

**Amendment to Town of New Shoreham Zoning Ordinance**  
**Sections 108, 111, 202, Article 3, 403, 404, 405, 502, 509, 510, 511, 513, 514, 518 related to Accessory Dwelling Units.**

**2024-04**

**It is ordained by the New Shoreham Town Council:**

**§ 108. Validity and Severability.**

Should any section or provision of this Zoning Ordinance be declared by the Courts to be invalid, such decision shall not invalidate any other section or provision of the Zoning Ordinance, ~~except that, should Subsection C(4) of § 406, Accessory Apartments, be declared to be invalid, then such decision shall be deemed to invalidate Subsection C of § 406 in its entirety; should Subsection D(2) of § 406, Accessory Apartments, be declared to be invalid, then such decision shall be deemed to invalidate Subsection D of § 406 in its entirety.~~ If the Zoning Ordinance in its entirety should be declared invalid, then the prior zoning ordinance of the Town shall automatically take effect.

**§ 111. General Prohibitions.** [Amended November 7, 1994; November 21, 1998; June 4, 2001; July 1, 2002; September 15, 2004; Added October 6, 2008; January 20, 2010; November 5, 2012 by Ord. No. 2012-9; November 3, 2014 by Ord. No. 2014-10]

The following uses are prohibited in all (except as noted) zoning districts:

A. Any structure or building or any use of any structure, building, premises or land which is injurious, obnoxious, offensive, dangerous or a nuisance to the community or to the neighborhood through noise, vibration, concussion, odors, fumes, smoke, gases, dust, harmful fluids or substances, danger of fire or explosion, or other objectionable features detrimental to the community or neighborhood health, safety, convenience, morals or welfare, including but not limited to the following:

3. Trailers or mobile homes for residential, ~~or residential accessory use~~ Accessory Dwelling Unit use, Accessory Residential Structure use. except on a day-use (non-habitation) basis by a contractor in association with a permitted construction job site, or on a temporary living basis by a resident under the provisions of § 112;

**§ 202. Definitions.** [Ord. of 4-20-2011, art. 2, § 202; Ord. of 8-17-2011, art. 2, § 202]

A. In the Zoning Ordinance the following words and terms shall have the following meanings:

3. **ACCESSORY DWELLING UNIT** – A residential living unit on the same parcel as a legally established principal use. An Accessory Dwelling Unit provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to, a detached unit; a unit that is part of an accessory structure, such as a detached garage, or a unit that is part of an expanded or remodeled primary dwelling.

~~4.1 — Accessory family dwelling unit. An apartment connected to and accessible from a single family dwelling unit that contains permanent provisions for living, sleeping, eating, cooking, and sanitation~~

and is occupied by a family member of the property owner who is 62 years old or older or is disabled, as defined by R.I. Gen. Laws § 42-87-1. See § 518, Accessory Family Dwelling Units. [Added 3-5-2018 by Ord. No. 2018-01] RESERVED

5. ACCESSORY RESIDENTIAL STRUCTURE – Any structure, accessory to a principal use, designed, intended or used for overnight human habitation or occupancy. An accessory residential structure No Accessory Residential Structure shall have kitchen facilities lacks some element of a dwelling unit as defined in this Ordinance and as regulated under § 511. [Amended December 6, 1999; and June 21, 2000]

6. ACCESSORY STRUCTURE – A structure which is customarily incidental and subordinate to the principal structure. An accessory structure shall be restricted to the same lot as the principal structure. An accessory structure shall not be permitted without the primary structure to which it is related. No accessory structure shall be used for overnight human habitation unless it is an Accessory Residential Structure in compliance with § 511 or it satisfies the definition of Dwelling Unit in this section. [Amended December 6, 1999; 3-5-2018 by Ord. No. 2018-01]

7. ACCESSORY USE-HOME OCCUPATION – 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 shall 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.

17. ATTACHED MULTI-FAMILY DWELLING – A dwelling structure containing two or more dwelling units. (See § 404, Attached Multi-Family Development) – RESERVED

60. DWELLING UNIT – A structure or portion thereof providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress. See also, "Household."

69. FAMILY — A person or persons related by blood, marriage, or other legal means. See also, "Household."<sup>93</sup> HOME OCCUPATION — Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit. See also, "Accessory Use."

96. HOUSEHOLD — One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

- a. A family, which may also include servant and employees living with the family; or
- b. A person or group of no more than six unrelated persons living together.

113. LOT BUILDING COVERAGE – That portion of the lot that is or may be covered by buildings Buildings or accessory Accessory buildings Structures.

137. MULTI-FAMILY DEVELOPMENT – A land use wherein two or more dwelling units are located on a single lot. This does not include ~~Accessory Apartments or Accessory Dwelling Units or Accessory Residential Structures~~. See also ~~"Attached Multi-Family Dwellings" and "Secondary Dwelling Development."~~ (See § 403, Secondary Dwelling Development, ~~and § 404, Attached Multi-Family Development~~)[Amended December 6, 2004; July 2, 2007]

159. RENTAL ROOMS – ~~One or two bB~~Bedrooms within an owner-occupied dwelling unit, which may be rented upon receiving prior approval from the Town. (See § 509, Rental Rooms).

160. RESIDENCE — An abode, home, habitation or place of dwelling.

164. SECONDARY DWELLING DEVELOPMENT – A land use wherein two unattached dwelling units are located on a single lot according to the procedures and standards contained in § 403. [Added July 2, 2007] ARTICLE 3

### Zoning Districts and Regulations

**§ 306. Residential A Zone (RA Zone).** [Amended June 21, 2000; May 23, 2001; June 19, 2002; December 6, 2004; July 2, 2007; Added October 6, 2008; Ord. of 8-17-2011]

D. Permitted Uses.

~~Accessory Apartments (Subject to the requirements of § 513)~~

~~Accessory Dwelling Units (Subject to §406 and §513)~~

Accessory Residential Structures (See § 511, Accessory Residential Structure)

Accessory Uses/Home Occupations (See § 510, Accessory Uses)

Community Residences

Family Day Care Homes

Farming

Rental Rooms (See § 509, Rental Rooms)

Single Family Dwelling Units (one per lot)

WECS subject to § 508

~~Accessory Family Dwelling Unit (Subject to the requirements of § 518) [Added 3-5-2018 by Ord. No. 2018-02]~~

Hawking and Peddling pursuant to a license duly issued by the Town Council pursuant to Chapter 8, Article V, Section 8 for a location that is open to the public and established by the Town Council under said Chapter 8, and which activity is in compliance with the provisions of Title 5, Chapter 11 of the Rhode Island General Laws. [Added 2-7-2022 by Ord. No. 2022-01]

Mobile Food Establishment pursuant to a duly issued license issued by the Town Council pursuant to Chapter 8, Article V, Section 8 for a location that is open to the public and established by the Town Council under said Chapter 8, and which activity is in compliance with the provisions of Title 5, Chapter 11.1 of the Rhode Island General Laws. [Added 2-7-2022 by Ord. No. 2022-01]

E. Uses Allowed with Special Use Permit (See Article 4).

Accessory Dwelling Units (See §406 and §513)

Affordable Housing (See § 405, Affordable Housing)

Day Care Center

Earth Removal (See § 418, Earth Removal)

