

TOWN OF WEST WARWICK

ORDINANCE

OF THE

TOWN COUNCIL

ORDINANCE NO. 2021 – 7

AN ORDINANCE AMENDING SECTION 3.29 DEFINITIONS, FAMILY MEMBERS, SECTION 5.6.16.21 ACCESSORY FAMILY DEWELLING UNITS AND SECTION 8.1 ALTERATION OF NONCONFORMING USE OF THE WEST WARWICK ZONING CODE OF THE CODE OF ORDINANCES OF THE TOWN OF WEST WARWICK,

WHEREAS: The provisions of Sections 3.29, 5.5.16.21 and 8.1 of the West Warwick Zoning Code are not in compliance with the Rhode Island General Laws as recently amended, and

WHEREAS: The Town Council is desirous of insuring that the ordinances of the Town of West Warwick are in full compliance with the General Laws of the State of Rhode Island as interpreted by the Courts of the State of Rhode Island

NOW, THEREFORE, IT IS HEREBY ORDAINED that the Town Council of the Town of West Warwick hereby amends Sections 3.29, 5.6.16.21 and 8.1 of the West Warwick Zoning Code of the Code of Ordinances as follows:

SECTION 3 DEFINITIONS

~~3.29 Family. A person or persons related by blood, marriage, or other legal means.~~

3.29 Family member. A person, or persons, related by blood, marriage, or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household.

SECTION 5.6 SUPPLEMENTAL USE REGULATIONS

5.6.16.21 Notwithstanding any other provision of this zoning code, 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 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 shall be added. Where additional entrances required, placement should be generally 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 records of land evidence and filed with the zoning

enforcement officer and the building official. Once the family member or members with disabilities or 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 officials in writing, and the accessory family dwelling unit shall no longer be permitted, unless there is a subsequent valid application.

SECTION 8 ALTERATION TO NONCONFORMING DEVELOPMENT

Section 8. - Alteration to nonconforming development.

8.1 *Alteration of nonconforming use.* No addition, enlargement, expansion or intensification in the extent of the nonconforming use of premises or land shall be made. Except as provided herein, a nonconforming use, if changed, shall be changed to a permitted use and once changed to a permitted use shall not thereafter be changed to a nonconforming use. A nonconforming use of land or of a structure shall not otherwise be changed to another nonconforming use that is substantially different in nature and purpose unless a ~~variance~~ Special Use Permit is granted by the zoning board which shall find that the proposed use will have a lesser undesirable impact upon the surrounding area than the preceding nonconforming use before granting same.

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POSTED:

FIRST READING AT COUNCIL MEETING ON:

SECOND READING AT COUNCIL MEETING ON:

COUNCIL PRESIDENT: _____

TOWN CLERK: _____

ADVERTISED IN:

THIS ORDINANCE WILL TAKE EFFECT ON: