS	SR, DS	DS		DS		DS
East Providence	DPR		SR, DS	SR, DPR, DS	DS	DS	DPR, DS	DPR	DPR, IPS, DS	DPR, IPS	SR, DS	DS	DPR
Exeter	LDR, DPR, DS,	LDR	DS	SR	DPR, DS	DPR, DS	DPR, DS		ZO, DPR, DS		DPR, SR, DS		SR, DS
Foster	DS	LDR	DPR	SR	DPR, DS	DS	DPR		DS	DS	DPR		DS
Glocester	DS	DS	ZO, DS	SR	ZO, DS	DS	DS			DS	SR, DS		ZOS
Hopkinton	DS	LDR, DS	ZO, DS	DS	DS	DS	DS		DS	DS	ZO, DS		DS
Jamestown	SR	LDR, SR, DS	SR, DS	SR, DS	SR	SR, DS	DS	SR, DS	LDR, SR, DS	LDR, SR, DS	SR, DS		SR, DS
Johnston			SR, DS	SR, DPR, DS	DS	DS	DS		DPR, DS	DPR, DS	SR, DS		DPR, SR, DS
Lincoln	RZO	LDR, RZO, DS	ZO, DS	DPR	RZO, DPR, DS	RZO	RZO, DS		DPR	ZO, DPR	SR	ZO	RZO, DPR, DS
Little Compton			SR	SR				SR	DS		SR		SR
Middletown		LDR	SR, DS	ZOS, SR	ZOS	ZOS	ZOS, DS	SR	ZO, SR	ZO, SR	ZO, SR, DS		SR, DS
Narragansett	DPR, DS	SR, DS	ZO, ZOS, DS	SR, DS	DS	DS	SR, DS	ZO, DS	ZO, DS		SR, DPR, DS		ZO, DPR, DS
New Shoreham	SR, DPR, DS	DS	ZO, DS	SR, DS	ZO, DPR, DS	SR, DS	SR, DS	ZO, SR, DS	SR, DPR, DS		SR, DPR, DS		SR, DS
Newport					ZO, DS	SR, DS	SR, DS		SR		DS		SR
North Kingstown	DPR, SR, DS	DS	ZO, DS	DPR, DS	ZO	ZO	DPR, DS	ZOS, DS	ZO, LDR, DPR, DS		ZOS, DS		ZOS, DS
North Providence			ZO, DS	DPR	ZO				DS		ZOS		
North Smithfield			ZO, LDR	SR	ZO, SR		SR		ZO, SR, DS	SR	LDR, SR, DS		SR
Pawtucket			ZO	SR	ZO		ZOS	ZOS				ZO, DPR	
Portsmouth	SR, DS	SR	ZO, DS	SR, DS	SR, DS	SR, DS	ZOS, SR, DS	ZOS, DS	DS	ZO	DS		
Providence			SR	SR	ZO	SR		SR					
Richmond	DPR, DS	ZO, DS	SR, DS	DS	DPR, DS	DPR, DS	DPR, DS		DPR, DS		SR, DS		DPR, DS
Scituate	SR, DS	DS	ZO, DS	SR, DPR	ZOS, DPR, DS	DPR, DS	DPR		SR, DS	LDR, DS	SR, DS		SR, DPR, DS
Smithfield	SR		DS	DS	DS	DPR	DS		DS	DS			SR, DS
South Kingstown	LDR, SR, DS	LDR, DS	ZO, DS	DS	ZO, DS	DPR, DS	DS	ZO, LDR, SR, DS	ZO, SR, DS	ZO, SR	SR, IPS, DS		DPR, DS
Tiverton	SR, DS	DS	SR, DPR, DS	ZOS, SR	SR, DS	DS	DPR, DS	DS	SR, DS	ZO, DPR	SR		SR, DPR
Warren		MD	ZO, DS	SR	DS	DS	DS	SR, DS	ZO	ZO, DS	SR, DS		DS
Warwick			ZO	SR	ZO		SR	ZOS, SR			ZOS		SR
West Greenwich	DS, DPR	LDR, DS	DS	IPS, SR, DPR, DS	DPR, DS	DPR, DS	DPR, DS		DPR, DS		SR		SR, IPS, DS
West Warwick	DS	DS	ZO, DS	SR, DS	DPR, DS	DPR, DS	DS		DS		DS		DS
Westerly	DS	DS	ZO, SR, DS	SR, DS	DS	DS	SR, DS	DS	ZO, SR		DS		DS
Woonsocket			ZO	SR					DS			ZO, DPR	

ZO zoning overlay to protect resource
ZOS zoning standard in an overlay that protects another resource
RZO - residential overlay
SR special zoning regulations/requirements
DPR development/site plan review standards to protect the resource
IPS Industrial performance standards in zoning findings, and/or review requirements
LDR low density residential district is intended to protect the resource
MD a mapped district protects the resource
* stand alone ordinance is referenced in zoning
DS the subdivision/land development regulations contain design standards,

Section 2: Open Space and Agricultural Zoning

Open space and agricultural zoning districts are noted in this section of the inventory. For communities having open space zones, the inventory quantifies two parameters: the land use categories allowed and, if applicable, the minimum lot size. For municipalities having agricultural zones, the inventory notes whether they exclude other uses. The information was collected from zoning ordinance use tables and zoning district descriptions. The letter designation for each district is noted on the table. During the course of the study many communities noted that they allow agricultural uses in most districts. The question for this inventory was whether a special district has been created for the purpose of preserving agricultural land and/or uses. When a community stated that the purpose of a low-density residential district was to preserve agricultural land or use this is noted with the letters LDR.

The three tables in this section review open space and agricultural zoning provisions. The first table lists the various open space zoning districts as they appear in the zoning ordinance by community and notes which communities allow or prohibit residential uses. The second table shows which open space districts allow, expressly prohibit, or do not address additional uses. The third table shows how communities seek to preserve agricultural land/uses and whether agriculture is designated as the exclusive use in the district.

Description of Inventory Categories: Open Space and Agriculture

Open Space Zone- The letter designations for the local district(s) are noted under this heading. The letters are intended to assist the user in identifying communities that combine open space and recreation and/or define districts according to ownership.

Minimum Lot Size Requirement- If there is a requirement, it is noted in this category. A blank space for a community with an open space district indicates that no minimum requirement exists.

Permitted Uses In Open Space Zone: The following uses are allowed in the open space district either by right or special use permit (•), prohibited (NP), or are not listed on the use table (Blank).

- Residential Single- Family
- Residential Two- Family
- Residential Multi-Family- Three or more units.

The following inventory categories may be regulated locally by intensity, type, and/or ownership. When all uses are prohibited NP is entered. When some or all are allowed by right or special use permit the symbol • appears in this column.

- Agriculture
- Public Parks/Recreation
- Commercial Recreation- This category may include a range of privately managed or owned facilities including golf courses, camps, shooting ranges, etc.
- Cemeteries

Other Allowed Uses- A mark in this category indicates that the community allows other active or built uses either by right or by special use permit. Charlestown, for example allows libraries and government buildings by right and certain utilities by special use permit. Pawtucket allows some municipal buildings and commercial parking.

Since the “other use” must be active or built to warrant a mark in this category, no mark is entered for Warren or Tiverton. Warren’s use table lists passive recreation and habitat management as allowed uses and Tiverton allows wildlife preserves. Although these are technically “other” uses, they are not entered because they are passive.

Agricultural Zone- This category lists low density residential districts where the stated purpose is the preservation of agricultural land (LDR). Richmond’s Agricultural Overlay District and Warren’s Farm Conservation district are also noted though both also allow residential development/uses in the districts. For the most part agricultural land is zoned in Rhode Island for low-density (1 to 5 acre) residential development. Richmond’s overlay district offers a bonus lot for each 25-acre farm lot created in a residential cluster development [Land Development and Subdivision Regulations, Article IV Special Requirements, (A) Residential Cluster Developments 3. Density Calculation (e)]. For a residential compound in an agricultural overlay there is a bonus lot granted for each 25-acre farm lot to the maximum of 7 lots [IV (B) 3 (d) and (e)].

Minimum Agricultural Lot Size - Minimum lot sizes are noted for the various low density residential districts (LDR), Richmond’s Agricultural Overlay District and Warren’s Farm Conservation district.

Exclusive Use- This category notes whether any of Rhode Island agricultural districts restrict use to agriculture.

