

CHAPTER 2024-69

No. 478 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE, "APPROVED NOVEMBER 24, 2014, AS AMENDED, TO MODIFY REGULATIONS FOR ACCESSORY DWELLING UNITS

Approved December 9, 2024
Be it ordained by the City of Providence:

SECTION 1. Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance," Approved November 24, 2014, As Amended, is hereby further amended as follows:

201 DEFINITION OF GENERAL TERMS

Outbuilding. An accessory structure used for an office, accessory dwelling unit, or recreation room as an accessory use to a residence. ~~The structure may be serviced by water and electricity, and include conditioned space, but shall not contain a kitchen or sleeping area.~~

Accessory Dwelling Unit. A residential living unit on the same lot where the principal use is a legally established single-, two-, three- or multi-family dwelling. An accessory dwelling unit provides complete independent living facilities for one or more persons.

1200 GENERAL REGULATIONS

E. §45-24-37 of Rhode Island General Laws permits the following uses within all residential districts of a municipality and all industrial and commercial districts except where such uses are prohibited for public health or safety reasons. Therefore, if any such use is not permitted by right or by special use permit, as indicated in the use matrix, it is presumed to be prohibited for health or safety reasons. For the purposes of this Ordinance, this permission includes any amendments to the general laws that modify such list. All uses permitted by Rhode Island General Laws shall meet any required standards of the general laws. For reference purposes, these uses include:

1. ~~One accessory dwelling unit in an owner-occupied residence is permitted as a reasonable accommodation for family members with disabilities or who are 62-years of age or older, or to accommodate other family members. When used in this section the terms "people with disabilities" or "member, or members, with disabilities" means a person(s) who has a physical or mental impairment that substantially limits one or more major life activities, as defined in §42-87-1(7) of the Rhode Island General Laws. Reserved.~~

Table 12-1: USE MATRIX																					
Key: P = Permitted // S = Special Use																					
Use	R-1 A	R-1	R-2	R-3	R-4	R-P	C-1	C-2	C-3	D-1	W-2	W-3	M-1	M-2	M-MU	I-1	I-2	P-S	O-S	C-D	Use Stand ard
Dwelling- - Accessory Dwelling- Unit	P	P	P	P	P	P									P	P	P				Sec- 1200. E

1204 USE DEFINITIONS

~~**Dwelling—Accessory Dwelling Unit.** A residential living unit that provides complete-independent living facilities for one or more persons on the same parcel where the primary use is an owner-occupied, legally established single-unit or multi-unit dwelling.~~

1302 ACCESSORY STRUCTURES AND USES

A. General Regulations for Accessory Structures

6. The maximum height of any detached accessory structure is 10 feet at the lot line, then an additional one foot in height for each one foot of additional setback to a maximum of 20 feet and two stories, unless otherwise permitted or restricted by this Ordinance.

J. Garage

2. Detached Garage

- a. One detached garage is permitted per lot.
- b. A detached garage ~~shall not contain a kitchen or sleeping area but~~ may be used in part or entirely as an office, ~~or recreation room, or accessory dwelling unit.~~

U. Accessory Dwelling Unit

One accessory dwelling unit per lot shall be permitted in all residential districts under the following circumstances:

1. An accessory dwelling unit may be located within the principal structure, in a permitted outbuilding, or in a detached garage per Section 1302.J.
2. The accessory dwelling unit shall be attached to a foundation and shall not be mobile.
3. An accessory dwelling unit is limited in size to whichever is less: 60% of the gross floor area of the principal dwelling, or 900 sf GFA for a studio or one-bedroom accessory dwelling unit, or 1,200 sf GFA for a two-bedroom accessory dwelling unit. No accessory dwelling unit may have more than two bedrooms.
4. The existence of an accessory dwelling unit does not change the principal use of the property. For example, a single-family dwelling with an accessory dwelling unit is classified as a single-family dwelling.
5. An accessory dwelling unit is considered part of a dwelling for the purpose of determining the number of college students that may occupy the dwelling.
6. Short-term rentals are not permitted within accessory dwelling units.