Governmental Facilities

Public Works Facilities

Recreational Facilities: Limited to Field Sports; Tennis Courts; Regulation Golf (See § 410, Recreational Facilities)

Religious Facility

Stables

Secondary Dwelling Development (See § 403, Secondary Dwelling Development)

Utility Facility (See § 417 - Utility Facilities)

Waterfront Uses (See Sections 318, Waterfront Overlay & 415, Waterfront Uses)

WECS subject to § 508

A Single Family Dwelling Unit, ~~accessory~~ Accessory residential Residential structure-Structure or ~~accessory~~ Accessory structure-Structure associated with a residential use (garage, barn, greenhouse, boat shed, etc), that meets any of the following thresholds measuring building size and/or site disturbance (see § 406):

1. An individual building footprint in excess of 2,000 square feet, exclusive of ground level or first floor decks or one story unenclosed porches (see § 202 Definitions, "Building Footprint");
  2. A total living area in excess of 3,300 square feet (see § 202 Definitions, "Floor Area, Living");
  3. A total gross area in excess of 5,000 square feet, exclusive of ground level or first floor decks or one story unenclosed porches (see § 202 Definitions, "Gross Area");
  4. A total building volume in excess of 45,000 cubic feet (see § 202 Definitions, "Building Volume"); and/or
  5. Any retaining wall constructed of concrete, metal, fiberglass or other similar manufactured material that is in excess of five feet in height and/or fifteen feet in length, exclusive of a retaining wall associated with a walk- out basement.
- F. Uses Allowed Only As Land Development Projects. Flexible Design Residential Development (See § 402, Flexible Design Residential Development)

**Accessory Dwelling Unit under Section 513D**

**§ 307. Residential B Zone (RB Zone).** [Amended June 21, 2000; May 23, 2001; June 19, 2002; December 6, 2004; July 2, 2007; Added October 6, 2008; Ord. of 8-17-2011]

D. Permitted Uses.

**Accessory Apartments (Subject to the requirements of § 513)**

**Accessory Dwelling Units (Subject to §406 and §513)**

Accessory Residential Structures (See § 511, Accessory Residential Structure)

Accessory Uses/Home Occupations (See § 510, Accessory Uses)

Community Residences

Family Day Care Homes

Farming

Rental Rooms (See § 509, Rental Rooms)

Single Family Dwelling Units (one per lot)

WECS subject to § 508

**Accessory Family Dwelling Unit (Subject to the requirements of § 518) [Added 3-5-2018 by Ord. No. 2018-02]**

E. Uses Allowed with Special Use Permit (See Article 4).

Accessory Dwelling Units (See §406 and §513)

Affordable Housing (See § 405, Affordable Housing)

Day Care Center

Earth Removal (See § 418, Earth Removal)

Governmental Facilities

Public Works Facilities

Recreational Facilities: Limited to Field Sports; Tennis Courts; Regulation Golf (See § 410, Recreational Facilities)

Religious Facility

Stables

Secondary Dwelling Development (See § 403, Secondary Dwelling Development)

Utility Facility (See § 417, Utility Facilities)

Waterfront Uses (See Sections 318, Waterfront Overlay & 415, Waterfront Uses)

WECS subject to § 508

A ~~single Single family Family dwelling Dwelling unitUnit, accessory Accessory residential Residential structure Structure or accessory Accessory structure-Structure~~ associated with a residential use (garage, barn, greenhouse, boat shed, etc), that meets any of the following thresholds measuring building size and/or site disturbance (see § 406): An individual building footprint in excess of 2,000 square feet, exclusive of ground level or first floor decks or one story unenclosed porches (see § 202 Definitions, "Building Footprint");

2. A total living area in excess of 3,300 square feet (see § 202 Definitions, "Floor Area, Living");
3. A total gross area in excess of 5,000 square feet, exclusive of ground level or first floor decks or one story unenclosed porches (see § 202 Definitions, "Gross Area");
4. A total building volume in excess of 45,000 cubic feet (see § 202 Definitions, "Building Volume"); and/or
5. Any retaining wall constructed of concrete, metal, fiberglass or other similar manufactured material that is in excess of five feet in height and/or fifteen feet in length, exclusive of a retaining wall associated with a walk-out basement.

F. Uses Allowed Only as Land Development Projects.

Flexible Design Residential Development (See § 402, Flexible Design Residential Development)

§ 308 **Residential C Zone (RC Zone).**

§ 308. **Residential C Zone (RC Zone).** [Amended June 21, 2000; May 23, 2001; June 19, 2002; December 6, 2004; July 2, 2007; Ord. of 8-17-2011]

D. Permitted Uses.

~~Accessory Apartments (Subject to the requirements of § 513)~~

~~Accessory Dwelling Units (Subject to §513)~~

Accessory Residential Structures (See § 511, Accessory Residential Structure)

Accessory Uses/Home Occupations (See § 510, Accessory Uses)

Community Residences

Family Day Care Homes

Farming

Rental Rooms (See § 509, Rental Rooms)

Single Family Dwelling Units (one per lot)

WECS subject to 508

~~Accessory Family Dwelling Unit (Subject to the requirements of § 518) [Added 3-5-2018 by Ord. No. 2018-02]~~

E. Uses Allowed by Special Use Permit (See Article 4).

Accessory Dwelling Units ~~(See §513)~~

Affordable Housing (See § 405, Affordable Housing)

Day Care Center

Secondary Dwelling Development (See § 403, Secondary Dwelling Development)

Earth Removal

Governmental Facilities

Hotels (See § 407, Hotels)

Inns (See § 408, Inns)

Parking Lot

Public Works Facilities

Recreational Facilities: Except Miniature Golf (See § 410, Recreational Facilities)

Religious Facility

Utility Facility

WECS subject to § 508

F. Uses Allowed Only As Land Development Projects.

Flexible Design Residential Development (See § 402, Flexible Design Residential Development)

**§ 309. Residential C/Mixed Use Zone (RC/M Zone).** [Ord. of 8-17-2011]

D. Permitted Uses.

~~Accessory Apartment (Subject to the requirements of § 513)  
[Amended June 19, 2002]~~

Accessory Dwelling Units (Subject to §513)

Accessory Residential Structures (See § 511, Accessory Residential Structure)

[Amended June 21, 2000]

Accessory Uses/Home Occupations (See § 510, Accessory Uses)

Community Residences

Family Day Care Homes

Farming

Professional and Business Services

Rental Rooms (See § 509, Rental Rooms)

Single Family Dwelling Units (one per lot)

WECS subject to 508 [**Amended May 23, 2001**]

Physical fitness classes/yoga classes [**Added 5-3-2017 by Ord. No. 2017-01**]

~~Accessory Family Dwelling Unit (Subject to the requirements of § 518)~~

~~[Added 3-5-2018 by Ord. No. 2018-02]~~

E. Uses Allowed by Special Use Permit (See Article 4).

Accessory Dwelling Units (See §513)

Affordable Housing (See § 405, Affordable Housing)

Commercial/Residential Mixed Use (See § 411, Commercial/Residential Mixed Use) [**Amended July 6, 2009**]

Day Care Center

Secondary Dwelling Development (See § 403, Secondary Dwelling Development)  
[Amended July 2, 2007]

Governmental Facilities

Hotels (See § 407-Hotels)