Explanation of Symbols: Open Space and Agriculture

- The use is identified in the zoning ordinance and allowed either by right or as a special use.
- Blank A blank indicates that the community does not have an open space or agricultural zoning district or overlay district. A blank may also indicate that there is no specific provision for a minimum lot size.
- NP The use is expressly prohibited.
- LDR The community states that the protection of agricultural land is an intended purpose of a low-density residential zoning district.
- Open Space
Zones The letter designations for local open space districts are noted in the first column of the chart. They are intended to assist the user to identify those communities with multiple districts, and those that organize by use and/or

ownership. Additional information is available in narrative form from Statewide Planning and from the local ordinance use tables.

An NP and the symbol (•) may appear in the same cell on the chart along with the letter designation for the local district. This indicates that a use is permitted in one district and prohibited in another. The chart includes the following district designations:

- ◆ OS-A- Open Space Active
- ◆ OS-P- Open Space Passive
- ◆ C- Conservation
- ◆ OS, O-S (Cumberland)
- ◆ OS, OSI, OSII (Jamestown)
- ◆ O-1 (East Providence)
- ◆ S-1 (Cranston)
- ◆ OSR- Open Space and Recreation
- ◆ OSPL- Open Space and Public Land
- ◆ PO- Public Open Space
- ◆ CR-1, CR-2- Conservation and Recreation Districts
- ◆ PR-2- Public Recreation/Passive Conservation

**Table 3
Open Space Zoning Districts with Minimum Lot and Residential Use Requirements**

Community	Open Space Zone	Minimum Open Space Lot Size	Residential Single Family	Residential Two Family	Multifamily (3 + Units)
Barrington	OS-A, OS-P		NP	NP	NP
Bristol	OS	80,000 sq ft	NP	NP	NP
Burrillville	OS	5 acres	•	NP	NP
Central Falls					
Charlestown	OSR		NP	NP	NP
Coventry					
Cranston	S-1	80,000 sq ft	NP	NP	NP
Cumberland	O-S		NP	NP	NP
East Greenwich					
East Providence	O-1	100,000 sq ft	NP	NP	NP
Exeter	OSPL		•	NP	NP
Foster					
Glocester					
Hopkinton					
Jamestown	OS, OSI, OSII	40,000, 80,000, 200,000 sq ft	• OS, OSII NP OSI	NP	NP
Johnston					
Lincoln	CR-1, CR-2	40,000 sq ft	• CR-1 NP CR-2	NP	NP
Little Compton					
Middletown	OS	100,000 sq ft	NP	NP	NP
Narragansett					
New Shoreham					
Newport	OS	10,000 sq ft	NP	NP	NP
North Kingstown	OS		NP	NP	NP
North Providence	OS	5 acres animals/crops	NP	NP	NP
North Smithfield					
Pawtucket	PO	100,000 sq ft	NP	NP	NP
Portsmouth	OSPL		NP	NP	NP
Providence	OS		NP	NP	NP
Richmond					
Scituate					
Smithfield					
South Kingstown	OS		NP (except farm residence)	NP (except farm residence)	NP
Tiverton	OS		NP	NP	NP
Warren	Conservation District				
Warwick	OS		NP	NP	NP
West Greenwich	OSPL	2 acres	NP	NP	NP
West Warwick					
Westerly	OSR		NP	NP	NP
Woonsocket	PR-2		NP	NP	NP

Table 4
Selected Categories of Uses Allowed/Prohibited in Open Space Districts

Community	Agriculture		Public Parks and Recreation		Commercial Recreation		Cemeteries		Other Allowed Uses
Barrington	• NP	OS-A OS-P, C	• NP	OS-A OS-P, C	• NP	OS-A OS-P, C	NP S	OS-A, C OS-P	• OS-A, OS-P
Bristol		•		•		•		•	•
Burrillville		•		•		•			
Central Falls									
Charlestown		•		•		•		•	•
Coventry									
Cranston		•		•		•		•	•
Cumberland		•		•		•		NP	•
East Greenwich									
East Providence		•		•		•		NP	•
Exeter		•		•		NP		NP	•
Foster									
Glocester									
Hopkinton									
Jamestown	• NP	OS, OSII OSI	• NP	OS, OSII OSI	• NP	OS, OSII OSI		•	• OS, OSII
Johnston									
Lincoln	• NP	CR-1 (Crops) CR-2		•		•		NP	
Little Compton									
Middletown		•		•		•		•	•
Narragansett									
New Shoreham									
Newport		NP		•					
North Kingstown		•		•		NP		NP	•
North Providence		•		•		•			•
North Smithfield									
Pawtucket		•		•		•		NP	•
Portsmouth		•		•		•		NP	•
Providence		NP		NP		•		•	
Richmond									
Scituate									
Smithfield									
South Kingstown		•		•		NP		•	•
Tiverton		NP		•		NP		NP	
Warren									
Warwick		•		•		•		NP	
West Greenwich		NP		•		•			
West Warwick									
Westerly		NP		•		•		•	•
Woonsocket				•					•

**Table 5
Communities with Agricultural Zoning Districts**

Community	Agricultural Zone	Minimum Agricultural Lot Size	Exclusive Use	Single Family Residential Allowed
Barrington				
Bristol				
Burrillville	LDR	2 acre, 5 acre	No	•
Central Falls				
Charlestown				
Coventry				
Cranston				
Cumberland	LDR	5 acre, 80,000 sq ft	No	•
East Greenwich	LDR	1 acre, 2 acre	No	•
East Providence				
Exeter				
Foster	LDR	200,000 sq ft	No	•
Glocester	LDR	3 acre, 4 acre	No	•
Hopkinton	LDR	80,000 sq ft	No	•
Jamestown				
Johnston				
Lincoln	LDR	40,000 sq ft	No	•
Little Compton				
Middletown				
Narragansett				
New Shoreham				
Newport				
North Kingstown				
North Providence				
North Smithfield	LDR	65,000 -120,000 sq ft	No	•
Pawtucket				
Portsmouth				
Providence				
Richmond	Agricultural Overlay District	40,000 sq ft - 5 acre, 50 gross acres (cluster, compound)	No	•
Scituate				
Smithfield				
South Kingstown				
Tiverton				
Warren	Farm Conservation District	40,000 sq ft residential 100,000 sq ft commercial animal/stables	No	•
Warwick				
West Greenwich				
West Warwick				
Westerly				
Woonsocket				

Section 3: Planned Residential Development

This category of the inventory identifies municipalities that provide for some variation of planned residential or cluster residential development. Additional detail is presented for those communities that have adopted cluster provisions.

There are three tables:

- ◆ The first table shows which communities provide for some variation of planned residential development and what they call it. The table indicates which communities mandate cluster development, the process by which cluster is established/regulated in the ordinance and other types of planned residential development including residential compounds.
- ◆ The second table in the series gives more detail about those communities which have adopted cluster provisions indicating whether there are specific provisions to site lots to avoid resources, grant density bonuses, define and exclude unbuildable or unsuitable land, indicate minimum parcel size and minimum lot size.
- ◆ The third table provides additional detail about the open space requirements for cluster development in those communities that allow cluster.

Description of Inventory Categories: Planned Residential/Cluster Development

Planned Residential Development- This term covers a variety of design techniques from cluster to flexible zoning, open space or conservation subdivisions. Communities may provide for the various forms of planned residential development by establishing overlays. They may allow or mandate cluster subdivisions in specified residential districts or all residential districts. Cluster can be the preferred form of development or conversely, allowed only if proven to be a better option than a conventional subdivision. Communities with **mandatory cluster** are noted as well as those that have adopted regulations for **residential compounds**.

Lot Siting Required to Avoid Resources- Most communities require identification of natural resources and features and note them specifically on checklists and/or in sections outlining required submissions. To warrant a yes in this category, a community must have special standards of review and/or flexible standards based upon resource protection and the preservation of natural or built features. A good planner and board may do a very good job accommodating resources and working with developers in the absence of such provisions. However, this inventory identifies the communities that have review provisions and development/design standards aimed at protecting resources.

Density Bonus - Does the community allow an overall net density increase above the density allowed in the underlying district? This could be in the form of a density bonus tied to type of development or simply preferential treatment for alternative residential development.

