

2024 -- H 7981 SUBSTITUTE A

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO TOWNS AND CITIES -- ZONING ORDINANCES

Introduced By: Representatives Giraldo, Speakman, Biah, Henries, Voas, Kislak, Batista,
Diaz, Alzate, and Kazarian

Date Introduced: March 05, 2024

Referred To: House Municipal Government & Housing

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. [Effective January 1, 2024.]**

4 (a) The zoning ordinance shall provide a listing of all land uses and/or performance
5 standards for uses that are permitted within the zoning use districts of the municipality. The
6 ordinance may provide for a procedure under which a proposed land use that is not specifically
7 listed may be presented by the property owner to the zoning board of review or to a local official
8 or agency charged with administration and enforcement of the ordinance for an evaluation and
9 determination of whether the proposed use is of a similar type, character, and intensity as a listed
10 permitted use. Upon such determination, the proposed use may be considered to be a permitted use.

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

- 14 (1) Households;
15 (2) Community residences; and
16 (3) Family daycare homes.

17 (c) Notwithstanding any other provision of this chapter and excluding industrial zones
18 where it has been determined residential use is prohibited for public health or safety reasons, unless
19 a municipality already allows two (2) or more dwelling units by right on lots in zoning districts

1 [which comprise at least thirty percent \(30%\) of the land area in the municipality, a municipality](#)
2 [shall allow two \(2\) or more dwelling units on a lot by right in zoning districts which comprise at](#)
3 [least thirty percent \(30%\) of the land area in the municipality.](#)

4 (d) Any time a building or other structure used for residential purposes, or a portion of a
5 building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire
6 or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home,
7 or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former
8 occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated
9 and otherwise made fit for occupancy. The property owner, or a properly designated agent of the
10 owner, is only allowed to cause the mobile and manufactured home, or homes, to remain
11 temporarily upon the land by making timely application to the local building official for the
12 purposes of obtaining the necessary permits to repair or rebuild the structure.

13 ~~(e)~~(e) Notwithstanding any other provision of this chapter, appropriate access for people
14 with disabilities to residential structures is allowed as a reasonable accommodation for any
15 person(s) residing, or intending to reside, in the residential structure.

16 ~~(f)~~(f) Notwithstanding any other provision of this chapter, an accessory dwelling unit in an
17 owner-occupied residence that complies with §§ 45-24-31 and 45-24-73 shall be permitted as a
18 reasonable accommodation for family members with disabilities or who are sixty-two (62) years of
19 age or older, or to accommodate other family members.

20 ~~(g)~~(g) When used in this section the terms “people with disabilities” or “member, or
21 members, with disabilities” means a person(s) who has a physical or mental impairment that
22 substantially limits one or more major life activities, as defined in § 42-87-1(7).

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

27 ~~(i)~~(i) **Adaptive reuse.** Notwithstanding any other provisions of this chapter, adaptive reuse
28 for the conversion of any commercial building, including offices, [mills](#), schools, religious facilities,
29 medical buildings, and malls into residential units or mixed-use developments which include the
30 development of at least fifty percent (50%) of the existing gross floor area into residential units,
31 shall be a permitted use and allowed by specific and objective provisions of a zoning ordinance,
32 ~~except where such is.~~ [However, adaptive reuse under this section shall not be allowed where:](#)

33 [\(1\) Residential use is](#) prohibited by environmental land use restrictions recorded on the
34 property by the state of Rhode Island department of environmental management or the United

1 States Environmental Protection Agency ~~preventing the conversion to residential use;~~

2 (2) In any industrial zoning use district where residential use is prohibited for public health

3 and safety reasons; or

4 (3) In any industrial building which has not been vacant for less than two (2) years.

5 ~~(1)(i)~~ (i) The specific zoning ordinance provisions for adaptive reuse shall exempt adaptive

6 reuse developments from off-street parking requirements of over one space per dwelling unit.

7 ~~(2)(ii)~~ (ii) Density.

8 ~~(A)~~ (A) For projects that meet the following criteria, local zoning ordinances shall allow for

9 high density residential development and shall not limit the residential density ~~to less than fifteen~~

10 ~~(15) dwelling units per acre~~ provided that all minimum applicable building, fire and or

11 rehabilitation code requirements are met for all residential units;

12 ~~(A)(I)~~ (I) Where the project is limited to the existing footprint, except that the footprint is

13 allowed to be expanded to accommodate upgrades for non-occupiable space related to the building

14 and fire codes and utilities; and

15 ~~(B)(II) The~~ If the development contains over four (4) residential units, that the development

16 includes at least twenty percent (20%) low- and moderate-income housing; and

17 ~~(C)(III)~~ (III) The development has access to public sewer and public water service or has access

18 to adequate private water, such as a community well and and/or wastewater treatment system(s)

19 approved by the relevant state agency for the entire development as applicable.

20 ~~(ii) For all other adaptive reuse projects, the residential density permitted in the converted~~

21 ~~structure shall be the maximum allowed that otherwise meets all standards of minimum housing~~

22 ~~and has access to public sewer and water service or has access to adequate private water, such as a~~

23 ~~well, and wastewater treatment system(s) approved by the relevant state agency for the entire~~

24 ~~development, as applicable. The density proposed shall be determined to meet all public health and~~

25 ~~safety standards.~~

26 (B) For all other adaptive reuse projects which do not provide the minimum of twenty

27 percent (20%) low- and moderate-income units and are in excess or four (4) units the density shall

28 be determined by local ordinance.

29 ~~(3)(iii)~~ (iii) Notwithstanding any other provisions of this chapter, for adaptive reuse projects,

30 existing building setbacks shall remain and shall be considered legal nonconforming, but no

31 additional encroachments shall be permitted into any nonconforming setback, unless otherwise

32 allowed by zoning ordinance or relief is granted by the applicable authority.

33 ~~(4)(iv)~~ (iv) For adaptive reuse projects, notwithstanding any other provisions of this chapter,

34 the height of the existing structure, if it exceeds the maximum height of the zoning district, may

1 remain and shall be considered legal nonconforming, and any rooftop construction shall be included
2 within the height exemption

3 SECTION 2. This act shall take effect on July 1, 2025.

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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 amend the provisions relative to permitted uses within residential, industrial
2 and commercial zoning use districts.

3 This act would take effect on July 1, 2025.

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