



TOWN OF BRISTOL, RHODE ISLAND

PLANNING BOARD MEETING

Planning Board Meeting Agenda

Thursday, November 14, 2024 at 7:00 PM

Community Development Office Conference Room, 235 High Street,
1st Floor, Bristol, RI 02809

A. Pledge of Allegiance

B. Approval of Minutes - October 10, 2024

C. New Business

C1. Proposed CDBG Projects - Planning Board to review and make a finding of consistency with the Comprehensive Plan

C2. Housing Element Update from Horsley Whitten and Camoin Associates

C3. Review draft updates from the Solicitor's Office for Zoning Ordinance per revised State Law and make recommendations to the Town Council and finding of Consistency with the Comprehensive Plan and General Purposes of Zoning

C4. Review Proposed 2025 Planning Board Meeting Calendar

D. Adjourn

Date Posted: October 31, 2024

By: mbw



Town of Bristol, Rhode Island

Department of Community Development

10 Court Street
Bristol, RI 02809
bristolri.gov
401-253-7000

October 30, 2024

TO: Bristol Planning Board

FROM: Diane M. Williamson

A handwritten signature in cursive script, reading "Diane M. Williamson", is written over the "FROM:" line.

RE: CDBG Housing Applications – Consistency with the Comprehensive Plan

The attached chart shows the CDBG Housing Applications that the Town is submitting.

The Board is requested to make a finding that they are consistent with the Comprehensive Plan.

Thank you.

Proposed CDBG Projects by Bristol Community Development

Organization	Project	Project Overview	Total Grant Funding Requested	Comprehensive Plan Action Items Addressed
Bristol Housing Authority	Benjamin Church Manor Shower Replacement	Replacement of tubs with walk-in showers	\$197,809	H-25 Help seniors age in place and provide programs that engage them in socialization outside of the home as well.
Town of Bristol	Home Repair Program	Fund the Home repair program to provide funds for eligible residents to repair homes	\$400,000	H-11 Continue and expand the Towns CDBG home repair and home maintenance grant and loan programs.

Total Grant Funding: \$597,809

Bristol Comprehensive Plan

Draft Housing Chapter

For Town Review November 2024

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Introduction

The Town of Bristol is home to a culturally and economically diverse population. The quality of life in Bristol attracts homebuyers from across the region. The Town's community spirit encourages pride and long-term commitment to the community, including people's homes and neighborhoods.

The Town of Bristol recognizes that adequately maintaining and constructing a diverse array of homes is vital for the quality of life in our community and the health of our local economy. It is also critically important for making sure the children and grandchildren of our families with deep roots in the community are able to make their homes here into the future and continue the Town's tradition of pride. The whole town benefits when people have access to a variety of housing types and prices that meet their needs at various stages of life.

Bristol also recognizes that it has limited land and environmental issues, including low-lying lands subject to flooding, that will continue to constrain how many new homes are built and where in town they can best be accommodated. Fortunately, Bristol already has one of the most diverse housing stocks in Rhode Island outside the urban core, with single-family homes of various sizes, two-families, three-families, and both small and larger-scale apartments and condominiums. Unfortunately, the cost of housing is increasingly out of reach for the average household in town, even for more modest housing in traditionally working-class neighborhoods.

Having housing that is safe and affordable is important in order to keep the younger generations in Town, help provide Town services such as the volunteer Fire Department and have a strong workforce. The Town is also aging, and in great need of more independent and assisted living opportunities for seniors as well as support services to help people better age in place. What is good for the growing elderly population is actually good for all residents, such as making streets more pedestrian friendly.

In this challenging situation, the overarching goal is to develop housing policies that meet the needs of our residents and employers, support our neighborhoods, make efficient use of our existing infrastructure, and protect our remaining natural resources today and into the future. There are no easy solutions left, and every decision the Town will make regarding housing will have tradeoffs. This Housing Chapter lays out local policies and implementation actions to provide a range of housing choices, recognizing the local, regional, and statewide housing needs of people at a range of income levels and all stages of life.

One of the major objectives of the Housing Chapter is to reassess the Town's existing strategies to facilitate the development and maintenance of at least 10 percent of the Town's housing stock as subsidized affordable housing as defined by the Rhode Island Low and Moderate Housing Income Act. However, this Housing Chapter also recognizes that market rate housing development and renovation of the existing housing stock are just as important for meeting the long-term housing needs of the community.

Low or Moderate Income Housing

The State’s definition of “low or moderate income housing” includes:

‘any housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of housing affordable to low- or moderate-income households, as defined in the applicable federal or state statute, or local ordinance and that will remain affordable through a land lease and/or deed restriction for ninety-nine (99) years or such other period that is either agreed to by the applicant and town or prescribed by the federal, state, or municipal government subsidy program but that is not less than thirty (30) years from initial occupancy’ (www.rilin.state.ri.us).

Low to moderate income (LMI) households in Bristol are defined as those reporting incomes below 80 percent of the median household income for the Providence-Warwick Metropolitan Statistical Area (MSA).

Throughout this chapter, the term “**LMI Housing**” or “**Low-Moderate Income Housing**” will refer to subsidized housing units that count toward the Town’s low or moderate income housing goals. The term “**affordable housing**” will refer to any home that is generally affordable to the occupant, whether market rate, subsidized, owner-occupied, or renter-occupied.

Community Engagement

This chapter was updated with input from many stakeholders, as summarized below. First, several key stakeholders were interviewed to get a sense of how the Town’s housing needs have changed since the last comprehensive plan was adopted. Interviewees included the Bristol Housing Authority, the East Bay CDC, local developers, and the Town Administrator. Next, Town staff discussed the latest housing data and trends with the Planning Board and reviewed the existing Goals, Policies, and Actions for housing, considering what has been accomplished, what is in progress, what has not been accomplished, and what might be missing. The Town hosted a public meeting on May 22, 2024, where residents were asked to provide their thoughts on the Town’s current housing actions and how they might be updated. Participants were also asked three big-picture questions:

Question #1: What is working well with the housing supply and market in Bristol?

Question #2: What needs are not being met? Discuss issues that you, your family, your friends, or your neighbors have had in trying to find the types of housing you need at a price you can afford.

Question #3: What are your big ideas? Be creative! What do you think the community can do to tackle these issues together?

After this discussion, the meeting became an open house. Participants were invited to walk around and look at informational display boards, including:

- Goal and Policy Boards – Modified existing Goals and Policies
- Existing Action Boards – Participants were asked to place dots on the board indicating whether they support, support with changes, or do not support an action.
- Potential Action Boards – The same dot exercise was used to evaluate potential new actions.
- Big Ideas Board
- Zoning Map of Bristol – Where should LMI housing be encouraged?

The first part of the meeting was live-streamed online. In addition, the Town prepared an online survey that replicated many of the same questions discussed in person. In total, approximately 120 people participated in the public meeting and/or the online survey. The Goals, Policies, and Actions presented below were all informed by this feedback.



Bristol Housing Data and Trends

Snapshot

Below is a quick snapshot of some of the key housing statistics for Bristol. The data come from the 2022 American Community Survey.

HOUSING UNITS

9,432

Existing housing units in Bristol.
This number is up 8.4% since 2000

HOUSING OCCUPANCY

86%

Occupied
housing units

14%

Vacant
housing units

YEAR-ROUND vs. SEASONAL

9,095

Year-round

337

Seasonal

HOUSING TENURE

70.2%

Owner-
occupied

29.8%

Renter-
occupied

HOUSING TYPES

70.2%

Single-Family

11.9%

Two-Family

17.9%

Multi-Family (3+ units)

In brief, the housing stock in Bristol has been rising steadily, if slowly, since 2000. These increases are minimal compared with the growth experienced from the 1950s through the 1980s. The calculated vacancy rate is quite high, but it is likely that much of this reflects the increasing number of seasonal homes and properties used as short-term rentals. While only 337 seasonal vacancies were calculated, this is probably an undercount. The owner occupancy rate is just above 70%, much higher than neighboring Warren (54.9%) and Rhode Island overall (59.4%) and much lower than neighboring Barrington (87.0%). About 70% of the Town's homes are single-family units, whether attached or detached, which is much higher than Warren (58.1%) and Rhode Island overall (60.8%) and much lower than Barrington (93.6%).

Housing Costs

Table 1. Bristol Median Home Price Trends, 2019-2024.

Year End	August 2024	January 2024	January 2023	January 2022	January 2021	January 2020	August 2019
Median Sales Price	\$600,000	\$625,000	\$520,000	\$500,000	\$385,000	\$368,000	\$345,000

Source: "Bristol, RI Housing Market," Redfin, 2024, <https://www.redfin.com/city/35723/RI/Bristol/housing-market>. (January 2019 data unavailable.)

Table 2. Bristol Median Rental Prices, 2023-2024.

Year	1-Bedroom Unit	2-Bedroom Unit	3-Bedroom Unit
January 2023	\$2,200	\$2,400	\$2,100
January 2024	\$1,650	\$1,950	\$2,400
October 2024	\$1,900	\$2,200	\$2,550

Source: "Bristol, RI Rental Market," Zillow, updated: October 26th, 2024, <https://www.zillow.com/rental-manager/market-trends/bristol-ri/>.

According to [US Census data](#), for the 2018 to 2022 period, Bristol's median household income was \$91,382 and the median value of owner-occupied housing units was \$426,000. For comparison, for that same period, [the figures](#) for Rhode Island as a whole were \$81,370 and \$343,100, respectively. Broadly speaking, of course, those figures indicate that Bristol residents generally have both higher housing costs and more financial means to meet those costs (although certainly not always - a point later subsections will revisit).

Beyond US Census data, a look at real estate prices online shows a starker picture. For example, the median price for a house in Bristol on [Redfin as of August 2024](#) was \$600,000.

In 2023, according to [an article](#) from East Bay RI, Bristol had the highest price increase (28%) in real estate sales of any community in Rhode Island's East Bay region. Bristol also joined the top ten towns and cities with the highest single-family home values in Rhode Island.

In 2021, the average construction value per permit for a single-family house was \$264,000, compared to \$120,400 in 2000. However, the average cost has varied substantially, going as high as \$662,000 in 2008.¹

¹ "Bristol, Rhode Island," City-Data, last accessed: October 28th, 2024, <https://www.city-data.com/city/Bristol-Rhode-Island.html>.

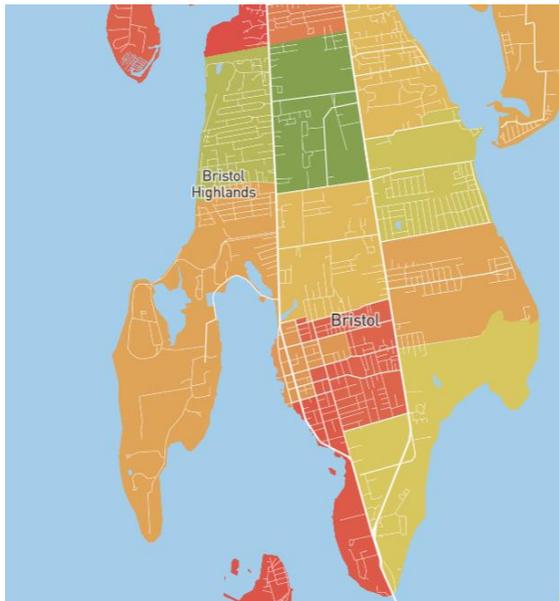
Housing Trends

Age and Condition of Housing Units

Bristol has a relatively old housing stock, with 32.5% of housing units built before 1949 and just 2.7% between 2010 and 2019. The decades from the 1950s through the 1980s are each responsible for over 10% of Bristol's housing stock, with the median home in Bristol constructed in 1966. In other words, many of Bristol's homes have long histories, and the benefits and challenges that come with age.

Older homes can be a wonderful part of a community's heritage and a financial boon for a community if those properties attract tourists or enthusiastic homebuyers. They may also bring maintenance and upkeep costs, not associated with their newer counterparts (for example, if old, unsafe materials, such as lead, need to be removed).

Below is a map of Bristol based on home ages, with the redder colors indicating older homes.



Source: <https://bestneighborhood.org/housing-data-in-bristol-ri/>

The majority of owner-occupied houses have five to seven rooms. By contrast, most renter-occupied apartments have four to five rooms. Most owner-occupied homes have three bedrooms, whereas most renter-occupied homes have one to two bedrooms.

The chart below shows the proportions of different types of homes in Bristol. The dark blue is for single family units, which make up about 70% of all units.

Table 3. Number of Housing Units by Type, 2022.

Single Family Detached	Single Family Attached	2-Family	Multifamily 3-4 Units	Multifamily 5+ Units
5,755 – 61.2%	378 – 4.0%	1,289 – 13.7%	672 – 7.1%	1,318 – 14.0%

Source: American Community Survey 2022

Housing Construction

As the previous subsection discussed, a very large proportion of Bristol’s housing units were constructed before the 1990s. Proportionally, according to the Rhode Island Department of Housing, the years following 1990 saw less housing construction. The years from 2000 to 2022, were responsible for just 12% of owner-occupied housing units, compared to 29% between 1980 and 1999. For renter-occupied housing units, only 7% were built between 2000 and 2022.

The relatively low amount of housing construction during the 2000 to 2022 period might be less surprising in light of population trends. In 2000, Bristol’s population was around 22,500, before shooting up to a peak for that period of around 24,500. The population then declined and rarely increased above 22,500 between 2010 and 2022. Additionally, the average household size remained almost the same between 2010 and 2022, at 2.31 and 2.32, respectively.

Permitting and construction completion data speaks to a tendency toward building single-family homes, rather than multifamily homes. In 2023, 11 new single-family units were completed, whereas no multifamily units were.² Of the 24 total housing units permitted in 2022, 16 were single-family units and 8 were multifamily units. This tendency is worth being aware of because it may affect factors like population density, availability of land, and construction and housing costs.

Occupancy

As of 2022 there were 8,065 occupied housing units in Bristol, 5,700 (or 70.2%) of which were occupied by the homeowners. Renters occupied 2,414 (or 29.8%) of the units. There were no vacancies among owners, but the rental vacancy rate was 8.2%. As a point of comparison, the nationwide vacancy rate for homeowners and renters was 0.8% and 5.8%, respectively.

There are many factors that can affect occupancy rates. One factor is age of homes. Many of the homes that renters live in are older. Sixty-one percent of renter-occupied housing units were built before 1960 (compared to 33% of owner-occupied housing units).

Another factor is short-term rentals. According to a 2023 report from the Rhode Island Foundation, Bristol had 106 units listed on short-term rental websites, outpaced by

municipalities like Narragansett (784) and Providence (313), but well above municipalities like Warren (42), Cranston (41), and East Greenwich (8).³

Academic institutions like Roger Williams University can be another factor. Some housing units may be unoccupied during transition periods in the academic calendar.

Framework for Housing

Zoning for Residential Uses

The Town of Bristol is divided into 18 base zoning districts, of which 12 districts allow for one or more types of standard residential use. Compared with many of its neighbors, Bristol's zoning allows for a wide range of housing types. Notably, Bristol has five zoning districts in which multi-household dwellings are allowed by right.

Table 4. Types of Residential and Mixed-Use Zoning Districts and the Types of Housing They Allow, 2024.

Name of District	Types of Housing Allowed	Minimum Lot Size (in Square Feet)	Notes
R-80 Zone	Single Household Dwelling	80,000	
R-40 Zone	Single Household Dwelling	40,000	
R-20 Zone	Single Household Dwelling; Two-Household Dwelling	20,000	Two-Household Structures allowed if at least one unit is deed restricted LMI housing.
R-15 Zone	Single Household Dwelling; Two-Household Dwelling	15,000	Two-Household Structures allowed if at least one unit is deed restricted LMI housing.
R-10 Zone	Single Household Dwelling; Two-Household Dwelling	10,000	
R-10SW Zone	Single Household Dwelling; Two-Household Dwelling	10,000	
R-8 Zone	Single Household Dwelling; Two-Household Dwelling	8,000	
R-6 Zone	Single Household Dwelling; Two-Household Dwelling; Multi-Household Dwelling	6,000	6,000 square feet for the first dwelling unit and 4,000 square feet per additional dwelling unit

³ Rhode Island Foundation. *Housing Supply and Homelessness in Rhode Island*. April 2023. <http://assets.rifoundation.org/documents/RI-Foundation-Coalition-x-BCG-Final-Report-June-2023-vF-1.pdf>.

			where public water and sewer required.
LB Zone	Single Household Dwelling; Two-Household Dwelling; Multi-Household Dwelling		
MMU Zone	Multi-Household Dwelling		Residential on upper floors of buildings only.
D Zone	Single Household Dwelling; Two-Household Dwelling; Multi-Household Dwelling		
W Zone	Single Household Dwelling; Two-Household Dwelling; Multi-Household Dwelling		Ground floor commercial uses are required for larger-scale multi-household dwellings.

Bristol's Housing Agencies and Programs

The Bristol Housing Authority (BHA) works to make affordable housing opportunities available to Bristolians. BHA is part of Bristol's Onboard System, a collaboration between the Town and different organizations to offer services to Bristolians in need. BHA oversees Benjamin Church Manor, an affordable housing complex for the elderly.

The East Bay Community Development Corporation (EBCDC) is a nonprofit organization that has been working for over 30 years to build and preserve affordable housing for low to moderate income residents in Bristol, Barrington, and Warren. The EBCDC is currently responsible for over 300 apartment units in those three towns and Franklin Court Independent Living and Franklin Court Assisted Living (both in Bristol). Originally called the Bristol Foundation, the East Bay CDC was born in 1989, the result of a study the Town of Bristol had commissioned. Its inception was initially focused on revitalizing the neighborhood around the Kaiser Mill Complex. The Kaiser Mill Complex is now home to Franklin Court Assisted Living.