Unbuildable Land Defined- Is land which is unbuildable or unsuitable for development defined in the ordinance and/or regulations? Some ordinances and/or regulations apply a formula generally to all land development/subdivisions. Some deduct unbuildable land only for cluster/planned residential developments.

Unbuildable Land Excluded- Is unbuildable/unsuitable land excluded when calculating the density of a planned residential development?

Minimum Parcel Size- Does a cluster/planned residential development require a minimum acreage as specified in the ordinance and/or regulations?

Percent Permanent Open Space- What percentage open space is required? A blank for a community with a cluster provision indicates that the ordinance or regulations do not specify a percentage.

Maximum Percent Unbuildable Land as Open Space- How much of the required open spaces can consist of unbuildable land?

Permanent Open Space Related to Comprehensive Plan- Is required open space for cluster developments specifically related to the Comprehensive Plan? The tables are intended to show how communities have provided for planned residential developments and in particular cluster or open space subdivisions.

Explanation of Symbols: Planned Residential/Cluster Development

Blank A blank space on the Planned Residential Table indicates that there is no provision in the ordinance related to the category. Communities that do not provide for cluster will automatically have blank spaces in the mandatory cluster and process columns. On the two subsequent tables, these communities are not listed.

- This symbol indicates that there is a provision related to the category and equates to a yes.

O, F, S These letters relate to the process by which a cluster development is established and/or regulated in the Zoning ordinance. An O indicates that cluster is a form of development which is permitted or preferred in some or all residential districts. Review authority rests with the Planning Board or Commission. An F indicates that cluster is technically a floating district which requires a map amendment and zone change requiring action by the Council. S indicates that a special use permit is required

**Table 6
Communities with Planned Residential Development/Cluster Provisions**

Community	Planned Residential Development Zoning	Mandatory Cluster	Process	Residential Compound	Other
Barrington	Cluster		F		Elderly Housing District
Bristol	Clusters (Residential Cluster, Village LDP), Resource Buffer	Mapped districts	O		
Burrillville	Cluster		O	•	
Central Falls	Cluster		S		
Charlestown	Cluster	•	All major subdivisions	•	
Coventry	Cluster		O	•	
Cranston	Residential Planned District		O		
Cumberland	Cluster (RCD)		O		Agricultural Cluster Development
East Greenwich	Cluster		O		
East Providence	Cluster (LDP)		O		
Exeter				•	
Foster				•	
Glocester					
Hopkinton	Cluster		O	•	
Jamestown	Cluster	•	All major subdivisions		
Johnston	Land Development Project/Planned District		F		
Lincoln	Rural Protection Zone		O		
Little Compton					
Middletown	Cluster		O		
Narragansett	Cluster		O		
New Shoreham	Major Residential Development		S		
Newport	Cluster		O		
North Kingstown	Cluster		O	•	
North Providence					
North Smithfield					
Pawtucket					
Portsmouth	Open Space Residential Development		O		Cluster (single parcel as a special use)
Providence					
Richmond	Cluster	•	All major subdivisions	•	
Scituate				•	
Smithfield	Cluster		O		
South Kingstown	Cluster		O	•	
Tiverton	Rural Residential Development	Watershed District	O	•	
Warren	Cluster		O		
Warwick	Land Development Project- Single Family Cluster (LDP)		O		Planned District Residential Overlay (PDR)
West Greenwich					
West Warwick					
Westerly	Cluster		O		
Woonsocket	Planned Residential Development Overlay		O		

Table 7
Additional Requirements for Communities with Planned Residential/Cluster Development

Community	Lot Siting Required to Avoid Resources	Density Bonus	Unbuildable Land Defined	Unbuildable Land Excluded	Minimum Parcel Size	Minimum Lot Size
Barrington		•	•	•	>10 or >7 acres varies by zone	
Bristol	•	•	•	•	20 acres (village LDP)	•
Burrillville	for rural compounds		•	•	20 times the minimum lot size	•
Central Falls					capacity for 6 dwelling units	
Charlestown	•	•	•	•	6 lots	•
Coventry	•	•	•	•	5/10/20 acres	•
Cranston			•	•	5 acres per 6 dwelling units	•
Cumberland			•	•	20 acres	
East Greenwich			•	•		•
East Providence			•	•		
Hopkinton			•	•	10 acres	
Jamestown			•	•		
Johnston		•				
Lincoln	•		•	•	5 acres	
Middletown	•	•	•	•	5 developable acres per 10 dwelling units	
Narragansett	•		•	•	5, 10, 15 acres varies by zone	
New Shoreham	•		•	•	4 acres	
Newport		•	•	•	400,000 sq. ft.	
North Kingstown			•	•	10 acres	
Portsmouth	•		•	•		
Richmond	•		•	•	50 gross acres/6 lots in an agricultural overlay	
Smithfield		•			10-20 acres	•
South Kingstown	•		•	•		
Tiverton			•	•		
Warren	•		•	•		
Warwick					2 1/2, 5, 10 acres varies by zone (LDP)	•
Westerly	•		•	•	10 acres or 25 acres (if private roads)	
Woonsocket	•		•	•	10 acres	

**Table 8
Open Space Provisions for Communities with Planned Residential/Cluster Development**

Community	Percent Permanent Open Space	Maximum Percent Unbuildable Land as Open Space	Other Open Space Requirements	Permanent Open Space Related to Comp Plan
Barrington	20%			•
Bristol	40%-75%			•
Burrillville	5 acre minimum	20% (flood land)		•
Central Falls	20%			
Charlestown	40%	50%	35% suitable for active recreation, no more than 25% impervious	•
Coventry	40%	50%		•
Cranston	25%	50%	maximum of 20% paved	
Cumberland	50%			•
East Greenwich	30%		maximum of 20% paved	
East Providence	equal to modification		"usable open space"	•
Hopkinton	20%			•
Jamestown	50%	50%		
Johnston	20%		maximum of 20% paved areas or structures	•
Lincoln	60%			•
Middletown	30%	50%	maximum of 15% impervious maximum of 20% drainage	•
Narragansett	25%		maximum of 20% impervious minimum of 50% useable as active recreation.	•
New Shoreham		all dedicated land must be buildable	scenic vistas, stone walls and wetlands must be included in open space	•
Newport	30%	50%		
North Kingstown	25%		minimum of 12.5% useable as active recreation paved areas cannot exceed 20%	
Portsmouth	10%-45% 1 acre minimum	open space must be developable		
Richmond	40%	25%	Bonus lot for each 25 acre farm lot. Unsuitable land is not deducted to determine # of lots.	•
Smithfield	30%		3 acres + 1 acre/25 dwelling units suitable for active recreation	
South Kingstown	40%	50%	maximum of 5% impervious (excludes stormwater/drainage areas)	•
Tiverton	50%		open space management plan required	
Warren	40%	maximum of 20% paved/active recreation structures	excludes stormwater drainage facilities	•
Warwick	20-35% (LDP-single family cluster)			•
Westerly				
Woonsocket	20% plus perimeter buffer	50%		

Section 4: Planned Unit/Mixed Use Planned Development

This category of the inventory identifies communities that provide for planned unit developments or some variation on the theme. The first table lists all communities and identifies those that provide for mixed use planned development and notes other districts that may be of interest to the reader. The second and third tables provide more detailed information about those communities that provide for this type of development. The distinctions between cluster and PUDs have become more nebulous as communities have implemented Planned Development in a variety of ways that may be solely residential or a mix of residential, commercial and industrial uses. Other districts that don't quite fit the category but may be of interest to the reader are noted.

Description of Inventory Categories: Planned Unit/Mixed Use Planned Development

Planned Unit Development- When the local ordinance provides for some type of planned unit/mixed use planned development, the name of the district is noted. The district must include a non-residential component to be included in this category.

Planned development and land development projects are defined in the zoning enabling legislation (R.I. General Laws, § 45-24-31 Definitions) as follows:

(37) Land Development Project. A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as may be provided for in the zoning ordinance.

(53) Planned Development. A "land development project", as defined in § 45-24-31(37), and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

Net Site Intensity Increase- This category tracks provisions that allow increased densities, height or expanded uses as expressly provided in the zoning ordinance. The letters "NP" note those communities that specify that there should be no increase over the underlying district requirements. Remaining provisions are summarized on the chart.

Minimum Parcel Size- Is there a minimum acreage requirement for establishing a planned unit development/mixed planned development? The specified minimum is noted in the inventory.

