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**LEGISLATION INFORMATION AND HISTORY
TOWN OF CHARLESTOWN**

Type of enactment (ordinance, resolution, bylaw, local law):

**ORDINANCE NO. 435
AN ORDINANCE AMENDING CHAPTER 218 – ZONING**

Action	Date
Introduction	March 23, 2026
Publication	In Full: April 11, 2026 By Reference: April 18 and 25, 2026
Public Hearing	May 11, 2026
Adoption	May 11, 2026
Publish Notice of Adoption	May 16, 2026

Date copy sent to General Code Publishers for codification: May 12, 2026

The legislative history will be compiled as the ordinance passes through the required procedures. A copy of the form should be sent with the ordinance to General Code for them to keep with the code files, the original being retained as a record in the Town Clerk's files.

**PUBLIC NOTICE
TOWN OF CHARLESTOWN**

Notice is hereby given that the following ordinance was adopted by the Town Council of the Town of Charlestown after a public hearing, duly advertised and posted, held on May 11, 2026.

**ORDINANCE NO. 435
AN ORDINANCE AMENDING CHAPTER 218 – ZONING**

Section 1. The Town Council of the Town of Charlestown hereby ordains that Chapter 218 of the Code of Ordinances, Town of Charlestown is amended as follows:

See Exhibit A for a full version of the proposed amendments and for a full understanding of the proposed amendments.

Note: Words set as ~~strikeover~~ are to be **deleted** from the ordinance; words set in underline are to be **added** to the ordinance.

Section 2. The Town Clerk is hereby authorized to cause said changes to be made to the Town of Charlestown's Code of Ordinances.

Section 3. This ordinance shall take effect immediately upon passage.

Attested To By:

Passed By Town Council On:

Amy Rose Weinreich, CMC Town Clerk

May 11, 2026

To be advertised in the Westerly Sun: May 16, 2026

Exhibit A

§ 218-2 Purpose/consistency with Comprehensive Plan/state laws.

A. Comprehensive Plan. The Zoning Regulations....

B. Purposes. Adopted pursuant to R.I. Gen. Laws...

(15) Allowing the construction of attached single-family dwellings in designated zoning districts. For purposes of this chapter, "attached single-family dwelling" means a dwelling unit constructed side by side or horizontally and separated by a party wall and lot line. Such units shall be allowed in zoning districts of the city or town, as set forth in § 45-24-37(j), provided that:

(i) The unit(s) have access to public water and sewer, or have adequate access to private water and/or wastewater systems approved by the relevant state agency; and

(ii) The zoning ordinance shall allow each single-family unit to be located on its own lot, without increased requirements for minimum lot size, lot width, lot frontage or lot depth and shall allow for a zero-lot line setback along the common property line to accommodate the subdivision for these units; provided that, the unit(s) comply with requirements for building and fire codes; and

(iii) Other dimensional requirements of the base zoning district shall apply to the outside perimeter property lines of the end-units of the development, however, there shall not be increased dimensional requirements solely applicable to attached single-family structures and not applicable to other residential structures containing the same density in the same zoning district; and

(iv) Cities and towns may establish additional standards for such units; provided that, such standards do not restrict a dwelling unit's floor area ratio to less than one, limit the bedrooms to less than three (3), or require more than one off street parking space for up to two (2) bedrooms, and two (2) off-street parking spaces for up to three (3) bedrooms. [Ref: H5798Aaa]

(16) Providing for residential development in all or some of the areas encompassing commercial district(s) in a city or town; provided that, such objective standards and criteria address the following:

(i) Standards to ensure that residential uses are allowed and integrated with commercial uses in a mixed use or village development;

(ii) Provisions that allow residential units above commercial uses on the ground floor or first floor of a structure(s);

(iii) Provisions to permit medium to high density residential development in the commercial zones allowing residential use;

(iv) Flexible and reasonable dimensional standards that promote and allow for the mixed use or village development; and

(v) Municipalities with a population in excess of forty thousand (40,000) shall provide for residential development as set forth in this section in at least thirty percent (30%) of the area in the commercial zoning use districts. [Ref: H5800A]

(17) Providing for residential use options that are not limited to single family detached structures, in areas which have available public water and sewer capacity in municipalities in which at least part of the area is located within the urban services boundary which is identified on Rhode Island statewide planning program's future land use map tools and on the Rhode Island geographic information system. [Ref: H5796 & H5796aa]

....

