

Accessory Family Dwelling Unit Permit Application

(for the law in all its details, see Section 410 of the Zoning Ordinance)

Step 1: What is it? How to apply.

An Accessory Family Dwelling Unit (AFDU)

- includes separate cooking and sanitary facilities and
- is also a complete, separate housekeeping unit.¹

AFDU's shall only be occupied by family members. Family members shall be limited to persons related by blood, marriage, or other legal means. (see definition in Article XII)

A. Existing Dwellings, completed before June 26, 1996 --One AFDU is permitted in an owner-occupied, single-family house, in accordance with the following:

1. Where there are **no exterior changes** proposed, an application is made to the **Zoning Enforcement Officer** who may issue a permit for same if all of the requirements and standards of this section are met. *Go to step 2.*
2. Where there are **exterior changes** proposed, an application is made to the **Administrator Officer** for development plan review and approval by the **Technical Review Committee** pursuant to the Bristol Subdivision and Development Review Regulations. *Go to step 2 on next page.*

B. Dwellings Completed after June 26, 1996 - For an owner-occupied, single-family dwelling, an application is made directly to the Administrative Officer for development plan review and approval by the **Technical Review Committee (TRC)** pursuant to the Bristol Subdivision and Development Review Regulations.

Go to steps 2 & 3 on next pages, because that information must be provided to the TRC as well.

¹ Without separate cooking and sanitary facilities, such unit is not a dwelling unit and does not come under the jurisdiction of this section.

Step 2: Requirements and Standards for everyone.

All the following standards and requirements must be complied with:

	<i>Complies?</i>
A. The structure is a single household dwelling.	
B. Only one AFDU is created within a single-family house.	
C. The owner of the residence, in which the AFDU is created, occupies one of the dwelling units, except for temporary absences of 90 consecutive days or less in any single year.	
D. The house size shall be at least 1,200 square feet.	
E. The AFDU shall be a minimum of 300 square feet. It shall not occupy more than 33% of the gross floor area of the entire structure, including the AFDU.	
F. The AFDU shall have no more than two bedrooms.	
G. The design and size of the apartment 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.	
H. A minimum of 2 off-street parking spaces (1 off-street parking space in the W and Rehab LDP zones) shall be provided and designated for the AFDU. The parking requirement may be modified, if the applicant can satisfactorily demonstrate to the permitted authority that the resident of the AFDU will not have a vehicle.	
I. The AFDU must be within or attached to the principal dwelling unit structure.	
J. The utilities for both the principal dwelling unit and the AFDU shall be common to both (e.g. one electric service, one oil tank, one water connection, one for the structure).	
K. On lots less than 20,000 square feet, both the principal dwelling unit and the AFDU shall be connected to both public sewer and water.	

Requirements and Standards Continued

Complies?

<p>L. On any lot serviced by an ISDS, if the AFDU increases in the total number of bedrooms, the applicant shall have the existing or any new system approved by RIDEM. If no increase in bedrooms, 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 AFDU.</p>	
<p>M. An AFDU must meet all requirements for the zoning district in which it is located, including all of the provisions of this section.</p>	
<p>N. A certificate of occupancy shall state on its face :</p> <ul style="list-style-type: none"> • that its validity is limited to the named owner/occupant only and • that any change shall be required to apply for a new certificate. • Once the family member or members departs the premises, the AFDU shall cease to exist, unless application is made to qualify pursuant to Section 410.5D. 	

Step 3. Application procedures.

A. No exterior changes: Are you an owner, who is also the occupant, of an existing single-family dwelling, completed before June 26 1996, where no exterior changes are proposed? If yes, make application to the Zoning Enforcement Officer (ZEO). A permit will be granted, if all of the requirements set forth in this Section are met. *If exterior changes are proposed, go to step B below on this page.*

1. Notice Requirements.

Upon receipt of a complete application, the ZEO shall notify the abutting property owners by certified mail. Such notice shall indicate that an AFDU permit will be granted unless written objection is received within ten (10) days of the mailing of such notice.

___ *Yes, Application is complete. Date notices mailed: _____*

___ *Not complete, for the following reasons:*

2. Decision.

If no written objection is received within ten days, the ZEO shall grant the AFDU.

___ *Okay to issue permit. Date approved: _____*

3. Referral to Technical Review Committee.

If written objection is received within 10 days, the application for the AFDU shall be referred to the Administrative Officer for review by the Technical Review Committee (see Section 410.5 B).