Environmental Impact Assessment Required- This section indicates whether an environmental assessment is required for a planned unit development/mixed plan development.

Lot Siting Required to Avoid Resources- This category notes a range of provisions which seek to design new development to protect natural, scenic or built resources. In Hopkinton, wetlands and buffer areas, protected natural or “unique” areas, and slopes greater than fifteen percent (15%) must be reserved for open space. Charlestown, Cumberland, East Greenwich and Westerly have adopted general design standards in their land development regulations which seek to configure development to preserve resources.

Percent Permanent Open Space Required- Is there a required minimum percentage of open space required for a mixed planned development?

Maximum Percent of Permanent Open Space Unbuildable- This category indicates the amount of unbuildable land or *land unsuitable for development* that can be used to satisfy the minimum open space requirement. Many communities require all dedicated open space to be suitable for development. This is noted on the table.

Permanent Open Space Related to Comprehensive Plan- The community has a provision which explicitly relates required open space to the comprehensive plan. Many communities also tie open space requirements to their local open space and recreation plans. In the case of East Greenwich the requirement is tied directly to their outdoor recreation plan (EGORP) and is so noted.

Explanation of Symbols: Planned Unit/Mixed Planned Development

Blank A blank space on the Planned Unit Development Table indicates that there is no provision in the ordinance related to the category. Communities that do not provide for planned unit development will automatically have blank spaces in the Planned Unit Development Zoning column. On the two subsequent tables, these communities are not listed.

- This symbol indicates that there is a provision related to the category and equates to a yes.

NP The letters “NP” in the Net Site Intensity column indicates that there are provisions that expressly prohibit any increase in density or intensity of use.

Table 9
Communities with Planned Unit Development/Mixed Use Planned Development Districts

Community	Planned Unit Development Zoning	Other
Barrington		
Bristol	Waterfront Zone, Open Space PUD, Village LDP	Urban Rehab LDP
Burrillville		Village Commercial District
Central Falls	Planned Unit Development District	
Charlestown	Planned Development District	
Coventry	Planned District (Land Development Project)	Special Planning District Overlay
Cranston	Mixed Use Planned District (MPD)	
Cumberland	Planned Unit Development District	
East Greenwich	Planned Development/Mixed Use Planned Development	
East Providence	Land Development Project	
Exeter		Mixed Use Planned District/Ladd
Foster		
Glocester	Planned Unit Development, Planned District/LDP	
Hopkinton	Planned Unit Development	
Jamestown		
Johnston	Planned District/Land Development Project	
Lincoln		
Little Compton		
Middletown		Town Center Overlay District
Narragansett		
New Shoreham	Planned Development (PD) Zone	
Newport		
North Kingstown	Planned Unit Development	Development District
North Providence		
North Smithfield		
Pawtucket		
Portsmouth		
Providence	Planned Development/Land Development Project	
Richmond	Planned Unit Development Overlay	
Scituate		
Smithfield	Planned Development District	Planned Corporate District, Industrial Planned Cluster Development
South Kingstown		Route 1 Special Management District
Tiverton		
Warren	Section repealed	One existing PUD
Warwick	Planned Unit Development	
West Greenwich		
West Warwick		
Westerly	Planned Development District/Planned Resort District	
Woonsocket		

Table 10
Additional Requirements for Communities with Planned Unit/Mixed Use Planned
Development Districts

Community	Net Site Intensity Increase	Minimum Parcel Size	Environmental Impact Assessment Required
Bristol	Additional units specific to overlaid district and LDP type		May require
Central Falls	Lot reduction up to 20%, building height up to +25		
Charlestown	Per cluster regulations	3 acres	•
Coventry			•
Cranston		10 acres	
Cumberland	Lot reduction up to 20%, building height increase to 25%	2 acres	• Statement of project impact
East Greenwich	NP	5 acres residential, 10 acres mixed use	
East Providence	8% density bonus per additional acre of open space		• Development plan review
Glocester	• Flexible standards	25 contiguous acres unless waived for specified reasons	Site analysis for all major LDPs
Hopkinton	NP	5 acres/30 acres(RFR)	
Johnston	For clustered single family detached units, 8 units per acre instead of 6 units per acre		
New Shoreham	Underlying standards "unless modified"	4 acres within a Residential C zone	May be required
North Kingstown	Density bonus for more open space, affordable housing, bike/greenway, day care, solar access to 40% of units	100 acres suitable for development	•
Providence		40,000 sq ft	
Richmond	NP	50 acres (R-1,2,3) 2 acres (GB, I,LI)	May require if significant negative impact
Smithfield		200000 sq ft	
Warwick		10 acres	
Westerly		80 acres	

Table 11
Open Space Provisions for Communities with Planned Unit/ Mixed Use Planned
Development Districts

Community	Lot Siting to Avoid Natural Resources	Percent Open Space Required	Maximum Percent Open Space Unbuildable	Permanent Open Space Related to Comp Plan
Bristol	Review standards to minimize disturbance to the natural features	65%-75% (Village LDP)		•
Central Falls				
Charlestown	Site design standards/development laid out to avoid specified resources	25%	50% per cluster requirements	•
Coventry		40%		
Cranston				
Cumberland	Design standards/ subdivision to be compatible with natural surroundings			•
East Greenwich	Design standards/design based characteristics, capacity of the site	30%		EGORP
East Providence		Pursuant to underlying district	All open space must be "usable" lot area	•
Glocester		1 sq ft for each 6 sq. ft. gained by reducing lot size		
Hopkinton	Natural features, wetlands must remain undeveloped	20% exclusive of unbuildable land	Unbuildable land excluded from open space	•
Johnston	Special provisions/general purpose statement	20%		•
New Shoreham	Site design to accommodate/integrate natural features		Must be "buildable"	•
North Kingstown	Staff review criteria	25% less roads/accessory uses	Suitable for development 12.5% usable for active recreation	•
Providence				•
Richmond	Finding of no significant impact	65% non-residential		
Smithfield	Location/design to conform to existing natural terrain	50%	Open/natural state	
Warwick				
Westerly	Site design requirements for all developments	15%		•

Section 5: Housing and Affordable Housing

This section of the inventory surveys a range of housing choices, provisions linked to minimizing housing production costs and incentive zoning provisions for affordable housing.

The table consists of two parts:

- ◆ The first four columns list the housing types by community. These categories were originally reported in *Technical Paper 139: Inventory of Rhode Island Local Zoning and Subdivision Provisions Relating to Open Space or Affordable Housing*. The table notes which zoning ordinances allow (•), expressly prohibit (NP), or do not address (Blank) the identified housing types.
- ◆ The remaining three columns identify incentive zoning provisions adopted to encourage affordable housing. For those communities with provisions, the table identifies the percent of low and moderate income units required for the incentive, if stipulated, and/or an affordability time period. Additional detail is provided in Appendix C.

Description of Inventory Categories: Housing and Affordable Housing

Congregate Housing- Provisions for assisted living facilities and/or congregate housing are noted under this heading.

Accessory Apartments- This category includes accessory apartments, in-law apartments and accessory family dwelling units.

Multi-Family Residential- A dwelling with more than two units is considered multi-family for purposes of this inventory.

Mobile Homes- When single mobile homes or parks are expressly prohibited in the ordinance NP is entered. Many communities prohibit mobile homes in general but allow for pre-existing uses or the use of a single mobile home on a temporary basis for specified emergencies. These communities are noted by the letters “NP” because of the general prohibition. Some ordinances prohibit single homes but allow for parks as floating districts, special uses or in specified overlay districts. Some allow mobile homes in specified residential districts or in all residential districts by right or special use permit. In all these cases the symbol • appears in the column.

Affordable Housing Provisions:

Incentive Zoning- Those communities that have adopted incentive zoning provisions are noted on Table 12. A more detailed description of the provisions is provided in Appendix C.

Percent Low/Moderate Income Units- Some communities require a minimum number of affordable units, as a percentage of the development, in order to *earn* the incentive.

Affordability Period- This category indicates which communities specify how long the units must remain affordable.

Explanation of Symbols

- The use is identified in the zoning ordinance and allowed either by right or as a special use. There are many combinations possible. A use may be allowed only as a special district, in all districts, or in some districts.

Blank The use is not specifically mentioned in the use table or regulations. In many instances the use may be defined but is not expressly regulated by the ordinance. Provisions are not interpreted. Thus, if accessory apartment is not expressly regulated in the ordinance but there is provision for accessory uses in general, no interpretation is made as to whether the community allows accessory apartments.

