CITY OF NEWPORT
ORDINANCE
OF THE
COUNCIL

NO.

AN ORDINANCE IN AMENDMENT OF TITLE 17 OF THE CODIFIED ORDINANCES OF THE CITY OF NEWPORT, RHODE ISLAND, REVISION OF 1994, AS AMENDED, ENTITLED, "ZONING."

BE IT ORDAINED by the City of Newport:

SECTION 1. Add New Chapter:

Chapter 17.79. ACCESSORY DWELLING UNITS

17.79.010. Purpose of provisions.

The purpose of this chapter is to increase housing accessibility and affordability and enable aging in place through the provision of long-term rental housing.

17.79.020. Applicability.

Accessory dwelling units are allowed by right under the following circumstances:

A. On an owner-occupied property as a reasonable accommodation for family members with disabilities.
B. On a lot with a total of twenty-thousand square feet (20,000 sq. ft.) or more in area and located in a residential zoning district (R-3, R-10, R-10A, R-20, R-40, R-40A, R-60, R-120, R-160) for which the primary use is residential.
C. On any lot in a residential zoning district (R-3, R-10, R-10A, R-20, R-40, R-40A, R-60, R-120, R-160) where the proposed ADU is located within the existing footprint of the primary structure or existing accessory attached or detached structure and does not expand the footprint of the structure. Footprint expansion is allowed exclusively for the purposes of ingress and egress as established in the Development Standards (D) of this chapter.

17.79.030. Development standards.

A. Number of ADUs on a property: no more than one (1) ADU shall be allowed per lot.

B. Size: A studio or one-bedroom ADU is allowed to be up to 900 sq. ft., or sixty percent (60%) of the floor area of the principal building, whichever is less; and a two-bedroom ADU is allowed to be up to 1,200 sq. ft., or sixty percent (60%) of the floor area of the principal building, whichever is less. Minimum sizes are determined by the building code. ADUs are limited to a maximum of two bedrooms.

C. Ingress and egress: The ADU shall have separate ingress and egress from the principal unit, either from the exterior of the principal building or from a common interior area.

D. A footprint expansion of an existing structure is allowed up to 100 sq. ft. demonstrated to be exclusively for the purposes of ingress and egress. Such expansions shall be compliant with the setbacks established for the applicable zoning district.

E. Setbacks and Height: ADUs shall be subject to the setback and height requirements in Chapter 17.78 Accessory Uses, Buildings, and Structures.

F. Parking: Any parking spaces removed due to the ADU must be offset on site.

G. Density: Accessory dwelling units shall not be subject to density requirements.

H. Ownership: For any lot on which an ADU is located, all structures on the lot, and all areas of all structures on the lot shall be held in single, joint, common or otherwise undivided ownership.

I. Infrastructure Improvements: The City will only require infrastructure improvements in connection with the ADU, including, but not limited to, separate or upgraded water or sewer service lines or expanded septic system capacity, if necessary to comply with building code requirements, or to address capacity or upgrades necessary to accommodate the ADU.

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

17.79.040. Filing procedures and processing.

Accessory dwelling units (ADUs) shall be subject to the following filing and processing procedures:

A. ADUs which meet the applicability criteria established in this chapter and meet all zoning requirements shall be reviewed and decided administratively. Applications shall be filed as a building permit through the City's online permitting system.

B. ADUs located within the historic district that modify or expand the exterior of an existing principal or accessory structure, or a new detached ADU shall be subject to a certificate of appropriateness review by the Historic District Commission.

C. In cases where the ADU is proposed in a non-conforming structure, the following applies:

   1. An ADU proposed entirely within the shell of the existing non-conforming structure is exempt from section 17.109.010.(C). - Special Use Permits and section 17.109.020.(F) - Special use permit criteria, Category 6.

   2. Where an expansion of the footprint of the existing non-conforming structure (e.g., adding a floor) is proposed to accommodate an ADU, it is considered to create a new non-conforming element and therefore subject to the variance process as established in Chapter 17.108. - Variances and Modifications.

D. ADUs are allowed as part of applications for new primary dwelling units or subdivisions. For proposed ADUs that are part of a larger development proposal, such ADUs shall not count toward density of the proposal for purposes of limiting the number of dwelling units allowed in such development proposal.

E. ADUs legally established under this chapter shall not be required to be disassembled or the permit status revoked, upon transfer of title or occupancy.

17.79.050. Private restrictions.

Pursuant to RIGL §45-24-73, private restrictions on ADUs imposed by condominium associations, homeowner associations, or similar residential property governing bodies, which conflict with the provisions of RIGL §45-24-73 or the definition of an

ADU as set forth in §45-24-31, shall be void as against public policy.

SECTION 2. This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

IN COUNCIL
READ AND PASSED

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LAURA C. SWISTAK, CMC
CITY CLERK