§ 218-5 Word usage and definitions.

A. Word usage. As used in this ordinance, ...

B. Terms defined. Words or terms...

....

ADAPTIVE REUSE

Adaptive reuse means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

....

AFFORDABLE HOUSING PLAN

(As used in ARTICLE V) ~~A component of a housing element, as defined in § 45-22.2-4(33) 45-22.2-4(1), to meet housing needs in a city or town that is prepared in accordance with guidelines adopted by the state planning council, and/or to meet the provisions of § 45-53-4(b)(1) and (c).~~ that addresses low- and moderate-income housing needs in a city or town that is prepared in accordance with guidelines adopted by the state planning council, and/or to meet the provisions of § 45-53-4(e)(1) and (f). [Ref: H5801A]

....

APPROVED AFFORDABLE HOUSING PLAN

(As used in ARTICLE V) ~~An affordable housing plan that has been approved by the director of administration as meeting the guidelines for the~~ is part of and approved and unexpired local comprehensive plan as promulgated by the state planning council; provided, however, that state review and approval, for plans submitted by December 31, 2004, shall not be contingent on the city or town having completed, adopted, or amended its comprehensive plan as provided for in §§ 45-22.2-8, 45-22.2-9, or 45-22.2-12. [Ref: H5801A]

....

CO-LIVING HOUSING

A specific residential development with units which provide living and sleeping space which are independently rented and lockable for the exclusive use of an occupant, but require the occupant to share sanitary and/or food preparation facilities with the other units in the occupancy. This section shall not be read to allow the conversion of existing dwelling units into co-living housing unless authorized by a local zoning ordinance. [Ref: H5797A]

....

COMPREHENSIVE PLAN

A comprehensive plan adopted and approved by a city or town pursuant to chapters 22.2 and ~~22.3~~ of this title 45. [Ref: H5801A]

....

CONSISTENT WITH LOCAL NEEDS

(As used in ARTICLE V) Reasonable in view of the state and local need for low- and moderate-income housing, ... as provided in subdivision (2)(i). [Ref: 5801A]

....

LOT, FRONTAGE

That portion of a lot ~~at the specified setback~~ that is contiguous, uninterrupted and abutting a street.

....

MODIFICATION

Modification means permission granted and administered by the zoning enforcement officer of the city or town, and pursuant to the provisions of this chapter to grant dimensional relief from the zoning ordinance to a limited degree as determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%) of each of the applicable dimensional requirements, except as set forth in § 45-24-46(c).

....

§ 218-6 Building Official/Zoning Enforcement Officer to enforce.

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B. Duties.

....

~~(8) Provide guidance or clarification, and upon written request, issue a zoning certificate, or otherwise provide information to the requesting party as to the certificate within fifteen working days of the request. If no response is provided, the requesting party can appeal to the Zoning Board of Review for the certificate.~~

(8) Upon written request, a zoning certificate shall be issued within twenty (20) days of the written request. In the event that no written response is provided within that time, the requesting party has the right to appeal to the zoning board of review for the determination pursuant to § 45-24-63.19. The requesting party has the right to appeal the determination made in the zoning certificate pursuant to § 45-24-63.2. [Ref: H5795A]

....

(10) The zoning enforcement officer is authorized to grant modification permits that are fifteen percent (15%) or less of the dimensional requirements specified in the zoning ordinance. ~~A modification does not permit moving of lot lines.~~ 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:

- (a) The modification requested is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted ~~reasonably necessary for the full enjoyment of the permitted use;~~
- (b) If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
- (c) The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations; and
- (d) The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.

Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the zoning enforcement officer shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than five percent (5%), the zoning enforcement officer shall notify, by first class 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 local circulation within the town that the modification will be granted unless written objection by anyone who is entitled to notice under this section is received within fourteen (14) days of the public notice. If written objection is received within fourteen (14) days, the request for a modification shall be scheduled for the next available hearing before the zoning board of review on application for a dimensional variance following the standard procedures for such variances, including notice requirements provided for under this chapter. If no written objections are received within fourteen (14) 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

§ 218-26 Fees

....

G. Each application filed shall incur and pay a State levy fee in accordance with the relevant provisions of R.I.G.L. § 45-24-58.1, as amended.

~~G. H.~~ Any person filing an appeal shall be responsible for the cost of preparing the transcript of the public hearing on said decision.

~~H. I.~~ Zoning Certificates. Applications for a zoning certificate shall be submitted to the Building Official on a form he prescribes and shall pay a \$50 application fee. Certificates that require research outside the Building Official's Office for more than one hour of time shall be charged at twenty dollars per hour in addition to the \$50 application fee.

§ 218-28 Review Procedures, Criteria for Approval, Duration of Approval.

...

D. The application and review process for a comprehensive permit shall be as follows:

(1) Pre-application conference. The Planning Commission may require an applicant proposing a project under this article, who is not electing to have master plan review, to complete, or the applicant proposing a project under this article may request a pre-application conference with the Planning Commission, the technical review committee established pursuant to § 45-23-56, or with the administrative officer for the Planning Commission as appropriate. In advance of a pre-application conference, the applicant shall be required to submit only a short description of the project in writing including the number of units, type of housing, density analysis, preliminary list of adjustments needed, as well as a location map, and conceptual site plan. The purpose of the pre-application conference shall be to review a concept plan of the proposed development and to elicit feedback from the reviewing person or board. Upon receipt of a request by an applicant for a pre-application conference, the Town shall have thirty (30) days to schedule and hold the pre-application conference, unless a different timeframe is agreed to by the applicant in writing. If thirty (30) days has elapsed from the filing of the pre-application submission and no pre-application conference has taken place, nothing shall be deemed to preclude an applicant from thereafter filing and proceeding with an application for preliminary plan review for a comprehensive permit.

(1.1) Optional master plan. An applicant may elect to apply for and be heard on master plan review prior to preliminary plan submission. If a master plan review is elected by the applicant the following shall apply:

(i) Submission requirements. Submission requirements for master plan review shall be limited to the following:

(A) An application form and fee;

(B) A short description of the project in writing including the number of units, type of housing, density analysis, list of adjustments needed, as well as a location map, and preliminary determinations as to site constraints;

(C) Conceptual site plans showing infrastructure locations for roadways, preliminary locations and design of conceptual stormwater facilities, location of sewer and water lines and/or wells and on-site wastewater treatment systems, locations of housing units, estimated locations of site constraints and wetlands;

(D) A preliminary traffic opinion for projects of over thirty (30) dwelling units;

(E) A letter of eligibility issued by the Rhode Island housing and mortgage finance corporation, or in the case of projects primarily funded by the U.S. Department of Housing and Urban Development or other state or federal agencies, an award letter indicating the subsidy, or application in such form as may be prescribed for a municipal government subsidy;

(F) If the applicant submits any requests for adjustments at master plan, a public hearing shall be held in the same manner as during preliminary plan review as set forth in this section and the applicant shall be responsible for providing the list of abutters and all advertising costs.

(ii) Certification of completeness. The master plan application must be certified complete or incomplete by the administrative officer according to the provisions of § 45-23-36; provided, however, that the certificate shall be granted within twenty-five (25) days of submission of the application. The running of the time period set forth herein will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

(iii) Review of applications. A master plan application filed in accordance with this chapter shall be reviewed in accordance with the following provisions:

(A) Timeframe for review. The local review board shall render a decision on the master plan application within sixty (60) days of the date the application is certified complete, or within a further amount of time that may be consented to by the applicant through the submission of a written consent.

(B) Failure to act. Failure of the local review board to act within the prescribed period constitutes approval of the master plan, and a certificate of the administrative officer as to the failure of the local review board to act within the required time and the resulting approval shall be issued on request of the applicant.