NP The use is not permitted because it is expressly prohibited. It should be noted here that many communities designated in the chart as “NP” in the *Mobile Homes* column allow mobile homes and/or mobile home parks as an emergency, temporary dwelling, or as a previously existing use.

When reviewing the data, the reader should note:

- ◆ The inventory focused on permanent housing opportunities. Other types of housing including single room occupancy (SRO’s) or boarding houses, bed and breakfasts, and shelters were not reviewed but can contribute to a municipality’s affordable housing stock.
- ◆ Mixed-use provisions classified elsewhere in this paper as “planned unit developments” may also expand housing choices and encourage affordable housing. Some examples include downtown overlays, special management districts, elderly housing districts and other districts targeted for compact/mixed development.
- ◆ Although the category does not appear on the table, many communities that charge impact fees exempt affordable housing.

**Table 12
Housing/Affordable Housing Provisions**

Community	Congregate Housing	Accessory Apartments	Multifamily	Mobile Homes	Incentive Zoning	Percent Low/Moderate Income Units	Affordability Period
Barrington	•	•	•	NP	•		30 years
Bristol	•	•	•	NP			
Burrillville	•	•	•				
Central Falls	•		•	NP			
Charlestown		•	•	•			
Coventry		•	•	•			
Cranston	•	•	•	•			
Cumberland	•	NP	•	NP			
East Greenwich	•	•	•		•	10%	
East Providence			•	•	•		
Exeter		•		NP			
Foster		•	•	NP			
Glocester		•	•				
Hopkinton	•	•	•		•	10%	"Permanent"
Jamestown		NP	•	NP			
Johnston		•	•	NP			
Lincoln	•		•	NP			
Little Compton		•	•	•			
Middletown	•		•	•			
Narragansett			•	NP			
New Shoreham		•	•		•		99 Years
Newport			•	NP			
North Kingstown		•	•	•	•	10%-30%	30 Years
North Providence	•	•	•	NP			
North Smithfield		•	•	NP			
Pawtucket	•	NP	•	NP			
Portsmouth	•	•	•	NP			
Providence	•	NP	•				
Richmond	•	•	•		•	20%	
Scituate			•	NP			
Smithfield	•	•	•	NP			
South Kingstown	•	•	•	NP			
Tiverton	•		•	•			
Warren	•	•	•	NP			
Warwick	•	•	•	NP			
West Greenwich	•	•	•	•			
West Warwick		•	•	•			
Westerly	•	•	•	NP			
Woonsocket	•	•	•	NP			

Section 6: Other Provisions: Community Character, Transportation, and Administration

Community Character

Central to the majority of the local comprehensive plans is a call to preserve “a sense of place” or “the character” of the community. As a result, specific zoning and land management provisions relating to community character are presented in this two table series. The inventory notes which communities have adopted standards intended to preserve or replicate the traditional local landscape, whether urban, village, town or farm. The table also identifies communities that have adopted architectural review procedures, design standards or other provisions intended to address the aesthetic aspects of new development or the existing built environment. The inventory notes the minimum lot size requirements for the highest and lowest density single family residential zones in each community.

Intermodal Transportation

The inventory notes ordinance provisions that encourage or require bicycle or pedestrian facilities in new development. A notation here covers a lot of territory. Regulations may require sidewalks on one or both sides of a new roadway. They may require that pedestrian and bicycle linkages be established with neighboring developments, trails, bikeways, schools, municipal facilities or commercial areas. There may be parking requirements or concessions for developments that include bicycle or pedestrian features.

Administration

This table notes which communities provide for administrative modifications pursuant to section 46 of the Zoning Enabling Act and those that assess impact fees on new development pursuant to the Rhode Island Development Impact Fee Act.

Description of Inventory Categories: Other Zoning Provisions

Community Character

Single Family Residential Lot Size- This category provides the range of single family lot sizes as designated in the local zoning districts. Unless otherwise noted figures represent square feet.

Village and Rural Preservation- When a zoning district lists village and/or rural preservation as an intended purpose, the local district is identified by name on the table. Communities that have adopted design standards in the land development regulations (DS) or standards/regulations in the zoning ordinance (SR) for rural/village preservation are noted.

Flexible Lot Standards- This category indicates that the community provides some flexibility in lot standards (lot size, lot lines, frontage, setbacks, etc.). The designated letters indicate where and how. The provisions may be general, giving the planning board or commission latitude to vary standards based upon the site/project. The provisions may be more specific as in the case of Exeter where the lot size may be increased to accommodate an ISDS or if the need for a larger lot is indicated by the Standard Soil Survey [Subdivision and Land Development Regulations, Section 6.2 C (7) and C (8)].

They may be related to a specific type of development such as North Kingstown's requirement for planned unit developments:

"The planning commission shall determine appropriate front, side and rear setback requirements for each subdivision/site plan application in order to assure continuity of building location for each phase." [XX, 21-487 (q) Architectural design standards].

Shared Common Drives- This category notes communities that have adopted common driveway provisions. These may range from a preference for shared access in scenic areas for new residential development to requirements that apply to commercial development or redevelopment.

Architectural Standards of Review Required- This category notes ordinances and regulations that provide architectural standards of review. A ZOS in this category usually indicates that the community has an historic district with architectural review requirements. An SR can apply to new developments or specified development types. A DPR indicates that the ordinance contains standards pursuant to development plan review requirements. In Exeter development plan review is required for all permitted uses other than one and two family dwellings and accessory uses:

Large-scale developments shall take the form of village-like groupings rather than a large individual structure set back on a large expanse of asphalt parking. Large box buildings are discouraged, however, if proposed, their architectural incongruity shall be corrected by the articulation of building facades into the appearance of smaller-scaled multiple building fronts expressed in a variety of building heights and materials to create a pedestrian scale [2.5.2.2 (G)].

Exeter's development plan review requirements also require:

...a diversity of roof heights, gable orientations and volumes to be considered. Mansard, flat and shallow pitched roofs are not permitted except as allowed by the Planning Board in a planned district. In all other districts, new buildings shall be designed with traditional roof forms that are compatible with the character of the town, including gambrel and gable roofs commonly found in Exeter [Article II, Zoning District Use Regulations, Sec. 2.5.2.2 (B) Development Plan Review].

Landscaping Requirements- Provisions cover a broad range depending on the type of community and the type of development. They may apply to particular uses or districts. Typical requirements include interior and exterior landscaping for parking lots, commercial developments and buffer requirements for industrial or commercial uses that abut residential areas.

They usually apply to new development but may also apply to existing development. In South Kingstown a building or structure is considered nonconforming by landscaping if the *lawfully established use of the building or structure does not meet the landscaping requirements of this Ordinance or the Subdivision and Land Development Regulations.* According to this section a change of use, intensification of use or enlargement or expansion

of more than 500 square feet ... requires that the landscaping of the entire lot(s) be brought into conformance *with all of the applicable provisions of this Ordinance and the Subdivision and Land Development Regulations*. [Article 2, Section 204- Building or Structure Nonconforming by Dimension, (K). Landscaping.]

Outdoor Advertising Prohibited- This category refers to billboards and/or off premise signs.

Commercial Ingress/Egress Controls- This category covers a range of provisions designed to regulate traffic and access to and around commercial developments. Many communities provide for controls through the development plan review process noted by the letters “DPR” on Table 14. Some may adopt provisions pursuant to an overlay district, noted by the letters “ZOS”. Providence, for example, prohibits drive-throughs in the Main Street Overlay District [Article V Special Zones, Section 505 Main Street Commercial Overlay District, 505.6 Drive-Through].

In Central Falls (SR) the ordinance calls for “adequate off street area for approach, turning and exit”, a minimum of twelve (12) feet in width for each lane of traffic using the driveway with the total driveway width not to exceed thirty (30) feet. The requirements do not apply to detached single or two-family dwelling units [Section 801.4-Entrance and Exit].

Communities may also provide control in their land development regulations, noted with the letters “DS” on Table XIV. In Charlestown, for example, *streets carrying nonresidential traffic, shall not be extended to the boundaries of adjacent existing or potential residential areas or connect to existing local residential streets* [Subdivision/Land Development Regulations, 11.10 Site Design Standards (C) Nonresidential development (2) Standards (c) and (e)].