Inns (See § 408, Inns)

Light Assembly [**Amended December 16, 2009**]

Parking Lot

Public Works Facilities

Recreational Facilities: Except Miniature Golf (See § 410, Recreational Facilities)

Religious Facility

Utility Facility

WECS Subject to § 508 [**Amended May 23, 2001**]

**§ 310. Mixed Use Zone (M Zone).** [Ord. of 8-17-2011; amended November 5, 2012 by Ord. No. 2012-10]

D. Permitted Uses.

~~Accessory Apartment (Subject to the requirements of § 513)  
[Amended June 19, 2002]~~

~~Accessory Dwelling Units (Subject to §513)~~ Accessory Residential Structures (See § 511, Accessory Residential Structure) [**Amended June 21, 2000**]

Accessory Use/Home Occupations (See § 510, Accessory Uses)

Commercial Fishing

Community Residences

Family Day Care Homes

Farming

Professional and Business Services

Rental Rooms (See § 509, Rental Rooms)

Single Family Dwelling Units (one per lot)

WECS subject to 508 [**Amended May 23, 2001**]

Physical fitness classes/yoga classes [**Added 5-3-2017 by Ord. No. 2017-01**]

~~Accessory Family Dwelling Unit (Subject to the requirements of § 518)  
[Added 3-5-2018 by Ord. No. 2018-02]~~

E. Uses Allowed by Special Use Permit (See Article 4).

Accessory Dwelling Units (~~See §513~~) [~~Amended December 6, 2004~~]

Affordable Housing (See § 405, Affordable Housing)

Bike Rental

Commercial/Residential Mixed Use (See § 411 Commercial/Residential Mixed Use) [**Amended July 6, 2009**]

Day Care Center

Secondary Dwelling Development (See § 403, Secondary Dwelling Development)  
[Amended July 2, 2007]

Earth Removal (See § 418, Earth Removal)

Governmental Facilities

Inns (See § 408, Inns)

Parking Lot (See § 420, Parking Lots)

Public Works Facilities

Recreational Facilities: Except Miniature Golf (See § 410, Recreational Facilities)

Religious Facility

Restaurant (See § 409 Restaurants in the M Zone) [**Amended June 7, 2010**]

Utility Facilities (See See § 417, Utility Facilities)

Waterfront Uses (See Sections 318, Waterfront Overlay & 415, Waterfront Uses)

WECS subject to § 508 [**Amended May 23, 2001**]

F. Uses Allowed Only As Land Development Projects.

Flexible Design Residential Development (See § 402, Flexible Design Residential Development)

**§ 311. Old Harbor Commercial Zone (OHC Zone).** [Amended July 10, 2000; Ord. of 8-17-2011]

D. Permitted Uses.

~~Accessory Apartment (Subject to the requirements of § 513)  
[Amended June 19, 2002]~~

Accessory Dwelling Units (Subject to §513)

Accessory Residential Structures (See § 511, Accessory Residential Structure) [Amended June 21, 2000]

Accessory Uses/Home Occupations (See § 510, Accessory Uses)

Accessory Uses/Gaming devices and table games (See § 516 Gaming Devices and Table Games) [**Added November 5, 2012 by Ord. No. 2012-09**]

Commercial Fishing

Commercial/Residential Mixed Use (See § 411, Commercial/Residential Mixed Use) [**Amended July 6, 2009**]

Community Residences

Family Day Care Home

Farming

Professional and Business Services

Rental Rooms (See § 509, Rental Rooms)

Restaurants

Retail Trade

Single Family Dwelling Unit (one per lot)

WECS subject to 508 [**Amended May 23, 2001**]

Physical fitness classes/yoga classes [**Added 5-3-2017 by Ord. No. 2017-01**]

~~Accessory Family Dwelling Unit (Subject to the requirements of § 518)  
[Added 3-5-2018 by Ord. No. 2018-02]~~

E. Uses Allowed by Special Use Permit (See Article 4).

Accessory Dwelling Units (See §513) [**Amended December 6, 2004**]

Accessory Hotel Rooms (see § 407, Hotels) [**Added 7-6-2020 by Ord. No. 2020-02**]

Affordable Housing

Assembly Halls

~~Attached Multi-Family Development (See § 404, Attached Multi-Family Development)~~

Bicycle Rental (See § 412, Bicycle Rental)

Commercial Radio and Television Stations (See § 417, Utility Facilities)

Day Care Center

Inns (See § 408, Inns)

Light Assembly [**Amended December 16, 2009**]

Parking Lots (See § 420, Parking Lots)

Public Works Facilities

Recreational Facilities (See § 410, Recreational Facilities)

Religious Facility

Theaters

Utility Facilities (See § 417, Utility Facilities)

Warehouse & Storage

Waterfront Uses (See Sections 318, Waterfront Overlay & 415, Waterfront Uses)

WECS subject to § 508 [**Amended May 23, 2001**]

F. Uses Allowed Only As Land Development Projects.

Flexible Design Residential Development (See § 402, Flexible Design Residential Development)

**§ 312. New Harbor Commercial Zone (NHC Zone).** [Ord. of 8-17-2011]

D. Permitted Uses.

~~Accessory Apartment (Subject to the requirements of § 513)~~  
~~[Amended June 19, 2002]~~ Accessory Dwelling Units (Subject to §513)

Accessory Residential Structures (See § 511, Accessory Residential Structure) [**Amended June 21, 2000**]

Accessory Uses/Gaming devices and table games (See § 516 Gaming Devices and Table Games) [**Added November 5, 2012 by Ord. No. 2012-2009**]

Accessory Use/Home Occupations

Commercial Fishing

Commercial/Residential Mixed Use (See 411, Commercial/Residential Mixed Use) [**Amended July 6, 2009**]

Community Residences

Family Day Care Homes

Farming

Professional and Business Services

Rental Rooms (See § 509, Rental Rooms)

Restaurants

Retail Trade

Single Family Dwelling Units

WECS subject to 508 [**Amended May 23, 2001**]

Physical fitness classes/yoga classes [**Added 5-3-2017 by Ord. No. 2017-01**]

~~Accessory Family Dwelling Unit (Subject to the requirements of § 518)~~  
~~[Added 3-5-2018 by Ord. No. 2018-02]~~

E. Uses Allowed by Special Use Permit (See Article 4).

Accessory Dwelling Units (See §513) [**Amended December 6, 2004**]

Affordable Housing

Assembly Halls

~~Attached Multi-Family Development (See § 404, Attached Multi-Family Development)~~

Bicycle Rental (See § 412, Bicycle Rental)

Commercial Radio and Television Stations (See § 417, Utility Facilities)

Day Care Center

Secondary Dwelling Development (See § 403, Secondary Dwelling Development)  
[Amended July 2, 2007]

Government Facilities

Hotels (See § 407, Hotels)

Inns (See § 408, Inns)

Light Assembly [**Amended December 16, 2009**]

Parking Lot (See § 420, Parking Lots)

Public Works Facilities

Recreational Facilities: Except Miniature Golf (See § 410, Recreational Facilities)

Religious Facility

Theaters

Utility Facilities (See § 417, Utility Facilities)

Warehouse and Storage Facilities (See § 416, Warehouse and Storage Facilities)

