

2018 -- H 7238

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LC003245
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

Introduced By: Representative Thomas Winfield

Date Introduced: January 19, 2018

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 45-24-37 of the General Laws in Chapter 45-24 entitled "Zoning
2 Ordinances" is hereby amended to read as follows:

3 **45-24-37. General provisions -- Permitted uses.**

4 (a) The zoning ordinance provides a listing of all land uses and/or performance standards
5 for uses that are permitted within the zoning use districts of the municipality.

6 (b) Notwithstanding any other provision of this chapter, the following uses are permitted
7 uses within all residential zoning use districts of a municipality and all industrial and commercial
8 zoning use districts except where residential use is prohibited for public health or safety reasons:

9 (1) Households;

10 (2) Community residences; ~~and~~

11 (3) Family day care homes; ~~and~~

12 (4) Licensed tow truck operators and businesses that are under an existing contract with
13 any municipal or state police department to provide towing services or otherwise on duty for
14 towing services.

15 (c) Any time a building or other structure used for residential purposes, or a portion of a
16 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire
17 or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured
18 home, or homes, as the need may be, elsewhere upon the land, for use and occupancy of the
19 former occupants for a period of up to twelve (12) months, or until the building or structure is

1 rehabilitated and otherwise made fit for occupancy. The property owner, or a properly designated
2 agent of the owner, is only allowed to cause the mobile and manufactured home, or homes, to
3 remain temporarily upon the land by making timely application to the local building official for
4 the purposes of obtaining the necessary permits to repair or rebuild the structure.

5 (d) Notwithstanding any other provision of this chapter, appropriate access for people
6 with disabilities to residential structures is allowed as a reasonable accommodation for any
7 person(s) residing, or intending to reside, in the residential structure.

8 (e) Notwithstanding any other provision of this chapter, an accessory family dwelling
9 unit in an owner-occupied, single-family residence shall be permitted as a reasonable
10 accommodation for family members with disabilities or who are sixty-two (62) years of age or
11 older. The appearance of the structure shall remain that of a single-family residence and there
12 shall be an internal means of egress between the principal unit and the accessory family dwelling
13 unit. If possible, no additional exterior entrances should be added. Where additional entrance is
14 required, placement should generally be in the rear or side of the structure. When the structure is
15 serviced by an individual, sewage-disposal system, the applicant shall have the existing or any
16 new system approved by the department of environmental management. The zoning-enforcement
17 officer shall require that a declaration of the accessory family dwelling unit for the family
18 member, or members, and its restrictions be recorded in the land-evidence records and filed with
19 the zoning-enforcement officer and the building official. Once the family member, or members,
20 with disabilities or who are sixty-two (62) years of age or older, no longer reside(s) in the
21 premises on a permanent basis, or the title is transferred, the property owner shall notify the
22 zoning official in writing, and the accessory family-dwelling unit shall no longer be permitted,
23 unless there is a subsequent, valid application.

24 (f) When used in this section the terms "people with disabilities" or "member, or
25 members, with disabilities" means a person(s) who has a physical or mental impairment that
26 substantially limits one or more major life activities, as defined in § 42-87-1(7) of the general
27 laws.

28 (g) Notwithstanding any other provisions of this chapter, plant agriculture is a permitted
29 use within all zoning districts of a municipality, including all industrial and commercial zoning
30 districts, except where prohibited for public health or safety reasons or the protection of wildlife
31 habitat.

32 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

1 This act would allow tow truck operators that under an existing contract with municipal
2 or state police departments or are actively on duty to utilize residential zoning districts for
3 operating their business.

4 This act would take effect upon passage.

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