

CITY PLANNING DEPARTMENT



Memorandum – Ordinance Recommendation

To: City Plan Commission
From: Jonas Bruggemann, Assistant Planning Director/Principal Planner
Date: May 27, 2026
RE: Ordinance – “Subdivision and unmerging of non-conforming lots”
Proposed Amendment to the Zoning Ordinance – Ordinance # 4-26-03

Proposal

The subject ordinance would amend upon passage Sections 17.20.040 (Conformance to district regulations required) and 17.88.010 (Substandard lots of record and lot mergers) of the Zoning Ordinance to permit:

- a. The subdivision of lots into nonconforming lots in the B-1 and B-2 zoning districts subject to certain conditions if a plat card or historical plat book shows that the subject lot previously existed as two or more lots.
- b. The unmerging of certain lots in the B-1 and B-2 zoning districts merged per Section 17.88.010(B)(1) subject to certain conditions to allow them to be separate buildable lots.

Planning Analysis

Planning Staff believe that this bill will have five significant impacts:

1. It will facilitate neighborhood consistent development and bring a substantial number of existing homes into conformance with zoning.
2. It will allow a portion of the city’s housing goals to be met by permitting homes on smaller lots and streamlining development processes.
3. It capitalizes on using existing utility infrastructure with minimal chance that roads and utilities will be expanded to accommodate development, meaning much lower cost for the City compared to expanding development in other parts of the City with less infrastructure.
4. It will reduce development pressure on the remaining open space in the City by allowing more development on the eastern side of the City.
5. It will significantly reduce staff time spent on substandard size lot development and simplify oversized lot subdivisions.

This bill has two elements that fall alongside existing processes but would greatly simplify those procedures. The amendment to Section 17.20.040 would allow property owners to subdivide their lots if they submit an official plat card which shows that the lots were separate lots in the past. This only applies to lots in the B-1 and B-2, provided that the resulting lots have at least 30 ft of frontage and lot width, and at least 3,000 sq ft after removing any land unsuitable for development from the yield. Land unsuitable for development is defined in Section II on page 9 of the Subdivision and Land Development Regulations as the following:

“1. Fresh water wetlands are as defined by RIGL §2-1-20, as amended;

2. Coastal wetlands, as defined by Rhode Island General Laws Section 46-23-6.(2).(iii).(E);
3. Floodplain or Flood Hazard Areas
4. Streets, including all areas proposed for public and/or common vehicular access, whether or not intended to be dedicated to the City.
5. Land possessing other physical constraints, including, but not limited to areas with ledge outcrops, cemeteries, etc., which by their nature and severity would preclude conventional development.
6. Land within any easement on which utilities, including, but not limited to electrical transmission and distribution lines, natural gas mains, oil pipelines, sewer mains and water mains are constructed and/or located.
7. Land with existing conservation easements.”

The ordinance would also subject any of these types of subdivisions to the processes under the Subdivision and Land Development Regulations, meaning that any subdivision qualifying under this section would still be processed by the Planning Department just like typical subdivisions. This section is very similar to Section 2003(D) in the Providence Zoning Ordinance which applies to all zoning districts in Providence.

