

City of Pawtucket

CHAPTER #3302

APPROVED 8/21/2024

AN ORDINANCE IN AMENDMENT OF CHAPTER 410 OF THE CODE OF ORDINANCES OF THE CITY OF PAWTUCKET 1996, ENTITLED "ZONING". (Amendment to Zoning Ordinance to Regulate Accessory Dwelling Units) AS AMENDED.

WHEREAS, an ordinance entitled "Zoning Ordinance" of Pawtucket, Rhode Island, designated as Chapter 2373 of the ordinances of the City of Pawtucket was approved on December 19, 1994, and such ordinance is further identified as Chapter 410 of the Revised Ordinances of the City of Pawtucket, and

WHEREAS, by the terms of said Chapter 2373, the regulations, restrictions, and boundaries set forth in the ordinance may, from time to time, be amended, and

WHEREAS, it is deemed appropriate that certain changes be made to the zoning ordinance and zoning district maps and that the public convenience and general welfare will be served thereby, and

WHEREAS, the proposed amendments to the zoning ordinance and zoning district map have followed the procedure set forth in Chapter 410-121, and

WHEREAS, the Pawtucket City Planning Commission has reviewed the proposed amendments and found that they are in conformance with the Pawtucket Comprehensive Plan for Land Use as amended and the general purposes of zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PAWTUCKET ELIMINATES SECTION B AND ADOPTS THE NEW LANGUAGE, AS FOLLOWS:

SECTION 1. CHAPTER 410, ARTICLE VII: 410-46.B Zoning Regulations for Accessory Dwelling Units

(1) Purpose:

The purpose of this ordinance is to provide regulations for the development of Accessory Dwelling Units (ADUs) in the City of Pawtucket. ADUs offer a means to increase the supply of affordable housing, support diverse housing needs, and promote efficient use of existing infrastructure while maintaining the character of residential neighborhoods.

(2) Definitions:

For the purposes of this ordinance, the following definitions apply:

- a) Accessory Dwelling Unit (ADU): A residential living unit on the same parcel lot where the primary principal use is a legally established single-family dwelling unit or multi-unit family dwelling unit. 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.
- b) Principal Dwelling Unit: The main residential structure on a lot, which houses the primary occupants.
- ~~c) Owner-Occupied: The owner of the property resides in either the principal dwelling unit or the accessory dwelling unit as their primary residence.~~

(3) Permitted Zones:

Notwithstanding any other provision of this chapter, one (1) accessory dwelling unit ~~in an owner-occupied residence that complies with ("ADU")~~ that meets the requirements of RIGL§ 45-24-31 and 45-24-73(a) shall be a permitted use in all residential zoning districts. An ADU which meets the requirements of RIGL § 45- 7 24-31 and 45-24-73(a) shall be permitted through an administrative building permit process only.

(4) General Requirements:

~~a) Owner Occupancy: The property owner must reside in either the principal dwelling unit or the ADU.~~

~~a) b) Maximum Size:~~

- 1) A studio or one (1) bedroom ADU up to nine hundred square feet (900 sq. ft), or sixty percent (60%) of the floor area of the principal dwelling, whichever is less;
- 2) A two (2) bedroom ADU up to twelve hundred square feet (1,200 sq. ft.), or sixty percent (60%) of the floor area of the principal dwelling, whichever is less.

~~b) e) Setbacks and Height: ADUs must comply with the same setback and height requirements as the principal dwelling unit.~~

~~c) d) Parking: A minimum of one (1) off-street parking spaces-per-bedroom-in-the per ADU must be provided.~~

~~d) e) Utilities: ADUs must be connected to the same water, sewer, and electrical utilities as the principal dwelling unit. (unless such improvements and/or modifications are required by an applicable state agency for compliance under state law or regulation, or to comply with building code requirements, or to address capacity or upgrades necessary to accommodate the ADU).~~

(5) Specific Requirements for Newly Constructed Detached ADUs

- a) Location: Detached ADUs must be located in the rear yard and comply with the provisions of Section 410.46(A)(4)
- b) Height: Detached ADUs shall not exceed the maximum height requirement for an accessory structure in the zoning district the property is located in.
- c) Lot coverage: Newly constructed Accessory Dwelling Units (ADUs) shall comply with the lot coverage requirements of the appropriate zoning district.