___ *Received written objection.*

Referred to TRC on _____

B. Exterior changes or Newer dwellings:

Are you an owner, who is also the occupant, of an existing single-family dwelling completed before June 26, 1996 where exterior changes are proposed?

Or is your building a new single-family dwelling **completed after June 26, 1996?**

If yes to either question, then make application to the Administrative Officer, for Development Plan Review approval by the Technical Review Committee.

(A copy of the application shall also be submitted to the Zoning Enforcement Officer.)

Public Notice for the Technical Review Committee meeting is required and shall be given at least seven (7) days before the meeting in a newspaper. Postcard notice shall also be mailed by the Town to the applicant and to those in the notice area not less than 10 days before the meeting. The notice area is set forth in Section 8.5 C (3) of the Subdivision and Development Review Regulations. **The cost of all such notice shall be paid by the applicant.**

*Date of TRC Meeting*_____

*Date of Newspaper ad*_____

*Date Notices Mailed*_____

C. All applications shall include:

	<i>Status</i>
1. Application form filled out completely. (see attached)	
2. A sworn and notarized declaration (see attached) from the owner(s) stating that the owner of the property: <ul style="list-style-type: none"> a. Will continue to occupy one of the dwelling units on the premises on a year-round basis, b. Acknowledges that any monetary investment made as a result of the granting of a permit shall not be claimed as a hardship in any future applications to the Zoning Board of Review. c. Acknowledges that the right to use the Accessory Family Dwelling Unit terminates upon transfer of title unless the unit is reapplied for; and, d. Identifies the family member(s) who will occupy the Accessory Family Dwelling Unit. 	
3. 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 of the entire structure.	
4. A detailed floor plan, drawn at a scale of 1/4 inch per foot, showing the floor(s) where the changes are proposed.	
5. A site plan drawn to scale, showing structures, landscaping and driveway/parking area.	
6. An exterior elevation of the building façade from all sides.	
7. An overall floor plan for integration of the AFDU back into the primary dwelling.	
8. A copy of the Tax Assessor's Property Card.	
9. Application fee per the fee schedule: \$60	
10. A list, with mailing labels, with the names and current addresses of abutting property owners. <i>Include mailing labels.</i>	
11. Application to the Technical Review Committee shall include a list, of the names and current addresses of property owners within the notice area (200' in D, W, LB, and R-6 zones; and, 300' in all other zones.) <i>Include mailing labels.</i>	
12. An application for a Certificate of Occupancy.	

C. Re-application. If a permit for an AFDU 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 AFDU.

then the ZEO may issue a new AFDU permit and the Building Inspector may re-issue a certificate of occupancy, upon receipt and recording of a declaration pursuant to Section 410.5 C 1.

Step 4. 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 AFDU permit shall expire if a building permit is not filed within 1 year from the date of issuance of the AFDU permit.

APPLICATION FOR ACCESSORY FAMILY DWELLING UNIT

Owner's Name: _____

Address _____

Telephone _____

Location of structure (address): _____

Assessor's Plat _____ Lot _____

Zoning District: (_____)

Required setback of zone: Front _____ Side _____ Rear _____

Proposed setback of structure: Front _____ Side _____ Rear _____

Required area (by zone): _____

Actual area of lot: _____

Dimensions of Lot: Frontage _____ Depth _____

Total Square footage of existing structure: _____

Total Square footage of structure after proposed AFDU constructed _____

Proposed square footage of principal dwelling unit: _____

Proposed square footage of accessory family dwelling unit: _____

(minimum 300 square feet but can not exceed 33% total square footage of structure with AFDU)

Description of proposal and reason for request:

Does the proposed alteration fall under the jurisdiction of:

Bristol Historic District Commission* _____ CRMC* _____ RIDEM* _____?

*(*If so, then the applicant must receive approval for these agencies, prior to the issuance of a building permit.)*

Signature: _____ Date: _____

Printed name: _____

DECLARATION

In consideration for approval for an Accessory Family Dwelling Unit (AFDU),
I/we,
NAME _____

ADDRESS _____

CITY: _____ STATE: _____

Who is/are the owner(s) of the property located at _____
hereby declare the following:

- ◆ I/We will continue to occupy one of the dwelling units on the premises on a year – round basis;
- ◆ I/We acknowledge that any monetary investment made as a result of the granting of a permit shall not be claimed as a hardship in any future applications to the zoning board of review;
- ◆ I/We acknowledge that the right to use the Accessory Family Dwelling Unit terminates upon transfer of title unless the unit is reapplied for; and,

The following family member(s) will occupy the AFDU:

Names: _____
Relationship: _____

The following family member(s) will occupy the primary dwelling unit:

Names: _____
Relationship: _____

Owners Signature: _____ Date: _____

Owners Signature: _____ Date: _____

On the _____ day of _____ 2001, the above person(s) appeared before me and signed the above statement, which he/she/they acknowledged to be his/her/their free act and deed.