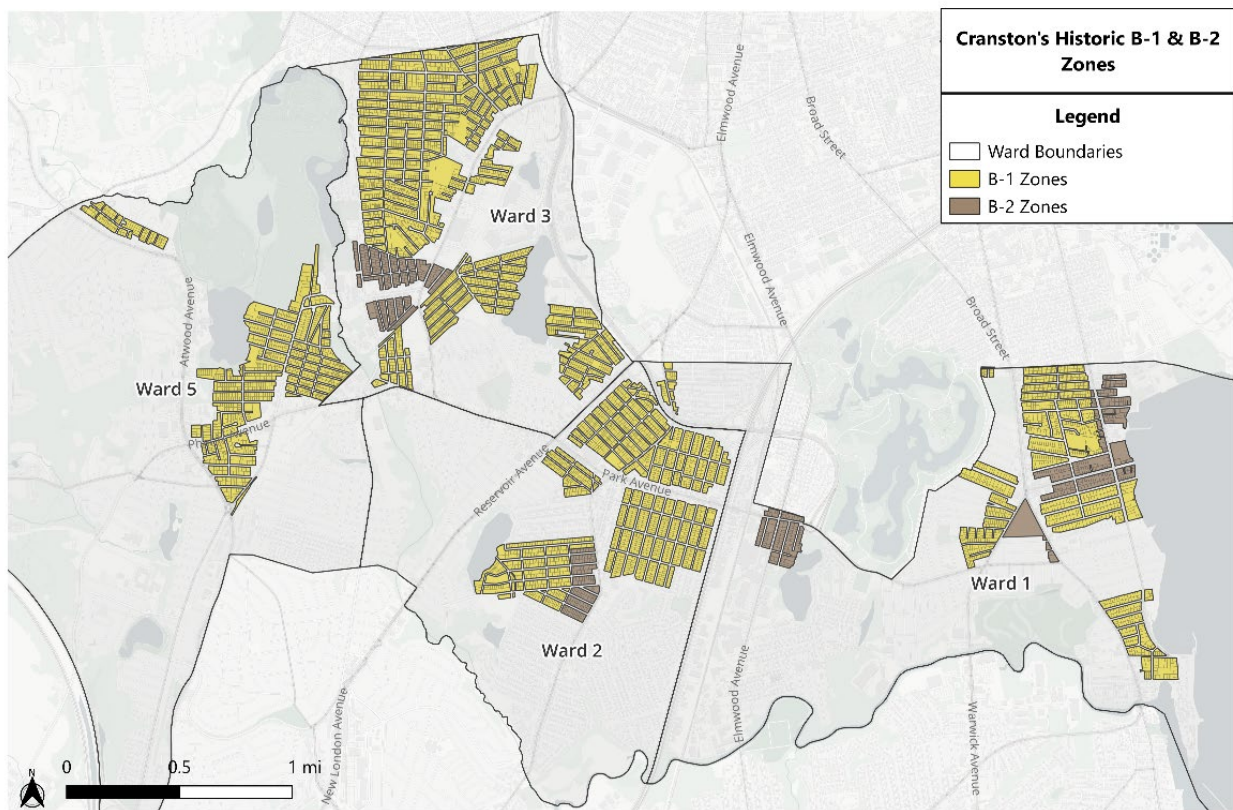


Figure 1: B-1 and B-2 zones. B-2 spot zoned areas in the rest of the City were excluded as the majority of those areas are already developed and related to a specific multifamily development.

Currently, anyone seeking to subdivide a lot into a substandard lot must either demonstrate that their lot qualifies for an “oversized lot subdivision” or seek a variance under Unified Development Review. Both processes require a significant financial investment from the applicant to be left with an unguaranteed result. To be granted an oversized lot subdivision, an applicant must submit a Class I survey and a compilation

plan demonstrating that the resulting lots are equal or greater than the developed residential lots within 200 ft. Since the passing of the oversized lot subdivision regulation in June 2025, there have been six applications to subdivide an oversized lot into two substandard lots, and only one of those applications was able to qualify for an oversized lot subdivision, meaning the five other applicants needed to seek a variance.

The second element is an amendment to Section 17.88.010. Currently, subsection (B)(1) requires all contiguous substandard lots in common ownership to be considered merged. Similarly to the oversized lot subdivision, an applicant would need to submit a compilation plat created by a professional land surveyor demonstrating the subject lot is equal or greater to the lots within 200 ft of it. Though more commonly, these lots do not meet the 200ft analysis and end up requiring a variance from the Zoning Board. The amendment would greatly simplify this process for a significant amount of lots in B-1 and B-2, as any lots that fit the conditions of the regulation are now assumed to be unmerged and buildable.

Given the significant demand for more housing and provided that the vast majority of B-1 and B-2 lots (74%) on the eastern side of the city were originally platted to be less than 6,000 ft² (see Figure 2), the smallest minimum lot size of any district, the Planning Department and Building Department spend a significant amount of time dealing with homeowners and developers seeking to unmerge or subdivide their lots. This includes time spent conducting analyses on the regulatory feasibility of constructing on these lots, advising on complicated application processes and submission requirements, and writing staff memos for the City Plan Commission among other administrative tasks.