(6) Conversion of Existing Structures

- a) Conversion: Existing accessory structures, such as garages or workshops, may be converted into ADUs provided they meet the requirements of this ordinance.
- b) Compliance: All conversions must comply with building codes and obtain necessary permits.

(7) ADUs shall not be offered or rented for tourist or transient use or through a hosting platform, as such terms are defined in RIGL§ 42-63.1-2.

- a) "Hosting platform" means any electronic or operating system in which a person or entity provides a means through which an owner may offer a residential unit for "tourist or transient" use. This service is usually, though not necessarily, provided through an online or web-based system which generally allows an owner to advertise the residential unit through a hosted website and provides a means for a person or entity to arrange tourist or transient use in exchange for payment, whether the person or entity pays rent directly to the owner or to the hosting platform.

(8) Application and Approval Process

- a) Application: Property owners must apply for a zoning certificate to the Director of Zoning and Code Enforcement or their designee for review before a building permit will be reviewed.
- ~~b) Before a certificate of occupancy or certificate of completion is issued for an accessory dwelling unit a recorded document shall be filed in the land evidence records for the property stating that the property owner acknowledges that the property with the accessory dwelling unit will be owner occupied.~~

(9) Enforcement and Penalties

- a) Violations of the provisions of this section are subject to enforcement actions and penalties as specified in Section 410.101 of the ordinance.

(10) Severability

- a) If any provision of this ordinance is found to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

SECTION 2. This ordinance shall take effect upon passage and publication as required by law.

**ORDINANCE OF THE
CITY OF PAWTUCKET**

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**INTRODUCED AND
LAID ON THE TABLE**

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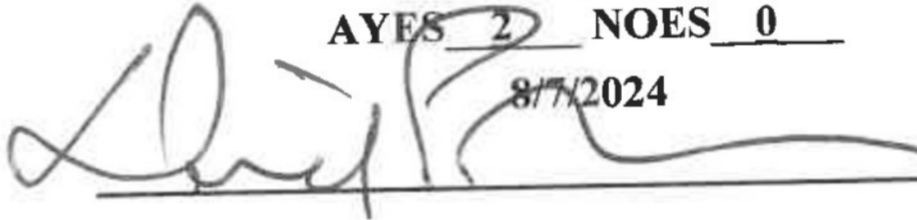
Clerk

**LAID ON THE TABLE AND REFERRED TO THE
ORDINANCE COMMITTEE
AND PUBLIC HEARING SET FOR 8/7/2024**

6/18/2024
 **Clerk**

**ORDINANCE COMMITTEE
RECOMMENDS APPROVAL, AS AMENDED**

AYES 2 NOES 0

8/7/2024
 **Chair**

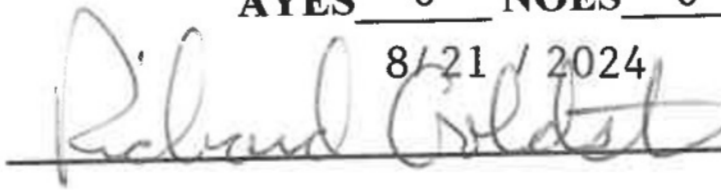
**READ AND GIVEN FIRST PASSAGE
AS AMENDED**

AYES 7 NOES 0

8/7/2024
 **Clerk**

READ AND GIVEN SECOND PASSAGE

AYES 6 NOES 0

8/21/2024
 **Clerk**

APPROVED

8 / 21 / 2024

 **MAYOR**