

# TITLE 45

## 45-24-37 (e) *Accessory Family/Dwelling* Towns and Cities

### 45-24-31 (B) *Detwin Units* CHAPTER 45-24 Zoning Ordinances

#### SECTION 45-24-37

#### § 45-24-37. General provisions – Permitted uses.

- (a) The zoning ordinance provides a listing of all land uses and/or performance standards for uses that are permitted within the zoning use districts of the municipality.
- (b) Notwithstanding any other provision of this chapter, the following uses are permitted uses within all residential zoning use districts of a municipality and all industrial and commercial zoning use districts except where residential use is prohibited for public health or safety reasons:
- (1) Households;
  - (2) Community residences; and
  - (3) Family day care homes.
- (c) Any time a building or other structure used for residential purposes, or a portion of a building containing residential units, is rendered uninhabitable by virtue of a casualty such as fire or flood, the owner of the property is allowed to park, temporarily, mobile and manufactured home, or homes, as the need may be, elsewhere upon the land, for use and occupancy of the former occupants for a period of up to twelve (12) months, or until the building or structure is rehabilitated and otherwise made fit for occupancy. The property owner, or a properly designated agent of the owner, is only allowed to cause the mobile and manufactured home, or homes, to remain temporarily upon the land by making timely application to the local building official for the purposes of obtaining the necessary permits to repair or rebuild the structure.
- (d) Notwithstanding any other provision of this chapter, appropriate access for people with disabilities to residential structures is allowed as a reasonable accommodation for any person(s) residing, or intending to reside, in the residential structure.
- (e) Notwithstanding any other provision of this chapter, an accessory family dwelling unit in an owner-occupied, single-family residence shall be permitted as a reasonable accommodation for family members with disabilities or who are sixty-two (62) years of age or older. The appearance of the structure shall remain that of a single-family residence and there shall be an internal means of egress between the principal unit and the accessory family dwelling unit. If possible, no additional exterior entrances should be added. Where additional entrance is required, placement should generally be in the rear or side of the structure. When the structure is serviced by an individual, sewage-disposal system, the applicant shall have the existing or any new system approved by the department of environmental management. The zoning-enforcement officer shall require that a declaration of the accessory family dwelling unit for the family member, or members, and its restrictions be recorded in the land-evidence records and filed with the zoning-enforcement officer and the building official. Once the family member, or members, with disabilities or who are sixty-two (62) years of age or older, no longer reside(s) in the premises on a permanent basis, or the title is transferred, the property owner shall notify the zoning official in writing, and the accessory family-dwelling unit shall no longer be permitted, unless there is a subsequent, valid application.

(f) When used in this section the terms "people with disabilities" or "member, or members, with disabilities" means a person(s) who has a physical or mental impairment that substantially limits one or more major life activities, as defined in § 42-87-1(7) of the general laws.

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

History of Section.

(P.L. 1991, ch. 307, § 1; P.L. 1996, ch. 213, § 1; P.L. 1998, ch. 360, § 1; P.L. 1999, ch. 83, § 128; P.L. 1999, ch. 130, § 128; P.L. 2008, ch. 172, § 1; P.L. 2008, ch. 176, § 1; P.L. 2011, ch. 282, § 1; P.L. 2011, ch. 401, § 1; P.L. 2012, ch. 342, § 1; P.L. 2016, ch. 503, § 1; P.L. 2016, ch. 520, § 1.)

# TITLE 45

## Towns and Cities

### CHAPTER 45-24

### Zoning Ordinances

#### SECTION 45-24-31

##### § 45-24-31. Definitions.

Where words or terms used in this chapter are defined in § 45-22.2-4 or 45-23-32, they have the meanings stated in that section. In addition, the following words have the following meanings. Additional words and phrases may be used in developing local ordinances under this chapter; however, the words and phrases defined in this section are controlling in all local ordinances created under this chapter:

(1) *Abutter*. One whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.

(2) *Accessory dwelling unit*. A dwelling unit: (i) Rented to and occupied either by one or more members of the family of the occupant or occupants of the principal residence; or (ii) Reserved for rental occupancy by a person or a family where the principal residence is owner occupied and that meets the following provisions:

(A) In zoning districts that allow residential uses, no more than one accessory dwelling unit may be an accessory to a single-family dwelling.

(B) An accessory dwelling unit shall include separate cooking and sanitary facilities, with its own legal means of ingress and egress, and is a complete, separate dwelling unit. The accessory dwelling unit shall be within, or attached to, the principal dwelling-unit structure or within an existing structure, such as a garage or barn, and designed so that the appearance of the principal structure remains that of a one-family residence.

(3) *Accessory use*. A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use may be restricted to the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related.

(4) *Aggrieved party*. An aggrieved party, for purposes of this chapter, shall be:

(i) Any person, or persons, or entity, or entities, who or that can demonstrate that his, her, or its property will be injured by a decision of any officer or agency responsible for administering the zoning ordinance of a city or town; or

(ii) Anyone requiring notice pursuant to this chapter.

(5) *Agricultural land*. "Agricultural land," as defined in § 45-22.2-4.

(6) *Airport hazard area*. "Airport hazard area," as defined in § 1-3-2.

(7) *Applicant*. An owner, or authorized agent of the owner, submitting an application or appealing an action of any official, board, or agency.