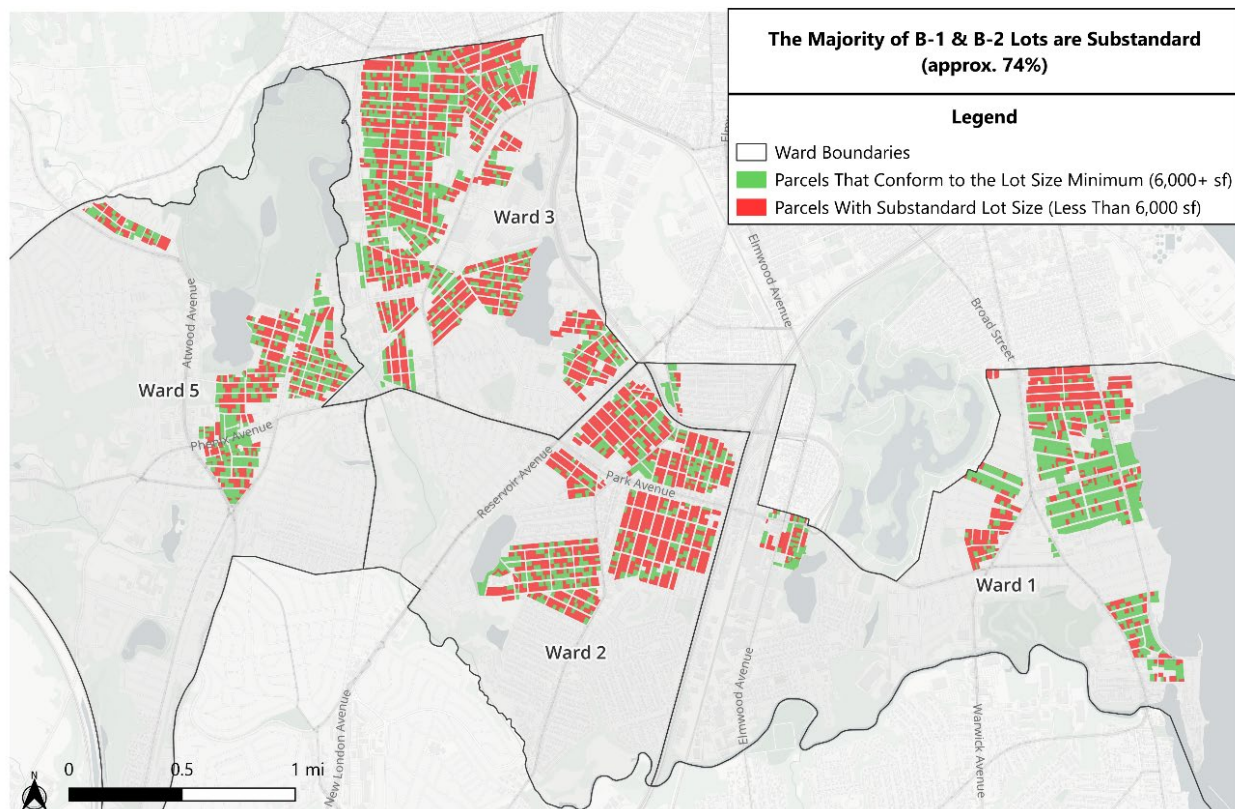


Figure 2: Record lots under 6,000sf in the B-1 and B-2 zoning districts. 6,000 ft² is the minimum lot size currently required to construct a single-family home. This map does not account for lots two- and multifamily homes that may be substandard based on unit count minimum lot requirements.

Landowners looking to sell or develop these lots also need to invest thousands of dollars into surveys, application fees, and other materials just to see if their lot is buildable. Simplifying this process means that

This legislation would make up to 200 vacant lots buildable for single-family development (see Figure 4). Up to an additional 200 units are estimated to be allowed if this legislation passes in combination with Ordinance #4-26-04 which reduces the minimum lot size requirements to 4,000 square feet in the B-1 and B-2 for two-family residences on substandard lots of record.