The Housing Network of Rhode Island (HNRI) is an association of the state's Community Development Corporations (CDC). To help make housing more affordable for Rhode Islanders, HNRI advocates for state policies, connects first-time homebuyers and landlords with classes on home buying, and provides housing-specific informational resources to homebuyers, homeowners, tenants, and member organizations. HNRI is also affiliated with the Community Housing Land Trust of Rhode Island (CHLT), a nonprofit which works with developers and municipalities across Rhode Island to develop affordable housing. After construction, they also work with different stakeholders to ensure the property is compliant with deed restrictions requiring it to be affordable. HNRI plays this role for many properties in Bristol.

Bristol has tax exemptions for seniors, which can ease the financial burden of living in Bristol. The table below details the annual exemptions, per the Bristol Town Code.

Table 5. Bristol’s Tax Exemptions for Seniors By Age, 2024.

Ages 65-69	Ages 70-74	Ages 75 and Older
\$15,000	\$ 17,500	\$ 20,000

Source: Bristol, RI Town Code., § 27-9. - Entitlements and amounts (2024).

https://library.municode.com/ri/bristol/codes/code_of_ordinances?nodeId=PTIVCO_CH27TA_ARTIINGE_S27-9ENAM.

Bristol has a Home Repair Program. The Town started the program in order to help residents, notably those with limited financial means, improve their homes. To receive support through this program, applicants must meet certain income requirements determined each year by the U.S. Department of Housing and Urban Development (HUD).⁴

Issues and Opportunities

Cost Burden

Cost Burden refers to any household paying more than 30% of its income on housing. Severe Cost Burden refers to any household paying more than 50% of its income on housing. Table 6 below summarizes cost burdened households of various kinds within Bristol.

The fact that nearly 1/3 of all households in Bristol are cost burdened should be a concern for the Town. Whether people choose to or are forced by circumstances to spend more than 30% of their incomes on housing, this means they have less disposable income to spend both on other necessities such as food and health care, and at local shops, restaurants, and service providers. In other words, the entire economy is impacted.

It should come as no surprise that LMI households (making less than 80% of the Area Median Income) have much higher rates of cost burden than the average household. About 2/3 are cost burdened, and over 1/3 are severely cost burdened, significantly limiting the amount of income they have available for other expenses. It is also no surprise that while just under 30% of Bristol residents live in rental households, over half of cost burdened LMI households do. That said, a significant number of cost burdened LMI households are homeowners, perhaps reflecting retirees on a fixed budget or people who choose to live where they do in spite of the burden on their incomes.

Table 6. Bristol CHAS Data, 2017-2021: Cost Burden

	Number of Households	Percent
Number of Cost Burdened Households	2,514	31.2% of total households

⁴ For more information about the Town’s program, visit: <https://bristolri.gov/330/Bristol-Home-Repair-Program>.

Number of Severely Cost Burdened Households	1,125	14.0% of total households
Number of LMI Cost Burdened Households	1,770	66.7% of LMI households
Number of LMI Severely Cost Burdened Households	905	34.1% of LMI households
Number of LMI Cost Burdened Households that are renting	920	52.0%
Number of LMI Cost Burdened Households that own their home	850	48.0%

Source: Comprehensive Housing Affordability Strategy (CHAS), 2017-2021

The map below shows how Rhode Island municipalities compare in terms of percentage of households that are housing cost burdened.

[Note: Map to be inserted.]

Local Needs

One of the best sources of data on local housing needs and problems is the Comprehensive Housing Affordability Strategy (CHAS) developed by U.S. HUD. The CHAS data track four different housing problems, including: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%. Table 7 captures households with at least one such problem, organized by renters vs. owners and by household income. The acronym “HAMFI” stands for HUD Area Median Family Income. This is calculated by HUD for each jurisdiction and will not necessarily be the same as other calculations of median incomes (such as a simple Census number), due to a series of adjustments that are made by the agency. The numbers in the “Percent” column represent the percent of households in each category with at least one housing problem. For example, in the first row of statistics in Table 7, “485” represents 89% of all renter households earning less than 30% HAMFI.

Table 7. Bristol CHAS Data, 2017-2021.

Household Income	Households with at least 1 Housing Problem	
	Count	Percent
RENTERS		
≤ 30% HAMFI	485	89%
> 30% - ≤ 50% HAMFI	285	95%
> 50% - ≤ 80% HAMFI	150	28%
> 80% - ≤ 100% HAMFI	40	14%
> 100% HAMFI	10	1%
Total	970	38%

OWNERS		
≤ 30% HAMFI	245	89%
> 30% - ≤ 50% HAMFI	235	72%
> 50% - ≤ 80% HAMFI	370	55%
> 80% - ≤ 100% HAMFI	175	46%
> 100% HAMFI	340	9%
Total	1,365	25%

Source: “Consolidated Planning/CHAS Data,” Department of Housing and Urban Development Office of Policy Development and Research, last accessed: October 30th, 2024, <https://www.huduser.gov/portal/datasets/cp.html#year2006-2020>.

It is no surprise that income generally correlates with housing problems. The lower a household’s income, the more likely it is to have at least one housing problem. The one notable exception is that renter households making less than 30 percent of the HAMFI are a little less likely to experience housing problems than households making between 30 percent and less than 50 percent HAMFI. One possible explanation is that a greater portion of very low-income renters are receiving some sort of housing subsidy, giving them access to higher-quality homes. Also of interest is that LMI homeowners (those making less than 80% HAMFI) are far more likely to experience housing problems than LMI renters. For renters, households making over 100 percent HAMFI have very little exposure to housing problems. However, nearly 10% of owner households making that income do.

Homelessness

Before providing an overview of homelessness in Bristol, it is worth briefly discussing two factors related to homelessness: evictions and foreclosures. According to [the Eviction Lab](#), over the last year, Bristol County had relatively few eviction filings (123) compared to other Rhode Island counties, most notably Providence County (6,169) and Kent County (960).⁵ As of mid-September of 2024, Bristol County’s number of filings has also decreased by 27% from the average year (for the 2016-2019 period).⁶ This year, Bristol County also had relatively fewer foreclosure rates. It had the second lowest number of foreclosures per housing unit (Newport County had the lowest), per [Social Finance, LLC](#) in 2024.

Another metric that can help assess homelessness levels is the number of homeless children in school. The table below indicates how many children identified as homeless were enrolled in the Bristol Warren Regional School District in different school years.

⁵ Numbers are found by hovering the cursor over each county.

⁶ Percentage is found by selecting “Relative to Average” among the options next to the map and then hovering the cursor over each county.

Table 8. Number of Children Identified as Homeless in the Bristol Warren Regional School District, 2008-2023.

Years	Number of Children Identified as Homeless
2022-2023	27
2021-2022	17
2020-2021	22
2019-2020	37
2018-2019	35
2017-2018	24
2016-2017	11
2015-2016	17
2014-2015	18
2013-2014	17
2012-2013	15
2011-2012	13
2010-2011	9
2009-2010	3
2008-2009	3

Source: Rhode Island KIDS COUNT Factbooks 2010 - 2024 "Publications," Rhode Island KIDS COUNT (2024), <https://rikidscount.org/archives/>.

According to [RI News Today](#), The Veterans Home in Bristol reserved, as of 2022, 16 beds for homeless veterans.

Low and Moderate Income Housing

Low and Moderate Income Housing Data and Trends

The Low and Moderate Income Housing Act (R.I.G.L. 45-53), mandates that Towns that do not conform to the Act find ways to encourage low-moderate income (LMI) housing development. Towns are required to maintain at least 10 percent of the total housing stock for low-moderate income households. Communities that already maintain 10 percent of their total housing stock as LMI housing are exempt from the act.

The Town adopted its Low and Moderate Income Housing Plan in 2005. The plan contained strategies for achieving the 10% LMI threshold as required under the Low and Moderate Income Housing Act (Act). These strategies were later incorporated into this housing chapter of the Town's Comprehensive Community Plan.

Why should the Town care to reach the 10 percent goal? If reached, Bristol would no longer be subject to housing development through Comprehensive Permits. Such developments currently may be allowed to override local zoning if they provide a certain percentage of LMI housing. By achieving 10%, Bristol would have more control over local land use decisions in the future. To

reiterate, “LMI” refers to “Low-Moderate Income” households, or those making 80% of the Area Median Income or less. Of course, maintaining the 10 percent goal requires additional work – as new market rate units are built new LMI units are needed to keep up. Tools such as Inclusionary Zoning (discussed below) are a good way to maintain the 10 percent goal over time.

Current LMI Count

As of 2023, Bristol has 529 LMI units, or 5.69% of Bristol’s total year-round units identified in the 2020 US Census. Below is a summary of all the LMI homes in Bristol that count towards the 10% LMI threshold as of 2023. After several years of steady progress, the number of LMI units in Bristol have been on a slow decline since 2019, when there were 537 units or 5.96%. As shown in the table below, over 2/3 of the Town’s LMI units are reserved for seniors and over 80% are available as rentals.

Currently, there are only a handful of potential new LMI units in the development pipeline. The Bristol Yarn Mill will either include 13 LMI units or else will pay a fee in lieu that will help fund the development of 13 LMI units elsewhere. In addition, the redevelopment of the Oliver School is likely to produce two new LMI units. This would bring the total to 544 in the near future. The calculations throughout the remainder of this chapter assume a baseline of 544 LMI units.

Spotlight on the Bristol Yarn Mill

The Bristol Yarn Mill is a unique case for Bristol. The fee in lieu was based on a negotiation with the Town Council in exchange for a zoning change. The Town worked with a consultant team to explore ways to use the fee in lieu to finance the development of at least 13 LMI units. The most likely solution is a revolving fund that would “buy down” deed restrictions on Accessory Dwelling Units. See more under the LMI Housing Strategies below.

Table 9. Low-Moderate Income Homes, 2023.

Housing Type	# of Units
Elderly	357 (67.5%)
Family	104 (19.7%)
Special Needs	68 (12.9%)
Ownership	50 (9.5%)
Rental	437 (82.6%)

Source: “Welcome,” State of Rhode Island Department of Housing, 2024, <https://housing.ri.gov/>.

Low and Moderate Income Housing Policy

In an effort to clarify Bristol's position on affordable housing, the following policy statement was developed for the 2009 Comprehensive Plan and re-affirmed with the last plan update as well as this plan update. Bristol supports the development of housing that helps to meet the needs of all Bristol's "local residents". Bristol is also willing to do its share to assist in meeting the housing needs of the regional population, but within the context of a broad, cooperative, fair share policy that involves all of Bristol's neighboring Towns. Bristol has great concerns over pursuing housing strategies based on past theories of public housing provisions, specifically the development of large projects for specific socioeconomic groups.

Bristol is a town that has always had a rich mixture of housing types blended together within the downtown. The outlying single-family neighborhoods have developed in a variety of lot sizes and development patterns. Bristol has never created large multifamily developments that then deteriorated causing yet more problems for residents and non-residents alike. Bristol shall not pursue that strategy in the future. In order to guide affordable housing development in Bristol, the following development standards were adopted.

Affordable housing in Bristol shall:

1. Be integrated with market price units.
2. Be dispersed throughout town rather than being congregated in specific areas or projects. It shall be developed in areas that are suitable for any type of housing development.
3. Be designed so as to physically blend with surrounding market price units in terms of height, massing, site design, and architectural treatment.
4. Be designed to give residents and neighbors pride in their homes.
5. Be developed to give residents the opportunity to share in the ownership of at least some of the units where feasible given the particular needs.

Low and Moderate Income Housing Projected Target

There are several ways to calculate the LMI housing target for the Town. Below is an update using the methodology from the Town's 2016 comprehensive plan as well as an alternate and perhaps more accurate methodology based on recent housing starts. Both methodologies surmise what can be achieved by 2040 (15-year horizon).

Update Using 2016 Methodology

The housing target is calculated as follows:

Current population = 22,493 per the 2020 Census.

2040 population projection = 23,771 per Rhode Island Statewide Planning Program population projections.

Average Household Size = 2.57 owner occupied (70.2% of occupied housing units), 1.71 renter occupied (29.8% of occupied housing units) per American Community Survey 2022.

Current housing units = 9,629 per the 2020 Census.

2040 housing unit projection = 6,493 owner-occupied and 4,143 rentals (10,636 units total). Calculated by dividing the 2040 population projection between 70.2% owner occupants and 28.8% renters and then dividing those portions respectively by the average household size for owners and renters.

Forecasted 10% threshold = 1,064 (calculated by multiplying the 2040 housing projection by 10%)

Existing affordable units = 544 (as of 2023 + expected 15 units)

Forecasted to need by 2040 = additional 520 units (1,064 10% threshold – 544 current LMI units)

Per the assumptions above, just over 1,000 additional units of housing will be needed to accommodate Bristol's population growth in the next 15 years. This assumption is also in line with the trend in smaller household sizes, which means that more units are needed to accommodate the same number of people. For example, a single-family house might have housed seven people 20 years ago (two parents, four children, and a grandparent, for example) but today those seven people are more likely to be split into multiple households (say, two parents and one child, a childless couple, and two adults living on their own). "New" units may come from the subdivision/redevelopment of existing buildings as well as brand new construction.

Revised Methodology

That said, population projections are a loose art, at best. Basing future development on population projections is potentially less realistic than basing it on development trends. As Bristol is largely built out, new housing unit starts are very low. The average number of new housing units built between 2018 and 2022 was 18.6 per year. At that rate, it would take over 54 years to develop 1,000 new units. This also means that in the next 15 years, only about 279 new units of housing can be expected, barring some large developments.

Revised housing unit projection = 279 units + existing 9,629 units = 9,908 units

Re-Forecasted 10% threshold = 991 units (calculated by multiplying the revised projection by 10%)

Forecasted to need by 2040 = additional 447 units (991 10% threshold – 544 current LMI units)

Low and Moderate Income Housing Strategies

As required by the Rhode Island Low and Moderate Income Housing Act, the Town has identified specific strategies to attain the ten percent threshold goal for low and moderate income (LMI) housing. This section presents a detailed explanation of the strategies and along with quantitative estimates of the number of LMI housing units expected to be generated by each strategy over the next 15 years.

Inclusionary Zoning (IZ)

IZ is the most significant tool in the municipal toolbox for LMI housing. However, in a situation where the Town is largely built out and many new units will come from renovations or redevelopment, this will produce fewer units than in less built out communities. It is also reliant on new market rate development, which the Town can encourage and enable, but not control. Nevertheless, it is a vital tool toward making progress.

If 279 new units can be expected over the next 15 years, how many of those can realistically be LMI under inclusionary zoning? Given that the Town is largely built out, and that opportunities for single-family subdivisions are limited, it is probably fair to assume that most new development will be individual infill single-family homes or small-scale multi-family housing (new or redevelopment) moving forward. If the Town reinstates IZ with a trigger of five units, it might be reasonable to assume that half of all proposed units will be subject to IZ, or about 140 units. The calculation below assumes an IZ policy that requires 15% of all housing development of five or more units to be LMI housing.

IZ at 15% = 21 LMI units (140 x 0.15)

Comprehensive Permits

“Comp” Permits are the other major tool for LMI housing. Again, while municipalities can proactively partner with non-profit developers and property owners to encourage comp permits in certain areas, they do not have direct control over development proposals. Comp permits generally fall under one of two categories:

- “Friendly” Comp Permits – Sites identified and encouraged by the Town. Partnerships with local CDCs or “friendly” private developers.
- Other Comp Permits – Developer driven - can be proposed anywhere.

This Comprehensive Plan continues to calculate potential LMI units based on specific properties where Comp Permits could be encouraged or expected. While some of the properties on this list may not be ripe for housing development today, it is important to plant the seeds. A project that is untenable today may unfold in the future with persistent work and negotiation with property owners.

To calculate the potential under this tool, the Town has included 1) properties where future development will be encouraged, and 2) Assumptions about the outcomes of partnering with

East Bay CDC and/or other local developers to proactively look for other opportunities, large and small, to invest in LMI housing (including through the reuse or sale of town-owned property). Such proactive partnerships could be part of the role of an Affordable Housing Committee.

The following is a list of properties with long term potential for future comp permit development/redevelopment:

1. Ferreira on Bayview Avenue
2. Almeida Apartments on Bayview Avenue
3. Francis property on Bayview Avenue
4. Second floor addition on Gooding Plaza shopping center
5. Second floor addition on vacant Bristol Toyota building at Metacom Avenue
6. Perry Property at Metacom Avenue across from Chestnut Street
7. King Phillip Hotel, reuse
8. Columban Fathers Monastery at Ferry Road - Future reuse of dormitory building
9. Unity Park former industrial buildings
10. St. Elizabeth's Church school - Reuse of vacant school building.

If the Town remains aggressive with this strategy, it may be possible to reasonably assume 75 new LMI units in the next 15 or so years, or an average of about five per year. However, such developments will likely occur sporadically, so there will be some years where this strategy produces no units at all and others where it may produce far more than five.

Accessory Dwelling Units

ADUs are notoriously difficult to deed restrict as LMI housing. However, the Town is exploring funding options for a revolving fund that would help "buy down" deed restrictions on ADUs. At a minimum, this could be a one-time funding of 13 LMI ADUs (which is included in the assumption of 544 current LMI housing units in Bristol). The exact number is to be determined, but with a revolving fund, the Town could perhaps buy down two ADUs per year for a total of 30 over the next 15 years. Because the 13 units from the fee in lieu are already included in the base number of LMI housing units, only an additional 17 LMI ADU units are assumed in the calculations below.

Condition of Variances or Zoning Changes

This has been a successful strategy on a small scale. The Town can pursue this more aggressively, particularly with properties that take advantage of the Metacom Mixed Use zoning district (MMU). Several properties along Metacom Avenue are called out in this comprehensive

plan as being appropriate for rezoning for higher density mixed-use, but the zoning is not actually changed until requested by the property owner and agreed to by the Town. Of course, any such development will be subject to Inclusionary Zoning, but the Town can negotiate with property owners to secure even more LMI units in the case of a variance or zoning change. Realistically, on average, this is unlikely to produce more than 1 unit per year, or about 15 units over 15 years.

Deed Restricting Existing Housing Stock

This is a strategy that many municipalities would like to see work on a larger scale. This could involve outright purchasing of existing properties by the Town or a non-profit developer (for example, East Bay CDC is always on the lookout for such opportunities); providing tax incentives or cash payments for property owners willing to deed restrict their properties; or obtaining existing buildings through tax sales. If the Town more aggressively partners with East Bay CDC, Habitat for Humanity, and other non-profit developers, it might be reasonable to expect perhaps that 2 existing units could be deed restricted each year, for a total of 30 units over 15 years.

Potential LMI Housing Progress

Based on the assumptions above, the following may be a realistic expectation of Bristol's progress towards 10% LMI housing by 2040.

Inclusionary Zoning: 21 units

Comprehensive Permits: 75 units

Accessory Dwelling Units: 17 units

Condition of Variances or Zoning Changes: 15 units

Deed Restricting Existing Housing Stock: 30 units

Maximum Total: 158 units

Total LMI Housing by 2040: 702 (158 + 544)

Percent LMI Housing by 2040: 7.1% (702 / 9,908 Revised housing unit projection for 2040)

Note: If an ADU revolving fund is not established and only 13 LMI ADU units are created as a one-time investment, the Total LMI Housing by 2040 would be 141 + 544 = 685 or 6.9%.

At current rates of development and given the current resources available to renovate and deed restrict existing buildings, Bristol can make good progress toward reaching 10% in the next 15 years, but it is likely to take several more decades before the target is reached. Looking further into the future, if the Town continues to steadily apply these strategies, the 10% target is likely

to be achieved in the next 40-45 years. Assuming a 45-year target of 2070, the following is possible:

Revised housing unit projection = 837 new housing units (18.6 units per year x 45 years) + existing 9,629 units = 10,466 units

Re-Forecasted 10% threshold = 1,047 units (calculated by multiplying the revised projection by 10%)

Forecasted to need by 2070 = additional 503 units (1,047 – 544)

Inclusionary Zoning: 63 units

Comprehensive Permits: 225 units

Accessory Dwelling Units: 77 units (or zero if a revolving fund is not established)

Condition of Variances or Zoning Changes: 45 units

Deed Restricting Existing Housing Stock: 90 units

Maximum Total: 500 units

Total LMI Housing by 2070: 1,044 (500 + 544)

Percent LMI Housing by 2070: 10.0% (1,066 / 10,466 - Revised housing unit projection for 2070)

Note: If an ADU revolving fund is not established and only 13 LMI ADU units are created as a one-time investment, the Total LMI Housing by 2070 would be 423 + 544 = 967 or 9.2% and a few more years of work would be needed to reach 10%.

Housing Goals, Policies, and Strategies

Housing policies must support a broad range of housing opportunities so that Bristol can continue to provide housing that is affordable to its traditionally diverse population and to ensure that all neighborhoods are livable places. Based on the critical issues described in this chapter and the overarching housing policies stated above, this section presents the goals, policies, and strategies developed by the Town of Bristol to guide its homes and neighborhoods.

The goals and policies are listed first, followed by the strategies. The strategies are inclusive of the LMI strategies discussed above.

Housing Goals and Policies

Goal H1: Work for a continued range of housing opportunities so that Bristol can continue to be home to our traditionally diverse population.

Policy H1.1: Prioritize Town efforts to address local housing needs that the private market is not meeting on its own, whether market rate or LMI, owner or rental, etc. This could include things such as senior housing, assisted living, smaller scale apartment buildings, or housing affordable to individuals or families making less than the Town's median income.

Policy H1.2: Address the needs of Bristol's special demographic groups, to include: working families, single parent families, parents whose children are grown, persons living alone, and the elderly.

Policy H1.3: Make sure that housing programs first meet the needs of Bristol residents.

Policy H1.4: Encourage a broad range of housing costs, with special emphasis on creating and maintaining houses and apartments that are affordable to working individuals and families making less than the Town's median income.

Policy H1.5: Continue programs to help elderly and others on fixed incomes stay in their homes.

Policy H1.6: Encourage coordination among public agencies and community organizations to leverage their resources and generate new programs that can better meet local housing needs.

Goal H2: Ensure that neighborhoods are livable places.

Policy H2.1: Properties with potential historical and architectural value should be surveyed and considered for designation for preservation.

Policy H2.2: The Town is encouraged to investigate new urbanism techniques such as form-based zoning regulations to guide the design of significant mixed-use redevelopment and design guidelines for infill development to maintain characteristics of existing residential neighborhoods and Bristol's historic downtown.

Policy H2.3: Sidewalks are encouraged for safety and sustainability purposes in new residential and mixed-use developments.

Policy H2.4: Connectivity must be maintained between neighborhoods as essential to quality of life, as well as for safety and convenience.

Policy H2.5: Address the issue of exterior lighting for public and private development, balancing the need for adequate lighting with the need to avoid excessive lighting on nearby residences.

Policy H2.6: Provide adequate water supply and pressure.

Policy H2.7: Buffer neighborhoods from incompatible land uses.

Policy H2.8: The Town should continue to call for adequate buffer zones between incompatible uses (i.e. between adjoining industrial and residential areas).

Policy H2.9: Take into account existing land use patterns when designing new zoning regulations.

Policy H2.10: Promote good design in all future developments that is appropriate to Bristol and to surrounding homes.

Policy H2.11: Require that new developments stay within a scale that is appropriate to Bristol and to surrounding homes.

Policy H2.12: Strengthen the services and amenities that make Bristol a good place to live.

Goal H3: Create affordable housing opportunities and diversify the housing stock.

Policy H3.1: Create a diversity of housing types that meets the current and future needs of low-moderate income residents, employees, and special needs populations. While Bristol does currently have housing for the elderly, families, single persons, and special needs populations, the majority of housing being built in Bristol is out of the reach of the low-mod populations. The housing gap this causes will continue to grow unless Bristol continues to actively and aggressively pursue the development of affordable housing within the town.

Policy H3.2: Meet 10% Goal for Low and Moderate Income (LMI) housing.

Policy H3.3: Provide housing opportunities for the Town's special needs populations. Achieve or maintain, whenever possible, at least a few housing units that will provide opportunities to households of one or more of the groups that have been identified as being of particular need in Bristol. Include careful and creative decisions about how the public purpose of expanded housing opportunity can be combined with other public purposes on any given site.

Policy H3.4: Revise the zoning ordinance to promote affordable housing and housing that meets the needs of all Bristol citizens.

Policy H3.5: Identify potential locations for LMI housing development.

Policy H3.6: Strengthen partnerships and build community support for affordable housing development.

Policy H3.7: Identify existing and new resources for affordable housing development.

Policy H3.8: Encourage public/private partnerships for the creation of LMI housing which will provide additional funding opportunities such as grants.

Policy H3.9: Ensure the long-term affordability of housing by requiring 99-year deed restrictions on LMI housing.

Housing Strategies

H1. Adopt a **public advertising campaign** to educate residents on the need for the creation of LMI housing units.

Misinformation and a lack of information can be major barriers to LMI housing. Throughout the public outreach process, participants noted it would be beneficial to educate people about what LMI units are, who needs them, and what is involved in creating them. An advertising campaign could be one approach to significantly educate the public.

H2. Build an **Affordable Housing Trust Fund** to help give the Town a tool to invest in the types of housing most needed by the community in the places where it makes most sense to have it.

This program would provide financial assistance to initiatives that are directly aimed at creating more affordable or LMI housing units. The Town may choose to use some or all of the fee in lieu from the Bristol Yard Mill development to seed such a fund, as well as any future negotiated fees in lieu, grant funds, or general Town revenues.

H3. Work with **RWU** to encourage **more on-campus student housing** and agree on a right of first refusal to turn the **Almeida Apartments** into LMI housing over time.

Encouraging more on-campus student housing could reduce the number of students who compete with non-students for housing not provided by the university.

H4. Re-institute the **Affordable Housing Committee** to help identify affordable housing opportunities, advocate for / educate about affordable housing needs, and explore more creative ways to achieve affordable housing goals.

The Town had an Affordable Housing Committee (AHC) that helped draft the initial housing strategies back in 2005. Once this was completed, the AHC disbanded. A revived AHC could help create content for a public education campaign on affordable housing, manage the Affordable Housing Trust Fund (in an advisory capacity), and otherwise support Town staff in implementing the strategies of this chapter.

H5. Develop a program with the Bristol Housing Authority to **educate landlords** and encourage them to participate in the **Section 8 Housing Choice Voucher** program.

Through the Section 8 Housing Choice Voucher program, the U.S. Department of Housing and Urban Development (HUD) provides funding to public housing agencies (PHAs), in this case the Bristol Housing Authority (BHA). The PHA then passes on the funds as rental assistance to eligible people (very low-income families, the elderly, and the disabled) who can find rental units owned by participating landlords. There are currently more recipients than apartments available. Expanding the number of landlords willing to accept vouchers will make more of the existing housing stock affordable to more people.

H6. Formalize agreements with East Bay Community Development Corporation and the Housing Network of Rhode Island to serve as the **monitoring agents** for privately owned LMI housing units and ensure that such housing is not lost over time.

The Town currently has had this arrangement informally with the East Bay Community Development Corporation, a nonprofit focused on affordable housing, and the Housing Network of Rhode Island. Formalizing these arrangements could involve the Town signing Memorandums of Understanding (MOUs) with these organizations and, as part of those agreements, requiring a tracking system for when deed restrictions are set to expire. That tracking system would alert Town staff and the AHC (if reestablished) when they need to start working with property owners well in advance to find financing or other mechanisms to extend deed restrictions.

H7. Utilize the services of the **RWU's Community Partnerships Center** to develop creative ways to provide affordable and LMI housing.

RWU's Community Partnerships Center's mission is to undertake and complete projects that will benefit local communities within Rhode Island and Southeastern Massachusetts, while providing RWU students with knowledge in real-world projects that deepen their academic experiences." The Town of Bristol is already a community partner with the center, as is Benjamin Church Manor, which provides affordable housing to Bristol seniors. Town staff and the AHC should approach the Center to assist with any research needed to implement the strategies of this chapter.

H8. Continue and expand the Town's Community Development Block Grant (CDBG) **home repair and home maintenance grant and loan programs**.

With CDBG funding from the U.S. Department of Housing and Urban Development (HUD), Bristol runs a Home Repair Program aimed at helping residents who may have limited financial means to make improvements to their homes. This program has helped many individuals and

families, and could be expanded from other sources, including the Affordable Housing Trust Fund.

H9. Consider the best use or reuse of **town-owned property** to include LMI housing and/or a portion from the sale to be applied to a housing trust or first-time homebuyer program.

The Town should maintain a running list of properties it owns and annually evaluate which uses would best serve the community. While there may be limited opportunities with this strategy in the foreseeable future, it is a valuable process to evaluate this annually. Note that the former schools on the Town Common must remain in general public use per the grand deed, and may not be converted to housing. (See LMI Housing Strategies for greater detail.)

H 10. Work with the General Assembly to **broaden the definition of LMI housing** to include modestly priced and locally affordable units within the community.

The Town will continue to advocate for this strategy. Certain landlords charge tenants less than the upper limit that officially defines a unit as LMI. In other words, those units could be defined as LMI because they are affordable (would represent 30% or less of a household's income) for people making 80% or less of the area median income (LMI). Many landlords are reluctant to agree to a 30+-year deed restriction, currently a requirement for most homes to count as LMI. Further, landlords would need to be willing to verify annually the rents they are charging and the incomes of their tenants.

H 11. Continue to participate in the **Community Rating System (CRS) of the National Flood Insurance Program**. Advocate for and explore options to raise the Town's credit for increased discounts on Flood Insurance Policies.

The Federal Emergency Management Agency (FEMA) oversees the CRS, a voluntary incentive program that rewards National Flood Insurance Program (NFIP) Communities for doing floodplain management activities that go beyond the minimum NFIP requirements. In exchange for performing those activities, the community receives discounts on flood insurance premiums. This approach saves money, which can benefit the community, and reduces the flood risks the community faces.

The Town is now at a Class 7 CRS rating, meaning that Bristol residents who purchase or renew their flood insurance policies for properties in a Special Flood Hazard Area in Bristol will have their flood insurance premium discounted by 15%. The Town can continue to implement actions that will help improve its ratings under the CRS Program even further.

H12. To provide incentive for creating and maintaining LMI housing, the Town will proactively **reach out to property owners of deed restricted units** to inform them they are eligible to limit the property taxes on the LMI unit to 8% of the gross income received from the unit.

Many Bristol property owners who are eligible for this tax incentive do not take advantage of it. One barrier could be that many property owners are simply not aware that the tax incentive exists. Others are wary of the paperwork it would take to verify their eligibility. To address that barrier, the Town can work to inform property owners about this, including through the public advertising campaign described for strategy 1. In addition, the Town can work with the Housing Network of Rhode Island to provide support to property owners to maintain and submit their paperwork.

H13. Continue to identify locations where the Town would like to proactively encourage the development of LMI housing through **“friendly” comp permits**.

Under Rhode Island law, an applicant proposing to build housing that qualifies as at least 25% low- or moderate-income may apply for a comprehensive (comp) permit, instead of submitting separate applications to different local boards. In other words, the permit allows the developer to move through the approval process more quickly and have a higher density of units in the proposed property. (See LMI Housing Strategies for greater detail.)

H14. Require or continue to negotiate LMI units as a **condition for zoning relief**, and changes of zone that include residential uses.

The Town currently often negotiates with developers to provide more LMI units in exchange for zoning relief. The Town could set a policy requiring developers to produce a certain number of LMI units in exchange for zoning relief. Alternatively, the Town could continue to negotiate with developers, adjusting the number of LMI units they request on a case-by-case basis. (See LMI Housing Strategies for greater detail.)

H15. Create an **information packet for for-profit developers** to help promote the creation of LMI housing.

The Town could create the packet by adapting resources from Rhode Island and Massachusetts municipalities and from Rhode Island state agencies, such as Rhode Island Housing and the Rhode Island Department of Housing. The packet could include information about income limits and prices for LMI units/rentals, contact information for the monitoring agency, a draft deed covenant, preferred areas for LMI housing development, and references to Bristol’s zoning ordinance and historic preservation standards.

H16. Create **design standards for infill development** of multi-family housing to help them blend into the character of existing residential neighborhoods.

Infill development means building on underutilized or unutilized lands within an existing developed area. For example, if someone were to build a triple-decker house on an abandoned lot between several triple-decker houses on a street, they would be practicing infill development.

H 17. The Town will work with local homeless agencies to **track homeless individuals** or families who may have resided within the Town and try to connect them with support services.

Organizations the Town could work with include: the Rhode Island Veterans Home, East Bay Coalition for the Homeless, Riverwood Mental Health Services, and East Bay Community Action Program.

H18. Mitigate the effects of **Short-Term Rentals** on housing market competitiveness.

The Town could bolster its registration process for short-term rentals in order to better track their locations and understand their impacts (being sure short-term rental permits are tracked separately from year-round, longer-term rentals). Where short-term rentals prove to have a negative impact on year-round rental housing, particularly for working class and middle class residents, consider requiring longer-term leases (12 months or more).

H19. Allow more diverse housing types in more zones. For example . . .

- Allow up to four-family dwellings in the R-8 and R-10 districts.
- Allow two-family dwellings in the R-15 within a ½ mile walking radius of any commercial or mixed-use zoning.
- Explore zoning options for allowing clusters of small-scale cottages or “tiny homes” on single parcels.

H20. Explore more options for **Senior and Accessible Housing** that would allow seniors to downsize from their single-family homes. Explore requirements for universal design and accessibility in new construction or major renovations.

H21. Explore establishing a **Community Housing Land Trust** where the Town or a non-profit owns the land while the homeowner owns the home. This would reduce the price of a home by removing the land value.

H22. Proactively foster **Local and Regional Partnerships** and regularly meet with partners to learn from each other. Communities all over the state and New England are dealing with the same issues.

H23. Amend and reinstate the Town's former **Inclusionary Zoning** policy that certain developments must provide a percentage of new residential homes as LMI. Inclusionary zoning should apply to any development of five or more units and at least 15% of units should be LMI. (See LMI Housing Strategies for greater detail.)

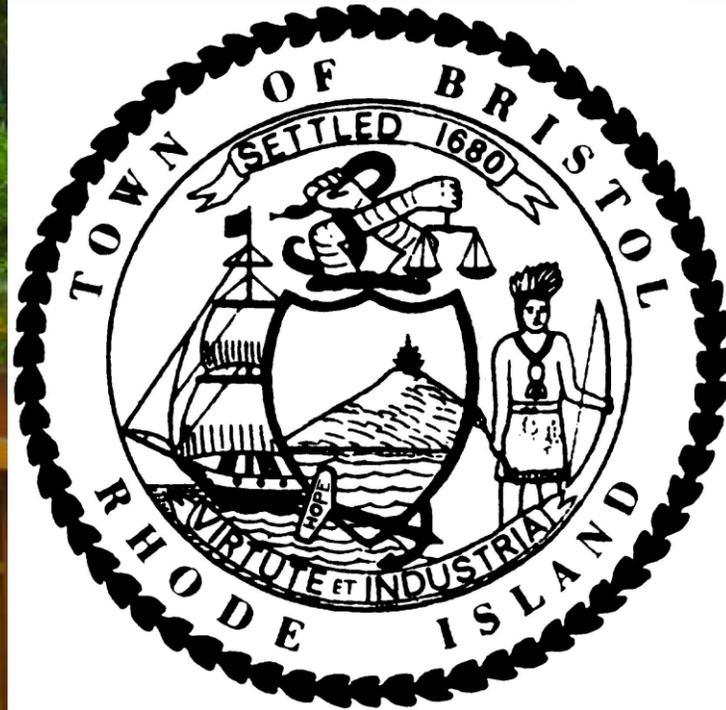
H24. Encourage the Development of **Accessory Dwelling Units (ADUs)**.

ADUs refer to smaller independent residential units that are on the same lot as a single-family home. At a minimum, the Town will comply with all state laws related to ADUs, and will consider allowing them even more broadly.

In addition, the Town will establish a financial mechanism to provide an incentive for owners of ADUs to deed restrict them as LMI housing. (See LMI Housing Strategies for greater detail.)

H25. The Town will continue to track **tax sale properties** as they become available and will consider acquiring appropriate properties and then working with local non-profit developers to renovate them as needed and then deed restrict them for LMI housing. (See LMI Housing Strategies for greater detail.)

Note: Once Town staff and the Planning Board are comfortable with a final set of actions, HW will prepare an amended implementation matrix with responsible agencies and time frames.



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Affordable Housing Models
Financial Analysis

November 14, 2024

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Strategies Explored

Model Name	Funding / Investment Amount
ADU Incentives	Cost/Benefits of Grants VS Loans
Short-Term Rentals	Opportunity Costs: STRs VS long-term rentals
Diverse Housing Types	Market Impact of Different Multiunits
Senior Housing	Opportunities and Barriers: Affordable Sr. Apts.
Community Land Trust	Local organization versus statewide organization

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ADU INCENTIVES

A cost-benefit analysis of providing lump-sum grants to property owners to construct affordably rented ADUs versus establishing a loan program for ADU construction.

ADUS AS AFFORDABLE HOUSING?

An Accessory Dwelling Unit (ADU) is an apartment added to a single-family house either internally (such as with a suite of rooms), as an addition, or as an ancillary structure (such as a converted garage or in a “pool house” style). Historically, these units were made for family members, such as aging parents or adult children priced out of the housing market.

Because ADUs piggyback on the main house’s land, taxes, mortgage, and sometimes walls, and because many owners have a sympathetic relationship with the tenants, these units are frequently rented out affordably.

PROBLEM STATEMENT

Even when zoning and building codes will allow for the construction of a new ADU, building costs have made it prohibitively expensive – especially if the owners intended on renting the ADU affordably.

Just looking at the construction costs, a modest 800-square-foot (20 ft x 40 ft) backyard ADU might cost \$300 per square foot to construct (online sources estimate between \$200-\$400/sf), and that does not include the cost of the concrete pad or tying in new utility lines like sewer, water, and electric. It also does not include permits.

800 sf x \$300/sf = \$240,000 + Pad + Utilities + Permits – perhaps \$300,000 to construct total. Even if the owners had 20% to put down (\$60,000), a mortgage payment would be \$1,597.



AFFORDABLE ADUS BY THE NUMBERS

FINANCING NEW ADU CONSTRUCTION FOR AFFORDABILITY

An estimated “all-in” cost for a new, 800-square-foot, free-standing backyard ADU is **\$300,000**.

If financed by a 30-year mortgage, a borrower might need to put down 20%, or **\$60,000**.

At a mortgage rate of 7%, the monthly payment to leverage **\$240,000** in principle is **\$1,597**.

That number does not include the recapture of the \$60,000 downpayment.

CAN MARKET RENTS SUPPORT CONSTRUCTION COSTS?

The US Department of Housing & Urban Development (HUD), calculates “Fair Market Rent” for every market in the US (to protect taxpayers from price gouging on housing vouchers).

Fair Market Rent is for “standard-condition” rentals that recently turned over and accounts for all utility costs. It is the 40th percentile of rents, that is, it is 4th out of 10 among the most expensive rents in town. For 2025, HUD calculates the Fair Market Rent for a one-bedroom apartment in Bristol to be **\$1,319**. This market price would not cover the cost of an ADU mortgage.

However, if you applied the median rent for Bristol, at 1.25x HUD’s Fair Market Rent, rent would be **\$1,649** per month. This could cover the cost of a mortgage but not recapture the downpayment.



AFFORDABLE ADUS MODELS

In this section, we look at the financial impacts of four models to encourage the construction of affordable rentals as accessory dwelling units:

1. Grants toward loan downpayment assistance
2. Grants toward points to buy down loan interest rates
3. A revolving loan from the inclusionary zoning funds
4. Construction loans from Town bonds



GRANTS VS. LOANS IN ADU AFFORDABILITY

THE COSTS:

For a new-construction, free-standing, one-bedroom ADU: **\$300,000**.

To qualify for a mortgage, a borrower might need a 20% downpayment of **\$60,000**. The monthly recapture rate of that downpayment (at no return) over 30 years is **\$167** per month. At a mortgage rate of 7%, the monthly payment to leverage **\$240,000** is **\$1,597**.

Therefore, the monthly rent needed to break even on construction costs is **\$1,764**.

If HUD's Fair Market Rent is **\$1,319**, Median Rent is **\$1,493** (ACS, 2023), and 1.25x Fair Market is **\$1,649**, how can we get these mid-range rents to cover the cost of ADU construction?

GRANTS VERSUS LOANS: THE GRANTS

If the Town of Bristol were to dispense its Inclusionary Zoning housing fund into 13 grants of \$40,000 to defray the cost of a down payment, it would reduce the monthly recapture rate to \$56. This, plus the mortgage payment, amount to **\$1,653** – a few dollars over 1.25x Fair Market.

The owner will have some expenses as part of renting out the new ADU, too, such as some increased property taxes with the new addition, increased property insurance costs, and some utilities like sewer and water fees at a minimum. Breaking even is slightly higher than construction costs. So far in our analysis, grants cannot cover the spread.



GRANTS VS. LOANS IN ADU AFFORDABILITY

GRANTS VERSUS LOANS: GRANTS TO BUY DOWN INTEREST RATES

An alternative approach for dispensing the inclusionary zoning housing trust fund would be to use it to buy “points” to buy down the interest rate for owners taking out a mortgage to build an ADU. If interest rates were at 7% and the Town of Bristol paid for four points, that could drop the mortgage interest rate to 6% and cost the Town a **\$9,600** grant on a \$240,000 loan. If the Town took this approach, the fund could buy points on over **54 loans**.

That lower interest rate of 6% would reduce the monthly payment to \$1,439, and when combined with the owner’s downpayment recapture, it brings the monthly repayment to **\$1,606**. With 1.25x Fair Market at \$1,649, we’re getting much closer to a workable rent. However, the difference of \$43 per month is not likely to cover the owner’s incidental costs, such as taxes, insurance, and some utilities.

It is worth noting that there may not be 54 applicants to the program in the first few years.

GRANTS VERSUS LOANS: THE LOANS

If the Town wanted to consider using the inclusionary zoning housing trust fund as a revolving loan fund to construct new ADUs, the fund could simultaneously support two \$240,000 loans. With two 30-year loans in repayment, it would take 15 years before enough principal was paid back to issue a new loan, and by that time, construction costs may have risen.



GRANTS VS. LOANS IN ADU AFFORDABILITY

GRANTS VERSUS LOANS: THE LOANS

Another option might be for the Town to bond for an ADU loan fund. The Town might borrow \$5,000,000 to loan out to twenty new ADU construction projects. The Town may be able to bond at 4% interest and make twenty \$240,000 construction loans at 5% interest to borrowers.

A 5% construction loan would make the monthly payment \$1,288, and when the downpayment recapture of \$167 is added, it comes to **\$1,455** per month needed to pay back an ADU construction loan. If the owner charged 1.25x Fair Market at \$1,649, that allows for almost \$200 per month to cover incidental costs of increased taxes, insurance, and some utilities. While this comes very close to breaking even, the monthly payback amount is fixed for 30 years, while 1.25x Fair Market rates should rise with the rate of inflation. For example, if Fair Market Rent rose by 3% each year with inflation, after ten years, 1.25x Fair Market would be \$2,216 – while the monthly repayment amount would stay the same. After ten years, there would be \$761 per month for the owner to cover incidentals and profits. Yes, in the early years, the ADU would come close to breaking even, but in later years, there would be notable profit – even with the price capped at 1.25x Fair Market Rent. This is in addition to owners' tax benefits like asset depreciation (the cost of the ADU) and loan interest deductions.

This bond and loan program would be paid off by monthly installments from borrowers, not Bristol taxpayers. Charging just 1% over its own borrowing costs would net the Town \$789,511 in interest payments over the 30-year life of the bond.



AFFORDABILITY CHECK

In order to settle upon a rental price that could support the cost of construction, we have relied on multiplying HUD's Fair Market Rent by one-and-a-quarter times itself to arrive at approximately the 50th percentile of area market rents. This calculation equals a monthly rent of \$1,649, but is that affordable to Bristol renters?

According to the Census, Median Renter Household Income adjusted for 2024 dollars is \$62,088. HUD sets a standard where a household cannot responsibly afford their housing if they pay more than 30% of their income on housing costs. At 30% of \$62,088, we have \$18,626 available for annual housing costs (including utilities), or \$1,552 per month. This means that the renter household earning a median renter income cannot responsibly afford a rent of \$1,649 by almost \$100. However, HUD estimated 2024 median renter income for a single household in the Providence-Fall River region to be \$78,680, which would allow for a monthly housing budget of \$1,967 – well above our 1.25x Fair Market Rent. There will be renters in the market who can responsibly afford these prices.

IF THE TOWN BONDS, WHAT ABOUT THE INCLUSIONARY ZONING FUNDS?

If the Town of Bristol were to pursue the bond-funded loans in the last example, the Town might consider using the inclusionary zoning funds for downpayment assistance to select borrowers. This assistance should not be the whole amount but a large portion of it. The Town might dispense 13 grants outright, or it could loan the funds subordinate to their bond loan, or the Town might place a lien on the ADU equal to the downpayment assistance so the Town will get the money back if the property ever sells.



FINAL NOTES FOR CONSIDERATION

In all models previously explored in this section, the Town of Bristol should place a 30-year covenant on each ADU that the Town assisted to cap the maximum rent at 1.25x HUD's Fair Market Rent.

In several of the models explored, the finances did not work because current interest rates were too high. It may be in the next couple of years that interest rates return closer to 5% on the free market. If that happens, many of these ADUs could be constructed without loan or grant assistance.

If interest rates were to drop to 5%, the Town might focus on the use of Inclusionary Zoning funds to provide construction loan downpayment assistance or to buy points on a private construction loan – both in exchange for 30-year rent-cap covenants. (If interest rates fall and ADUs can be constructed without assistance, then nothing precludes owners from charging rents that are a stretch for the local workforce to afford.)

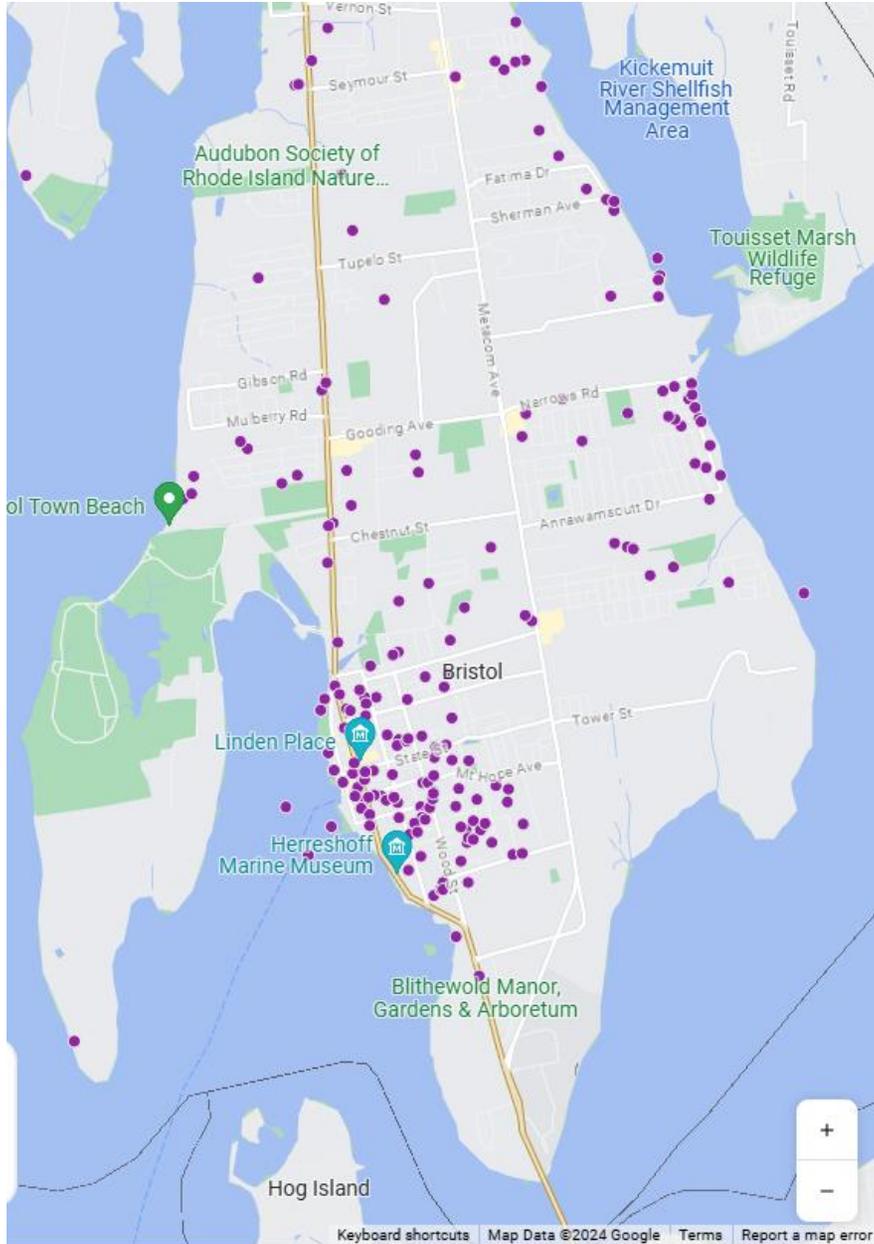


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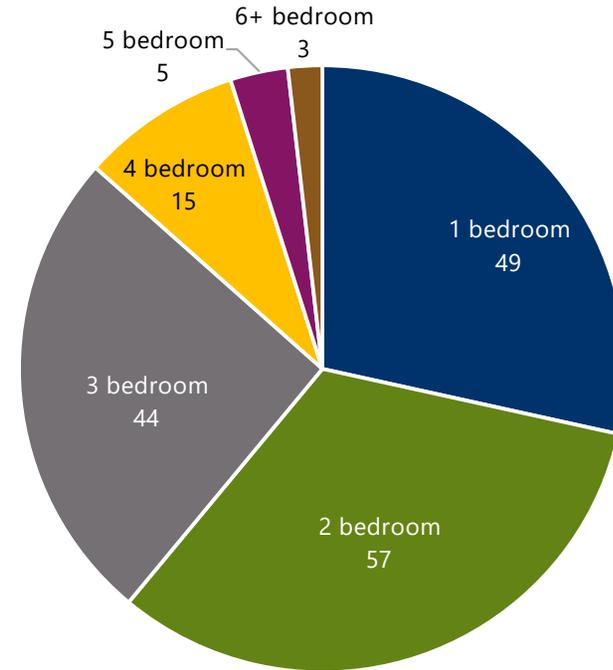
SHORT-TERM RENTALS

An opportunity cost analysis of supporting or restricting short-term rentals compared to long-term rentals.

BRISTOL'S SHORT-TERM RENTALS



Average Distribution of STR Listings by Bedroom Count in Bristol, 12 months ending Sept. 2024



Source: AirDNA, Camoin Associates



Source: AirDNA, Camoin Associates

Note: Estimates for Bristol Town are based on data for Bristol County for the 12 months ending Sept 2024



SPENDING OF STR VISITORS

Summary of Bristol Short-Term Rental Market and New Visitors

Average full-home listings	72
Average occupancy rate	49%
Est. Total Rental Nights	12,772
Average length of stay (nights)	3.55
Est. visitors per booking	2.2
Est. Total STR Visitors	11,942

Source: AirDNA, American Community Survey, Camoin Associates

Short-Term Rental Spending Patterns in Bristol

Total STR visitors	11,942
Est. total spending per visitor	\$122
Est. Total Visitor Spending from STR Visitors	\$1,453,205

Source: Visit Rhode Island 2022 Tourism Impact Analysis, Camoin Associates

Note: Spending excludes any spending on short-term rentals.