Waterfront Uses (See Sections 318, Waterfront Overlay 415, Waterfront Uses)

WECS subject to § 508 [**Amended May 23, 2001**]

F. Uses Allowed Only As Land Development Projects.

Flexible Design Residential Development (See § 402, Flexible Design Residential Development)

**§ 313. Service Commercial Zone (SC Zone).** [Ord. of 8-17-2011]

D. Permitted Uses.

~~Accessory Apartment (Subject to the requirements of § 513)~~  
~~[Amended June 19, 2002] Accessory Dwelling Units (Subject to §513)~~

Accessory Residential Structures (See § 511, Accessory Residential Structure) [**Amended June 21, 2000**]

Accessory Uses/Gaming devices and table games (See § 516 Gaming Devices and Table Games) [**Added November 5, 2012 by Ord. No. 2012-09**]

Accessory Use/Home Occupation

Commercial/Residential Mixed Use (See § 411, Commercial/Residential Mixed Use) [**Amended July 6, 2009**]

Community Residences

Family Day Care Homes

Farming

Professional and Business Services

Rental Rooms (See § 509, Rental Rooms)

Restaurants

Retail Trade

Single Family Dwelling Unit

WECS subject to 508 [**Amended May 23, 2001**]

Physical fitness classes/yoga classes [**Added 5-3-2017 by Ord. No. 2017-01**]

~~Accessory Family Dwelling Unit (Subject to the requirements of § 518)~~

~~[Added 3-5-2018 by Ord. No. 2018-02]~~

E. Uses Allowed by Special Use Permit (See Article 4).

Accessory Dwelling Units (See §513) [**Amended December 6, 2004**]

Affordable Housing

Assembly Halls

~~Attached~~ Multi-Family Development (See § 404, ~~Attached~~ Multi-Family Development)

Automotive Sales, Service and Repair (See § 419, Automotive Sales, Service and Repair)

Bicycle Rental (See § 412, Bicycle Rental)

Cellular Antenna Towers (See § 421, Cellular Antenna Towers) [**Amend December 17, 1997**]

Commercial Radio and Television Station (See § 417, Utility Facilities)

Day Care Center

**Secondary Dwelling Development (See § 403, Secondary Dwelling Development)**  
**[Amended July 2, 2007]**

Government Facilities

Inns (See § 408, Inns)

Light Assembly [**Amended December 16, 2009**]

Parking Lots (See § 420, Parking Lots)

Public Works Facilities

Recreational Facilities (See § 410, Recreational Facilities)

Religious Facility

Utility Facilities (See § 417, Utility Facilities)

Warehouse and Storage Facilities (See § 416, Warehouse and Storage Facilities)

Waterfront Uses (See Sections 318, Waterfront Overlay 415, Waterfront Uses)

WECS subject to § 508 [Amended May 23, 2001]F. Uses Allowed Only As Land Development Projects. Flexible Design Residential Development (See § 402, Flexible Design Residential Development)

**§ 320 Public Education Zone (PE Zone).**

D. Permitted Principal Uses. The permitted uses shall be schools.

**§ 321 Public Utility Zone (PU Zone).**

D. Permitted Principal Uses.

WECS subject to § 508 [**Amended May 23, 2001**]

E. Uses Allowed with Special Use Permit (See Article 4). Public Works Facilities

Recreational Facility

Solid Waste Transfer Facility

Utility Facilities (See § 417)

Waterfront Uses (See Sections 318, Waterfront Overlay and 415, Waterfront Uses)

WECS, Utility (See Sections 422, Utility WECS and 508G)

F. Permitted Accessory Structures and Uses. Off-street parking and loading

**§ 322. Medical Center Zone (MC Zone).** [Ord. of 4-20-2011, art. 3, § 322]

D. Permitted Uses.

~~Accessory Apartment~~

Accessory Dwelling Units (Subject to §513)

Accessory Residential Structure

Accessory Use - Home Occupation

Community Residences

Day Care Center

Elder Care Facility

Family Day Care Homes

Farming

Medical Facility

Rental Rooms

Single Family Dwelling Units

WECS subject to § 508 [**Amended May 23, 2001**]

E. Uses Allowed with Special Use Permit (See Article 4).

Government Facility

Religious Facility

Utility Facility

F. Permitted Accessory Structures and Uses.

~~Multiple single family dwelling units, including accessory apartments~~ **Accessory Dwelling Units**, provided such dwelling units are occupied by medical personnel employed at the medical center. If, at such time after the construction of the permitted dwelling unit(s) for the purpose of providing housing for said medical personnel, there becomes no immediate need for the housing by medical personnel, it may be rented, on a yearly basis, to an island resident qualifying as a low or moderate income person or family.

**§ 403. Secondary Dwelling Development.** [Amended October 6, 2008; February 20, 2013 by Ord. No. 2013-03] A. Purpose. The purpose of this section is to allow the development of two separate dwelling units on a single lot of record where only a single family dwelling unit would otherwise be allowed. The secondary dwelling unit is intended to provide additional housing opportunities for New Shoreham families while ensuring that island character is maintained.

B. Process. A Secondary Dwelling Development is allowed only by Special Use Permit. In addition to an application ~~to the Zoning Board of Review~~ for a Special Use Permit, the applicant shall be subject to Development Plan Review ~~by the Planning Board~~.

C. ~~Zoning Board of Review~~ Procedures.

1. In addition to any relevant submittal requirements for a Special Use Permit application, the applicant shall submit the following:

a. Site plan consisting of an accurate survey of the parcel showing topography, wetlands, trees, view sheds and scenic views, stone walls, and the location and dimensions of all existing and proposed structures;

b. Building elevations indicating all exterior materials, and floor plans, including total square footage of living space, of both dwellings. Photographs of an existing dwelling may be accepted in place of drawings of the building exterior.

c. A radius map showing all properties within 500 feet of the lot and the location of all structures with 500 feet of the property lines.

2. The Zoning Board shall refer the application to the Planning Board for an advisory recommendation regarding the special use permit application, and to the Historic District Commission for an advisory on building siting and massing.

3. An approval of a Secondary Dwelling Development may include additional conditions as deemed appropriate ~~by the Zoning Board~~ to achieve the purpose of this section, and shall be conditioned upon completion of the review and approval of site plans by the Planning Board.

D. Planning Board Procedures. The Planning Board shall review the application for a Secondary Dwelling Development pursuant to the provisions of Development Plan Review, ~~and shall give an advisory opinion to the Zoning Board of Review regarding the granting of a Special Use Permit for the~~

~~Secondary Dwelling Unit. The Planning Board may undertake the development plan review and the advisory request concurrently as provided for in the Ordinance.~~

1. In reviewing the plans and materials, ~~the Planning Board shall apply~~ the relevant development plan review standards ~~contained in the ordinances shall be applied~~, as well as the design intent and standards contained in this section.

2. The Planning Board shall determine the consistency of the application for a Secondary Dwelling Unit with the purpose of this section and with the Comprehensive Plan.

3. An approval of a site plan for a Secondary Dwelling Development may include additional conditions as deemed appropriate by the Planning Board to achieve the design intent of this section, provided such conditions do not serve to deny the applicant the right to construct a secondary dwelling unit as allowed by the ~~Zoning Board~~ permitting authority.