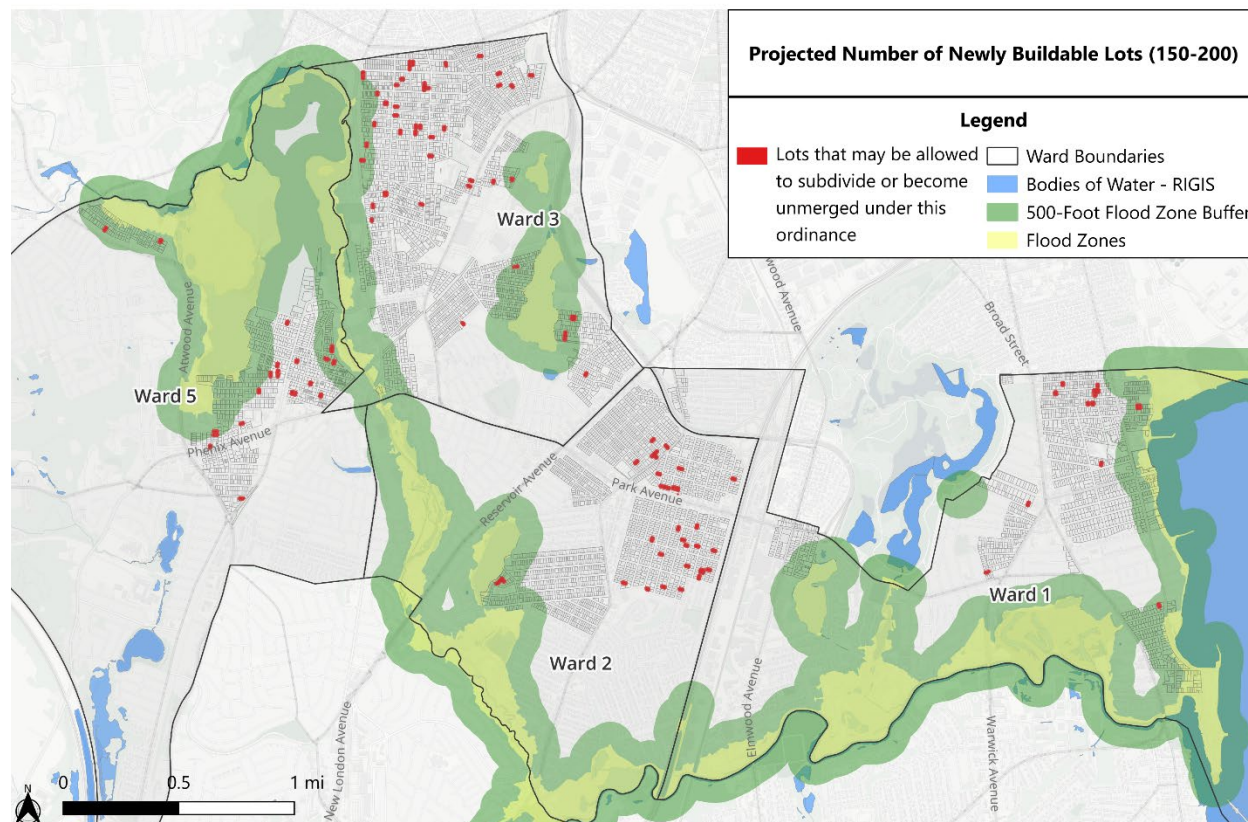


Figure 4: Projected Buildable Lots under Ordinance # 04-26-03

Additional units could be created through additions or replacement of existing homes. Legalizing the vast majority of single-family lots in the B-1 and B-2 could also promote the redevelopment of aging or deteriorating housing stock by removing regulatory barriers to reconstruction (Policy H-11, ED-23).

Not only would this be a low impact method for the city to gain traction towards its housing production goals, but it would also allow a more varied and affordable mix of housing stock in the City which is in line with both our Comprehensive Plan goals and policies (Goals H-2, H-4; Policies H-3, H-4, H-6, H-9).

Planning staff predict that this ordinance will overall have a net positive effect on the city. New developments created by this ordinance would be spread throughout eastern Cranston (see Figure 4) and serviced primarily by existing infrastructure with the capacity to handle this gentle increase in density. An analysis of the city’s taxable property values also shows that small lot developments (Figure 5), particularly those with more than one unit, have a higher per acre taxable value than large lot single-family developments. This additional value also comes with fewer miles of roads, utilities, and city services per unit, much of which already exists, compared to large lot developments in more ex-urban and rural environments such as western Cranston, which often require new roads and utilities.

