

**AN ORDINANCE AMENDING VARIOUS ARTICLES AND SECTIONS OF THE
SMITHFIELD ZONING ORDINANCE TO COMPLY WITH CHANGES MADE TO THE
LAND USE ENABLING ACTS OF THE STATE OF RHODE ISLAND**

IT IS HEREBY ORDAINED BY THE TOWN OF SMITHFIELD AS FOLLOWS:

Section 1. Article 3 Nonconformance is hereby amended by amended as follows:

ARTICLE 3 NONCONFORMANCE

3.4 Nonconforming By Dimension (Substandard Lots Of Record)

A lawfully established building, structure, or parcel of land not in compliance with the dimensional ... frontage, (also known as a substandard lot of record) is also nonconforming by dimension.

Notwithstanding the failure of a single substandard lot of record or contiguous lots of record to meet the dimensional and /or quantitative requirements of this zoning ordinance, and/or road frontage or other access requirements applicable to the district as stated in the ordinance, 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 of the district in which such lot is located. The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located. All proposals exceeding such reduced requirement shall proceed with a modification request under Section 10.3 or a dimensional variance request under Section 10.8, whichever is applicable.

3.7 EXISTENCE BY VARIANCE OR SPECIAL USE PERMIT

A nonconforming building, structure, sign, or parcel of land or the use thereof, which exists by virtue of a variance or a special use permit granted by the ~~Board-permitting~~ authority, shall not be considered a nonconformance for the purposes of this Article, and shall not acquire the rights of this Article. Rather, such building, structure, sign, parcel of land, or use thereof, shall be considered a use by variance or a use by special use permit and any moving, addition, enlargement, expansion, intensification or change of such building, structure, sign, parcel of land or use thereof, to any use other than a permitted use or other than in complete conformance with this Ordinance, shall require a further variance or special use permit from the ~~Board-permitting~~ authority.

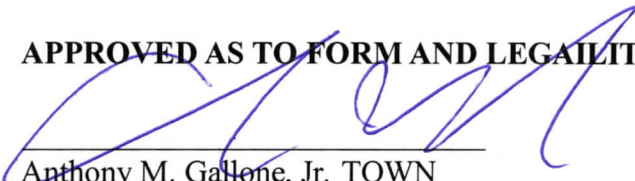
3.11 Land Nonconforming by Area

E. Merger Prohibited for Certain Lots

The merger of lots shall not be required, in any zoning district, 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 (200) feet of the subject lot, as confirmed by the zoning enforcement officer through the submission of a Compilation Survey stamped and signed by a Rhode Island Registered Land Surveyor.

Section 2. These Ordinance Amendments shall take effect Thirty (30) days after their adoption by the Smithfield Town Council.

APPROVED AS TO FORM AND LEGALITY:

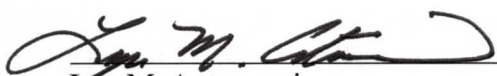


Anthony M. Gallone, Jr. TOWN
SOLICITOR

ADOPTED: June 18, 2024



T. Michael Lawton
TOWN COUNCIL PRESIDENT



Lyn M. Antonuccio
TOWN CLERK