E. Design Intention. A Secondary Dwelling Development shall be designed to preserve open space and other natural and cultural features on the lot. The development shall be compatible with the character of the community by locating and orienting structures so as to protect existing large trees, stone walls, open fields and scenic views. The use of a shared driveway to access the parcel and the adaptation of existing lanes in the interior of the parcel is required. The secondary dwelling shall be smaller in scale than, but similar in design to, the existing or principal dwelling, so as to give the appearance of an accessory structure.

F. Density and Dimensional Standards. The development shall conform to the density and dimensional standards contained in Article 3, or to the following standards, whichever is the most restrictive. No variances for dimensional relief shall be granted ~~by the Zoning Board~~, except however, if the secondary dwelling unit is proposed to be an affordable unit under the provisions of § 405, in which case reduction in minimum lot area, and relief from minimum setbacks and maximum lot coverages, as provided for under Sections 405C and 405D, respectively, may be allowed by the Board.

1. The floor area used for living space (See § 202, Definitions, "Floor Area, Living") of the dwellings within a Secondary Dwelling Development shall be limited as follows:

a. The total living area of the Secondary Dwelling Unit shall not exceed 2,000 square feet.

b. The total living area of both units combined shall not exceed 5,500 square feet.

2. The building height of the Secondary Dwelling Unit, or of both units if neither is constructed at the time of the application, shall not exceed 30 feet.

3. The total lot building coverage in the Residential A Zone shall not exceed 2.5%, except however, if the building height of the secondary dwelling unit is 28 feet or less, the lot coverage may be increased to 3%. The total lot building coverage in the Residential B Zone shall not exceed 4.5%, except however, if the building height of the secondary dwelling unit is 28 feet or less, the lot coverage may be increased to 5%.

4. The two dwellings shall be separated by not more than 50 feet unless the Zoning Board of Review permitting authority determines that site circumstances require a wider separation in order to achieve consistency with the design intention of the ordinance or for public safety purposes.

G. Restriction Against Subdivision. A lot containing a secondary Secondary dwelling Dwelling unit Unit may not be subdivided unless each proposed lot meets the minimum area requirements for a new lot created in the zoning district in which it is located. A restriction against subdivision shall be recorded as a deed restriction in the Land Evidence Records of the Town of New Shoreham prior to the issuance of any building permit. (Section Amended July 2, 2007)

H. Secondary Dwelling Units shall be offered for year-round rental only.

**§ 404. Attached Multi-Family Development.** [Ord. of 8-17-2011; amended February 20, 2013; by Ord. No. 2013-03]

A. Standards for Units in Existing Buildings. Attached Multi-Family Development in existing buildings, subject to the provisions of § 113, Non-Conformance, shall meet the following standards:

B. Standards for New Units. New Attached Multi-Family Development is allowed only within the area served by municipal sewer and water and shall meet the following standards:

Diagram A: ATTACHED MULTI-FAMILY UNIT§ 502. **Off-Street Parking/Sidewalks.** [Amended January 21, 2004; added December 16, 2009]

A. Off-Street Parking Minimum Standards. Off-street parking in conformance with the following minimum requirements shall be provided and maintained for new construction, expansion of existing uses or structures, and changes of use. Where several uses occupy a single structure or lot, the total required parking shall be the sum of requirements of the individual uses. These minimum requirements will not be satisfied by street parking. Except as specifically allowable with a Special Use Permit, parking shall not be a primary use on any lot.

1. Accessory Apartment Dwelling Unit. One parking space in addition to any other off-street parking requirement for other structures and uses on the property.

**§ 509. Rental Rooms.**

A. Standards. Rental Rooms shall conform to the following:

1. Rental Rooms shall be within a legally existing owner-occupied dwelling units Residence.
2. No more than A maximum of two Rental Rrooms may be rented.
3. An adequate sewage disposal system must be in place with proper documentation by RIDEM or by a certified ISDS OWTS designer or installer. Alternatively, the Sewer

Commission shall certify that adequate sewer capacity has been allotted for the proposed use and that all fees and bills have been paid.

4. ~~Dwelling units~~Residences containing Rental Rooms shall contain an adequate escape route and a functioning smoke detector of a type and location which complies with the R.I. Fire Safety Code.
5. ~~No Rental R~~ooms may accommodate ~~more than a maximum of~~ two persons.
6. ~~No A license must be obtained from the Town of New Shoreham prior to any Rental R~~ooms ~~may be~~ing rented ~~without a license from the Town~~. The term and fees for Rental Room licenses shall be set by the Town Council.

#### **§ 510. Accessory Use/s. Home Occupation.**

- A. Standards. The following are required for accessory uses not allowed at that location as a principal use:
  1. ~~Accessory uses~~ The use shall not be advertised or identified on site.
  2. ~~Accessory uses~~ The use shall be carried on by a resident of the property and no more than one non-resident employee.
  3. ~~Accessory uses~~ The use shall be conducted in a workshop, studio or office entirely contained within a lawfully existing structure and shall not occupy more than 25% of the building footprint.
  4. The parking or storage of equipment shall be confined to an area not exceeding 10% of the developable land area of the lot, located at least 50 feet from the primary access road, and screened by a six-foot hedge or fence.
  5. The on-site sale of anything other than products produced on site is not an accessory use.
  6. ~~An accessory~~ The use shall not be permitted without the principal use to which it is related, and shall conform to the standards set forth in this Section.
  7. Renting of an Accessory Dwelling Unit is not a Home Occupation.

#### **§ 511. Accessory Residential Structure.**

- A. Standards. All Accessory Residential Structures shall conform to the following:
  1. ~~Location. An accessory residential structure is allowed as a permitted use in all zones, except the Coastal Zone (C Zone).~~

2. Kitchens. No kitchen, cooking facilities or kitchen appliances including but not limited to a stove, oven, microwave, hot plate or other cooking devices, cabinets or kitchen islands shall be permitted. Refrigerators are permitted.
2. Rent. No rent, or other compensation, shall be paid by any occupant for use of an Accessory Residential Structure independent of the primary residence.
3. Dimensional Standards. ~~Any accessory residential structure shall meet a~~ All dimensional standards ~~shall be met for~~ of the zone in which it is located.
4. Sanitary Facilities. ~~Every accessory residential structure shall have p~~ Provision(s) for sanitary facilities for all of the ~~occupants uses~~ on the lot ~~on which it is situated~~ shall be ~~provided~~. Any ~~ISDS OWTS~~ system serving the property shall have been certified by ~~applicable state and local authorities~~ RIDEM to be adequate and suitable for the additional anticipated usage. If the property is served by municipal sewer the Sewer Commission shall certify that adequate sewer capacity has been allocated to the property and that all fees and bills have been paid.
5. Parking. Adequate on-site, off street, parking shall be provided for all uses on the property.
6. Life Safety. All accessory residential structures shall contain an a Adequate escape route(s), functioning smoke detectors, carbon monoxide detectors and any other local or state required safety device and functioning smoke detectors of a type and location provided in the State Fire Code shall be provided for all uses on the property.
7. ~~No kitchen, cooking facilities or kitchen appliances such as a stove, oven, microwave, hot plate or refrigerator shall be permitted in any accessory residential structure.~~
7. ~~No rent, or other compensation, shall be paid by any occupant of any accessory residential structure.~~
8. Ownership. The property on which any accessory residential structure is situated, together with the principal use or structure, shall be held in single, joint, common or otherwise undivided ownership. No condominiums are permitted. (Section Amended 6-21-2000)

### **§ 513. Accessory Dwelling Units.**

**A. Purpose.** The purpose of this section is to create housing opportunities through the provision of rental housing for year-round residents while affording the owner of the primary residence with the opportunity to generate supplemental income. The purpose of this section is also to support local businesses by allowing for employee housing in suitable locations permitted zones for those deriving income from seasonal employment on the island.