Full-Time Household Spending Patterns in Bristol

Average full-home listings	72
Average spending per full-time household	\$36,149
Est. share spent locally	34%
Est. local spending per full-time household	\$12,291
Est. Total Spending by Full-Time Households	\$884,928

Source: AirDNA, 2022 Consumer Expenditures Survey, Lightcast, Camoin Associates

Note: Represents the average spending for a household with Bristol's median household income of \$91,382 (2022 American Community Survey)

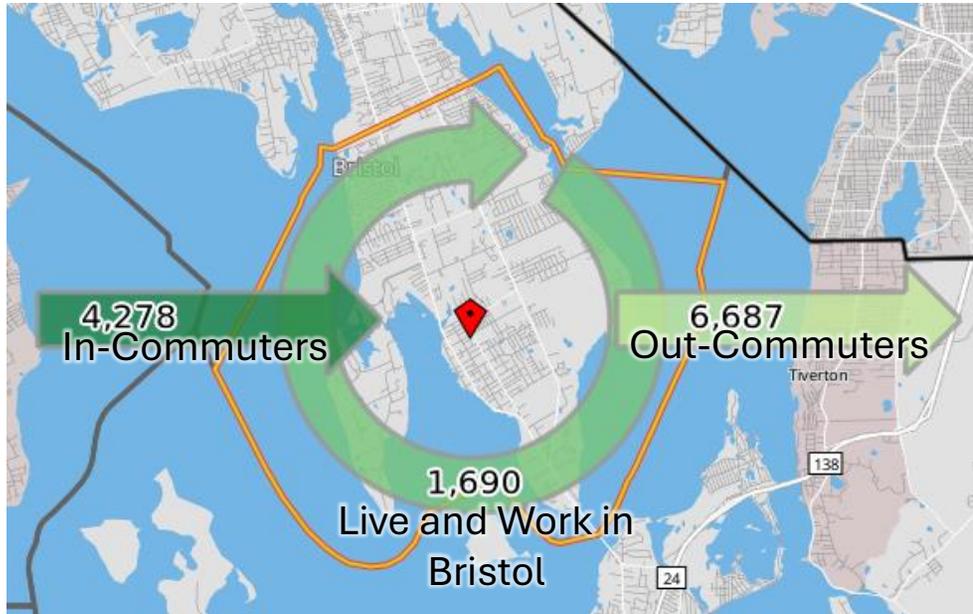
Based on short-term rental (STR) data from AirDNA, **approximately 12,000 visitors** are projected to stay at these properties in Bristol each year.

These visitors are expected to **spend about \$1.4 million** throughout Bristol's economy.

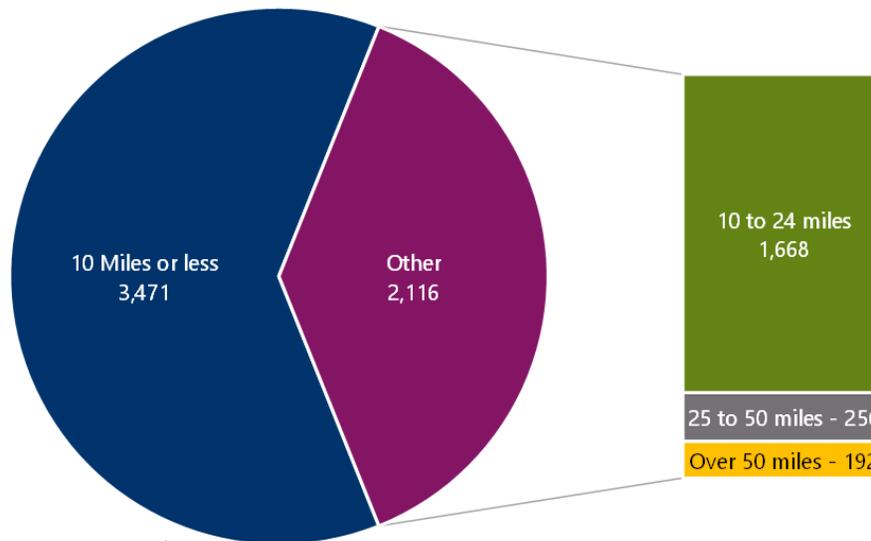
Comparatively, if these units were used to house full-time households, they would be estimated to generate **about \$900,000 in local spending.**



OTHER IMPACTS AND CONSIDERATIONS



Number of Workers Employed in Bristol by Commute Distance - 2021



Source: US Census - OnTheMap

- Bristol has a mismatch of those who live in the town vs. those who work in the town.
- This employment economy is sustainable for those 5,139 employees who travel **less than 30 minutes** to their jobs in Bristol.
- However, those remaining commuters into Bristol for work – 448 – are **most at risk of changing employment** to something closer to their out-of-town residence.
- Short-term rentals could compete for housing options for those 448 employees who are commuting longer distances to get to Bristol jobs.

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Housing Land Trust

Engaging an existing organization
versus creating a new entity for Bristol

WHAT IS A HOUSING LAND TRUST?

A housing land trust is a mission-based, private organization that leases land to residents who own houses on the land. The land trust charges a nominal fee for the land lease, thus taking the cost of land acquisition out of the financial equation for homeownership.

A resident may buy or build any structure allowable by zoning on the leased land and privately own it. In return for nominal land-lease rates, the land trust can restrict the resale of the house on the land to income-qualified buyers. In this way, the housing land trust lease model is a financially accessible entry point into homeownership, but it limits the amount of equity a homeowner can access after years of appreciation.

If the Town of Bristol considered engaging this model for price-affordable housing options, would it be more effective to create a new local entity or to contract with an established land trust?



WHAT GOES INTO A HOUSING LAND TRUST?

ORGANIZATIONAL COMPONENTS

1. Full-time director. Duties include:
 1. Education, outreach, and fielding inquiries
 2. Monitoring, mediating issues, and enforcing covenants
 3. Overseeing administration and reporting to a board of directors
 4. Executing opportunities (eg, offers of donated land) and protecting assets
 5. Optional: advocacy efforts to attract more funding and effective policies
 6. Note: like a real estate agent, a land trust director needs to be on call at all times when an emergency or opportunity comes up

2. Administration and accounting. Duties include:
 1. Invoicing monthly land lease fees
 2. Reconciling payments
 3. Preparing monthly financial statements and reports
 4. Payroll and filing taxes

Operating Expenses:

1. Office equipment and supplies, subscriptions and fees, and some travel
2. Upfront legal documents template preparation (like contracts)
3. Contingency plan (line of credit?) if the organization gets sued or needs to sue
4. Access to capital to buy back properties that are foreclosed or go to auction



HOW IS A LOCAL LAND TRUST FUNDED?

Land-lease fees are nominal and do not produce much revenue.

Some operational expenses can be shared by a sponsoring organization, such as bookkeeping and office expenses.

A director might be funded by consulting in a related and flexible field, like real estate.

Some land trusts with large holdings might have for-profit investments, like rental properties, to pay for staffing costs.

Grants for nonprofits are sometimes available, but they're often inconsistent (offered for a few years only), or inadequately awarded (each applicant receives a small proportion of their request), and grants can rarely cover operational expenses.

WHAT MIGHT A LOCAL PROGRAM COST THE TOWN OF BRISTOL?

A land trust director would need real estate and legal acumen to understand finances and contracting. A salary for this mission-based work might be \$70,000, plus employment taxes and health insurance, totaling close to \$100,000 in employment costs.

Perhaps a sympathetic department or organization could cover the payroll, admin, and bookkeeping activities. Some startup funds would also be needed to create contracts, etc.



HOW WOULD AN EXISTING ORG SERVE BRISTOL?

The Community Housing Land Trust (CHLT) of Rhode Island is a statewide entity allied with the Housing Network of Rhode Island (the two organizations share some resources).

CHLT acquires new land to lease by donation, not purchase. The donor must pay the closing costs to transfer the property. Otherwise, there are no costs to a donating entity to have CHLT operate in their vicinity.

CHLT is large enough to support dedicated staff. The organization has all of the relevant legal documents on file, and the staff is experienced in the more complicated situations that can arise (foreclosures, auctions, delinquency, storm damage, etc.). CHLT is also building a capital fund to be able to act upon rights-of-first-refusal written into their rental agreements.

CONSIDERATIONS REGARDING LOCAL VERSUS ESTABLISHED STATEWIDE ORG

The biggest consideration is scale. A land trust needs someone “at the ready” to respond to donation offers or emergencies such as foreclosure or auction. To support this capacity at the local level would mean paying a dedicated person for a small number of properties (proportionately). Since the statewide organization is established with an existing business model, it would not cost the Town of Bristol anything to have CHLT operate in Bristol.

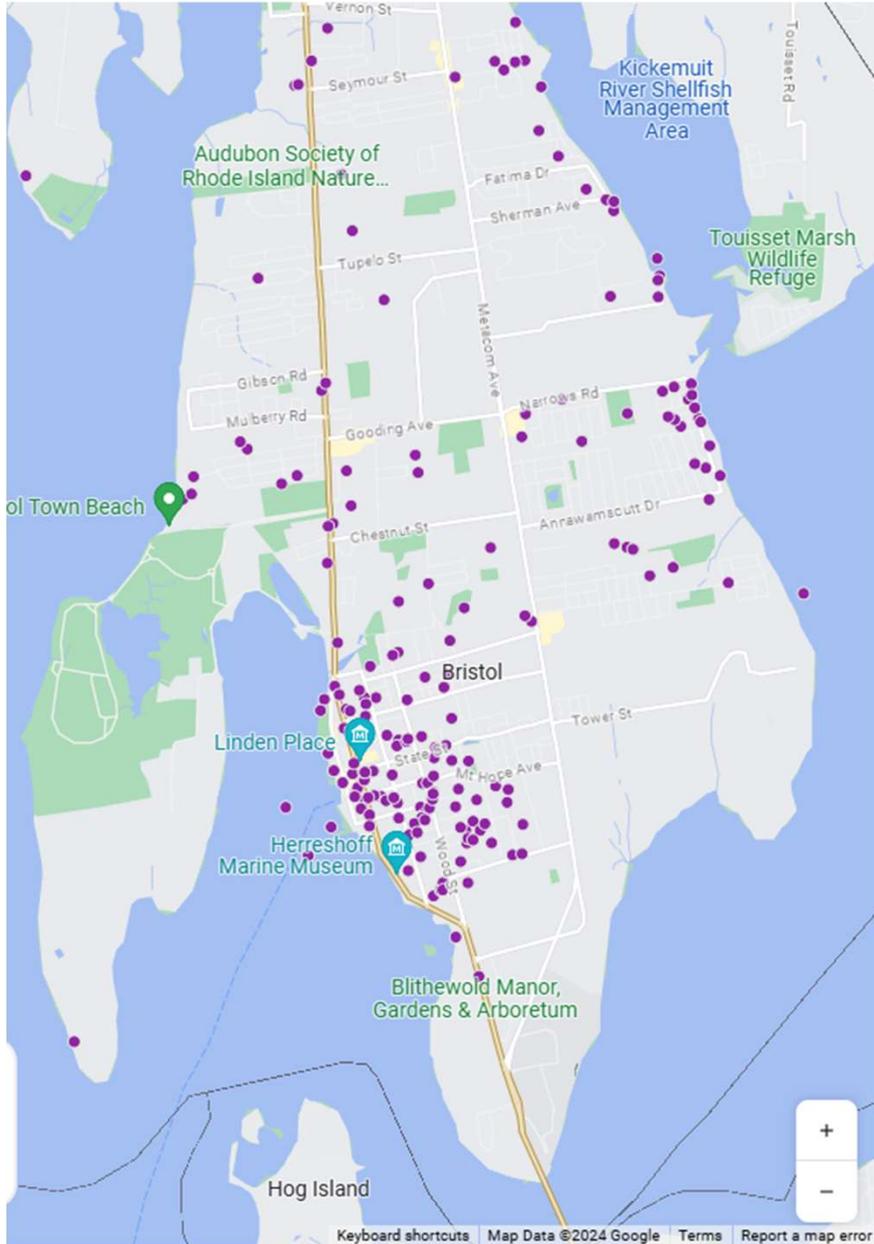


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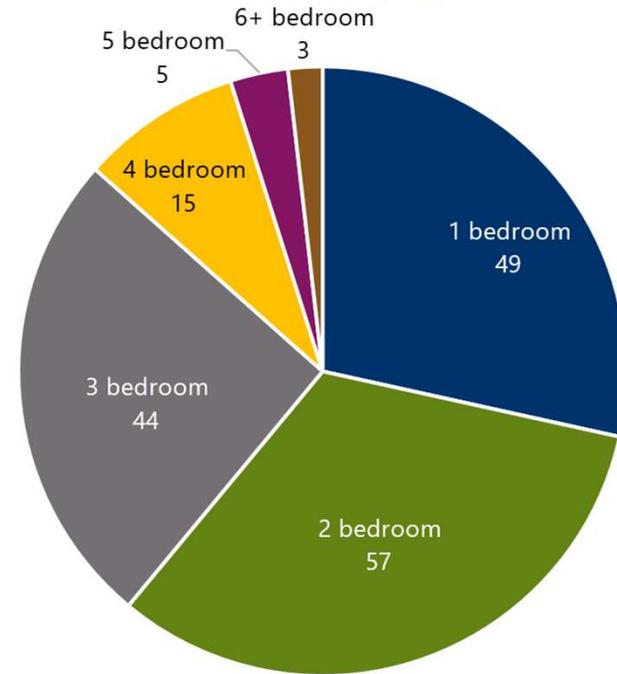
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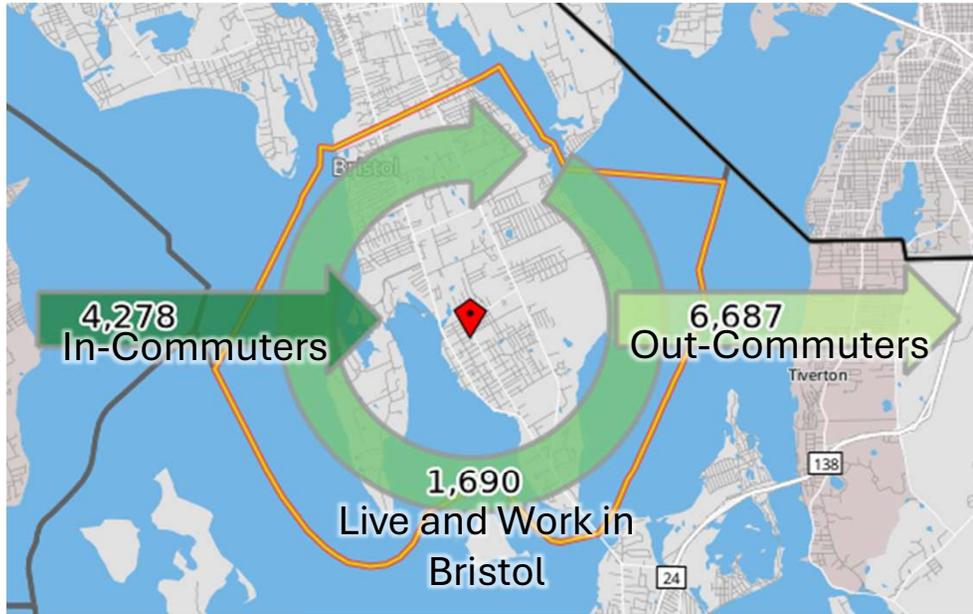
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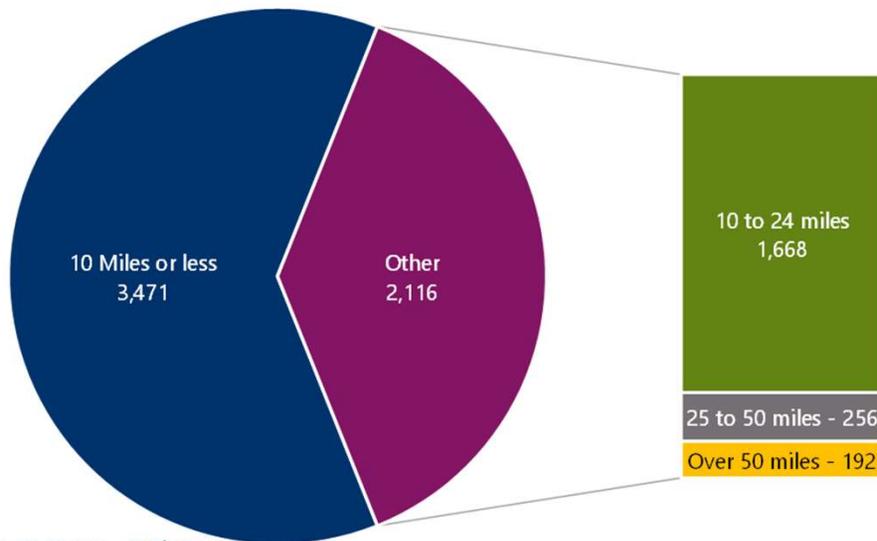
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Town of Bristol, Rhode Island

Department of Community Development

10 Court Street
Bristol, RI 02809
bristolri.gov
401-253-7000

October 30, 2024

TO: Bristol Planning Board
FROM: Diane M. Williamson
RE: **Draft Zoning Ordinance Revisions**

The Solicitor's Office provides the attached draft zoning ordinance revisions based on the revised State Law.

Amy Goins will be present at the meeting to discuss these with you.

If the Board is in support of the ordinance revisions as proposed, it is requested that the Board make a recommendation to the Town Council and a finding of consistency with the Comprehensive Plan and the General Purposes of Zoning.