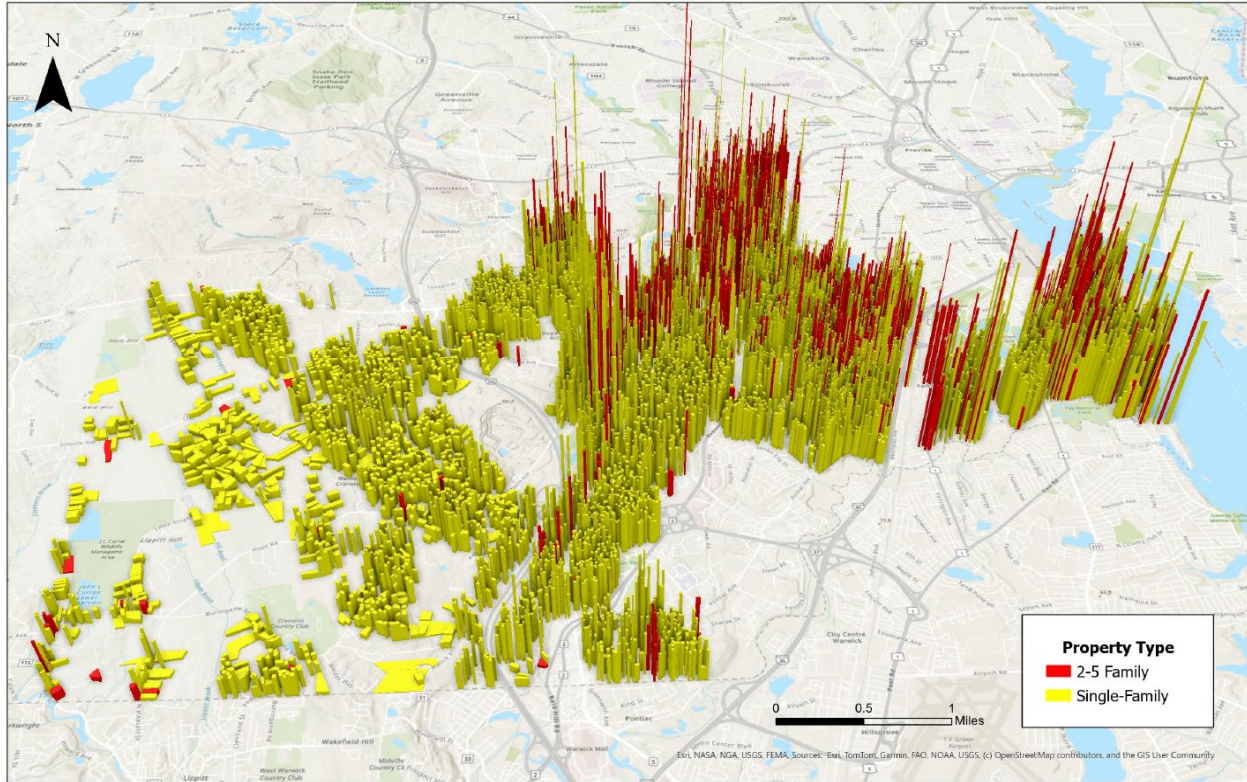


Figure 5: Average assessed value per acre of single-family (yellow) and 2-5 family (red) homes. [Source: HousingWorks RI]

The 2024 Comprehensive Plan also speaks to directing growth away from environmentally sensitive areas such as wetlands and prime farmland (Policies NR-4, NR-5, and NR-6). This ordinance not only moves development pressure away from remaining open space in Western Cranston, but also provides restrictions on certain substandard lots as discussed earlier in the memo. Adhering to the restrictions in the Subdivision and Land Development Regulations discourages development near sensitive land such as wetlands and flood hazard areas. Additionally, any development close to waterbodies and wetlands often requires additional reviews from the Rhode Island Department of Environmental Management (RIDEM) or the RI Coastal Resources Management Council (CRMC). When determining unmerging of substandard lots of record per the ordinance language added to Section 17.88.010, no unmerging can take place within 500 ft from any wetlands and AE and VE special flood hazard areas. The proposed linear buffer does not take into account more critical factors, such as elevations and watersheds, that contribute to flooding or the impact of that flooding has on the built environment of those areas. State regulations and review processes already apply to any development near wetlands, while development in or near flood hazard areas are also subject to regulation under Chapter 17.16 (Special Flood Hazard Districts) of the Zoning Ordinance.

If the intent of this buffer is to prevent flooding or lessen the impact of flooding on new and existing development, there may be more targeted alternatives to consider. Recommended new regulations include setting a maximum on impervious surfaces for all lots which would prevent people from paving their lots without adequate stormwater management systems to offset those impervious surfaces, while guaranteeing a certain level of landscaping for stormwater infiltration and aesthetic purposes. A stormwater utility fee could also help create a dedicated fund to help maintain and improve the stormwater systems in the city. This should help to improve existing flooding issues even while continuing to allow new investments in home construction (Goal NR-2).