(C) Required findings. In voting on an application, the local review board shall make findings, supported by legally competent evidence on the record that discloses the nature and character of the observations upon which the fact finders acted, on the standards required for preliminary plan review in this section, to the extent applicable at the master plan. The failure to provide information which is required later at preliminary plan review shall not form a basis for denial. If the board votes to defer a finding to preliminary plan it shall do so on the record during the proceedings and in the written decision and specify what items are necessary for review at the preliminary plan stage in order to address that finding.

(iv) Vesting. The approved master plan is vested for a period of two (2) years with the right to extend for two (2), one-year extensions upon written request by the applicant, who must appear before the planning board for each annual review. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the local review board. The vesting for the master plan approval includes all ordinance provisions and regulations at the time of the approval, general and specific conditions shown on the approved master plan drawings and supporting material.

(2) Preliminary plan review.

(a) Submission requirements. Applications for preliminary plan review under this article shall include:

[1] A Unless already submitted at a master plan stage, a letter of eligibility issued by the Rhode Island housing and mortgage finance corporation, ... subsidy: and

....

[5] Required findings for approval. In approving voting on an application, the Planning Commission shall make positive findings, supported by legally competent evidence on the record that discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions standards, where applicable:

[a] The Whether the proposed development is consistent with local needs as identified in the comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies. If the local board finds that the proposed development is inconsistent with the community's affordable housing plan, it must also find that the municipality has made significant progress in implementing its housing plan.

[b] The Whether the proposed development is in compliance with the standards and provisions of the Town's zoning ordinance and subdivision regulations, and/or where adjustments are requested by the applicant, that whether local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing.

[c] All low and moderate income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to, the market rate units within the

~~project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.~~

Whether the low- and moderate-income housing units proposed are integrated throughout the development; are compatible in scale, meaning that: (1) The size of the low- and moderate-income units shall not be less than seventy-five percent (75%) of the size of the market rate units, unless otherwise allowed by the local board; (2) The affordable units are of similar architectural style to the market rate units within the project so that the exterior of the units look like an integrated neighborhood with similar rooflines, window patterns, materials and colors; and (3) The affordable units will be built and occupied in a proportional manner with the construction and occupancy of the market rate units. Except that for housing units that are intended to be occupied by persons fifty-five (55) years of age or older, or sixty-two (62) years of age or older, as permitted by the federal Fair Housing Act pursuant to 42 U.S.C.A. § 3607(b) and 24 CFR § 100.300-308 and the Rhode Island fair housing practices act pursuant to § 34-37-4.1, such units need not be integrated in any building or phase within the development that contains housing units that are not age-restricted, and neither age-restricted housing units nor any building or phase containing age-restricted housing units must be compatible in scale and architectural style to other housing unit types to the extent the age-restricted housing units are designed to meet the physical or social needs of older persons or necessary to provide housing opportunities for older persons.

[d] ~~There~~ Whether there will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.

[e] ~~All~~ Whether the proposed land developments and all or subdivision lots will have adequate and permanent physical access to a public street in accordance with the requirements of § 45-23-60(a)(5) or the local review board has approved other access, such as a private road.

[f] ~~The~~ Whether the proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.

[6] ~~Required findings for denial. In reviewing the comprehensive permit request, the Planning Commission may deny the request for any of the following reasons:~~

[a] ~~If the Town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan; provided that, the Planning Commission also finds that the Town has made significant progress in implementing that housing plan;~~

[b] ~~The proposal is not consistent with local needs, including, but not limited to, the needs identified in the Charlestown approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan;~~

[c] ~~The proposal is not in conformance with the Charlestown comprehensive plan;~~

~~[d] The Town has met or has plans to meet the goal of ten percent (10%) of the year-round units as defined in § 45-53-3(5)(i) being low- and moderate-income housing; provided that, the Planning Commission also finds that the Town has achieved or has made significant progress towards meeting the goals required by this section; or~~

~~[e] Concerns for the environment and the health and safety of current residents have not been adequately addressed.~~

....

(c) Review of applications.

