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TOWN OF CUMBERLAND

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**An Ordinance: Amending the Zoning Ordinance
relating to accessory family dwelling units**

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The Town of Cumberland ordains:

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Section 1. Appendix B of the Town of Cumberland Code of Ordinances entitled "Zoning" is hereby amended as follows:

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§ 2-1 Terms defined.

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Accessory Apartment

~~An accessory dwelling unit within a single-family detached dwelling occupied by one or more members, or caregiver, of the family occupying the principal residence and governed by the provisions of § 6-6 of this appendix.~~

* * *

Accessory Dwelling Unit

~~A dwelling unit either (1) rented to and occupied either by one or more members, or caregiver, of the family of the occupant or occupants of the principal residence; or (2) reserved for rental occupancy by a person or a family where the principal residence is owner-occupied, and which meets the following provisions:~~

~~(a) In zoning districts that allow residential uses, no more than one accessory dwelling unit may be an accessory to a single-family dwelling.~~

~~(b) An accessory dwelling unit shall include separate cooking and sanitary facilities, with its own legal means of ingress and egress and is a complete, separate dwelling unit. The accessory dwelling unit shall be within or attached to the principal dwelling unit structure or within an existing structure, such as a garage or barn, and designed so that the appearance of the principal structure remains that of a one-family residence.~~

* * *

42 § 6-6 Accessory Dwelling-Living Units

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44 (A) Accessory family dwelling units (AFDU).

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46 Notwithstanding any other provision of this appendix, an accessory family dwelling
47 unit in an owner-occupied, single-family residence shall be permitted as a
48 reasonable accommodation for family members with disabilities or who are sixty-
49 two (62) years of age or older, or to accommodate other family members. The
50 appearance of the structure shall remain that of a single-family residence and there
51 shall be an internal means of egress between the principal unit and the accessory
52 family dwelling unit. If possible, no additional exterior entrances should be added.
53 Where additional entrance is required, placement should generally be in the rear or
54 side of the structure. When the structure is serviced by an individual sewage
55 disposal system, the applicant shall have the existing or any new system approved
56 by the department of environmental management. The zoning enforcement officer
57 shall require that a declaration of the accessory family dwelling unit for the family
58 member, or members, and its restrictions be recorded in the land evidence records
59 and filed with the zoning enforcement officer and the building official. Once the
60 family members with disabilities or who are sixty-two (62) years of age or older, or
61 any other family member, no longer reside(s) in the premises on a permanent basis,
62 or the title is transferred, the property owner shall notify the zoning official in
63 writing, and the accessory family dwelling unit shall no longer be permitted, unless
64 there is a subsequent, valid application.

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66 (B) Accessory Dwelling Units (ADU).

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68 An accessory dwelling unit shall be permitted as a reasonable accommodation for
69 family members with disabilities or who are sixty-two (62) years of age or older, or
70 to accommodate other family members. ADUs may be located within an existing
71 accessory structure, such as a garage or shed and meet the following conditions:

72

- 73 (a) An ADU must be accessory to a single-family residence;
74 (b) The owner of the property must reside in either the principal dwelling or
75 the ADU;
76 (c) The ADU must have separate cooking and sanitary facilities and be a
77 complete, separate housekeeping unit;
78 (d) Only one (1) ADU shall be permitted on a lot;
79 (e) All utilities for the ADU must be shared with the principal dwelling;
80 (f) The minimum number of off-street parking spaces required for an ADU is
81 (1);
82 (g) The ADU cannot contain more than two (2) bedrooms as defined by the
83 R.I. Department of Environmental Management, Office of Individual
84 Sewerage Disposal Systems (ISDS);
85 (h) The size of the ADU may be no more than fifty (50) percent of the living
86 area of the principal dwelling unit or 800 square feet of living area,
87 whichever is less;

- 88 (i) The ADU shall meet all the dimensional requirements of Article 5 of this
89 appendix;
90 (j) For ADUs not connected to the Town sewer system, a system suitability
91 determination from the Rhode Island Department of Environmental
92 Management, ISDS Office shall be required;
93 (k) The zoning enforcement officer shall require that a declaration of the
94 accessory dwelling unit for the family member, or members, and its
95 restrictions be recorded in the land evidence records and filed with the
96 zoning enforcement officer and the building official. Once the family
97 members with disabilities or who are sixty-two (62) years of age or
98 older, or any other family member, no longer reside(s) in the premises on
99 a permanent basis, or the title is transferred, the property owner shall
100 notify the zoning official in writing, and the accessory family dwelling
101 unit shall no longer be permitted, unless there is a subsequent, valid
102 application.
103

104 An (a) Purpose. The intent and purpose of this section is to allow the creation of
105 quasi-independent living spaces within single family homes to provide
106 accommodations for additional family members or for a caregiver of a family
107 member. These living spaces are most often referred to as "in-law" apartments. The
108 accessory dwelling unit apartment shall be located within a single family dwelling
109 and shall clearly be a subordinate part of it. Nothing in this section shall infringe
110 upon the right of an individual to add living space to a home in accordance with
111 existing regulations and codes.
112