1410 PARKING EXEMPTIONS

B. Exemptions from Parking Requirements

9. Accessory dwelling units.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
NOV 21 2024
FIRST READING
READ AND PASSED

Jina L. Mastrosianni
CLERK

IN CITY
COUNCIL
DEC 05 2024
FINAL READING
READ AND PASSED

Rachel M. Miller
RACHEL M. MILLER, PRESIDENT
Jina L. Mastrosianni
CLERK

I HEREBY APPROVE.

Boat P. Smith
Mayor

Date: 12/9/24



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

July 23, 2024

Councilman Pedro Espinal
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Tina Mastroianni, City Clerk

Re: Referral 3584 – Amendment of the Zoning Ordinance pertaining to Accessory Dwelling Units (ADU)
Proponent: Department of Planning and Development (DPD)

Dear Chairman Espinal,

The proponent is proposing to amend sections in Articles 2, 12, 13 and 14 of the zoning ordinance to permit development of Accessory Dwelling Units (ADU) by right, in accordance with changes made to state law. To clarify that it is an accessory use, the definition and regulations are being moved out of Article 12, which pertains primarily to principal uses. New regulations introduced to Article 13 are intended to comply with state law. The CPC added a change to the ordinance restricting the height of detached ADUs to 10' at the lot line with a one foot height increase permitted for every one foot increase to the rear yard setback, for a maximum height of 20'.

The CPC found that the change would be in conformance with objective H-2 of the plan which encourages creation of new housing. It would also conform to objective LU-3 which promotes the development of a wide range of residential land uses to ensure a diversity of housing choices.

The CPC found that the change would conform to the purposes of zoning outlined in section 101 of the zoning ordinance as the criteria include definition of a range of uses and allowable intensities appropriate to the City's character and providing efficient review of development proposals.

DEPARTMENT OF PLANNING & DEVELOPMENT

JOSEPH A. DOORLEY JR. MUNICIPAL BUILDING, 444 WESTMINSTER ST, PROVIDENCE RI 02903
PHONE 401.680.8400 | WWW.PROVIDENCERI.GOV/PLANNING

ADU amendment
Referral 3584
7/23/24

RECOMMENDATION

On a motion by Commissioner Lipschitz, seconded by Commissioner Caldwell, the CPC voted to recommend that the City Council approve the amendment:

The CPC voted as follows:

AYE: C. Lipschitz, D. Caldwell, W. Sherry, M. Gazdacko

Sincerely,



Choyon Manjrekar
Administrative Officer



**Board
Of
Directors**

Sara Bradford
Rick Champagne
Warren Curtis
Barry Fain
Frank Faltus
Seth Kurn
Nina Markov
Brandy McKinnon
Chuck O'Boyle
Pam Pond
William Ricci

Ordinance Committee
City Council
Providence, RI 02903

RE: ADU ordinance

Dear members of the Ordinance Committee and all
City Council members:

We believe that a Providence ADU ordinance must retain an owner-occupancy requirement. While we agree that ADUs should no longer be restricted to elderly or disabled family members, ADUs *should* continue to be limited to owner-occupied homes. Such a restriction not only will incentivize homeowners to create more needed rentals, but also will make homeownership more affordable and therefore more accessible to more people (renting an ADU offsets homeownership expenses). Without an owner-occupancy restriction, non-resident real estate investors will be incentivized to buy up these now potentially more profitable family homes, outbidding and edging out ordinary buyers and making buying a home even more difficult for families. The proposed Comp Plan will already open up stable neighborhoods to unprecedented outside development, impacting current residents in unknown ways. An ADU rule restricted to owner-occupants (including non-profits) will support resident homeownership rather than undermine it—while also addressing the housing crisis by creating more rentals.

We do not believe that the state legislature's removal of the three words "owner-occupied residence" from a five-page ADU ordinance *requires* cities to eliminate the owner-occupancy restriction from ADUs; in fact, an ADU or "granny flat" *is by definition* a unit in (or a structure attached to) an owner-occupied single-family home. If state legislators had intended to *forbid* communities from having an owner-occupancy restriction, they would have said so explicitly and expressly—not just omitted a couple of words, a change many legislators might not even have noticed, let alone approved.

Thank you for your consideration.

Sincerely,
Nina Markov

P.O. Box 2442 Providence, RI 02906
chna@chnaprovidence.org | chna@chnaprovidence.org

CHNA president

Sincerely,
Nina Markov, President, CHNA