Thank you.



2 Williams Street
(at South Main Street)
Providence, Rhode Island 02903-2918

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Admitted in RI*, MA †

MEMORANDUM

TO: **The Honorable Bristol Town Council**
Steven Contente, Town Administrator
Diane Williamson, Director of Community Development
Edward M. Tanner, Principal Planner
Stephen Greenleaf, Building Official
Planning Board
Zoning Board
Historic District Commission

FROM: **Amy H. Goins, Esq., Assistant Town Solicitor**
Andrew M. Teitz, Esq., AICP, Assistant Town Solicitor

DATE: **June 24, 2024**

SUBJECT: **Recently Enacted Laws Affecting Land Use**

As you know, the General Assembly recently passed a number of significant bills relating to land use and housing production. The impact of these bills does not appear to be quite as dramatic as that of last year’s housing package, but there are some important substantive and procedural changes. As of the date of this memo, the bills have not yet been signed into law by the Governor, but we expect them to be signed soon. Copies of the legislation are attached for your review along with a press release from the office of Speaker Shekarchi.

Our office will be working with staff on the amendments that will be required to both the Zoning Ordinance and the Land Development & Subdivision Regulations. Please let us know if you have any questions in the meantime.

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H 7382A – Unrelated Persons 5

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H 7062A – Accessory Dwelling Units

→ **Key Takeaway: This is perhaps the most significant bill from this year’s crop of housing bills, and will require amendments to the Zoning Ordinance. ADUs will be allowed “as of right” in many locations. There is also ambiguity and concern about the treatment of “family member” ADUs that were or may now be created, when the family member dies, leaves, or the property is sold, since the municipality is forbidden to revoke the prior permission.**

→ **Effective Date: Upon Passage**

This legislation allows more accessory dwelling units (ADUs) to be constructed as of right, with no local approval required other than a building permit. When the ADU law was last amended in 2022, those amendments were widely viewed by municipal officials and attorneys as difficult to interpret. This bill clarifies the rules surrounding ADUs as follows:

- Housekeeping changes to the definition of an 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.”

Where ADUs would be permitted by right:

The law provides that one ADU per lot shall be allowed under the following circumstances:

- On an owner-occupied property as a reasonable accommodation for family members with disabilities; or
- On a lot with a total area of at least 20,000 sf for which the primary use is residential; or
- Where the proposed ADU is located within the existing footprint of the primary structure or existing accessory attached or detached structure and doesn’t expand the footprint of

the structure. The use of “footprint” rather than “envelope” presumably means that the structure can be raised in height up to the applicable height limit.

Uniform standards for ADUs:

- Maximum unit size can be established, but subject to applicable dimensional requirements, municipalities must allow:
 - A studio or one-bedroom ADU of at least 900 sf, or 60% of the principal dwelling’s floor area, whichever is less; and
 - A two-bedroom ADU of at least 1,200 sf, or 60% of the principal dwelling’s floor area, whichever is less

What Cities & Towns Cannot Do:

[Note: this list was already on the books, but the new law extensively amends it.]

- Restrict tenants based on familial relationships or age, unless such restriction is needed to comply with the terms of a federal subsidy;
- Charge application or permitting fees in excess of what would be charged for a new single-family dwelling;
- Require infrastructure improvements in connection with the ADU, except for code compliance or as required by a state agency for compliance with state law or regulations, or to address capacity or upgrades necessary to accommodate the ADU;
- Impose dimensional requirements or other development standards that exceed the requirements for an accessory structure in the same zoning district;
- Require additional lot area, lot frontage, or lot width for conforming lots or legal nonconforming lots of record solely to accommodate an ADU;
- Require zoning relief for ADU applications proposed within an existing footprint of a legal nonconforming primary or accessory structure in order to address the existing dimensional nonconformity;
- Require more than one off-street parking space per bedroom for the ADU;
- Limit ADUs to lots with preexisting dwellings or otherwise prohibit ADUs as part of applications for new primary dwelling units or subdivisions;
- Prohibit an ADU that otherwise complies with this chapter and applicable dimensional regulations from having up to two (2) bedrooms;
- Require ADUs to be deed-restricted for occupancy by LMI households unless the ADU is part of a development subject to inclusionary zoning or a comprehensive permit application;
- Revoke the permitted status or otherwise require the disassembly of a legally established ADU upon transfer of title or occupancy. As noted above, this is inconsistent with allowing “family member” ADU units on lots smaller than 20,000 square feet.

Transient Rental Prohibited

- ADUs shall not be utilized as short-term rentals as defined under RIGL 42-63.1-2, meaning that they shall not be “offered or rented for tourist or transient use or through a hosting platform.” The law defines “tourist or transient” use as an occupancy period of less than 30 days. Also note that even offering it for a rental on a hosting platform is not allowed. This should be a boon to local realtors.

Review Procedures

The legislation sets forth the proposed review and approval procedure for ADUs as follows:

- An application for an ADU which is not allowed by right shall not, by itself, be reviewed as a minor land development or major land development project. This means that the ADU can still be regulated through zoning, and relief from setback regulations, size limitations, etc. can be requested through the variance or special use permit process, but the ADU would not require review by the Planning Board or Administrative Officer.
- ADU applications 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, a municipality shall not count such ADUs toward density of the proposal for purposes of limiting the number of dwelling units allowed.
- Unified development review approval is permitted.
- ADUs may be exempted from utility assessment and/or tie-in fees (exemption is not mandatory).

H 7324A – Floor Area Ratio

→ **Key Takeaway: This bill will affect the calculation of floor area ratio within the Zoning Ordinance, and the definition of floor area ratio should be revised to reflect this legislation.**

→ **Effective Date: Upon Passage**

This bill was not part of the Speaker’s housing package. This bill amends the section of the ZEA that allows municipalities to regulate floor area ratio (FAR), which is a tool that can control the massing of buildings. The bill prohibits municipalities from including basement areas within the calculation of FAR. The bill refers to § 45-24.3-5(5) of the Housing Maintenance and Occupancy Code for the definition of a “basement,” which is “a portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.” Note that this is essentially a “walk out” basement which may otherwise by code usually be used for living quarters, but now will not be counted in the calculation.

The Zoning Ordinance prescribes a maximum FAR for buildings in commercial and industrial zoning districts. The corresponding definition of FAR must be amended.

H 7382A – Unrelated Persons

→ **Key Takeaway: This bill will require an amendment to the definition of a “household” in the Zoning Ordinance. Now, up to five unrelated persons must be permitted if there are at least five bedrooms.**

→ **Effective Date: Upon Passage**

This bill was also not part of the Speaker’s housing package. It amends the definition of a “household” set forth in the ZEA, which currently provides that municipalities may establish the maximum number of unrelated persons that can live together in a single dwelling unit, and that this maximum shall be at least three (3) unrelated persons. This law changes that provision to read as follows: “The maximum number [of unrelated persons living together] may be set by local ordinance, but this maximum shall not be less than one person per bedroom and shall not exceed five (5) unrelated persons per dwelling. The maximum number shall not apply to NARR-certified recovery residences [sober houses].”

The law now sets forth both a floor and a ceiling for the number of unrelated persons who can live together in one household, where previously, only a floor was set forth. The floor, meaning the minimum number of unrelated persons who can live together in a single dwelling unit, is now “one person per bedroom.” Rather than a fixed number, it is dependent on the number of bedrooms in the dwelling unit. The ceiling, meaning the maximum number of unrelated persons who can cohabitate in a single dwelling unit, is now five unrelated persons.

The definition of a “household” within the Zoning Ordinance needs to be updated, as it limits the maximum number of unrelated persons who can live together in a single dwelling unit to four persons. This definition will need to match the new law. So if a single-family dwelling has four bedrooms, the Town can still enforce a four-person limit, but if a different dwelling has five bedrooms, then five unrelated people can reside together.

H 7948A – Inclusionary Zoning

→ **Key Takeaway: This bill dials back some of the changes to last year’s legislation on inclusionary zoning, especially changing the required density bonus ratio from 2-to-1 to 1-to-1, which returns inclusionary zoning to being a useful tool to obtain affordable housing. The Planning Board and Town Council can consider whether to reinstate inclusionary zoning in light of these amendments.**

→ **Effective Date: January 1, 2025**

This bill amends the inclusionary zoning statute, § 45-24-46.1 of the ZEA. This statute was amended in the 2023 housing package in a way that disincentivized inclusionary zoning for municipalities, and some towns that previously had an inclusionary zoning requirement on the books opted to discontinue this requirement going forward. The Rhode Island Chapter of the American Planning Association (APA-RI) endorsed this legislation.

The changes are as follows:

- Affordable housing shall constitute no less than 15 percent of the total units proposed for development – this represents a decrease from 25 percent in last year’s legislation.
- Decreases the density bonus to one (1) market rate unit for each required LMI unit – this represents a decrease from the current 2-for-1 density bonus
- Clarifies that the total number of units in the development may include less than 15 percent LMI units after the density bonus is determined. The 2023 legislation created some confusion about the calculation of the density bonus, which this amended provision addresses.
- The density bonus is available only if LMI units are built as part of the development itself – off-site construction or rehabilitation of LMI units, fee-in-lieu option, or land donation shall not render the development eligible for a density bonus.
- Requires local regulations to provide “reasonable relief from dimensional requirements to accommodate the bonus density under this section” but does not define “reasonable.” In addition, a municipality “shall provide and an applicant may request” additional zoning incentives and/or municipal government subsidies to offset differential costs of affordable units, again without defining those incentives or subsidies.

Example calculation under 2024 legislation:

- Developer proposes a 6-unit development
- 15 percent of 6 is .9, so round up to 1 = 1 LMI unit required out of 6
- Density bonus is 1 extra unit, so the unit count is as follows: 1 LMI unit, 5 + 1 market rate units = 6 market rate, for a total of 7 units.

Example calculation under 2023 law:

- Developer proposes a 6-unit development
- 25 percent of 6 is 1.5, so round up to 2 = 2 LMI units required out of 6
- Density bonus is 4 extra units, so the unit count is as follows: 2 LMI units, 4 + 4 market rate units = 8 market rate, for a total of 10 units.

H 7949Aaa – Development Review Act and Zoning Enabling Act

→ **Key Takeaway: This bill is mostly a collection of corrections/housekeeping-type amendments. It does include substantive changes to the way setbacks are calculated for undersized legal nonconforming lots, and now significantly limits Development Plan Review to only five types of uses, but makes Development Plan Review optional. It seems that Development Plan Review will fade away over time and such reviews will become Minor Land Development projects. It will require amendments to the Zoning Ordinance and Land Development & Subdivision Regulations.**

→ **Effective Date: Upon Passage**

This bill follows last year’s overhaul of the Development Review Act, which is the enabling act for subdivisions and land development projects. This bill contains several corrections, clarifications, and other changes, as follows:

- Changes definition of “development plan review” (DPR) by making the list of project types eligible for such review an exclusive list. Last year’s legislation framed this list as “including but not limited to.”
- Makes the process of DPR optional for towns rather than mandatory. This would reverse a change made in last year’s legislation.
- Clarifies that formal DPR shall be reviewed as a final plan application
- Clarifies that a minor land development project involves certain project types unless the municipality designates those project types as subject to DPR. This is consistent with existing language elsewhere in the law allowing municipalities to do so.
- Clarifies the deadline for action on certain projects, correcting some inconsistencies in last year’s legislation
- Revises the section on precedence of approvals, which wasn’t updated last year and contained outdated language. The proposed language now takes into account the process of unified development review, which is now mandatory.

This bill also contains proposed amendments to the Zoning Enabling Act, as follows:

- Changes to dimensional regulations for substandard lots. Last year’s legislation specified that “the setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located.” This language would be replaced with an entirely different rule, which would have the same effect of making substandard lots easier to develop. The legislation provides as follows:
 - “Minimum building setbacks, lot frontage and lot width requirements for a lot which is nonconforming in area shall be reduced by applying the building setback, lot frontage and lot width requirements from another zoning district in the municipality in which the subject lot would be conforming as to lot area. If the subject lot is not conforming as to lot area in any zoning district in the municipality, the setbacks, lot frontage and lot width shall be reduced by the same proportion that the area of such substandard lot meets the minimum lot area of the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the minimum lot area required in the district in which it is located, the setbacks, frontage and width shall each be reduced to forty percent (40%) of the requirements for those dimensional standards in the same district.”
 - The legislation also clarifies the manner in which the maximum lot coverage shall be increased for substandard lots, as follows: “Maximum lot building coverage for lots that are nonconforming in area shall be increased by the inverse proportion that the area of such substandard lot meets the minimum area requirements in the

district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the required minimum lot area, the maximum lot building coverage is allowed to increase by sixty percent (60%) over the maximum permitted lot building coverage in that district.”

- The legislation also provides that advertising and notice requirements for special use permit applications shall mirror what is already required for dimensional variance applications.
- The legislation further clarifies that development plan review is an optional process for municipalities. This addresses an inconsistency with last year’s legislation.

H 7950A – Financial Guarantees

→ **Key Takeaway: No longer can a municipality require only cash bonds for improvement guarantees. Now three forms must be offered, which will probably include bonds by insurance companies and bank letters of credit. This will require an amendment to the Land Development & Subdivision Regulations.**

→ **Effective Date: Upon Passage**

State law requires that for developments requiring public improvements (roads, utilities, etc.), those improvements must be either completed prior to final plan approval or financially guaranteed. This legislation changes the rules applicable to financial guarantees as follows:

- Clarifies that the applicable permitting authority shall approve financial guarantees. This aligns with last year’s legislation which transferred permitting authority for some developments from planning boards to the administrative officer/technical review committee.
- Requires timely inspections by town staff for improvements constructed without a financial guarantee.
- Requires local regulations to specify at least three (3) acceptable forms of financial security.
- Provides that a maintenance guarantee (for maintenance of required improvements) shall not exceed 10 percent of the construction guarantee, or the original cost of the public improvements if no guarantee was required.

H 7951A – Comprehensive Planning

→ **Key Takeaway: This will make it even more difficult for a municipality to adopt a moratorium on development. It was likely sparked by concern that municipalities might react to these many legislative amendments with a flood of moratoria. No amendments are required on the local level.**

→ **Effective Date: Upon Passage**

This bill amends § 45-22.2-13 of the Comprehensive Planning and Land Use Act by limiting land use moratoria, which are restrictions on building permits or other land use approvals. The legislation limits moratoria as follows:

- Limitations on residential building permits must be “vital to protecting public health and welfare and it must be demonstrated that there is no other means available to protect public health and welfare given the need for additional housing units in the community.”
- Moratoria shall not be applicable to comprehensive permit applications or units to be developed under inclusionary zoning.
- Moratoria imposed “in the event of a dire emergency not reasonably foreseeable as part of the comprehensive planning process” shall be in effect no longer than 120 days.
- Proposals for moratoria on residential development must be advertised in the newspaper and on the municipality’s website.
- Moratoria for residential development must include a vesting provision under which substantially complete applications are exempt.

H 7978A – Electronic Submission of Planning & Zoning Applications

→ **Key Takeaway: This will require all municipalities to change their current procedures so that all development applications will be submitted electronically, similar to the current process for building permits.**

→ **Effective Date: Upon Passage, With Compliance Deadline of October 1, 2025**

This legislation requires municipalities to implement electronic permitting for all development applications no later than October 1, 2025. State law already requires municipalities to adopt and implement electronic permitting for the building permit process. This legislation broadens that requirement to encompass development applications required under the Zoning Enabling Act, Development Review Act, and LMI Housing Act. The law requires the Town to impose a surcharge on applications, equal to an additional one-tenth of one percent (0.001%) of the total fee, that shall be transmitted monthly to the State, to defray the costs of the e-permitting software. The law also provides that DBR shall reimburse municipalities for annual fees and costs associated with the e-permitting requirement.

H 7979 – Combined Review Board

→ **Key Takeaway: This will give the Town the option to replace the Planning Board and Zoning Board with a combined review board. This is one more step, albeit voluntary now, toward the elimination of the Zoning Board and replacement with one board. The 2023 legislation made Unified Development Review by the Planning Board mandatory, and also removed the appellate jurisdiction of zoning boards for planning board appeals and decisions of the administrative officer, and transferred it to the Superior Court Land Use Calendar.**

→ **Effective Date: January 1, 2025**

This legislation gives municipalities the option to establish a combined review board in lieu of separate planning and zoning boards. The combined review board would have the power to act as a zoning board, a planning board, or both, as required. The legislation also amends provisions relating to the membership of planning boards and zoning boards.

As with previous legislation that was once optional but is now mandatory (unified development review, zoning modifications, etc.), it is possible that the option to establish a combined review board, if enacted, could later be turned into a mandate. (A press release from the Speaker’s office dated March 7, 2024, describes this as a “pilot program.”)

H 7980Aaa – Manufactured Homes

→ **Key Takeaway: This bill was significantly revised from its original version. It would allow a community to allow a mobile home on any lot zoned for single-family use. Unfortunately, it still continues some of the confusion between “manufactured homes” and “mobile homes.” No amendments are required on the local level unless the Town chooses to take action.**

→ **Effective Date: Upon Passage**

This legislation amends the Zoning Enabling Act by providing that manufactured homes may be permitted where single-family homes are permitted. Note that an earlier version of this legislation would have made this treatment mandatory rather than option, which would have significantly changed current law. Under this bill, municipalities retain the authority to treat manufactured homes separately from stick-built homes. The legislation defines a “manufactured home” as follows:

“As used in this section, a manufactured home shall have the same definition as in [federal law], meaning a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under [federal law]; and except that such term shall not include any self-propelled recreational vehicle.”