Intermodal Transportation:

Bicycle Facilities- This category includes provisions to connect new development to bicycle facilities and/or provide bicycle access.

Pedestrian Facilities- This category notes requirements for providing sidewalks in residential and non-residential developments, as well as requirements for connecting new facilities to those already existing (sidewalks, trails, etc.).

Flexible Vehicle Parking Standards for Alternative Transportation- Only East Providence had a provision that matched this category. For a business/technology development, up to fifteen percent (15%) of the required parking may be held in reserve. In order to receive the parking reduction, the applicant must demonstrate that peak demand for parking is less than the reduced number of spaces [19-370]. Factors that may be used to justify lowering parking generation figures (from national standards) include alternative modes of transportation, varied work shifts, company provided transportation and public transportation [19-370 (c)].

Administrative/Fees:

Impact Fees- The inventory notes those communities that have linked a fee to a needs assessment and their capital budget. Other fees and assessments, though impact fees in a very general sense of the word, are not inventoried. Excerpts from the Rhode Island Development Impact Fee Act are provided in Appendix D.

Administrative Zoning Modifications- This category notes communities that provide for administrative modifications to zoning requirements as enabled by the Rhode Island General Laws, Chapter 45-24-46 Zoning Ordinances (•). An SR means that there is some other mention of flexible standards in the ordinance. Excerpts from the enabling legislation are provided in Appendix D.

Explanation of Symbols: Community Character, Transportation, and Administration

Blank The zoning ordinance or land development regulations did not contain provisions related to the category.

From Zoning:

ZOS The community has standards that apply in an overlay district. For example, a community with a historic district containing standards for architectural review would be noted as “ZOS”.

SR An SR designation means that the zoning ordinance contains special regulations or requirements. These could be standards for particular uses like cluster developments, or uses requiring a special use permit.

DPR These letters indicate that the community has adopted development plan review or site plan review and standards related to the particular category.

NP Billboards or off-premise signs are expressly prohibited in the ordinance.

From the Land Development /Subdivision Regulations:

DS Any design standards, required findings or review requirements found in the land development regulations related to the community character or transportation categories are noted with the letters DS.

**Table 13
Community Character Provisions**

Community	Single Family Residential Lot Size	Village and Rural Preservation	Flexible Lot Standards	Shared Common Drives
Barrington	10,000 - 40,000			DPR
Bristol	6,000 -80,000	Creative Overlay, Village LDP	ZOS, SR, DS	ZOS, SR
Burrillville	12,000- 5 acre	Village Residential, Village Commercial	SR	
Central Falls	5,000	Commercial Downtown District	SR	SR
Charlestown	20,000 - 3 acre	Planned Development District, Cluster		SR, DS
Coventry	20,000 - 5 acre	5 acre zoning (RR-5), Village Rural and Village Main Street Commercial	DS	DS
Cranston	6,000 - 80,000		SR	DS
Cumberland	25,000 - 217,800			
East Greenwich	4,000 - 2 acre		SR	
East Providence	5,000 - 18,750		SR	DS
Exeter	2 acre - 5 acre	Rural Zoning Districts	DS	
Foster	200,000	Agricultural/Residential District		
Glocester	2 acre- 4 acre		SR	
Hopkinton	2,000 - 80,000	Residential Compounds	DS	SR, DS
Jamestown	8,000 - 200,000		SR	
Johnston	7,000 - 40,000			
Lincoln	7,000 - 40,000	Rural Protection Zone		
Little Compton	2 acre			
Middletown	10,000 - 60,000			ZOS
Narragansett	10,000 - 80,000		DS	
New Shoreham	20,000 - 120,000	DS	SR -cluster	
Newport	3,000 - 160,000			
North Kingstown	20,000 - 5 acre	SR	SR	DPR
North Providence	8,000 - 12,000		SR	
North Smithfield	20,000 - 120,000			
Pawtucket	5,000 - 9,000		DS	
Portsmouth	10,000 - 60,000		SR	ZOS, DS
Providence	5,000 - 6,000		SR	
Richmond	1 acre - 3 acre	Planned Development District, Rural Compound	DS	SR, DS
Scituate	60,000 - 120,000	SR	SR	SR
Smithfield	20,000 - 200,000	Residential Conservation District	SR- cluster	SR, DPR
South Kingstown	10,000 - 200,000		SR, DS	SR, DS
Tiverton	30,000 - 80,000	Village Commercial District	SR	SR
Warren	6, 000 - 40,000	Village Overlay District		
Warwick	7,000 - 40,000			
West Greenwich	1 acre - 2 acre		DS	DS
West Warwick	6,000 - 10,000		DS- side lot	
Westerly	6,000 - 60,000			
Woonsocket	6,000 - 25,000		DS	

Table 14
Additional Community Character Provisions

Community	Architectural Standards	Landscaping Requirements	Outdoor Advertising	Commercial Ingress/Egress Controls
Barrington	DPR	DPR	NP	DPR
Bristol	ZOS	ZOS, SR, DS	NP	DS
Burrillville		SR, DS		
Central Falls	ZOS	SR	NP	SR
Charlestown	ZOS, DPR	DPR, SR, DS	NP	DPR, DS
Coventry	DPR	SR, DS	NP	DPR
Cranston	ZOS, SR	DPR, SR, DS	• M-1, M-2	SR
Cumberland	ZOS	SR	NP	SR
East Greenwich	ZOS	DS	NP	
East Providence		DPR, SR	• C 4, C 5, I 2, I 3 NP scenic hwy	SR
Exeter	DPR	DPR, SR, DS	NP	DPR
Foster		DPR	NP	DPR
Glocester	ZOS	DS	NP off premise signs	
Hopkinton	DPR	DS	NP	
Jamestown	DPR		NP	
Johnston			NP	DS
Lincoln		DPR		
Little Compton			NP	DS
Middletown	ZOS	ZOS	NP	ZOS
Narragansett		SR, DS	NP	
New Shoreham		SR, DS	NP	
Newport	ZOS	SR	•	
North Kingstown	SR, DPR, DS	DPR, DS	NP	SR, DPR
North Providence	ZOS, SR	SR	NP	
North Smithfield	ZOS			SR
Pawtucket	ZOS	SR	•	SR
Portsmouth		SR, DS	NP	
Providence	ZOS	ZOS, SR	NP	ZOS
Richmond		SR, DPR, DS	NP	
Scituate	DPR	DPR, ZOS	NP	DPR
Smithfield	SR	DPR, SR	NP	
South Kingstown	ZOS	SR	NP	
Tiverton	DPR	DPR, DS	NP off site signs	DPR
Warren			NP off premise signs	
Warwick	ZOS, SR	SR	NP	SR
West Greenwich		DPR, DS	NP	
West Warwick		SR, DS	NP	
Westerly		DPR, DS	NP off premise signs	
Woonsocket	ZOS, DPR	ZOS, DPR, DS	NP	DPR Design Review Overlay District

Table 15
Provisions Related to Intermodal Transportation

Community	Bicycle Facilities	Pedestrian Facilities	Flexible Vehicle Parking Standards for Alternate Transportation
Barrington	DPR	DPR, DS	
Bristol	DPR, DS	DPR, DS	
Burrillville	DS	DS	
Central Falls			
Charlestown		DPR, DS	
Coventry	DS	DS	
Cranston	DS	DS	
Cumberland		DS	
East Greenwich	DS		
East Providence			SR
Exeter			
Foster	DS	DS	
Glocester	DS	DS	
Hopkinton	DS	DS	
Jamestown	DS	DS	
Johnston		DS	
Lincoln		DS	
Little Compton			
Middletown		ZOS, DS	
Narragansett	DS	DS	
New Shoreham	DS	DS	
Newport		DS	
North Kingstown	SR, DS	DS	
North Providence		DPR, DS	
North Smithfield		DS	
Pawtucket			
Portsmouth	DS	DS	
Providence			
Richmond	DPR, DS	DPR, DS	
Scituate		DS	
Smithfield		DPR, DS	
South Kingstown	SR, DS	DS	
Tiverton	DS	DPR, DS	
Warren		DS	
Warwick	ZOS	ZOS	
West Greenwich	SR, DS	DPR, DS	
West Warwick	DS	DS	
Westerly	DS	DS	
Woonsocket		DS	

