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## **Sec. 28-151. Accessory dwelling units.**

- (a) *Description.* This section authorizes the installation of accessory dwelling units in owner-occupied residences. An accessory dwelling unit (ADU) is a residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU 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. An affordable housing ADU may be occupied by family members or nonfamily members and shall be restricted by deed and must qualify as a low to moderate income housing unit as defined in RIGL Tit. 45, Ch. 53.
- (b) *Purposes.* The purposes of permitting ADUs include:
- (1) Preserve and protect the family in American life by enabling multiple generations of family members to live together and care for one another while maintaining a degree of privacy and individual dignity through separate dwelling units.
  - (2) Protect stability, property values, and the residential character of a neighborhood by ensuring that ADUs are established only in owner-occupied residences and under such additional conditions as specified herein.
  - (3) Provide for the development of low- and moderate-income housing within the Town of Bristol in accordance with the state mandate and to provide for a full range of housing choices throughout the town for households of all incomes, ages and sizes.
  - (4) Provide for public safety by ensuring that ADUs are created legally, and in accordance with all applicable local and state codes.
  - (5) Implement the Affordable Housing Production Plan.
- (c) *Where allowed.* ADUs shall be allowed as follows:
- (1) Family member ADUs: An ADU shall be permitted in an owner-occupied residence to accommodate family members of the primary dwelling unit's occupants if, and only if, all of the requirements and standards set forth in this section are satisfied.
  - (2) Affordable housing ADUs: An ADU that is occupied by nonfamily members and deed-restricted as low-to moderate-income housing shall be permitted in an owner-occupied residence if, and only if, all of the requirements and standards set forth in this section are satisfied.
  - (3) Non-restricted ADUs: An ADU that is neither deed-restricted for affordable housing nor reserved for family members shall be permitted in an owner-occupied residence located in any residential district with a minimum lot size of at least 20,000 sf, and where the proposed ADU is located within the existing footprint of the primary structure or existing secondary attached or detached structure and does not expand the footprint of the structure, provided that all of the requirements and standards set forth in this section are satisfied.
- (d) *General requirements and standards.* The following general requirements and standards shall apply to all ADUs:
- (1) Only an owner, who is also an occupant, of a residential dwelling may apply for, and maintain, an ADU.
  - (2) Only one ADU shall be created on a lot.
  - (3) The owners of the residence in which the ADU is created shall occupy one of the dwelling units, except for bona fide temporary absences not exceeding 90 consecutive days nor 180 days in any single year.

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- (4) The house size shall be at least 1,200 square feet. The ADU shall be a minimum of 300 square feet, but shall not occupy more than 33 percent of the gross floor area (as defined by this chapter) of the entire structure, including the ADU. The ADU shall have no more than two bedrooms.
  - (5) The design and size of the ADU shall conform to all applicable standards, including health regulations, building code requirements, and all other federal, state and local laws, rules and regulations, including the provisions of this chapter.
  - (6) One off-street parking space shall be provided and designated for the ADU, in addition to the off-street parking required for the principal dwelling unit.
  - (7) The utilities for both the principal dwelling unit and the ADU shall be common to both (i.e. one electric service, one gas service, one oil tank, one water connection, and one sewer hook-up for the structure).
  - (8) On lots of less than 20,000 square feet, both the principal dwelling unit and the ADU shall be connected to both public sewer and water.
  - (9) On any lot serviced with an individual sewage disposal system (ISDS), if the ADU results in an increase in the total number of bedrooms, the applicant shall have the existing or any new system approved by RIDEM. If no increase in bedrooms results from the ADU, then the applicant shall be required to submit evidence furnished by a qualified professional that there is no visible evidence of failure of the existing ISDS system, and that such system qualifies for the use including the ADU.
  - (10) A certificate of occupancy shall state on its face that its validity is limited to the named owner/occupants only and that any change or subsequent owner or occupant shall be required to apply for a new certificate. Once the family member(s) or qualified low to moderate income tenant(s) departs the premises, the ADU permit shall be nullified, unless further application is made to qualify under this section, pursuant to subsection 28-151(e)(4).
  - (11) Applications for an ADU must meet all requirements for the zoning district in which it is located, including all of the provisions of this section.
- (e) *Application procedures.* The application procedures shall be as follows:
- (1) An owner, who is also the occupant, of an existing single-family dwelling, may apply for an ADU permit. The application shall be made to the administrative officer who shall grant the permit provided that all of the requirements set forth in this section are met.
  - (2) Any ADU that is part of an application for a larger development proposal shall be reviewed in accordance with the appropriate review and approval framework (land development project and/or subdivision review). An ADU that is not part of a larger development proposal shall be reviewed by the administrative officer.
  - (2) All applications shall include:
    - a. A sworn and notarized declaration from the owner stating that the owner of the property:
      1. Will continue to occupy one of the dwelling units on the premises on a year-round basis;
      2. Acknowledges that the right to use the ADU terminates upon transfer of title unless the unit is reapplied for; and
      3. Identifies the family members who will occupy the ADU or a draft deed restriction for an affordable housing ADU.
    - b. An overall floor plan of the entire structure, which need not be drawn to scale, including the dimensions and descriptions of all of the rooms in the entire structure.

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- c. A detailed floor plan, drawn at a scale of one-fourth inch to the foot, showing the floor(s) where the changes are proposed.
  - d. A site plan drawn to scale, showing structures, landscaping, and driveway/parking area.
  - e. An exterior elevation of the building facade from all sides.
  - f. A plan for integration of the ADU back into the primary dwelling, if possible.
  - g. A copy of the tax assessor's property card.
  - h. An application for certificate of occupancy.
  - i. Application fee per the fee schedule.
- (4) *Reapplication.* Where a permit for an ADU has been granted and the only change is a change in either the owner/occupant(s) of the principal dwelling or the owner/occupant(s) of the ADU, then the ZEO may issue a new ADU permit and the building inspector may re-issue a certificate of occupancy upon receipt and recording of a declaration pursuant to subsection 28-151(e)(3)a. which must be filed within 30 days of the transfer of title or occupancy.
- (f) *Recording.* Upon issuance of a permit, the applicant shall record the permit and the declaration in the land evidence records. A copy of the permit shall also be placed on file with the zoning enforcement officer and the building official. A permit shall not be valid until recorded. An ADU permit shall expire if a building permit is not filed within one year from the date of issuance of the ADU permit.
- (g) Reserved.
- (h) *Failure to comply.* Failure to comply with any of the provisions of this section is considered a violation of this chapter, pursuant to section 28-407. In the event the zoning enforcement officer determines that the owner has failed to comply with any of the provisions hereunder, notice shall be first sent to the owner describing the noncompliance. In the event the owner does not cure such defects within 20 days following the date of such notice, the building official shall immediately revoke any certificates of occupancy or building permits and shall cite the property for a violation of this chapter.
- (i) *Public records.* The zoning enforcement officer and administrative officer shall keep as public records all applications for ADU permits, and all permits issued or denied.

Note(s)—Without separate cooking and sanitary facilities, such unit is not a dwelling unit and does not come under the jurisdiction of this section.