113 (b) Standards. An accessory dwelling unit apartment, limited to no more than 800
114 square feet or one-third of the total building area, whichever is less, may be
115 permitted by right in any agricultural or residence zoning district, with the
116 following limitations:
117

- 118 (1) The accessory dwelling unit apartment shall not contain more than
119 one bedroom as defined by the R.I. Department of Environmental
120 Management, Office of Individual Sewerage Disposal Systems (ISDS).
121 (2) Only one accessory dwelling unit apartment may be allowed in any
122 single-family detached dwelling. No accessory dwelling unit
123 apartment may be allowed in a two-family dwelling, multifamily
124 dwelling or mixed-use property.
125 (3) The design of the building is such that there is no indication from the
126 exterior that the property is used for any purpose other than a single-
127 family dwelling.
128 (4) The building must be owner occupied.
129 (5) Only a family member of the owner, or a caregiver of a family
130 member, may occupy the accessory dwelling apartment.
131 (6) The utilities for the principal residence and the accessory unit
132 apartment will be common to both, i.e., one electric service to
133 principal residence, common plumbing and heating systems, etc.

- 134 (7) — Off-street parking will be provided in accordance with the Town of
 135 Cumberland Zoning Ordinance requirements of Article 14 of this
 136 appendix for each dwelling unit.
 137 (8) — The accessory dwelling unit apartment shall meet all the dimensional
 138 requirements of the Town of Cumberland Zoning Article 5 of this
 139 appendix.
 140 (9) — The unit will comply with all applicable state and local regulations.
 141 (10) — For dwelling units not connected to the Town sewer system, a system
 142 suitability determination from the R.I. Department of Environmental
 143 Management, ISDS Office.

144
 145 (c) Agreement required. An applicant for a permit to construct an accessory family
 146 dwelling unit apartment must sign an agreement restricting occupancy of such units
 147 to family members or a caregiver of a family member, and indemnifying the Town of
 148 Cumberland from costs incurred to enforce the terms of said agreement. Prior to the
 149 issuance of a certificate of occupancy the agreement must be recorded in land
 150 evidence records of the Town and a copy shall be submitted to the tax assessor at
 151 the expense of the applicant. Said agreement will be applicable and binding upon
 152 subsequent owners and will be enforceable against the applicant, his/her heirs,
 153 devisees, successors and assigns. The agreement shall be drafted by the Town
 154 Solicitor's office and may be modified from time to time by said office as deemed
 155 necessary to carry out the mandates of this paragraph. The Town shall provide the
 156 agreement forms to the applicants.

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 160 **Table 1**
 161 **Use Table**

162

163 <u>9(A). Accessory Family Dwelling Unit Apartment, A-1 A-2 R-1 R-2 R-3 C-1 C-2 C-3 I-1 I-2 OS</u>												
164 <u>permitted only when accessory to</u>	Y	Y	Y	Y	Y	N	N	N	N	N	N	N
165 <u>single-family dwelling unit and</u>												
166 <u>complies with the requirements of § 6-6(A).</u>												
167												
168 <u>9(B). Accessory Dwelling Unit,</u>	A-1	A-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	OS	
169 <u>permitted only when accessory to</u>	Y	Y	Y	Y	Y	N	N	N	N	N	N	
170 <u>single-family dwelling unit and</u>												
171 <u>complies with the requirements of § 6-6(B).</u>												
172												

173
 174 **Appendix A**
 175 **Use Regulation Definitions**

- 176
 177 9(A) Accessory family dwelling unit apartment. – See Article 2, Definitions, See Section 6-6(A).
 178
 179 9(B) Accessory dwelling unit. – See Section 6-6(B).
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182 Section 2. This ordinance shall become effective immediately upon its passage by
183 the Cumberland Town Council.

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LEGISLATIVE EXPLANATION

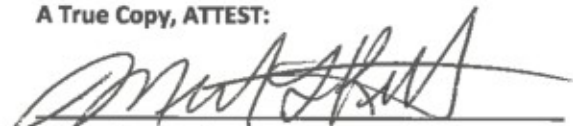
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187 This ordinance amends the zoning ordinance to change the requirements for
188 the use of accessory family dwelling units and to comply with state law.

**ON A MOTION BY COUNCILOR SCHMITT, SECONDED BY COUNCILOR BEAULIEU, AND IT WAS UNANIMOUSLY
VOTED TO APPROVE BY A ROLL CALL VOTE. VOTE 6/1; Councilor Bradley voted Nay.**

Date Adopted: April 7, 2021

A True Copy, ATTEST:



Michael L. Kinch, President



Jeffrey J. Mutter, Mayor

Sandra M. Giovanelli, Town Clerk