The legislation provides as follows:

“Notwithstanding any other provisions of this chapter, all towns and cities may allow manufactured homes which comply with § 23-27.3-109.1.3 [reference is to the State Building Code] as a type of single-family home on any lot zoned for single-family use. Such home shall comply with all dimensional requirements of a single-family home in the district or seek relief for the same under the provisions of this chapter.”

H 7982 – Wetlands

→ **Key Takeaway:** This law clarifies that DEM and CRMC have exclusive jurisdiction over setbacks from wetlands. This law will not require any amendments on the local level.

→ **Effective Date:** Upon Passage

Legislation enacted in 2015 began a process that ultimately led to municipalities losing the authority to regulate development near wetlands and wetland buffers. Regulations that took effect in 2022 now give the Department of Environmental Management or the Coastal Resources Management Council authority to regulate such development. This legislation simply clarifies this and doesn't make any substantive changes. It is fair to characterize this bill as a housekeeping amendment.

H 7984Aaa – Mobile & Manufactured Homes as LMI Units

→ **Key Takeaway:** This allows certain mobile homes to be counted as an affordable unit if there is a 30-year deed restriction in place, and one-half (½) of an affordable unit without a deed restriction, toward the required 10%. No amendments are required but there may be impacts to the Town's number of affordable housing units.

→ **Effective Date:** Upon Passage

This legislation would provide that mobile and manufactured homes shall constitute "affordable housing" as defined by state law, provided that the home meets the following conditions: (1) it constitutes a primary residence of the occupant(s); (2) it is located within a resident-owned community or the land containing the home is owned by the occupant(s); (3) it was constructed after June 15, 1976; and (4) it complies with federal standards for manufactured homes. Any affordable units meeting this definition shall be counted as one whole unit in determining the number of affordable units within the municipality. Such units that lack a deed restriction on affordability may be counted as half-units for purposes of the LMI quota, if the municipality contracts with an approved monitoring agent to verify eligibility.

MISCELLANEOUS LEGISLATION

The following bills will not directly alter laws relating to land use, so the summaries below are taken directly from the explanations provided by the General Assembly. All of these bills have been approved by the General Assembly.

H 7977A: "This resolution would create a thirteen (13) member special legislative study commission whose purpose it would be to study the ability of the Rhode Island educational system to offer degree or certificate programs within the State to provide a supply and a pipeline of planners, planning technicians, and planning staff, and who would report back to the House no later than April 1, 2025, and whose life would expire on June 30, 2025." This resolution passed the House on April 11. As a House resolution, it is effective without Senate passage.

Key Takeaway: The goal of this resolution is to restore the “pipeline” of young professional planners which evaporated after URI eliminated its Master’s program in planning several years ago.

H 7983Aaa: “This act would amend various provisions relative to the duties of the state building commissioner and would establish a building code education and training unit to educate building officials and inspectors statewide.” This law would take effect on January 1, 2025.

Key Takeaway: The goal of this act is to increase the number of “certified” building officials available to serve Rhode Island municipalities.

H 7985A “This act would require the department of administration to publish a report to the speaker of the house, president of the senate, and secretary of housing evaluating the cost to establish and maintain a statewide geographic information system.”

Key Takeaway: This act might eventually lead to the creation of statewide GIS system, and it is possible that it might lead to a statewide zoning map.

H 7986Aaa: “This act would require towns and cities to publish a list of abandoned properties and makes various other amendments relative to the sale of abandoned property by a receiver.”

Key Takeaway: Municipalities previously had to submit a list of abandoned properties to the state. Now they have to publish it as well. Also, in the sale of abandoned property by a Receiver, the Court may give priority to purchasers who propose one or more of four strategies for housing creation.

H 7981A – Residential Uses – NOT ENACTED

You may have heard some buzz about a law that would have changed where residential uses must be permitted, one of which would have required every municipality to allow duplexes in 30% of the municipality’s land area. This law was ultimately not enacted.

Unfortunately, this law also contained certain revisions to the provisions of the ZEA that govern Adaptive Reuse, which was adopted last year. These revisions would have provided some protection for industrial uses and zones, but because the law failed to win passage, the Adaptive Reuse provisions remain in effect as is.

Substandard Lots - Bristol

Article VII. Nonconformance

Amend as follows:

Sec. 28-221. Land nonconforming by area.

(b) Notwithstanding the failure of a single substandard lot of record or contiguous lots of record to meet the dimensional and /or quantitative requirements of this zoning ordinance, and/or road frontage or other access requirements applicable to the district as stated in the ordinance, a substandard lot of record shall not be required to seek any zoning relief based solely on the failure to meet minimum lot size requirements of the district in which such lot is located. ~~The setback, frontage, and/or lot width requirements for a structure under this section shall be reduced and the maximum building coverage requirements shall be increased by the same proportion as the lot area of the substandard lot is to the minimum lot area requirement of the zoning district in which the lot is located.~~ For any structure proposed under this section on a substandard lot of record, the following dimensional regulations shall apply:

(1) Minimum building setbacks, lot frontage, and lot width requirements for a lot that is nonconforming in area shall be reduced by applying the building setback, lot frontage, and lot width requirements from another zoning district in the municipality in which the subject lot would be conforming as to lot area. If the subject lot is not conforming as to lot area in any zoning district in the municipality, the setbacks, lot frontage, and lot width shall be reduced by the same proportion that the area of such substandard lot meets the minimum lot area of the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the minimum lot area required in the district in which it is located, the setbacks, frontage, and width shall each be reduced to forty percent (40%) of the requirements for those dimensional standards in the same district.

(2) Maximum lot building coverage for lots that are nonconforming in area shall be increased by the inverse proportion that the area of such substandard lot meets the minimum area requirements in the district in which the lot is located. By way of example, if the lot area of a substandard lot only meets forty percent (40%) of the required minimum lot area, the maximum lot building coverage is allowed to increase by sixty percent (60%) over the maximum permitted lot building coverage in that district.

All proposals exceeding such reduced requirement shall proceed with a modification request or a dimensional variance request, whichever is applicable.

* * *

Development Plan Review - Bristol

Article V. Supplementary Regulations

* * *

Sec. 28-150. Special use permit standards for various uses.

* * *

(d) Special use standards for wireless telecommunication towers.

* * *

(2) An application for a special use permit for a new wireless telecommunications tower shall only be accepted if all of the following requirements are met:

~~e. The town planning board has given its preliminary approval and its advisory recommendation following development plan review, pursuant to article VI of this chapter.~~

* * *

(k) Special use standards for compassion centers and cannabis retailers/hybrid cannabis retailers.

(1) Compassion centers by special permit use in certain zones as set forth in Section 28, shall be subject to the requirements of subsection 28-409(c)(2), and all of the following additional requirements:

* * *

~~j. Development plan review shall be conducted by the planning board.~~

* * *

(2) Cannabis retailers/hybrid cannabis retailers by special permit use in certain zones as set forth in Section 28, shall be subject to the requirements of subsection 28-409(c)(2), and all of the following additional requirements:

* * *

~~e. Development plan review shall be conducted by the planning board.~~

* * *

(v) Special use permit standards for drug and alcohol rehabilitation facility.

* * *

~~(7) Pre-application. Prior to application for zoning approval, the applicant shall undergo development plan review with the technical review committee (TRC) of the planning board.~~

* * *

Development Plan Review - Bristol

(w) *Special use permit standards for halfway house.*

* * *

~~(6) Pre-application. Prior to application for zoning approval, the applicant shall undergo development plan review with the technical review committee (TRC) of the planning board.~~

* * *

Article VI. Development Plan Review

Sec. 28-181. - Development plan review established.

There shall be development plan review for uses that are permitted by right under the zoning ordinance, as provided for in this article.

Sec. 28-182. - Permitting authority.

The permitting authority shall be the administrative officer for administrative development plan review and the planning board for formal development plan review.

Sec. 28-183. - Uses subject to development plan review.

~~The following uses shall be subject to development plan review when any action is taken that requires the issuance of a building permit or certificate of occupancy, other than as excepted in section 28-185:~~

~~(1) *Nonresidential uses.* All nonresidential development, including, but not limited to, commercial, retail, industrial or institutional, calculated as to the entire development both existing and proposed, where any of the following apply:~~

Criteria	Downtown and Waterfront Zones	All Other Zones
The GFA is greater than:	10,000 s.f.	20,000 s.f.
Parking is either required or provided for more than:	25 vehicles	50 vehicles
The lot area of the entire parcel is equal to or greater than:	20,000 s.f.	40,000 s.f.

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Gasoline service station:	All	All
Criteria	Downtown and Waterfront Zones	All Other Zones
A use that contains a drive-up window, including an ATM:	All	All
Any use serving food or alcohol (other than a fast food restaurant) that has a legal capacity equal to or exceeding:	80 people	150 people
Any fast food restaurant that has a legal capacity equal to or exceeding:	40 people	80 people
Wireless telecommunications antenna:	All	All

~~(2) Residential use. Any residential use, calculated as to the entire development both existing and proposed, where any of the following apply:~~

Criteria	Downtown and Waterfront Zones	All Other Zones
There are dwelling units equal to or more than:	6 D.U.	6 D.U.
There are rooming units equal to or more than:	6 R.U.	12 R.U.
For lots containing more than two dwelling units, the lot area of the entire parcel is equal to or greater than:	40,000 s.f.	80,000 s.f.

~~(3) DPR required in certain zones. Any use that is located in the Metacom Avenue overlay zone or Metacom mixed use zone.~~

Development plan review shall be required for the following categories of developments: (i) A change in use at the property where no extensive construction of improvements is

Development Plan Review - Bristol

sought; (ii) An adaptive reuse project located in a commercial zone where no extensive exterior construction of improvements is sought; (iii) An adaptive reuse project located in a residential zone that results in less than nine (9) residential units; (iv) Development in a designated urban or growth center; or (v) Institutional development for educational or hospital facilities.

An applicant shall not be required to obtain both land development and development plan review for the same project. Development plan review shall be conducted according to Article 4.1 of the Regulations.

Sec. 28-184. - Guidelines.

The review by the planning board shall be based upon the specific requirements set forth in appendices E, F; and for those properties in the Metacom Avenue Overlay, appendix G of the regulations.

Sec. 28-185. - Exceptions to development plan review.

The following actions shall be excepted from development plan review, but only upon application to and written decision by the administrative officer:

(1) *Change of use.* A use otherwise subject to development plan review is changed to another use that is permitted on the same legal basis as the prior use, and the new use is listed in the same category in table A—permitted use table (section 28-82).

~~(2) *Minor changes.* A use otherwise subject to development plan review is the subject of a minor change, as defined in the regulations.~~

Sec. 28-186. - Waivers of design standards.

The planning board may grant waivers of design standards, as set forth in the regulations.

Sec. 28-187. – Appeal.

A rejection of the decision shall be an appealable decision pursuant to RIGL § 45-23-71.

Sec. 28-187~~8~~—28-210. - Reserved.

* * *

Article VIII. Off-Street Parking and Loading Regulations.

* * *

Sec. 28-255. - Off-site parking; development plan review.

~~Application may be made to the technical review committee (TRC) of the planning board, pursuant to the TRC development plan review procedures set forth in the town subdivision and development review regulations. The authorized permitting authority may approve proposed off-site parking. If the TRC authorized permitting authority determines that the construction of off-street parking facilities on the same lot as the main use is impractical and that the provision of off-site parking will be adequate to meet the parking needs of the use and will conform to good~~

Development Plan Review - Bristol

planning practice, then the ~~TRC~~ authorized permitting authority may approve such off site parking. Off-site parking shall be located a reasonable distance from the use unless evidence is presented that there will be a shuttle or valet service to the use. In any such instance, appropriate deed restrictions shall be placed in the land evidence records for both the property on which the use is located and the property on which the parking is located.

* * *

Article IV. Land Development Projects and Special Zones

* * *

Division 4. Educational Institutional Zoning District (EI Zone)

* * *

Sec. 28-352. - Permitted uses and dimensions.

(a) Use of property owned or leased by a higher education institution (hereafter "institution") and located in an EI zone shall be governed by the provisions of this division. Specific permitted ~~principle~~ principal uses are identified in Table A—Permitted Use Table. Accessory uses that are normally accessory and subordinate to such permitted uses are also permitted in the EI zone.

(b) Specific dimensional requirements are identified in Table C—Dimensional Table, for the EI zone, provided however that for the Campus of Roger Williams University, east of Metacom Avenue, the EI zone shall be further divided into three subdistricts, based on the permitted height. These districts shall be: EI-35 (35-foot maximum height), EI-48 (48-foot maximum height), EI-65 (65-foot maximum height). The location of such subdistricts shall be based on those certain "sectors" shown on that certain map entitled "Roger Williams University Map, for Draft Institutional Master Plan, dated September 20, 2001", (the Roger Williams Draft Map) a copy which is in the custody of the town clerk and hereby incorporated by reference.

~~Dimensional requirements are hereby declared to be an integral part of the nature of the educational institution use and therefore any variance sought from the zoning board from dimensional requirements shall be deemed to be a use variance.~~

* * *

Sec. 28-354. - Institutional master plan requirement.

All higher education institutions shall file an institutional master plan with the planning board, which institutional master plan shall be in compliance with the use and dimensional requirements of this division and the town's comprehensive plan and which shall be approved by the planning board as a ~~major land development project~~ through formal development plan review.

* * *

(3) *Review and approval.* An institutional master plan shall be subject to the procedure for review and approval set forth in the subdivision and development review regulations of the Town of Bristol for a ~~major land development~~ formal development plan review. ~~(Note: An institutional~~

Development Plan Review - Bristol

~~master plan includes the entire process of a major land development, including the pre-application stage, the conceptual master plan stage and the preliminary plan stage the latter two of which may be combined by the planning board and the final plan stage.)~~

* * *

Floor Area Ratio – Bristol

Article I. In General.

Sec. 28-1. Definitions.

Amend as follows:

* * *

Floor area ratio is determined by dividing the gross floor area of all buildings on a lot by the area of that lot. Any portion of a basement as defined in RIGL § 45-24.3-5 shall be excluded from this calculation.

* * *

Inclusionary Zoning - Bristol

Article IX. Land Development Projects and Special Zones.

Division 6. Low and Moderate Income Housing and Inclusionary Zoning.

* * *

~~Sec. 28-370. Inclusionary zoning.~~

~~(a) *Applicability.* This section shall apply to all subdivisions of five or more units and all land development projects including new development and redevelopment of existing buildings, with five or more dwelling units, as classified under Bristol's Zoning Ordinance and Subdivision and Development Review Regulations. This section shall not apply to any project filed after January 1, 2024.~~

~~When a subdivision or land development project that creates fewer than five new dwelling units is approved on a portion of a parcel of land, leaving another portion of the same parcel undeveloped, the portion left undeveloped shall not be subdivided or developed for residential use unless the undeveloped portion is subject to the inclusionary requirements of this chapter. The number of inclusionary units required in the later development shall be calculated as if the earlier development were part of it. This provision does not apply when an entire parcel receives master plan approval and is developed in phases.~~

~~(b) *Affordability requirement.* For all applicable projects as defined in subsection ~~28-370(a)~~, at least 20 percent of the units on site must qualify as affordable housing, as defined by this article. Fractions of a lot or dwelling unit shall be rounded up to the nearest whole number.~~

~~(c) *Design and building requirements.*~~

~~(1) All inclusionary units provided within a development shall:~~

- ~~a. Be reasonably dispersed throughout the development.~~
- ~~b. Be indistinguishable in appearance of quality of construction from the other units in the development.~~
- ~~c. Contain a mix of bedrooms, up to and including three-bedroom units.~~
- ~~d. Be compatible in architectural style to the market rate units within the project.~~
- ~~e. Be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.~~
- ~~f. Where affordable housing units are proposed in the Metacom mixed use zone, these units shall not be located in a separate structure and must be located on the upper floors with commercial uses on the first floors.~~

~~(2) Any existing dwelling units proposed to be counted as inclusionary units must be in full compliance with all applicable construction and occupancy codes, and shall be sufficiently maintained or rehabilitated so that all major systems meet standards comparable to new construction.~~

Inclusionary Zoning - Bristol

~~(d) Incentives.~~

~~(1) Reduction in minimum lot area.~~ All projects subject to this article shall be entitled to a density bonus allowing for reduction in the minimum lot area per dwelling unit in the development based upon the underlying zoning. The density bonus shall be 20 percent.

~~(2) Modification of lot dimensional requirements.~~ The density bonus shall correspond with a 20 percent decrease in the minimum front, rear and side yard setback requirements and a 20 percent decrease in the minimum frontage and lot width requirements of the Bristol Zoning Ordinance for the zoning district in which the property is located. Except in the R-6 zoning district where the front yard setback shall not be less than the average of the block.

