**This is a new template. Accessory dwelling units are now a permitted use in all residential zoning districts, if they meet the requirements under state law. The language below in red is directly from state law and must be inserted into the local zoning ordinance. The language in blue is directly from the 2024 legislation and shown through strike throughs and underlining how the text must be amended. The additional language in black is derived from best practices and examples of accessory dwelling unit regulations and ordinances. Those sections are recommended to accompany the red text and provide guidance to applicants and the municipality.**

**UNDER DEFINITIONS SECTION, REPLACE and/or MODIFY EXISTING DEFINITION FOR ACCESSORY DWELLING UNIT WITH:**

Accessory Dwelling Unit (ADU). A residential living unit on the same lot where the principal use is a legally established single-family dwelling unit or multi-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.

**UNDER PERMITTED USES SECTION, REVISE EXISTING PERMITTED USES SECTION:**

* 1. *Accessory Dwelling Units.*

1. Permitted Use.**[[1]](#footnote-1)** Notwithstanding any other provisions of this ordinance, an accessory dwelling unit ~~in an owner occupied residence that complies with~~ (“ADU”) that meets the requirements of §§ 45-24-31 and 45-24-73(a) shall be a permitted ~~as a reasonable accommodation for family members with disabilities or who are sixty two (62) years of age or older, or to accommodate other family members~~ use in all residential zoning districts. An ADU which meets the requirements of 45-24-31 and 45-24-73(a) shall be permitted through an administrative building permit process only.

**WITHIN THE ZONING ORDINANCE**

* 1. *Accessory Dwelling Units.*

1. Eligibility. One ADU per lot is allowed under the following circumstances:**[[2]](#footnote-2)**
   1. On an owner-occupied property as a reasonable accommodation for family members with disabilities; or
   2. On a lot with a total lot area of twenty thousand square feet (20,000 sq. ft.) or more for which the primary use is residential; or
   3. 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.
2. Dimensional requirements.**[[3]](#footnote-3)**
   1. All ADU’s shall comply with the dimensional standards for an accessory structure in the same zoning district.**[[4]](#footnote-4)**
   2. The maximum unit size for an ADU is as follows:
      1. A studio or one (1) bedroom ADU of [900 sq. ft. or 60% of the floor area] of the principal dwelling, whichever is less**[[5]](#footnote-5)**.
      2. A two (2) bedroom ADU of at least [1200 sq ft or 60% of the floor area] of the principal dwelling, whichever is less**[[6]](#footnote-6)**.
3. Use Standards.
   1. ADUs cannot be offered or rented for tourist or transient use (defined as occupancy less than 30 days) or through a hosting platform.
4. Procedural requirements.
5. ADUs shall be 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 be counted toward density of the proposal.
6. Any application that includes ADUs may be considered through a unified development review process.
7. An ADU which does not meet the requirements under Section 1.1.a above. shall be reviewed through an application for [a special use permit].**[[7]](#footnote-7)**
8. [ADUs are exempt from utility assessment and/or tie-in fees].**[[8]](#footnote-8)**
9. Prohibited requirements.**[[9]](#footnote-9)** The [city/town] shall not restrict or regulate the following as they relate to the construction and/or approval of accessory dwelling units.
   1. Restrict tenants based on familial relationships or age unless necessary to comply with the terms of a federal subsidy related to affordability;
   2. Application or permitting fees that exceed those that would be charged for an application or permit for a new single-family dwelling;
   3. Required infrastructure improvements in connection with the ADU unless such improvements are required by a state agency or to comply with building code requirements or to address capacity or upgrades necessary to accommodate the ADU;
   4. Discriminate against protected populations under fair housing laws;
   5. Dimensional requirements or other development standards that exceed requirements for an accessory structure in the same zoning district;
   6. Require additional lot area, lot frontage, or lot width requirements for conforming lots or legal nonconforming lots of record solely to accommodate an ADU;
   7. Require zoning relief for ADU applications proposed within an existing footprint of the primary or accessory structure which is a legal nonconforming structure in order to address the existing dimensional nonconformity;**[[10]](#footnote-10)**
   8. Require more than one (1) off street parking space per bedroom of the ADU;
   9. Restrict ADUs to lots with preexisting dwellings or otherwise prohibit ADUs as part of applications for new primary units or subdivisions;
   10. Prohibit an ADU that otherwise meet requirements of this section and the applicable dimensional requirements from having up to two (2) bedrooms;
   11. Require that an ADU be exclusively occupied by low-or moderate-income households unless ADU is part of inclusionary zoning or comprehensive permit application;
   12. Revoke the permitted status, or otherwise require the disassembly of a legally established ADU upon transfer of title or occupancy;
   13. Prohibit or restrict ADUs as part of applications for new primary dwelling units or subdivisions. When proposed ADUs are part of a larger development proposal, the city/town shall not count such ADUs toward density of the proposal for purposes of limiting the number of dwelling units allowed.