**Table 16
Administrative Provisions**

Community	Impact Fees	Method	Administrative Modifications
Barrington			
Bristol			25%
Burrillville			10%
Central Falls			
Charlestown	Education Impact Fees	Zoning	
Coventry	Fair Share Development Fees	Stand Alone Ordinance	25%
Cranston	Capital Facilities Development Impact Fee	5-2 Code of Ordinances	
Cumberland			
East Greenwich	Recreation Impact Fee	Regulations	SR
East Providence			SR
Exeter			15%
Foster			
Glocester			
Hopkinton			varies by zone
Jamestown			25%
Johnston			
Lincoln			
Little Compton			
Middletown			
Narragansett			
New Shoreham			10% - 20%
Newport			
North Kingstown	Development Impact Fees	Zoning	25%
North Providence			varies by zone
North Smithfield			
Pawtucket			
Portsmouth			
Providence			SR
Richmond	Proportionate Share Development Fees	Zoning	varies by zone
Scituate			
Smithfield			25%
South Kingstown	Fair Share Development Fees	Zoning	25%
Tiverton			
Warren			
Warwick			25%
West Greenwich			
West Warwick			25%
Westerly			25%
Woonsocket			

Appendix A
List of Zoning Ordinances and Land Development Regulations

City/Town	Zoning Ordinance	Subdivision Regulations
Barrington	November, 1998 (adopted 6/22/94, Ordinance No. 94-8)	Chapter 200, Barrington Code, printed 1996 as adopted 12/7/95, effective 12/31/95
Bristol	Adopted November 16, 1994, revisions through June 30, 1998,	September 27, 1995
Burrillville	Revised December 1994 and Reprinted 1997	December 1995. Proposed Revisions 1999
Central Falls	October 1, 1992	January 26, 1996
Charlestown	Printed October 1998 as last amended 7-1-98	Effective Date: October 18, 1995
Coventry	Adopted December 19, 1994, with amendments through 6/26/00	Adopted December 13, 1995
Cranston	Adopted as amended through December 1999	Effective December 31, 1995, amended July 1997
Cumberland	Adopted June 29, 1994 as amended August 15, 1996 and November 20, 1996, amended January 7, 1998	Enacted October 17, 1995, amended June 18, 1996, March 18, 1997 and March 29, 2000
East Greenwich	Adopted December 27, 1994, amendments through July 25, 2000	Effective December 31, 1995 with amendments as of August 16, 1999
East Providence	Reprinted 1999	Adopted December 18, 1995
Exeter	Adopted December 12, 1995, reprinted 2000, amended May 25, 2000, June 2000 and August 3, 2000	Adopted December 12, 1995
Foster	Adopted June 23, 1994	Adopted December 1995
Glocester	Adopted July 25, 1994 as amended September 1995 and supplemented October 15, 1998	Adopted December 18, 1995
Hopkinton	Adopted December 19, 1994	Adopted November 29, 1995
Jamestown	Adopted June 20, 1994 with amendments through March 22, 1999	Adopted December 20, 1995
Johnston	Adopted December 14, 1994	August 7, 1997
Lincoln	Adopted November 15, 1994, amendments through November 18, 1997	Adopted December 28, 1995
Little Compton	Chapter 14 of the Code of Ordinances, July 1994 with supplements through August 5, 1999	Revised Ordinance 5/96
Middletown	Adopted 1994 with amendments through August 16, 1999, updated ordinance adopted August 21, 2000	Adopted December 13, 1995

List of Zoning Ordinances and Land Development Regulations (cont.)

City/Town	Zoning Ordinance	Subdivision Regulations
Narragansett	Adopted June 30, 1994 with amendments through July 1999	Adopted December 6, 1995
New Shoreham	Adopted June 17, 1994, amended effective July 1, 1999	Adopted November 17, 1994, amendments July 8, 1996
Newport	October 1997 with amendments through March 1999	June 19, 1995
North Kingstown	1989, reprinted 1998	Reprinted 1998
North Providence	Adopted December 6, 1994 with amendments through July 1999	Adopted 12/11/95
North Smithfield	Revised May 1999	December 31, 1995, revised January 1997 and March 1999
Pawtucket	Printed June 6, 2000	Adopted March 22, 1994
Portsmouth	Adopted July 1, 1994, amendments through January 31, 1998	December 31, 1995
Providence	Adopted June 27, 1994, amended May 26, 1995, with amendments June 30, 1997, December 9, 1997, April 8, 1999 and December 23, 1999	September 19, 1996
Richmond	February 1998	Adopted November 14, 1995 and revised 4/8/98 and 2/15/00
Scituate	Adopted 1995, reprinted 1998	Reprint 1996
Smithfield	Adopted May 19, 1998 with amendments dated December 14, 1999 and July 14, 1998	Adopted March 4, 1996
South Kingstown	May 10, 1999	Adopted February 14, 1995 with amendments through November 9, 1999
Tiverton	Adopted June 27, 1994 with proposed Phase II amendment provisions dated June 21, 2000	Adopted 12/13/95, effective 12/31/95
Warren	Adopted December 20, 1994	Adopted December 18, 1995
Warwick	Appendix A of the Code of Ordinances reprinted 2000	January 1, 1996, amended January 1, 2000
West Greenwich	Enacted May 14, 1969 and amended 10/78, 8/82, 7/90, 7/92, 12/94, 12/97 and 7/98	Adopted December 19, 1995 and amended November 6, 2000
West Warwick	Effective July 1, 1994	Effective December 1, 1994
Westerly	Adopted October 16, 1998	November 30, 1995, amended 9/11/97
Woonsocket	Adopted December 31, 1994 with amendments through April 5, 1995	Adopted December 3, 1995 Revised December 1, 1998

Appendix B

Local Planning Review and Contacts During Inventory

Community	Narrative	Table Review	Contact
Barrington	•	•	Jane Weidman
Bristol	•	•	Diane Williamson
Burrillville	•	•	Katia Ballasiano
Central Falls	•	•	Merrick Cook
Charlestown	•	•	Nancy Hess, James Lamphere
Coventry	•	•	Catherine LaPorte, Brent Narkawicz
Cranston	•	•	Michael DeLuca
Cumberland	•		Michael Phillips, Ed Donnelly
East Greenwich	•	•	Lee Whitaker, Greg Harris
East Providence	•	•	Diane Feather
Exeter	•		George Caldwell
Foster	•	•	Gail Sherman
Glocester	•	•	Raymond Goff
Hopkinton	•	•	Katherine Maxwell
Jamestown	•	•	Lisa Bryer
Johnston	•	•	Megan Diprete
Lincoln	•		Cheryl Maynard
Little Compton			Robert Green, Planning Board Chair
Middletown	•	•	Michelle Maher
Narragansett	•	•	Clarkson Collins
New Shoreham	•	•	Wilhelmina Lanz, Jennifer Brady
Newport	•	•	Paige Bronk, Andrew DeIonno
North Kingstown	•	•	Marilyn Cohen
North Providence	•	•	Leo Perrotta
North Smithfield	•		Michael Phillips
Pawtucket	•	•	Paul Mowry, Michael Cassidy
Portsmouth	•	•	Robert Gilstein
Providence	•	•	Robert Azar
Richmond			Joseph Lombardo
Scituate			Jeffrey Hanson, Planning Board Chair
Smithfield	•	•	Christopher Hawkins
South Kingstown	*	•	Anthony Lachowicz, Ray Nickerson
Tiverton	•	•	Jane Weidman, Rosemary Eva, Planning
Warren	•		Andre Asselin, Planning Board Chair
Warwick	•	•	Mark Carruolo
West Greenwich	•	•	John Pagliarini, Jr.
West Warwick	•	•	Mark Jaffee
Westerly			Joseph Lombardo
Woonsocket	•	•	Keith Brynes

*Note: narrative was reviewed by Nancy Giorgi, Esq. but not by the town planning staff.

Appendix C

Incentive Zoning Provisions for Affordable Housing By Community

Barrington

The ordinance provides for a density bonus in the Elderly Housing District for increased open space, common area, landscaping, screening, traffic improvements, using an existing building, 30-year affordability provision, assisted living for elderly or handicapped or other features as determined by the Council and Planning Board to improve compatibility with surroundings and health, safety, welfare of intended residents/community.

East Greenwich

The Mixed Use Planned Development (MUPD) district allows for multiple uses on one parcel. It is “offered as a development option as an encouragement to construct and develop low density commercial...uses so as to off-set the tax burden of higher density residential units. Low and moderate income residential units would be particularly encouraged in an MUPD.” Density within a mixed use planned development may exceed that otherwise permitted in the underlying zone to a maximum of six units per acre provided that ten percent (10%) of the units within the development are affordable based on HUD guidelines (Article VIII, Section 1, 1.2 Mixed Use Planned Development).

The Town recently established the R-4 district described in the Ordinance as follows:

Residential District [R4] 4,000 square feet. This district is designed to provide for very high density multi-family and affordable housing development. A minimum of ten percent and a maximum of 20 percent of the units in an R-4 development shall be for low-and moderate-income persons as defined by the state or federal government providing the subsidy for the housing and shall meet the requirements for the Rhode Island Low-and Moderate-Income Housing Act, RIGL45-53, as amended.

East Providence

The development plan review section (Article VIII) contains a section on affordable housing. The stated purpose of the section is “to increase the supply of affordably priced housing by providing incentives for developers to provide affordable units within market-rate residential or mixed use developments”[Section 19-456 (a)].

An increase in the maximum density of up to ten (10) percent may be permitted commensurate to the number of affordable housing units provided such units meet the definition of “affordable housing” over time as referenced in the East Providence Housing Action Plan [Section 19-456. Affordable Housing (b)].

Hopkinton

The Land Development Regulations allow the Planning Board to grant a density bonus in a cluster development of up to ten percent (10%) of the final number of dwelling units. The applicant must be *willing to legally bind the specified lot(s) as permanent “affordable” housing units as established by a market index from the US Department of HUD and specified as a deed restriction on future transfers of the properties, or other methods acceptable to the Town of Hopkinton* [Land Development and Subdivision Regulations, Article IV (C)].

New Shoreham

The Residential density required in any zoning districts may be increased by the Zoning Board of Review by up to one hundred (100%) percent to accommodate the construction of Affordable Housing Units. Spatial standards may also be modified. Recorded covenants are required to run with the land to maintain affordability for at least 99 years [Section 405, Affordable Housing, (A) Standards]. An affordable housing complex cannot exceed 8 units in any phase or an aggregate amount of more than 16 units on contiguous lots [Section 405, Affordable Housing (B) Procedures (2)].

North Kingstown

A density bonus of ten percent (10%) may be granted in a planned unit development if ten percent (10%) of all the dwelling units are marketed at *moderate price* and reserved for sale to buyers who meet specific income guidelines [XX 21-487 (m) (5)]. A density bonus may be granted if a minimum of thirty percent (30%) of the dwelling units are provided at twenty percent (20%) below market rate [XX, 21-487(m) (6)].

Richmond

The Zoning Board may grant a special use permit and exempt *critical needs development* from the Growth Rate Control Provisions upon meeting specified findings. One of the *findings* is that at least twenty percent (20%) of the units in a subdivision must be affordable as defined in section 18.08 [18.22.020 (C) Critical needs development]. Affordable dwelling units are exempt from impact fees [18.33.040].

Appendix D

Excerpts from the Rhode Island Development Impact Fee Act and the Rhode Island Zoning Enabling Act of 1991

Excerpts from the Rhode Island Development Impact Fee Act (effective date July 22, 2000) related to the calculation of fees follow:

§ 45-22.4-4 Calculation of impact fees. – (a) The governmental entity considering the adoption of impact fees shall conduct a needs assessment for the type of public facility or public facilities for which impact fees are to be levied. The needs assessment shall identify levels of service standards, projected public facilities capital improvements needs, and distinguish existing needs and deficiencies from future needs. The findings of this document shall be adopted by the local governmental entity.

(b) The data sources and methodology upon which needs assessments and impact fees are based shall be made available to the public upon request.

(c) The amount of each impact fee imposed shall be based upon actual cost of public facility expansion or improvements, or reasonable estimates of the cost, to be incurred by the governmental entity as a result of new development. The calculation of each impact fee shall be in accordance with generally accepted accounting principles.

(d) An impact fee shall meet the following requirements:

(1) The amount of the fee must be reasonably related to or reasonably attributable to the development's share of the cost of infrastructure improvements made necessary by the development; and

(2) The impact fees imposed must not exceed a proportionate share of the costs incurred or to be incurred by the governmental entity in accommodating the development. The following factors shall be considered in determining a proportionate share of public facilities capital improvement costs:

(i) The need for public facilities' capital improvements required to serve new development, based on a capital improvements program that shows deficiencies in capital facilities serving existing development, and the means, other than impact fees, by which any existing deficiencies will be eliminated within a reasonable period of time, and that shows additional demands anticipated to be placed on specified capital facilities by new development; and

(ii) The extent to which new development is required to contribute to the cost of system improvements in the future.

Administrative modifications are enabled by the Rhode Island Zoning Enabling Act of 1991 as follows:

§ 45-24-46 Special provisions – Modification.

(a) A zoning ordinance may provide for the issuance of modifications or adjustments from the literal dimensional requirements of the zoning ordinance in the instance of the construction, alteration, or structural modification of a structure or lot of record. If

the ordinance allows modifications then the zoning enforcement officer is authorized to grant modification permits. The zoning ordinance establishes the maximum percent allowed for a modification, which shall not exceed twenty-five percent (25%), of any of the dimensional requirements specified in the zoning ordinance. A modification does not permit moving of lot lines. The zoning ordinance shall specify which dimensional requirements or combinations of these requirements are allowable under a modification. These requirements may differ by use or zoning district. 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:

- (1) The modification requested is reasonably necessary for the full enjoyment of the permitted use;
- (2) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
- (3) The modification requested is in harmony with the purposes and intent of the comprehensive plan and zoning ordinance of the city or town; and
- (4) The modification requested does not require a variance of a flood hazard requirement.

(b) Upon an affirmative determination, the zoning enforcement officer shall notify, by registered or certified 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 general circulation within the city or town that the modification will be granted unless written objection is received within thirty (30) days of the public notice. If written objection is received within thirty (30) days, the request for a modification shall be denied. In that case the changes requested will be considered a request for a variance and may only be issued by the zoning board of review following the standard procedures for variances. If no written objections are received within thirty (30) days, the zoning enforcement officer shall grant the modification. The zoning enforcement officer may apply any special conditions to the permit as may, in the opinion of the officer, be required to conform to the intent and purposes of the zoning ordinance. The zoning enforcement officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received. Costs of any notice required under this subsection shall be borne by the applicant requesting the modification.

THE TECHNICAL COMMITTEE*

The Statewide Planning Program thanks the members of the Technical Committee for assisting with the design of this inventory and reviewing multiple drafts of this technical paper.

Mr. Frank L. Nunes (Chair), Public Member, Middletown

Mr. M. Paul Sams (Vice Chair), General Manager, Rhode Island Water Resources Board

Mr. Raymond Allen, Administration & Operations Officer, Rhode Island Public Utilities Commission

Ms. Katia Balassiano, Town Planner, Burrillville

Ms. Lisa Bryer, Town Planner, Jamestown

Ms. Marilyn Cohen, Planning and Development Director, North Kingstown

Dr. Walter Combs, Ph.D., Associate Director of Environmental Health, Rhode Island Department of Health

Mr. Merrick A. Cook, Jr., Planning Director, Central Falls

Ms. Diane Feather, Chief Planner, East Providence, representing the Rhode Island Chapter of the American Planning Association

Ms. Janet Keller, Chief, Office of Strategic Planning & Policy, Rhode Island Department of Environmental Management

Mr. Dennis Langley, Executive Director, Urban League of Rhode Island

Mr. Robert Letourneau, Supervising Planner, Rhode Island Department of Transportation

Ms. Janis Loiselle, Policy Advisor, Governor's Office

Ms. Eugenia Marks, Director of Issues and Publications, Audubon Society of Rhode Island

Dr. Patrick Malone, Urban Studies Program, Brown University

Ms. Amrita Roy, Associate Planner, RI Economic Development Corporation

Mr. Gerhard Oswald, Community Development Director, Bristol

Mr. Ralph Rizzo, Transportation Planner, Federal Highway Administration**

Ms. Kristine Stuart, Public Member, North Kingstown

Mr. Thomas Willett, Chief of Project Development, Department of Planning & Development, Pawtucket

* Current as of February 27, 2001

** Advisory member