

THE CITY OF CRANSTON

**ORDINANCE OF THE CITY COUNCIL**

IN AMENDMENT OF CHAPTER 17.84 OF THE CODE OF THE CITY OF  
CRANSTON, 2005, ENTITLED "ZONING"  
(Conformance to District Regulations Required &  
Substandard Lots of Record)

No.

*Passed:*

*Christopher G. Paplauskas, Council President*

*Approved:*

*Kenneth J. Hopkins, Mayor*

*It is ordained by the City Council of the City of Cranston as follows:*

Preamble: The purpose of this Ordinance Amendment is to reduce the burden of zoning regulations on existing lots of record. The City was platted prior to the enactment of zoning in 1966, which created nonconforming lots throughout the City by imposing minimum lot areas greater than thousands of existing lots. This amendment seeks to provide reasonable accommodation for existing substandard lots of record to be developed without requiring relief from zoning and clarifies the existing lot merger clause.

**Section 1:** Chapter 17.20.040 entitled "Conformance to District Regulations Required" is hereby amended as follows:

**Section 17.20 Permitted Uses**

**17.20.040 – Conformance to District Regulations Required**

~~No structure or land shall be hereafter used and no structure or part thereof shall be erected or moved nor shall the exterior be altered unless in conformity with the regulations for minimum lot area herein specified for the district in which it is located, except as provided for in Sections 17.04.070, 17.04.080, and Chapters 17.108 Zoning Board of Review, 17.88 Nonconforming Uses and Structures and 17.112 Industrial Performance Commission of this title.~~

### A. Subdivision of Land

1. Minor and Major Subdivisions of land, as defined by the City of Cranston Subdivision Regulations, as amended, shall not be approved unless all buildable lots are in conformity with the minimum lot area and minimum lot width & frontage as per Section 17.20.120 Schedule of Intensity Regulations.
2. Administrative Subdivisions of land, as defined by the City of Cranston Subdivision Regulations, as amended, shall not be approved unless all buildable lots are in conformity with the minimum lot area and minimum lot width & frontage as per Section 17.20.120 Schedule of Intensity Regulations, unless the proposal results in the reduction of existing nonconformities and does not create or intensify any nonconformity.

### B. Development Proposals

1. Primary structures shall be permitted on substandard lots of record that have a minimum of two-thirds the lot area specified for the district which it is located unless said lot is merged to form a conforming lot per Section 17.88.010 Substandard Lots of Records & Lot Mergers, and provided that the lot has sufficient accommodations for vehicular access including that required for emergency vehicles as determined by the Fire Chief or his/her designee. Such proposals shall not require conformance with minimum lot area and lot width & frontage. This provision shall not apply to two-family or multi-family development which are subject to Section 17.20.090 Specific Requirements & 17.20.120 Schedule of Intensity Regulations.
2. Accessory structures may be permitted on substandard lots of record, in accordance with Chapter 17.60 Accessory Uses, and shall not require conformance with minimum lot area and lot width & frontage.
3. Additions, expansions or renovations to existing structures on substandard lots of record that do not result in a required increase of minimum lot area per Section 17.20.090 Specific Requirements & 17.20.120 Schedule of Intensity Regulations may be permitted and shall not require conformance with minimum lot area and lot width & frontage. Additions, expansions or renovations which result in a required increase in the minimum lot area per Section 17.20.090 Specific Requirements & 17.20.120 Schedule of Intensity Regulations shall require conformance with minimum lot area and lot width & frontage.

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C. Changes of Use

- 1. Changes of use which result in a required increase in minimum lot area per Section 17.20.090 Specific Requirements & 17.20.120 Schedule of Intensity Regulations shall require conformance with minimum lot area and lot width & frontage.
- 2. Changes of use which do not result in a required increase in minimum lot area per Section 17.20.090 Specific Requirements & 17.20.120 Schedule of Intensity Regulations shall not require conformance with minimum lot area and lot width & frontage.

No exemption in this Section shall be meant to provide relief from any other section of the Zoning Code.

**Section 2:** Chapter 17.88.010 entitled “Substandard lots of record” is hereby amended as follows:

**Section 17.88 Nonconforming Uses and Structures**

**17.88.010 – Substandard Lots of Record & Lot Mergers**

- A. “Substandard Lots of Record” Defined. ~~For the purposes of this chapter,~~ A "substandard lot of record" is a lot which does not satisfy one or more dimensional requirements set forth in [Section 17.20.120](#), but which was shown on a plat or deed recorded prior to January 1, 1966 or an approved plat recorded after January 1, 1966 which has otherwise been legally created and which has not been altered to become more nonconforming since its creation, except by approval of the ~~planning board of review~~ [City Plan Commission](#).
- B. ~~Contiguous Substandard Lots of Record~~ Lot Mergers
  - 1. If two or more contiguous substandard lots of record are owned by the same person or entity as of January 1, 1966, or if one of any two abutting lots under common ownership by the same person or entity as of the same date is less than 4,000 square feet, such lots shall be considered to be combined to form ~~as many~~ conforming lots ~~as are permitted in the particular district for the purpose of this chapter, unless the lot meets the exemption as outlined in item (3) below;~~
  - 2. In the event that there are multiple contiguous substandard lots of record with more than one way the lots could be merged, upon request of a Zoning Certificate, the Zoning Official shall determination which lots are merged. The

113 determination shall be based upon factors including but not limited to the  
114 existing improvements on site, natural conditions, and/or the sum of the area  
115 and frontage of the substandard lots (those lots whose sum is closest to the  
116 minimum required in the underlying zoning district would be combined before  
117 lots with larger sums, all other conditions being equal).

118 3. In a block that is seventy-five (75) percent or more developed in A-6, B-1 and  
119 B-2 zones, lots having an area of at least four thousand (4,000) square feet and  
120 having an area and frontage equal to or greater than the average of those  
121 developed parcels within two hundred (200) feet of the lot which are on the  
122 same side of the street need not be so combined. Substandard lots of record that  
123 are merged shall be considered merged for the purposes of calculation of this  
124 provision. Non-buildable lots of record and lots with zoning designations other  
125 than the subject lot shall not be included in the calculation. Side corner lots and  
126 double frontage lots may qualify for this exemption by measuring from any of  
127 its available frontages, so long as that frontage becomes the primary front for  
128 the subsequent development of the lot.

129 C. Where two or more ~~No parcel, tract or~~ lots are combined in accordance with this  
130 section, they shall not be subdivided in a manner where the lot width, depth frontage or  
131 area of any resulting lot shall be less than the requirements fixed by this chapter.

132 D. Any substandard lot of record which is not merged to a contiguous substandard lot of  
133 record under common ownership to form a conforming lot shall be regulated in  
134 accordance with 17.20.040 Conformance to District Regulations Required.  
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136 **Section 2.** This Ordinance shall take effect upon it final adoption.

137 Positive Endorsement: Negative Endorsement: (Attach reasons)

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140 Christopher M. Rawson, City Solicitor Date Christopher M. Rawson, City Solicitor Date

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142 Sponsored by \_\_\_\_\_

143 Referred to Ordinance Committee \_\_\_\_\_