The following Comprehensive Plan Goals and Policies were mentioned above to be supportive of the proposed ordinance:

- Goal NR-2: Establish a balance between natural resource protection and growth-related needs.
- Policy NR-4: Preserve and protect critical fish and wildlife habitat areas and areas containing rare and endangered species.
- Policy NR-5: Preserve and protect environmentally sensitive natural resource areas, including prime farmlands, steep slopes, floodplains, watersheds, aquifers, shorelines, and coastal and inland wetlands.
- Policy NR-6: Direct new growth away from environmentally- sensitive areas such as wetlands, steep slopes, and soils that have severe limitations for on-site waste water disposal.
- Goal H-2: Permit a variety of residential development types to achieve multiple community objectives.
- Goal H-4: Promote housing opportunity for a wide range of household types and income levels.
- Policy H-1: Maintain zoning densities that reflect planned municipal service levels and natural resource constraints.
- Policy H-3: Enact flexible development standards that attain desired community objectives, but also provide a wide range of building types, uses, subdivisions, and site plans.
- Policy H-4: Provide housing resources to support the range of jobs that reflects the City's economic base, and encourage the development of housing at levels that are consistent with household purchasing power.
- Policy H-6: Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.
- Policy H-9: Promote the development of new housing that is affordable to average first-time buyers living in the City.
- Policy H-11: Reduce the burden of zoning and building regulations, to enable two- and three-family unit dwellings to be easily modified, maintained and improved within the existing neighborhoods.
- Goal ED-2: Attract capital into the Cranston area and expand the City's economic base.
- Goal ED-3: The City shall have an efficient and predictable development process throughout all departments of the City.
- Policy ED-21: Preserve and increase employment opportunities for Cranston residents.
- Policy ED-23: Revitalize underused areas of the City for uses that are in keeping with the needs and values of the community.
- Goal LU-6: Protect and stabilize existing residential neighborhoods.
- Policy LU-12: Protect and stabilize existing residential neighborhoods by increasing open space, improving roadway conditions, and making the zoning conform to existing uses.

Staff therefore believe that the ordinance is consistent with the Comprehensive Plan.

Recognition and Consideration of the Purposes of Zoning in City Code §17.04.010

The general purposes of zoning as prescribed by City Code Section §17.04.010 have been recognized and considered in review of the proposed ordinances. This bill would allow infill construction in the B-1 and B-2 zoning districts which would be within the character of the existing neighborhoods and provide for the current and future need of an adequate and varied housing stock in the city (B, H) as is supported by the goals and policies of the 2024 Comprehensive Plan (L). Furthermore, this ordinance would improve the efficiency of reviews of development proposals and expedite approval for small lot development (N).

Therefore, the ordinance is found to be consistent with the general purposes of zoning.

Findings per City Code §17.120.030

(A): Consistency with the Cranston Comprehensive Plan 2024:

There are a significant number of Comprehensive Plan goals and policies that are in support of a positive consideration of Ordinance #4-26-04, including but not limited to Goal NR-2, Goal ED-2, Goal ED-3, Goal LU-6, Policy NR-4, Policy NR-5, Policy NR-6, Policy H-1, Policy H-3, Policy H-4, Policy H-6, Policy H-9, Policy H-11, Policy ED-21, Policy ED-23, and Policy LU-12. For these reasons, Ordinance #4-26-04 is consistent with the City's Comprehensive Plan.

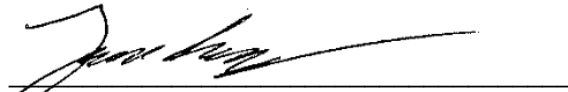
(B). Recognition and Consideration of the Purposes of Zoning in City Code §17.04.010:

The general purposes of zoning as prescribed by City Code Section §17.04.010 have been recognized and considered in review of the proposed ordinances. The ordinances are found to be consistent with the general purposes of zoning.

Recommendation

Based on the findings that the rezone is consistent with the goals and policies of the Comprehensive Plan, and the general purposes of the zoning ordinance, staff recommends that the City Plan Commission forward a **positive recommendation** on **Ordinance # 4-26-03** to the City Council.

Respectfully Submitted,



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Principal Planner / Administrative Officer