**NOTES:**

The law contains further restrictions on ADUs that are not appropriate for insertion into an ordinance but are noted here so that municipalities are aware of these as they regulate the use. RIGL 45-24-73(b)(6) and (7) state the following restrictions on ADUs:

(6) Private restrictions on ADUs imposed by condominium associations, homeowner associations, or similar residential property governing bodies, which conflict with the provisions of this section or the definition of an ADU as set forth in § 45-24-31, shall be void as against public policy. Provided, however, if ADUs are allowed by condominium association covenants, homeowner association covenants, or similar residential property governing bodies, they shall be deemed in compliance with this subsection.

(7) The development of ADUs shall not be restricted by any locally adopted ordinance or policy that places a limit or moratorium on the development of residential units in land zoned for residential use.

1. The law amended the permitted uses section under RIGL 45-24-37 to amend the existing language around ADUs permitted by right. Language in red is existing and language in blue is either existing that was deleted (strikethrough) or added text (underlined). The permitted uses section of the zoning ordinance should be amended to reflect these changes. [↑](#footnote-ref-1)
2. These are the standards under which an ADU shall be permitted through an administrative building permit process under §45-24-73(a). [↑](#footnote-ref-2)
3. The state law does not require specific dimensional standards be set for ADUs. This section is provided as a best practice and to ensure that municipalities are aware that they are permitted to set unit size restrictions, but those restrictions are limited by state law. [↑](#footnote-ref-3)
4. The state law says that ADUs are subject to applicable dimensional requirements; municipalities may rely on the dimensional requirements for accessory structures in the zoning district or may permit less restrictive dimensional requirements specifically for ADUs. [↑](#footnote-ref-4)
5. Per RIGL § 45-24-73(b) a one bedroom or studio ADU cannot be restricted to be smaller than 900 square feet or 60% of the floor area of the principal dwelling, whichever is less. Municipalities do not have to restrict the size of an ADU, but if they chose to, it cannot be restricted to be smaller than this threshold. [↑](#footnote-ref-5)
6. Per RIGL § 45-24-73(b) a two-bedroom ADU cannot be restricted to be smaller than 1,200 square feet or 60% of the floor area of the principal dwelling, whichever is less. Municipalities do not have to restrict the size of an ADU, but if they chose to, it cannot be restricted to be smaller than this threshold. [↑](#footnote-ref-6)
7. Applications that meet the requirements of 1.1.a(1), (2), or (3) as presented above under the section that would be inserted into the zoning ordinance structure are to be permitted by an administrative building permit process. Municipalities may permit ADUs beyond the minimum requirements outlined in those three categories. If the municipality decides to be more permissive than the minimum requirements, they can require a special use permit for such units with specific and objective criteria or they can permit the unit by right under specific requirements. The suggested mechanism in this template is a special use permit with specific and objective criteria. RIGL § 45-24-73(b)(3) prohibits the municipality from using minor or major land development process applications for ADUs that would not otherwise be part of a development project. [↑](#footnote-ref-7)
8. RIGL 45-24-73(b)(5) permits municipalities to exempt ADUs from all or part of utility assessments and/or tie in fees. This is an optional provision. [↑](#footnote-ref-8)
9. Although these restrictions are not required to be included in the text of the ordinance, they are listed here so that it is clear what can and cannot be regulated through the ordinance on ADUs. These can be listed as specific prohibited restrictions, or a municipality can use this list to ensure their ordinance does not contain any of these restrictions. [↑](#footnote-ref-9)
10. This is being interpreted to mean that if structure is a legal nonconforming structure, the application for an ADU alone shall not require seeking dimensional relief for the structure when the ADU is proposed to be within the existing footprint, even if that footprint is causing a dimensional nonconformity. This does not mean that the municipality cannot restrict the size of the unit as is permitted under § 45-24-73(b)(1). Municipalities should consult with their solicitor on this interpretation. [↑](#footnote-ref-10)