

2016 -- S 2297

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LC004376
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

Introduced By: Senator Roger Picard

Date Introduced: February 09, 2016

Referred To: Senate Housing & 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 in the premises
18 on a permanent basis, or the title is transferred, the property owner shall notify the zoning official
19 in writing, and the accessory family dwelling unit shall no longer be permitted, unless there is a
20 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~~ §42-87-1(7) of the
24 general laws.

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

29 SECTION 2. This act shall take effect on January 1, 2017.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

1 This act would allow an accessory family dwelling unit in an owner-occupied single
2 family residence to be permitted as a reasonable accommodation for family members who are
3 sixty-two (62) years of age or older.

4 This act would take effect on January 1, 2017.

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