### **B. Standards for Accessory Dwelling Units-General Standards**

**(i) General Standards**

All Accessory Dwelling Units shall conform to the following:

The following standards shall apply to all accessory dwelling units that do not meet the eligibility criteria of Section 518:

1. An accessory dwelling unit can be included in any principal building, or in an accessory structure.
1. Rental. May be rented in accordance with Section C(1) Standards for Residential Zones, Section C(2): Standards for Commercial Zones and Section F, Maintaining Accessory Dwelling Units, below.
2. The accessory apartment dwelling unit shall be self-contained with separate cooking and sanitary facilities for the exclusive use of the occupant(s) of the apartment dwelling unit.
2. Location. Such use may be connected to and accessible from the principal use or building or a separate unit on the same lot.
3. Ownership. The property together with the principal use or structure and Accessory Dwelling Unit shall be held in single, joint, common or otherwise undivided ownership. No condominiums are permitted.
4. Sanitary Facilities. Provision(s) for sanitary facilities for all of the uses on the lot shall be provided. Any OWTS system serving the property shall have been certified by applicable state and local authorities to be adequate and suitable for the additional anticipated usage. If the property is served by municipal sewer the Sewer Commission shall certify that adequate sewer capacity has been allocated to the property and that all fees and bills have been paid.
5. Parking. Provide a minimum of one (1) on-site, off street, parking space for each Dwelling Unit beyond what is already required for the primary use.
6. Life Safety. Adequate escape route(s), functioning smoke detectors, carbon monoxide detectors and any other local or state required safety device of a type and location provided in the State Fire Code shall be provided for all uses on the property.
7. Number of Bedrooms. There shall be maximum of three (3) bedrooms in any accessory apartment dwelling unit, unless a Special Use Permit is obtained in accordance with Section D below.
8. Maximum Square Footage. There shall be a maximum of twelve hundred (1,200) square feet of living floor area unless a Special Use Permit is obtained in accordance with Section D below.
9. Minimum living area. ~~for an Accessory Dwelling must~~ There shall be a minimum living area consistent with Rhode Island Housing Code, R.I. Gen. Law 45-24.3-11.

10. Dimensional Standards. The accessory Accessory dwelling Dwelling unit Unit must not exceed dimensional standards established for accessory structures within the applicable Zoning District.
6. An accessory dwelling unit shall not exceed twelve hundred (1,200) square feet of living floor area without a Special Use Permit in accordance with Section E below.  
3.
- ~~7. An accessory dwelling unit shall be permitted, without regard to the residential density requirements of the zoning district in which the lot is situated.~~
- ~~8. If public sewer does not service the structure in which the accessory dwelling unit is to be located, an accessory dwelling unit shall be permitted only after the OWTS has been inspected by the Wastewater Management Inspector, or his or her designee, and any necessary repair, modification, alteration or replacement of the OWTS has been made, and all otherwise required State code requirements are met.~~
- ~~9. For any lot on which an accessory dwelling unit is located, all structures on the lot, and all areas of all structures on the lot shall be held in single, joint, common or otherwise undivided ownership.~~
- ~~10. Any property owner maintaining any accessory dwelling unit on the property shall rent that accessory dwelling unit only by a written rental agreement which shall be kept by the owner and made available to the Zoning Official upon request.~~
- ~~11. Any property owner maintaining any accessory dwelling unit on the property agrees to the inspection of the property by the Building Official and/or Zoning Official upon seventy two (72) hours' notice of the date, time and purpose of the inspection~~

## C. Specific Standards

### ii1. Standards for Residential Zones.

In addition to the Section 513 (B) General Standards above, The following standards shall apply to such Accessory Dwelling Units ~~accessory dwelling units~~ located in the RA Zone, the RB Zone, the RC Zone, the RC/M Zone, and the M Zone.

- a. Modifications to the exterior of an existing principal structure resulting from the installation of an Accessory Dwelling Unit ~~accessory dwelling unit~~, or the design and construction of new homes with an Accessory Dwelling Unit ~~accessory dwelling unit~~ integrated into the design from the start, shall be consistent with the principal building's predominant character as a single-family home. Only one (1) main entrance for each will be permitted on the front or street side of the building. All other entrances shall be located at the side or rear of the building. The Building Official shall determine to what degree interior or exterior modifications shall be made to conform to the requirements of the state building code for life safety and fire separation.
- ~~b. There shall be a maximum of one (1) Accessory Dwelling Unit per lot without a Special Use Permit<sup>2</sup>. No accessory apartment dwelling unit shall be permitted~~

if the result would be a residential density of more than two (2) dwelling units per lot without a Special Use Permit in accordance with Section E below.

4c. As a condition for the issuance and continued validity of an occupancy permit for an ~~accessory~~ Accessory dwelling Dwelling unit Unit, the owner shall execute and record against the deed to said property a restriction, running with the land and in favor of the Town, to the effect that occupancy of the ~~accessory~~ Accessory apartment dwelling Dwelling unit Unit shall be limited to persons residing in the Town year-round (as defined in Chapter 2, Article I, Section 2-2 of the Revised Ordinances of the Town of New Shoreham) and that the ~~accessory~~ Accessory dwelling Dwelling unit Unit may not be offered, nor used, for seasonal occupancy; and the owner shall file with the Town, prior to issuance of an occupancy permit and within thirty (30) days of any change in ownership of the premises, an affidavit, signed under the penalties of perjury by the owner of the premises, attesting to the fact that the ~~accessory~~ Accessory dwelling Dwelling unit Unit is, and will be, limited to occupancy by persons residing in the Town year-round (as defined in Chapter 2, Article I, Section 2-2 of the Revised Ordinances of the Town of New Shoreham) and that the ~~accessory~~ Accessory dwelling Dwelling unit Unit will not be offered, nor used, for seasonal occupancy. The affidavit shall be renewed by the owner of the premises every two (2) years as a condition for retaining an occupancy permit for the ~~accessory~~ Accessory dwelling Dwelling unit Unit.

