

Zoning Ordinance

§ 805 NONCONFORMING LOT OF RECORD.

(A) An unimproved lot or parcel having a lot width or lot area which is less than required by district dimensional regulations, may be considered buildable for a use permitted as a matter of right or by special use permit under § 602, regardless of the lot width or area, provided such lot or parcel of land was shown on a plat or on a deed duly recorded prior to December 18, 1985.

(B) Notwithstanding the failure of that lot or those lots to meet the dimensional and/or quantitative requirements, and/or road frontage or other access requirements, applicable in the district, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum requirements for lot size requirements, lot frontage, lot width or lot depth of the district in which such lot is located. For any structure proposed under this section on a substandard lot of record, the following dimensional regulations shall apply:

(1) Minimum building setbacks, lot frontage and lot width requirements for a lot which is nonconforming in area shall be reduced by ~~applying the building setback, lot frontage and lot width requirements from another zoning district in the municipality in which the subject lot would be conforming as to lot area. If the subject lot is not conforming as to lot area in any zoning district in the municipality, the setbacks, lot frontage and lot width shall be reduced by~~ the same proportion that the area of such substandard lot meets the minimum lot area of the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the minimum lot area required in the district in which it is located, the setbacks, frontage and width shall each be reduced to forty percent (40%) of the requirements for those dimensional standards in the same district. However, to the extent the town has a zoning district in which the lot would be conforming as to lot area, the building setbacks, lot frontage, and lot width shall comply with the requirements for said zoning district.

(2) Maximum lot building coverage for lots that are nonconforming in area shall be increased by the inverse proportion that the area of such substandard lot meets the minimum area requirements in the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the required minimum lot area, the maximum lot building coverage is allowed to increase by sixty percent (60%) over the maximum permitted lot building coverage in that district.

All proposals exceeding such reduced requirements shall proceed with a modification request under R.I. Gen. Laws § 45-24-46 or a dimensional variance request under R.I. Gen. Laws § 45-24-41, whichever is applicable.