

Article IX. Land Development Projects and Special Zones.

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

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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.~~

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~~(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.~~

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~~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. The provisions of this section shall automatically sunset on July 1, 2027.~~

~~(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~~

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shall be rounded up to the nearest whole number. A town-approved monitoring services agreement with a qualified organization is required.

(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) 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 shall not be eligible for the density bonus outlined in this section.

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This section shall take effect upon passage.