

****NOTICE****

If the Town Council adopts the enclosed amendments to the Zoning District Map and Zoning Ordinance text, it may result in your lot(s) being deemed as a pre-existing, nonconforming lot of record. Further, pursuant to Tiverton Zoning Ordinance Article VII, Section 2, and/or R.I. Gen. Laws § 45-24-38, contiguous, preexisting, nonconforming lots of record under common ownership may be merged.

Tiverton Zoning Ordinance, Article VII, Section 2. - Merger of lots under single ownership.

- a. Notwithstanding the provisions of section 1 above, where two or more unimproved substandard contiguous lots are under single ownership on the effective date of this ordinance, such lots shall be considered to be an undivided parcel of land for the purposes of this ordinance, and no single lot or portion thereof shall be used in violation of the lot width and area requirements of article V.
- b. However, any lot which is lawfully existing at the time of zoning map amendments dated June 4, 2001, and which is made nonconforming by virtue of said map amendment, shall become a lawful nonconforming lot of record and shall not be subject to the merger requirement of paragraph a, above.
- c. Notwithstanding the above, 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 50 percent of the lots within 200 feet of the subject lot, as confirmed by the zoning enforcement officer.

Rhode Island General Laws, § 45-24-38. General provisions — Substandard lots of record.

- a. Any city or town adopting or amending a zoning ordinance under this chapter shall regulate the development of any single substandard lot of record or contiguous lots of record at the effective date of adoption or amendment of the zoning ordinance.
- 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 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 § 45-24-46 or a dimensional variance request under § 45-24-41, whichever is applicable.
- c. Provisions may be made for the merger of contiguous unimproved, or improved and unimproved, substandard lots of record in the same ownership to create dimensionally conforming lots or to reduce the extent of dimensional nonconformance. The ordinance shall specify the standards, on a district by district basis, which determine the mergers. The standards shall include, but are not to be limited to, the availability of infrastructure, the character of the neighborhood, and the consistency with the comprehensive plan. 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 the zoning enforcement officer.