### **(iii)2. Standards for Commercial Zones.**

~~In addition to the Section 513 (B) General Standards above, t~~ The following standards shall apply to ~~accessory~~ Accessory dwelling Dwelling units Units located in the SC Zone, the OHC Zone and the NHC Zone:

- ~~1.~~ a. There shall be a maximum of three (3) ~~A~~ Accessory Dwelling Units per lot without a Special Use Permit.
- ~~2.~~ b. As a condition for the issuance, and continued validity, of an occupancy permit for any ~~accessory~~ Accessory dwelling Dwelling unit Unit, the owner shall execute and record against the deed to said property a restriction, running with the land in favor of the Town, to the effect that occupancy of the ~~accessory~~ Accessory dwelling Dwelling unit Unit shall be limited to persons resident in the Town year-round (as defined in Chapter 2, Article I, Section 2-2 of the Revised Ordinances of the Town of New Shoreham) or deriving income from employment on the Island and that the ~~dwelling~~ Dwelling unit Unit may not be offered, nor used, for seasonal occupancy except for seasonal occupancy by persons deriving income from employment on the Island; and the owner shall file with the Town, prior to issuance of an occupancy permit and within thirty (30) days of any change in ownership of the premises, an affidavit, signed under the penalties of perjury by the owner of the principal structure, attesting to the fact that the ~~accessory~~ Accessory dwelling Dwelling unit Unit is, and will be, limited to occupancy by persons residing in the

Town year-round (as defined in Chapter 2, Article I, Section 2-2 of the Revised Ordinances of the Town of New Shoreham) or deriving income from employment on the Island and that the ~~accessory~~ Accessory apartment Dwelling unit Unit will not be offered, nor used, for seasonal occupancy except for seasonal occupancy by persons deriving income from employment on the Island. The affidavit shall be renewed by the owner of the premises every two (2) years as a condition for retaining an occupancy permit for the ~~accessory~~ Accessory dwelling Dwelling unitUnit.

- ~~3. c.~~ A separate affidavit shall be required for each ~~accessory~~ Accessory dwelling Dwelling unit Unit clearly identifying the ~~dwelling~~ Dwelling unit Unit and distinguishing it from any other ~~accessory~~ Accessory dwelling Dwelling units Units on the property.

### **3. ~~C.~~ Standards for Town Employee Accessory Dwelling Units**

In addition to the Section 513 (B) General Standards above, all Accessory Dwelling Units for Town Employees:

~~a1.~~ Accessory ~~dwelling~~ Dwelling units Units owned by the Town of New Shoreham and constructed principally for the purpose of providing housing for employees serving necessary local government functions shall be exempt from the Standards of ~~B.ii.2C (1) (b), B.ii.3C (1)(c), and B.iiiC (2). E(2) and E(3) and G(2)~~ of Section 513.

~~b2.~~ There shall be no more than four (4) ~~accessory~~ Accessory dwelling Dwelling units Units on a lot owned by the Town of New Shoreham. Such Accessory Dwelling Units shall be permitted, without regard to the residential density requirements of the zoning district in which the lot is situated.

~~c3.~~ If, at such time after the construction of the permitted dwelling unit(s) for the purpose of providing housing for employees serving necessary local government functions, there becomes no immediate need for the housing by the Town, it may be rented, on a yearly basis, to a resident qualifying as a low or moderate income person or family.

~~d4.~~ Procedure. Notwithstanding any other provisions of this Ordinance, no construction of or alterations to buildings or structures for the development of Town Employee Accessory dwelling units shall be permitted until development plans have been reviewed and approved by the Planning Board as set forth in Section 704, Development Plan Review.

~~e. 3.a.~~ Plans Required. In addition to any applicable submittals required under Development Plan Review, the applicant shall submit:

~~4.a.1(i).~~ An existing conditions plan prepared by a registered land surveyor or professional engineer which shows contours at two (2) foot intervals; all structures,

travel lanes and parking areas; all street and lot lines, dimensions and property setbacks; and the location of wetlands and water bodies on the property.

4.a.2(ii). A site plan which indicates the intended location of the proposed structures, with all dimensions and setbacks indicated, and all site improvements, including proposed grading, parking areas, fencing, landscaping and lighting.

4.a.3(iii). Architectural plans for any new construction or exterior alterations to any existing structure.

f. 4.b. Standards of Review. No final approval of any development plan for building construction or alteration or other site improvements may be granted by the Planning Board until it has reviewed the plans in accordance with, but not limited to, the following:

4.b.1(i). All applicable general site standards contained in Section 501 A.

4.b.2(ii). The limitations on building footprint, living area, gross area and building volume as delineated in Section 406 for a residential structure, ~~beyond which the issuance of a Special Use Permit would be required.~~

4.b.3(iii). All other applicable parking, landscaping, signage and utility standards ~~contained in this Ordinance.~~

## D. Accessory Dwelling Units by Special Use Permit

### 1. Applicability

The following Accessory Dwelling Units require a Special Use Permit:

- a. An ~~accessory Dwelling Unit~~ Accessory Dwelling Unit greater than 1,200 square feet of living floor area, up to a maximum of 1,500 square feet of living floor area, ~~is allowed only upon the granting of a Special Use Permit by the Zoning Board of Review.~~
- b. A structure existing as of July 1, 2022, ~~greater than 1,200 square feet of up to 1,800 square feet of living area, may be converted proposed for conversion into an accessory Dwelling Unit, upon the granting of a Special Use Permit by the Zoning Board of Review.~~
- c. An ~~Accessory Dwelling Unit~~ Accessory Dwelling Unit greater than three (3) bedrooms ~~of up to a maximum of four (4) bedrooms, is allowed only upon the granting of a Special Use Permit by the Zoning Board of Review.~~
- d. An Accessory Dwelling Unit proposed in a primary or accessory structure that is lawfully established preexisting non-conforming pursuant to R.I.G.L. §45-24-73(b).
- e. In the RA Zone, the RB Zone, the RC Zone, the RC/M Zone, and the M Zone, two (2) ~~a~~ Accessory Dwelling Units may be permitted if the result would be a residential density of not more than three (3) dwelling units per lot, ~~upon the granting of a Special Use Permit by the Zoning Board of Review.~~
- e. In the SC Zone, the OHC Zone and the NHC Zone, more than three (3) ~~A~~ Accessory Dwelling Units ~~may be permitted upon the granting of a Special Use Permit by the Zoning Board of Review~~

Exception

Upon granting of a Special Use Permit by the Zoning Board of Review, for lots of record that are substandard by lot area, the first 600 square feet of a new Accessory Dwelling Unit may be excluded from the calculation of lot building coverage for the sole purpose of creating the Accessory Dwelling Unit. The owner shall execute and record against the deed to said property a restriction that in exchange for the bonus, the Accessory Dwelling Unit created shall remain part of the island's attainable year-round housing stock for a period not less than fifteen (15) years from the date of the issuance of the certificate of use and occupancy.

## 2. Requirements

- a. Relief from the living floor area maximum, maximum number of bedrooms, and maximum number of dwelling units per lot, may be granted by a Special Use Permit subject to a finding that the development is consistent with the purpose of this Section and the scale, use, and siting of the proposed accessory dwelling unit or units is harmonious with the surrounding land use and development pattern.
- b. An application must be submitted to the Zoning Board of Review for a Special Use Permit. Any such application shall also be subject to Development Plan Review by the Planning Board under the provisions of § 704. Prior to the approval of an application submitted under this section, the Zoning Board of Review shall determine that the application meets the general General criteria-Criteria for a Special Use Permit contained in § 401, General Criteria for a Special Use Permit.

