

2012 -- S 2442

=====
LC01598
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————
A N A C T

RELATING TO TOWNS AND CITIES - ZONING ORDINANCES

Introduced By: Senators Sosnowski, Walaska, Felag, McCaffrey, and Bates

Date Introduced: February 16, 2012

Referred To: Senate Environment & Agriculture

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;

11 (3) Family day care homes; and

12 (4) Plant agriculture, being defined herein as the growing of plants, both food and fiber,
13 to sell and/or consume.

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

1 agent of the owner, is only allowed to cause the mobile and manufactured home or homes to
2 remain temporarily upon the land by making timely application to the local building official for
3 the purposes of obtaining the necessary permits to repair or rebuild the structure.

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

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

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

26 (g) Notwithstanding any other provisions of this chapter, plant agriculture, being defined
27 as the growing of plants for both food and fiber, to sell and/or consume, is a permitted use within
28 all residential use districts of a municipality, including all industrial and commercial zoning
29 districts, except where prohibited for public health or safety reasons or the protection of wildlife
30 habitat, consistent with the "Rhode Island Right to Farm Act", chapter 2-23, including the
31 provisions that this chapter does not apply to agricultural operations conducted in a malicious or
32 negligent manner, and the director of the department of environmental management, in
33 consultation with the chief of the division of agriculture, shall determine what is agriculture, or an
34 agricultural activity use or operation.

1 (h) Notwithstanding any other specific or general provisions of this chapter or the general
2 laws, plant agriculture, being defined as the growing of plants for both food and fiber, to sell
3 and/or consume, is a permitted use within all lands subject to the jurisdiction of chapter 46-23, the
4 Rhode Island coastal resources management council and such use shall be subject to the
5 jurisdiction and enforcement of the department of environmental management.

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

=====
LC01598
=====

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

- 1 This act would make plant agriculture a permitted use within all lands subject to the
- 2 jurisdiction of the Rhode Island Coastal Resources Management Council and grants to the
- 3 department of environmental management jurisdiction and enforcement of such use.
- 4 This act would take effect upon passage.

=====
LC01598
=====