~~(e) Reserved.~~

~~(f) Off-site option.~~

~~(1) Off-site options.~~ The planning board at its sole discretion may allow any developer of an inclusionary project to comply with the requirements of subsection 28-370(b) through one of the following off-site exactions:

~~a. Off-site rehabilitation of affordable units in existing buildings.~~

~~b. Off-site new construction of affordable units.~~

~~c. Donation of one or more parcels of land suitable for residential development to be held by the affordable housing trust fund.~~

~~(2) Conditions.~~ Use of an off-site option shall be subject to the following conditions:

~~a. Reserved.~~

~~b. Off-site inclusionary units shall have a certificate of occupancy prior to, or simultaneous with the occupancy of any market rate units.~~

~~c. New off-site units shall be compatible in architectural style to the existing units in the surrounding neighborhood.~~

~~d. Renovated off-site units shall be in full compliance with all applicable construction and occupancy codes, and shall be sufficiently maintained or rehabilitated so that all major systems meet standards comparable to new construction.~~

~~e. The planning board in its sole discretion may further condition the use of any off-site option.~~

~~(g) Preference of options.~~

~~(1) Reserved.~~

~~(2) Reserved.~~

~~(3) The following is the town's preferred progression of affordable housing options:~~

~~a. First preference. Affordable units developed on-site.~~

Inclusionary Zoning - Bristol

b. Reserved.

~~c. *Second preference.* Off-site options:~~

~~1. Off-site rehabilitation of affordable units in existing buildings.~~

~~2. Off-site new construction of affordable units.~~

~~3. Donation of one or more parcels of land suitable for residential development to be held by the affordable housing trust fund.~~

~~(h) *Affordability requirements.* All affordable housing units constructed pursuant to this article must qualify as low and moderate income housing units as defined in RIGL Tit. 45, Ch. 53. To accomplish this, an applicant shall, at a minimum, make the following submission in conjunction with the final plan:~~

~~(1) A town approved monitoring service agreement, with a qualified organization; and,~~

~~(2) A town approved land lease and/or deed restriction that includes the town as a signatory, and grants to the town enforcement authority and the right to notice.~~

~~(3) A town approved marketing plan and residential selection plan for the low to moderate income units. The plan shall meet state and federal fair housing requirements and shall describe how the low or moderate income units will be marketed and potential homebuyers or tenants selected.~~

~~(4) *Local preference.* Priority shall be given in resident selection to local preference households for the low or moderate income units. "Local preference households" are to include those containing persons currently residing or employed in Bristol or hired to do so but not yet working within the town. They may include others such as persons having children, parents, or siblings who are residents of the town, if shown to be consistent with state and federal fair housing requirements.~~

~~(i) *Implementation of inclusionary unit provisions.* Implementation procedures, to be developed administratively by the town and approved by the planning board as part of the town's subdivision and development review regulations, shall further describe the submission requirements and review timelines for the inclusionary housing plan and inclusionary housing agreement.~~

~~(a) *Applicability.* This section shall apply to all subdivisions and land development projects resulting in five (5) or more housing units or lots.~~

~~(b) *Affordability requirements.* For all applicable projects, at least fifteen percent (15%) of the lots or units within the proposal must qualify as affordable housing, as defined by RIGL § 42-128-8.1. The total number of lots or units for the development may include less than fifteen percent (15%) affordable units after the density bonus described herein is determined. Where the required number of affordable units results in a fraction, the required number of affordable units shall be rounded up to the nearest whole number. A town-approved monitoring services agreement with a qualified organization is required.~~

Inclusionary Zoning - Bristol

(c) Off-site option.

(1) The planning board, at its sole discretion, may allow an applicant to comply with the inclusionary requirement by constructing inclusionary units on a site other than the project location. Off-site inclusionary units may be provided through off-site construction of affordable units and/or off-site rehabilitation of affordable units in existing buildings.

(2) Conditions. Provision of off-site inclusionary units shall be subject to the following conditions:

a. Off-site inclusionary units shall have a certificate of occupancy prior to, or simultaneous with, the occupancy of market-rate units.

b. New off-site units shall be compatible in architectural style to the existing units in the surrounding neighborhood in which they are being constructed.

c. Renovated off-site units shall be in full compliance with all applicable construction and occupancy codes and shall be sufficiently maintained or rehabilitated so that all major systems meet standards comparable to new construction.

(d) Incentives.

(1) Density bonus. The number of housing units allowable on the site or sites involved shall be increased to one (1) two market rate unit for each affordable unit and the minimum lot area per dwelling unit normally required in the applicable zoning district shall be reduced by that amount necessary to accommodate the development.

(2) The total number of units for the development shall equal the number originally proposed, including the required affordable units, plus the additional units that constitute the density bonus. The permitting authority is authorized to allow dimensional reductions to lot size, lot coverage, density, and setbacks as determined necessary to accommodate the inclusionary units.

(3) Notwithstanding any other provisions of this chapter, an application that utilizes off-site construction or rehabilitation, or donation of land suitable for development of the required affordable units, shall not be eligible for the density bonus outlined in this section.

* * *

This section shall take effect on January 1, 2025.

Accessory Dwelling Units - Bristol

Article I. In General.

Sec. 28-1. Definitions.

Amend as follows:

* * *

Accessory dwelling unit (ADU) means ~~either an accessory dwelling unit that has been restricted by deed for the sole use as an affordable housing rental unit that meets the requirements of the Low and Moderate Income Housing Act or an accessory dwelling unit for the sole use of one or more members of the family or caretaker of the occupant or occupants of the principal residence, but neither type needing to have a separate means of ingress and egress.~~ 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. (See section 28-151.)

* * *

Article V. Supplementary Regulations.

* * *

Sec. 28-151. - Accessory dwelling units.

~~(a) *Description.* This section authorizes the installation of accessory dwelling units in owner-occupied, single family houses. An accessory dwelling unit includes separate cooking and sanitary facilities and is also a complete, separate housekeeping unit. Accessory dwelling units may be dedicated as an affordable housing unit, for a caretaker, or for family members as an accessory family dwelling unit. Accessory family dwelling units shall only be occupied by family members. Family members, as defined in this chapter shall be limited to persons related by blood, marriage, or other legal means. An affordable housing accessory dwelling unit may be occupied by family members or nonfamily members and shall be restricted by deed and must qualify as a low to moderate income housing unit as defined in RIGL Tit. 45, Ch. 53.~~

~~(b) *Purposes.* The purposes of permitting accessory dwelling units include:~~

- ~~(1) Preserve and protect the family in American life by enabling multiple generations of family members to live together and care for one another while maintaining a degree of privacy and individual dignity through separate dwelling units.~~
- ~~(2) Protect stability, property values, and the residential character of a neighborhood by ensuring that accessory dwelling units are installed only in owner-occupied houses and under such additional conditions as specified herein.~~
- ~~(3) Provide for the development of low and moderate income housing within the Town of Bristol in accordance with the state mandate and to provide for a full range of housing choices throughout the town for households of all incomes, ages and sizes.~~

Accessory Dwelling Units - Bristol

(4) Provide for public safety by ensuring that accessory dwelling units are created legally, and in accordance with all applicable local and state codes.

(5) Implement the Affordable Housing Production Plan.

~~(e) Where allowed. Accessory dwelling units shall be allowed as follows:~~

~~(1) Existing dwellings. For an owner-occupied, single-family dwelling which was completed before June 26, 1996 an accessory dwelling unit is permitted in accordance with the following:~~

~~a. Where there are no exterior changes proposed to the structure, an accessory dwelling unit shall be permitted, pursuant to the provisions of this section, in accordance with subsection 28-151(e)(1) if, and only if, all of the requirements and standards of this section are met.~~

~~b. Where exterior changes to the structure are proposed, an accessory dwelling unit shall be permitted if, and only if, all of the requirements and standards of this section are met; and shall also require development plan review approval from the technical review committee pursuant to subsection 28-151(e)(2) and the town subdivision and development review regulations in order to ensure that the requirements and standards of this section are met.~~

~~(2) Dwellings completed after June 26, 1996. An accessory dwelling unit shall be permitted for owner-occupied, single-family dwellings which were completed after June 26, 1996 if, and only if, all of the requirements and standards of this section are met; and, shall also require development plan review approval from the technical review committee pursuant to subsection 28-151(e)(2) and the town subdivision and development review regulations in order to ensure that the requirements and standards of this section are met.~~

~~(d) General requirements and standards. The following general requirements and standards shall apply to all accessory dwelling units:~~

~~(1) Only an owner, who is also an occupant, of a single household dwelling may apply for, and maintain, an accessory dwelling unit.~~

~~(2) Only one accessory dwelling unit shall be created on a lot.~~

~~(3) The owners of the residence in which the accessory dwelling unit is created shall occupy one of the dwelling units, except for bona fide temporary absences not exceeding 90 consecutive days nor 180 days in any single year.~~

~~(4) The accessory dwelling unit shall be designed so that the appearance of the structure remains that of a one-family residence. If possible, no additional exterior entrances should be added. If additional exterior entrances are required, they shall generally be located in the rear or side of the structure.~~

~~(5) The house size shall be at least 1,200 square feet. The accessory dwelling unit shall be a minimum of 300 square feet, but shall not occupy more than 33 percent of the gross floor area (as defined by this chapter) of the entire structure, including the accessory dwelling unit. The accessory dwelling unit shall have no more than two bedrooms.~~

Accessory Dwelling Units - Bristol

~~(6) The design and size of the accessory dwelling unit shall conform to all applicable standards, including health regulations, building code requirements, and all other federal, state and local laws, rules and regulations, including the provisions of this chapter.~~

~~(7) A minimum of two off-street parking spaces (one off-street parking space in the W and rehab land development project zones) shall be provided and designated for the accessory dwelling unit, in addition to the off-street parking required for the principal dwelling unit. The parking requirements may be modified by the permitting authority, if the applicant can satisfactorily demonstrate in writing to the permitting authority that the resident of the accessory dwelling unit will not have a vehicle.~~

~~(8) The accessory dwelling unit shall be within or attached to the principal dwelling unit structure. There must be an interior connection between the units.~~

~~(9) The utilities for both the principal dwelling unit and the accessory dwelling unit shall be common to both (i.e. one electric service, one gas service, one oil tank, one water connection, and one sewer hook-up for the structure).~~

~~(10) On lots of less than 20,000 square feet, both the principal dwelling unit and the accessory dwelling unit shall be connected to both public sewer and water.~~

~~(11) On any lot serviced with an individual sewage disposal system (ISDS), if the accessory dwelling unit results in an increase in the total number of bedrooms, the applicant shall have the existing or any new system approved by RIDEM. If no increase in bedrooms results from the accessory dwelling unit, then the applicant shall be required to submit evidence furnished by a qualified professional that there is no visible evidence of failure of the existing ISDS system, and that such system qualifies for the use including the accessory dwelling.~~

~~(12) A certificate of occupancy shall state on its face that its validity is limited to the named owner/occupants only and that any change or subsequent owner or occupant shall be required to apply for a new certificate. Once the family member or members or qualified low to moderate income tenant departs the premises, the accessory dwelling unit shall cease to exist, unless further application is made to qualify under this section, pursuant to subsection 28-151(e)(4).~~

~~(13) Applications for accessory dwelling units must meet all requirements for the zoning district in which it is located, including all of the provisions of this section.~~

~~(e) *Application procedures.* The application procedures shall be as follows:~~

~~(1) An owner, who is also the occupant, of an existing single family dwelling, pursuant to subsection 28-151(e)(1)a. where no exterior changes are proposed, may apply for an accessory dwelling unit permit. The application shall be made to the zoning enforcement officer who shall grant the permit providing all of the requirements set forth in this section are met.~~

~~a. *Notice requirements.* Upon receipt of a complete application, which is in compliance with the standards set forth herein, the zoning enforcement officer shall notify the abutting property owners by certified mail. Such notice shall indicate that an accessory dwelling unit permit will be granted unless written objection is received within ten days of the mailing of such notice.~~

Accessory Dwelling Units - Bristol

~~b. Referral to technical review committee. If written objection is received within ten days, the application for the accessory dwelling unit shall be referred to the administrative officer for review by the technical review committee pursuant to subsection 28-151(e)(2).~~

~~c. Decision. If no written objection is received within ten days, the zoning enforcement officer shall grant the accessory dwelling unit.~~

~~(2) An owner who is also the occupant of an existing single family dwelling where exterior changes are proposed, pursuant to subsection 28-151(c)(1)b. or a new single family dwelling pursuant to subsection 28-151(c)(2), may apply for an accessory dwelling unit permit. The application shall be made to the administrative officer for development plan review approval by the technical review committee in accordance with section 3.2 of the town subdivision and development review regulations, with a copy to the zoning enforcement officer. Public notice for the technical review committee meeting is required and shall be given at least seven days prior to the date of the meeting in a newspaper of general circulation within the town. Postcard notice shall also be mailed by the town to the applicant and to those in the notice area not less than ten days prior to the date of the meeting. The notice area is set forth in section 8.5C(3) of the town subdivision and development review regulations. The cost of all such notice shall be paid by the applicant.~~

~~(3) All applications shall include:~~

~~a. A sworn and notarized declaration from the owner stating that the owner of the property:~~

- ~~1. Will continue to occupy one of the dwelling units on the premises on a year-round basis;~~
- ~~2. Acknowledges that any monetary investment made as a result of the granting of a permit shall not be claimed as a hardship in any future applications to the zoning board of review;~~
- ~~3. Acknowledges that the right to use the accessory dwelling unit terminates upon transfer of title unless the unit is reapplied for; and~~
- ~~4. Identifies the family members who will occupy the accessory family dwelling unit.~~

~~b. An overall floor plan of the entire structure, which need not be drawn to scale, including the dimensions and descriptions of all of the rooms in the entire structure.~~

~~c. A detailed floor plan, drawn at a scale of one fourth inch to the foot, showing the floor(s) where the changes are proposed.~~

~~d. A site plan drawn to scale, showing structures, landscaping, and driveway/parking area.~~

~~e. An exterior elevation of the building facade from all sides.~~

~~f. A plan for integration of the accessory dwelling unit back into the primary dwelling.~~

~~g. A copy of the tax assessor's property card.~~

~~h. An application for certificate of occupancy.~~

Accessory Dwelling Units - Bristol

~~i. Application fee per the fee schedule.~~

~~j. A list, with mailing labels, with the names and current addresses of abutting property owners.~~

~~k. Application to the technical review committee shall include a list, and mailing labels, with the names and current addresses of property owners within the notice area as provided in section 8.5 C(3) of the town subdivision and development review regulations.~~

~~(4) *Reapplication.* Where a permit for an accessory dwelling unit has been granted and the only change is a change in either the owner/occupant(s) of the principal dwelling or the owner/occupant(s) of the accessory dwelling unit, then the ZEO may issue a new accessory dwelling unit permit and the building inspector may re-issue a certificate of occupancy upon receipt and recording of a declaration pursuant to subsection 28-151(e)(3)a. which must be filed within 30 days of the transfer of title or occupancy.~~

~~(f) *Recording.* Upon issuance of a permit, the applicant shall record the permit and the declaration in the land evidence records. A copy of the permit shall also be placed on file with the zoning enforcement officer and the building official. A permit shall not be valid until recorded. An accessory dwelling unit permit shall expire if a building permit is not filed within one year from the date of issuance of the accessory dwelling unit permit.~~

~~(g) Reserved.~~

~~(h) *Failure to comply.* Failure to comply with any of the provisions of this section is considered a violation of this chapter, pursuant to section 28-407. In the event the zoning enforcement officer determines that the owner has failed to comply with any of the provisions hereunder, notice shall be first sent to the owner describing the noncompliance. In the event the owner does not cure such defects within 20 days following the date of such notice, the building official shall immediately revoke any certificates of occupancy or building permits and shall cite the property for a violation of this chapter.~~

~~(i) *Public records.* The zoning enforcement officer and administrative officer shall keep as public records all applications for accessory dwelling unit permits, and all permits issued or denied.~~

~~(j) *Technical review committee.* For the purposes of this section, the technical review committee shall include the building inspector who may also substitute for the planning board engineer.~~

~~**Note**—Without separate cooking and sanitary facilities, such unit is not a dwelling unit and does not come under the jurisdiction of this section.~~

(a) Eligibility. One accessory dwelling unit (ADU) per lot is allowed under the following circumstances:

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

Accessory Dwelling Units - Bristol

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.

(b) Dimensional requirements.

1. All ADU's shall comply with the dimensional standards for an accessory structure in the same zoning district.
2. The maximum unit size for an ADU is as follows:
 - a. For a studio or one (1) bedroom ADU, 900 sq. ft. or 60% of the floor area of the principal dwelling, whichever is less.
 - b. For a two (2) bedroom ADU, 1200 sq ft or 60% of the floor area of the principal dwelling, whichever is less.

(c) Prohibition of short-term rental.

1. ADUs cannot be offered or rented for tourist or transient use (defined as occupancy less than 30 days) or through a hosting platform.

(d) Procedural requirements.

1. 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.
2. Any application that includes ADUs may be considered through a unified development review process.
3. An ADU that does not meet the requirements of this section shall be reviewed through an application for a variance.

* * *



Town Of Bristol, Rhode Island
Department of Community Development

PLANNING BOARD
2025 MEETING SCHEDULE

(Meetings are held 2nd Thursday of each month)

DRAFT

Bristol Town Hall, 10 Court Street, Bristol, RI
7:00pm

<u>Meeting Date</u>	<u>Application Deadline</u>
January 9, 2025	December 6, 2024
February 13, 2025	January 10, 2025
March 13, 2025	February 7, 2025
April 10, 2025	March 7, 2025
May 8, 2025	April 4, 2025
June 12, 2025	May 9, 2025
July 10, 2025	June 6, 2025
August – No Meeting	
September 11, 2025	August 8, 2025
October 9, 2025	September 5, 2025
November 13, 2025	October 10, 2025
December 11, 2025	November 7, 2025

Dates are subject to change.

Visit <https://bristol-ri.municodemeetings.com/> for the latest updates.

Charles E. Millard, Jr., Chairman
Bristol Planning Board