## 3. Expedited Approval Process ("EAP")

- a. An Accessory Dwelling Unit that requires a Special use Permit under Section 513D: Accessory Dwelling Units by Special Use Permit, but otherwise conforms to all other applicable standards and dimensional regulations contained in this Ordinance, shall be exempt from having to obtain a Special Use Permit if an application for building permit is filed with the Building Official for review and approval, and said application includes at the time of filing:
  - i) Planning Board Pre-approved building plans. The Planning Board may from time to time review and approve such building plans. Details and plans of planning board pre-approved structures shall be held by the Zoning Official and may be obtained upon request;
  - ii) Approval from applicable state and local authorities for a new OWTS and/or tie in to a pre-existing system;
  - iii) A well system which has been approved by applicable state and local authorities;

- iv) If the property is on Town water, a letter from the water company attesting the fact that the additional allotment required, is available;
- v) A sufficient electrical and/or solar energy system which has been approved by applicable state and local authorities; and
- vi) An affidavit from the owner that the Accessory Dwelling Unit will be offered for year-round rental only.

**E. Additional Requirements For All Accessory Dwelling Units:**

Prior to issuance of a Building Permit and/or any permit of occupancy for any Accessory Dwelling Unit, the Property owner shall:

1. Properly demonstrate through RIDEM certification or inspection by the Wastewater Management Inspector, or his or her designee, and any necessary repair, modification, alteration or replacement of the OWTS that all required State code requirements are met and that the OWTS serving the property shall be adequate and suitable to accommodate the additional anticipated usage. If the property is served by municipal sewer, the Sewer Commission shall certify that adequate sewer capacity has been allocated to the property and that all fees and bills have been paid.
2. Record a declaration in the land evidence records and provide a copy to the Zoning Official and Building Official, detailing all use restrictions, including a restriction in favor of the Town, that occupancy of the Accessory Dwelling Unit shall be restricted as set forth in this ordinance, and
3. File with the Town, and again within thirty (30) days of any change in ownership of the premises, an affidavit that the Accessory Dwelling Unit is, and will be, limited to the restricted occupancy as set forth in this Ordinance. The affidavit shall be renewed by the owner of the Property every two (2) years.

**F. Maintaining an Accessory Dwelling Unit**

All Accessory Dwelling Units shall be rented only by a written rental agreement which shall be kept by the owner and filed with the Zoning Official. Personal, financial or protected information may be redacted.

1. For all Accessory Dwelling Units, except Town Employee Accessory Dwelling Units, once the individual(s) identified in the rental agreement no longer reside 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 Dwelling Unit shall be considered abandoned pursuant to §513(G).
2. Fire escape routes, smoke detectors, carbon monoxide detectors and any other local or state required safety device of a type and location provided in the State Fire Code shall be properly maintained at all times.

3. Accessory Dwelling Units shall be subject to inspection by the Zoning Official and/or Building Official upon forty eight (48) hours' prior notice of the date, time and purpose of the inspection.

#### **EG. Termination, Abandonment and Release.**

1. Any property owner with an accessory Accessory dwelling Dwelling unit Unit may terminate the use and obtain a written release of the restrictions recorded under Section 513C(4) and/or Section 513D513E(2) by abandoning the use in accordance with the following procedure (Amended June 19, 2002):

a. The owner of the property shall send a written notice by certified mail of the intention to abandon the accessory Accessory dwelling Dwelling unit Unit use to the Zoning Official and any tenant(s) expressly abandoning the use, stating the use to which the dwelling unit is to be changed and stating the date of the abandonment.

b. The owner shall convert the dwelling unit from a dwelling unit to another use by, at a minimum, removing all cooking appliances and kitchen plumbing cooking facilities and associated utilities such that any reconversion to a dwelling unit will require a building permit.

c. On, or after, the date of abandonment the Building Official or his or her designee shall inspect the dwelling unit and certify in writing that the dwelling unit has been abandoned stating the date of the inspection, specifically what alterations were made by the owner in converting the dwelling unit and to what use it has been converted. The Building Official shall ensure that all alterations have been done according to code requirements.

2. If any accessory Accessory dwelling Dwelling unit Unit is not rented or occupied, in accordance with the terms of this Section, for a period in excess of one year, the accessory Accessory dwelling Dwelling unit Unit use may be considered to have been abandoned. The Building Official and/or Zoning Official shall conduct an investigation, document his or her findings, and notify the property owner of his or her determination. In the Notice the Building Official and/or Zoning Official shall advise the property owner that a new application for a Special Use Permit will be required to reacquire the use. If no response is received the Building Official and/or Zoning Official shall record the Notice on the Land Evidence Records. Thereupon, the owner shall convert the dwelling unit from a dwelling unit to another use by, at a minimum, removing all cooking appliances and kitchen plumbing such that any reconversion to a dwelling unit will require a building permit.

This does not preclude the Building Official and/or Zoning Official from pursuing any other violation of the terms of this Section by someone, for example, renting the unit weekly at market rates.

#### **§ 514. Residential Structures in the RA and RB Zones.** Amended 8-2-2021 by Ord. No. 2021-08]

A. Purpose. The purpose of this section is to provide limitations on the massing and size of residential

structures to ensure that new development is designed in a manner that complements traditional construction styles and in particular, protects the viewshed and quality of life of island neighbors, residents and visitors.

- B. ~~Applicability. This section shall apply to all single family dwellings, accessory structures, accessory Accessory residential-Residential structures Structures and secondary Secondary dwelling Dwelling units Units proposed within the RA and RB Zones for which a building permit is issued after the effective date of October 6, 2008. Where there is a conflict between the standards contained in this section and those in any other applicable section of this ordinance, the most restrictive standard shall apply.~~

**§ 518. Accessory family dwelling units. [Added 3-5-2018 by Ord. No. 2018-04] Reserved.**

- A. ~~Purpose. The purpose of this section is to provide appropriate living accommodations for members of the property owner's family who are 62 years of age or older or who are disabled, or both.~~

- B. ~~General. An accessory family dwelling unit is permitted in all zoning districts and shall not be required to satisfy the dimensional standards for the zoning district in which it is located.~~

~~C. Standards.~~

1. ~~The accessory family dwelling unit must be connected to and accessible from the principal single family dwelling unit. Accessory family dwelling units in accessory buildings are prohibited.~~

2. ~~The accessory family dwelling unit must be occupied by a family member of the owner of the principal dwelling unit. The family member must be 62 years old or older, or disabled as defined by R.I. Gen. Laws § 42-87-1.~~

3. ~~Before a building permit is issued for an accessory family dwelling unit, the property owner must submit to the building official a document from RIDEM certifying that OWTS serving the property will adequately accommodate the accessory family dwelling unit. If the property is served by municipal sewer, the Sewer Commission shall certify that adequate sewer capacity has been allocated to the property and that all fees and bills have been paid.~~

4. ~~Before the accessory family dwelling unit is occupied, the property owner must record a declaration of accessory family dwelling unit in the land evidence records and must provide copies of the recorded document to the building official and the zoning enforcement officer. The declaration must describe the restrictions imposed on the use by this section.~~

5. ~~The property shall be held in single, joint, common or otherwise undivided ownership. No condominiums are permitted.~~

6. ~~When the property is conveyed to a new owner or the occupants of the accessory family dwelling unit no longer reside in it, use of the living area as an accessory family dwelling unit is no longer permitted. The use may be resumed only by the recording of a new declaration of accessory family dwelling unit.~~

Posted: January 30, 2024  
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Continued: March 20, 2024  
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Posted: March 21, 2024 – March 31, 2024  
  
Attest: Millicent Highet, MMC, Town Clerk