

2024 -- H 7981

=====
LC005509
=====

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; ~~and~~

17 (4) Residential uses.

18 (c) Notwithstanding any other provision of this chapter, the following uses are permitted
19 uses within all industrial use districts except where residential use is prohibited for public health or

1 [safety reasons:](#)

2 [\(1\) Households;](#)

3 [\(2\) Community residences; and](#)

4 [\(3\) Family daycare homes.](#)

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

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

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

21 ~~(f)~~[\(g\)](#) 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 that
23 substantially limits one or more major life activities, as defined in § 42-87-1(7).

24 ~~(g)~~[\(h\)](#) 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 ~~(h)~~[\(i\)](#) **Adaptive reuse.** Notwithstanding any other provisions of this chapter, adaptive reuse
29 for the conversion of any commercial building, including offices, schools, religious facilities,
30 medical buildings, and malls into residential units or mixed-use developments which include the
31 development of at least fifty percent (50%) of the existing gross floor area into residential units,
32 shall be a permitted use and allowed by specific and objective provisions of a zoning ordinance,
33 except where such is prohibited by environmental land use restrictions recorded on the property by
34 the state of Rhode Island department of environmental management or the United States

1 Environmental Protection Agency preventing the conversion to residential use.

2 (1) The specific zoning ordinance provisions for adaptive reuse shall exempt adaptive reuse
3 developments from off-street parking requirements of over one space per dwelling unit.

4 (2) Density.

5 (i) For projects that meet the following criteria, zoning ordinances shall allow for high
6 density development and shall not limit the density to less than fifteen (15) dwelling units per acre:

7 (A) Where the project is limited to the existing footprint, except that the footprint is allowed
8 to be expanded to accommodate upgrades related to the building and fire codes and utilities; and

9 (B) The development includes at least twenty percent (20%) low- and moderate-income
10 housing; and

11 (C) The development has access to public sewer and water service or has access to adequate
12 private water, such as a well and and/or wastewater treatment system(s) approved by the relevant
13 state agency for the entire development as applicable.

14 (ii) For all other adaptive reuse projects, the residential density permitted in the converted
15 structure shall be the maximum allowed that otherwise meets all standards of minimum housing
16 and has access to public sewer and water service or has access to adequate private water, such as a
17 well, and wastewater treatment system(s) approved by the relevant state agency for the entire
18 development, as applicable. The density proposed shall be determined to meet all public health and
19 safety standards.

20 (3) Notwithstanding any other provisions of this chapter, for adaptive reuse projects,
21 existing building setbacks shall remain and shall be considered legal nonconforming, but no
22 additional encroachments shall be permitted into any nonconforming setback, unless otherwise
23 allowed by zoning ordinance or relief is granted by the applicable authority.

24 (4) For adaptive reuse projects, notwithstanding any other provisions of this chapter, the
25 height of the existing structure, if it exceeds the maximum height of the zoning district, may remain
26 and shall be considered legal nonconforming, and any rooftop construction shall be included within
27 the height exemption

28 SECTION 2. This act shall take effect on January 1, 2025.

=====
LC005509
=====

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 January 1, 2025.

=====
LC005509
=====