



February 13, 2024

The Honorable Stephen Casey, Chairman
House Committee on Municipal Government and Housing
RI State House - House of Representatives
82 Smith Street
Providence, RI 02903

RE: 24-H-7324 – An Act Relating to Towns and Cities – Zoning Ordinances (Floor Area Ratio - FAR)

Dear Chairman Casey and Members of the Committee:

Thank you for the opportunity to comment on this legislation which amends a section of the Zoning Enabling Act (ZEA) regarding Floor Area Ratio regulation (*RIGL 45-24-33(a)(4)ii*). Our organization, the RI Chapter of the American Planning Association (APA-RI), considers all proposed changes to the enabling act with an open mind, particularly those relating to incorporation of new technology as well as refined processes of review, but also to ensure that the amendments meet the general purposes of good planning and assist the municipalities in doing so.

Floor Area Ratio is a valuable tool for use by communities to regulate the size of homes, particularly those located on very small lots or in areas where real estate values are very high. It can be employed in concert with dimensional standards to ensure a balance between the home and the land it sits upon.

A concern with H-7324 is that it does not illuminate a primary purpose, thus it is difficult to engage in a discussion of how the proposed text could be improved. By contrast, there is a positive purpose in the allowance of cities and towns to utilize dimensional restrictions on floor area within their respective zoning codes. Not all RI municipalities use this tool but it has been available in the ZEA since 1991.

Those that do employ FAR regulations have done so to bolster other dimensional standards such as building setbacks and lot coverage. Certain communities, especially those with smaller lots in high value neighborhoods have experienced the demolition of small cottages and reconstruction of very large homes that impose unintended consequences on the surrounding neighborhood. In some cases, they have resulted in use of front yards as parking areas, stormwater drainage offsite to other properties, over-stressed septic systems and a notable increase in problematic short-term rentals.

Attached is a brief outline of the APA-RI position in support of retaining the enabling opportunity for individual municipalities to draft and employ a floor area regulation. On behalf of the APA-RI we respectfully oppose this bill and request the language in Section 45-24-33 enabling use of FAR to remain as is.

Thank you for your time and consideration.

Sincerely,

Ashley Sweet, APA-RI Immediate Past President
Co-chair - Legislative Review Committee