

2015 -- H 5531

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Representatives Winfield, and Marshall

Date Introduced: February 25, 2015

Referred To: House Municipal Government

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.** -- (a) The zoning ordinance provides a  
4 listing of all land uses and/or performance standards for uses which are permitted within the  
5 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.

12 (c) Any time a building or other structure used for residential purposes, or a portion of a  
13 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire  
14 or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured  
15 home or homes, as the need may be, elsewhere upon the land, for use and occupancy of the  
16 former occupants for a period of up to twelve (12) months, or until the building or structure is  
17 rehabilitated and otherwise made fit for occupancy. The property owner, or a properly designated  
18 agent of the owner, is only allowed to cause the mobile and manufactured home or homes to  
19 remain temporarily upon the land by making timely application to the local building official for

1 the purposes of obtaining the necessary permits to repair or rebuild the structure.

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

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

21 (f) When used in this section the terms "people with disabilities" or "member or  
22 members with disabilities" means a person(s) who has a physical or mental impairment which  
23 substantially limits one or more major life activities, as defined in § 34-37-3 of the general laws.

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

28 SECTION 2. This act shall take effect on January 1, 2016.

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

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1           This act would allow the owner of an owner-occupied single family home to build an  
2 accessory dwelling unit to house a member of the family who is sixty-two (62) years of age or  
3 older.

4           This act would take effect on January 1, 2016.

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