

TOWN OF HOPKINTON, RHODE ISLAND

CHAPTER 151

THE TOWN COUNCIL OF THE TOWN OF HOPKINTON HEREBY ORDAINS

That the Code of Ordinances, Town of Hopkinton, Rhode Island, Chapter 134, Section 5, entitled "District Use Regulations, Supplemental Regulations shall be amended and Section 5.2 Supplemental Regulations Accessory Family Dwelling Units" shall be added as follows.:

Section 5.2 Supplemental Regulations, Accessory Family Dwelling Unit

1. Purpose

This article regulates the design, construction and occupancy of accessory family dwelling unit structures. The intent of this article is to:

- a. Provide affordable opportunities for town residents requiring additional living space within or attached to their residences for the purpose of housing immediate blood relatives in an independent yet secure manner
- b. To protect neighborhood values and characteristics, especially the single family, low density, rural features that dominate the town's development patterns
- c. To ensure the protection of the environment and avoid pollution impacts resulting from intensified land use associated with the development of accessory family dwelling units.
- d. To provide guidelines to facilitate the application process for accessory family dwelling units.

2. Guarantee of Owner Occupancy

The owner or owners of the one family lot upon which the accessory apartment is located shall occupy one of the residences thereon, except for bona fide temporary absences. Prior to the issuance of any special use permit for an accessory family dwelling unit, a certificate in the form of an affidavit (See attached affidavit form) to verify that the owner is in residence shall be presented to the Zoning Board of Review. Thereafter, the applicant shall submit such a notarized affidavit to the Zoning Enforcement Officer by January 31 of each year as a requirement for the continuance of the special use permit.

3. Effective Period

The effective period for a special use permit for an accessory family dwelling unit shall be five years. At the end of this time period, renewal shall be granted by the Zoning Enforcement Officer

after inspection and upon written certification from the owner that all of the conditions met at the time of the original application remain unchanged.

4. Change of Ownership

Special use permits for accessory family dwelling units shall be recorded in the Land Evidence records of the town of Hopkinton within 14 days of issuance. Change of ownership of the residence within which the accessory apartment is located shall cause the special use permit to terminate automatically. Subsequent owners of the property may make an application for a special use permit in their own name. Review of this subsequent application shall be conducted by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall inspect the accessory apartment to determine whether all the terms and conditions of the original permit are met. In instances where there continues to be full compliance with the terms and conditions of the original special use permit, the Zoning Enforcement Officer may issue a new special use permit without review by the Zoning Board.

5. Conditions

The accessory family dwelling unit is integral to principal residential structure and not integrated into an accessory structure such as a garage. The accessory family dwelling unit shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. Therefore:

- a. In general, any new entrances shall be located to the side or the rear of the building. In accordance with the applicable sections of the Rhode Island Building Code, the accessory family dwelling unit must have two separate means of egress.
- b. Additional floor space resulting from the construction of an accessory family dwelling unit shall not exceed 25% of the total floor area of the primary residence but in no case shall the accessory unit comprise less than 350 square feet of total floor space or more than 600 square feet of total floor space.
- c. Accessory family dwelling units shall be integrated in to the structure of the primary residence through a common wall that provides at least twelve feet in length of interior wall space to both the accessory and the primary dwelling units. An ingress/egress from one to the other shall be located on this common wall and shall enter into the main living quarters of both the accessory and the main dwelling units. Detached units and units which have merely tangential attachment to the primary residence structure are not permitted.
- d. The maximum number of bedrooms permitted shall be one. Guest rooms, dens, offices, studies, sewing rooms and workrooms are not permitted, nor is any type of room which has the potential to be converted to a second bedroom permitted within the accessory unit.
- e. Accessory family dwelling units are only permitted for single family residences. Only one

accessory family dwelling unit is permitted per residence.

6. Occupancy

Occupancy of all Accessory Family Dwelling Units shall be limited to two persons.

7. Utilities

Both the accessory family dwelling unit and the primary residential structure shall jointly share utilities. Electric service shall remain single service. The heating source for the accessory family dwelling unit shall be from the furnace or electric service of the main residence.

8. Application Procedures

a. Floor Plan/Building Elevation.

Applications for an accessory family dwelling unit must be accompanied by a floor plan of the existing residence and of the proposed accessory unit. Floor plans must be drawn to C.A.B. O. specifications, must be of sufficient clarity and detail to provide the Zoning Board of Review with sufficient information on which to demonstrate the adequacy of the proposed accessory unit and compliance with these regulations, and shall be drawn at a scale of not less than 1/4 inch to a foot. A street side building elevation must also be provided. The elevation drawing may be schematic.

b. System Suitability Determination

All applications for an accessory family dwelling unit special use permit shall be accompanied by a valid "System Suitability Determination" issued by the Rhode Island Department of Environmental Management Individual Sewage Disposal Systems Division to ensure protection of natural resources and human health. Application which propose to add no additional bedrooms to the number of bedrooms existing in the main residential dwelling at the time of the application shall be exempt from this provision.

c. Site Plan

Each application shall be accompanied by a site plan prepared by a professional engineer that clearly shows the location of all existing buildings, utilities, driveways, wells, stone walls, fences and existing vegetation along with the proposed accessory family dwelling unit.

d. Parking

One additional off street parking space shall be provided for each accessory family dwelling unit. Additional parking on the side of the main residence facing the street shall be prohibited.

ADOPTED: December 6, 1999

ATTEST: Elizabeth J. Cook-Martin
Elizabeth J. Cook-Martin
Town Clerk