Notary Public Signature
My Commission Expires: _____

AFDU Approved by Town of Bristol on (date) _____

- (3) *Performance standards.* The applicant for a special use permit shall be required to demonstrate, in advance, plans for conformance with section 28-155 (below) and the noise ordinance (Chapter 10 of the Bristol Town Code), and in order to safeguard neighboring property uses, the zoning board may impose stricter standards than are set forth therein.
- (4) *Outdoor uses.* The applicant shall specify on a plan the location and nature of any proposed outdoor uses, including the seasonal storage of boats and the display of boats for sale, and the zoning board may restrict such uses in area and duration, and require appropriate landscaping and buffering.

Sec. 28-151.- Accessory dwelling units.

- (a) *Description.* This section authorizes the installation of accessory dwelling units in owner-occupied, single-family houses. An accessory dwelling unit includes separate cooking and sanitary facilities and is also a complete, separate housekeeping unit. ¹Accessory dwelling units may be dedicated as an affordable housing unit or for family members as an accessory family dwelling unit. Accessory family dwelling units shall only be occupied by family members. Family members, as defined in this chapter shall be limited to persons related by blood, marriage, or other legal means. An affordable housing accessory dwelling unit 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.

¹Without separate cooking and sanitary facilities, such unit is not a dwelling unit and does not come under the jurisdiction of this section.

- (b) *Purposes.* The purposes of permitting accessory dwelling units 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 accessory dwelling units are installed only in owner-occupied houses 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 accessory dwelling units are created legally, and in accordance with all applicable local and state codes.
 - (5) Implement the Affordable Housing Production Plan.
- (c) *Where allowed.* Accessory dwelling units shall be allowed as follows:
 - (1) *Existing dwellings.* For an owner-occupied, single-family dwelling which was completed before June 26, 1996 an accessory dwelling unit is permitted in accordance with the following:
 - a. Where there are no exterior changes proposed to the structure, an accessory dwelling unit shall be permitted, pursuant to the provisions of this section, in accordance with subsection 28-151(e)(1) if, and only if, all of the requirements and standards of this section are met.
 - b. Where exterior changes to the structure are proposed, an accessory dwelling unit shall be permitted if, and only if, all of the requirements and standards of this section are met; and shall also require development plan review approval from the technical review committee pursuant to subsection 28-151(e)(2) and the town subdivision and development review regulations in order to ensure that the requirements and standards of this section are met.
 - (2) *Dwellings completed after June 26, 1996.* An accessory dwelling unit shall be permitted for owner-occupied, single-family dwellings which were completed after June 26, 1996 if, and only if, all of the requirements and standards of this section are met; and, shall also require development plan review approval from the technical review committee pursuant to subsection 28-151(e)(2) and the town subdivision and development review regulations in order to ensure that the requirements and standards of this section are met.
- (d) *General requirements and standards.* The following general requirements and standards shall apply to all accessory dwelling units:
 - (1) Only an owner, who is also an occupant, of a single household dwelling may apply for, and maintain, an accessory dwelling unit.
 - (2) Only one accessory dwelling unit shall be created on a lot.
 - (3) The owners of the residence in which the accessory dwelling unit 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.
 - (4) The accessory dwelling unit shall be designed so that the appearance of the structure remains that of a one-family residence. If possible, no additional exterior entrances should be added. If