[1] Timeframe for review. The reviewing authority shall render a decision on the final plan application within forty-five (45) days of the date the application is certified complete.

[2] Modifications and changes to plans:

[a] Minor changes, as defined in the local regulations, to the approved plans ~~approved at preliminary plan~~ may be approved administratively, by the administrative officer, ~~whereupon final plan approval may be issued~~. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting a recommendation from either the technical review committee or the Planning Commission. Denial of the proposed change(s) shall be referred to the Planning Commission for review as a major change.

[b] Major changes, as defined in the local regulations, to the plans ~~approved at preliminary plan~~ may be approved only by the Planning Commission and must follow the same review and public hearing process required for approval of preliminary plans as described in subsection D(2)(c) of this section.

[c] The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer is referring the application to the Planning Commission under this subsection.

....

(d) Vesting. The approved final plan decision is vested for a period of two (2) years with the right to extend for one one-year extension upon written request by the applicant, who must appear before the Planning Commission for the extension request, unless, within that period, the plat or plan has been submitted for signature and recording as specified in § 45-23-64. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the Planning Commission. [Ref: 5801A]

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§ 218-36 Land Use Table.

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Attached single family dwellings. Notwithstanding any other provision of this ordinance, attached single-family units, as defined in § 45-24-33 and § 218-2, shall be allowed in residential districts which allow for the construction of two (2) or more units. The number of attached single-family units allowed shall be the same as the corresponding residential density for the property and zoning district. [Ref: H5798Aaa]

....

§ 218-43 Non-Conformity with Dimensional Standards.

A. Preexisting Substandard Lots.

(1) A lot with lesser amounts than required in ARTICLE VII Dimensional requirements, may be considered as nonconforming. Such lot must have been shown on a legally recorded plat or deed before the effective date of this Ordinance, and did not adjoin other land of the same owner, and met all the requirements of the zoning ordinance in effect at the time of its creation.

(2) A substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum ~~lot size~~ requirements for lot size, 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:

(a) 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 size, the town may require compliance with the building setback, lot frontage, and lot width requirements for said zoning district if such requirement is in the local zoning ordinance.~~

(b) 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.

~~(3) Notwithstanding the provisions of subsection (2) herein, an owner or applicant of a legal non-conforming lot of record is eligible to voluntarily proceed under the provisions of this alternate~~

~~section (3), provided that they shall follow the provisions of either section (2) or section (3) in its entirety.~~

~~The yard dimensional requirements for a structure may be reduced and the maximum building coverage requirements for a structure may be increased for a substandard lot of record, at the time of passage of this section, in the proportion that the area of such substandard lot is reduced from the minimum area requirements of the district in which the lot is located to a minimum of twelve (12) feet as to side yard, thirty eight (38) feet as to rear yard and thirty (30) feet as to front yard setback. The necessary computation and determinations of the modifications for building setbacks of yard dimensional requirements for each substandard lot shall be made by the Charlestown Building Official at the time of application for a building permit. Whereas a substandard lot of record meets the area and/or width requirement of a lesser zone, the setback, coverage and height requirements of the lesser zone shall apply.~~

~~Applicants under this section (3) may also apply for additional dimensional relief, either administratively or through the Zoning Board of Review. Applicants under this section (3) are also eligible to apply for modifications or variances from the required dimensional requirements, as set forth in this ordinance.~~

~~(4) (3) A pre-existing substandard lot may be increased in area even if the altered lot remains nonconforming to the then-existing dimensional requirements of this Ordinance without Zoning Board of Review approval.~~

B. Contiguous Substandard Lots.

(1) On the basis of the lack of public infrastructure in all districts, when two or more pre-existing substandard contiguous lots are under single ownership, such lots shall be considered to be a single lot and no portion thereof shall be used in violation of any of the requirements of ARTICLE VII Dimensional requirements. No lots contiguous to each other and under single ownership shall be subdivided in a manner below the requirements fixed by this ordinance.

(2) The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200') of the subject lot, as confirmed by a compilation plan signed by a professional land surveyor as such term is defined by the rules and regulations for professional land surveying as confirmed by the zoning enforcement officer.