- additional exterior entrances are required, they shall generally be located in the rear or side of the structure.
- (5) The house size shall be at least 1,200 square feet. The accessory dwelling unit 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 accessory dwelling unit. The accessory dwelling unit shall have no more than two bedrooms.
 - (6) The design and size of the accessory dwelling unit 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.
 - (7) A minimum of two off-street parking spaces (one off-street parking space in the W and rehab land development project zones) shall be provided and designated for the accessory dwelling unit, in addition to the off-street parking required for the principal dwelling unit. The parking requirements may be modified by the permitting authority, if the applicant can satisfactorily demonstrate in writing to the permitting authority that the resident of the accessory dwelling unit will not have a vehicle.
 - (8) The accessory dwelling unit shall be within or attached to the principal dwelling unit structure.
 - (9) The utilities for both the principal dwelling unit and the accessory dwelling unit 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).
 - (10) On lots of less than 20,000 square feet, both the principal dwelling unit and the accessory dwelling unit shall be connected to both public sewer and water.
 - (11) On any lot serviced with an individual sewage disposal system (ISDS), if the accessory dwelling unit 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 accessory dwelling unit, 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 accessory dwelling.
 - (12) 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 or members or qualified low to moderate income tenant departs the premises, the accessory dwelling unit shall cease to exist, unless further application is made to qualify under this section, pursuant to subsection 28-151(e)(4).
 - (13) Applications for accessory dwelling units 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, pursuant to subsection 28-151(c)(1)a. where no exterior changes are proposed, may apply for an accessory dwelling unit permit. The application shall be made to the zoning enforcement officer who shall grant the permit providing all of the requirements set forth in this section are met.
 - a. *Notice requirements.* Upon receipt of a complete application, which is in compliance with the standards set forth herein, the zoning enforcement officer shall notify the abutting property owners by certified mail. Such notice shall indicate that an accessory dwelling unit permit will be granted unless written objection is received within ten days of the mailing of such notice.
 - b. *Referral to technical review committee.* If written objection is received within ten days, the application for the accessory dwelling unit shall be referred to the administrative officer for review by the technical review committee pursuant to subsection 28-151(e)(2).
 - c. *Decision.* If no written objection is received within ten days, the zoning enforcement officer shall grant the accessory dwelling unit.
 - (2) An owner who is also the occupant of an existing single-family dwelling where exterior changes are proposed, pursuant to subsection 28-151(c)(1)b. or a new single-family dwelling pursuant to subsection 28-151(c)(2), may apply for an accessory dwelling unit permit. The application shall be made to the administrative officer for development plan review approval by the technical review committee in accordance with section 3.2 of the town subdivision and development review regulations, with a copy to the zoning enforcement officer. Public notice for the technical review committee meeting is required and shall be given at least seven days prior to the date of the meeting in a newspaper of general circulation within the town. Postcard notice shall also be mailed by the town to the applicant and to those in the notice area not less than ten days prior to the date of the meeting. The notice area is set forth in section 8.5C(3) of the town subdivision and development review regulations. The cost of all such notice shall be paid by the applicant.
 - (3) 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 any monetary investment made as a result of the granting of a permit shall not be claimed as a hardship in any future applications to the zoning board of review;
 3. Acknowledges that the right to use the accessory dwelling unit terminates upon transfer of title unless the unit is reapplied for; and
 4. Identifies the family members who will occupy the accessory family dwelling unit.
- 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.
 - 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 accessory dwelling unit back into the primary dwelling.
 - g. A copy of the tax assessor's property card.
 - h. An application for certificate of occupancy.
 - i. Application fee per the fee schedule.
 - j. A list, with mailing labels, with the names and current addresses of abutting property owners.
 - k. Application to the technical review committee shall include a list, and mailing labels, with the names and current addresses of property owners within the notice area as provided in section 8.5 C(3) of the town subdivision and development review regulations.
- (4) *Reapplication.* Where a permit for an accessory dwelling unit 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 accessory dwelling unit, then the ZEO may issue a new accessory dwelling unit 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.
- (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 accessory dwelling unit permit shall expire if a building permit is not filed within one year from the date of issuance of the accessory dwelling unit permit.
- (g) *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.
- (h) *Public records.* The zoning enforcement officer and administrative officer shall keep as public records all applications for accessory dwelling unit permits, and all permits issued or denied.
- (i) *Technical review committee.* For the purposes of this section, the technical review committee shall include the building inspector who may also substitute for the planning board engineer.

Sec. 28-152.- Zoning modification permits.

The zoning enforcement officer may issue a modification permit on the construction, alteration or structural modification of a conforming structure or a conforming lot of record.

- (1) *Criteria.* Such modification shall not exceed 25 percent of the following dimensional requirements: Side yard; front yard; and rear yard. Such modification shall only apply to residential structures in residential zoning districts. Such modification permits shall not include nonconforming lots of record. In the case of side yard variances, there shall be a minimum of ten feet between principle structures in all cases.
- (2) *General procedure.* The applicant shall make an application for a modification permit with the zoning enforcement officer which shall include a signed site plan drawn to scale. Within ten days of receipt of a complete application, the zoning enforcement officer shall make a decision as to the suitability of the modification based on the following determinations:
 - a. The modification requested is reasonably necessary for the full enjoyment of the permitted use;
 - b. If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
 - c. The modification requested is in harmony with the purposes and intent of the comprehensive plan and this chapter; and
 - d. The modification requested does not require a variance of a flood hazard permit.