



Town of Bristol, Rhode Island
Department of Community Development

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

December 11, 2023

TO: Zoning Board of Review
FROM: Edward M. Tanner, Zoning Officer

RE: *Recently Adopted Zoning Ordinance Amendments*

During its December 6, 2023 meeting, the Town Council adopted numerous amendments to the Bristol Zoning Ordinance. These amendments were necessary to conform the ordinance to recent changes in state law that will take effect on January 1, 2024. The newly adopted revisions touch upon several sections of the zoning ordinance as detailed within the attached documents. These amendments were prepared by the solicitor's office and community development staff, with review and concurrence by the planning board prior to adoption by the council.

The attached documents detail all adopted changes to the zoning ordinance. They are divided into three separate documents that include: general edits to the ordinance (as summarized on the top of page one); edits to the Permitted Use Table in Section 28-82 relating to special use permits; and edits to special use permit standards found in Section 28-150, including numerous new standards for specific special uses.

The amended ordinance sections will be included on the January 2, 2024 meeting agenda as an item under correspondence so that board members may discuss the changes. Should you have any questions pertaining to this matter, please feel free to contact me.

Bristol Zoning Ordinance – 2023 Amendments

This amendment to the Zoning Ordinance contains the following revisions:

- Variance standards/definition [Article I, Sec. 28-1; Article XI, Sec. 28-409]
- Dimensional modifications [Article I, Sec. 28-1; Article V, Sec. 28-152]
- Substandard lots of record [Article VII, Sec. 28-221]
- Lot merger [Article VII, Sec. 28-221]
- Amended procedures for comprehensive permit applications [Article IX, Division 6]
- Adaptive reuse [Article I, Sec. 28-1; Article V, Sec. 28-161]
- Inclusionary zoning [Article IX, Division 7]
- Unified development review [Article XI, Sec. 28-414]
- Notice and hearing requirements [Article II, Sec. 28-52; Article XI, Sec. 28-409]
- Revisions to the definition of selected uses [Article I, Sec. 28-1]

Also contained within this amendment are revisions to changes to state law that took effect in 2022, as follows:

- Quorum requirement for the Zoning Board reduced from five (5) to four (4) members [Article XI, Sec. 28-408]
- Majority vote of three (3) members required to approve applications for variances or special use permits [Article XI, Sec. 28-408]

ORDINANCE No. 2023-___

**AN ORDINANCE IN AMENDMENT TO
CHAPTER 28**

OF THE ORDINANCES OF THE BRISTOL TOWN CODE – ZONING ORDINANCE

* * *

Article I. In General.

Sec. 28-1. Definitions.

Amend as follows:

* * *

Adaptive reuse means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining the elements of the structure and adapting such elements to a new use.

* * *

Boatyard/marina means a commercial facility for some or all of the following: the storing, servicing, sale, repairing, fueling, berthing, and securing, launching and transporting of boats, and the sale of fuel and incidental supplies (such as marine equipment and food service and

Bristol Zoning Ordinance – 2023 Amendments

supplies) for the boat owners, crews and guests, and provision of on-water taxi and marine salvage operations.

* * *

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including ~~erematories~~, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

* * *

Modification means permission granted and administered by the zoning official and pursuant to RIGL 45-24-46 and set forth in this Chapter at Sec. 28-152, to grant a dimensional variance other than lot area requirements from the zoning ordinance to a limited degree, not to exceed fifteen percent (15%) of each of the applicable dimensional requirements.

* * *

~~*Public informational meeting* means a meeting of the planning board or other governing body preceded by a notice, open to the public and at which the public shall be heard.~~

* * *

Variance means permission to depart from the literal requirements of this chapter. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by this chapter. There shall be only two categories of variance, a use variance or a dimensional variance.

(1) *Use variance.* Permission to depart from the use requirements of this chapter where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.

(2) *Dimensional variance.* ~~Permission to depart from the dimensional requirements of this chapter, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.~~ under the applicable standards set forth in RIGL 45-24-41 and set forth in this Chapter at Sec. 28-409(c).

* * *

Article II. Administration.

* * *

Division 2. Amendment of Zoning Provisions.

* * *

Amend as follows:

Bristol Zoning Ordinance – 2023 Amendments

Sec. 28-52. - Notice and hearing requirements.

(a) No provision of this chapter shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the town council. The town council shall first give notice of such public hearing by publication of notice in a newspaper of general local circulation within the town at least once each week for three consecutive weeks prior to the date of such hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. Written notice, which may be a copy of such newspaper notice, shall be mailed, to the parties specified in subsections (b) through (f) of this section, at least two weeks prior to the hearing. Such newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and The same notice shall be posted in the town clerk's office and one other municipal building and shall be accessible on the home page of the town's website at least fourteen (14) days prior to the hearing. The notice shall:

- (1) Specify the place of the hearing and the date and time of its commencement;
- (2) Indicate the provisions for adoption, amendment or repeal of this chapter that is under consideration;
- (3) Contain a statement of the proposed amendments to this chapter that may be printed once in its entirety, or summarize or describe the matter under consideration;
- (4) Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and
- (5) State that the proposal shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of the hearing.

(b) Where a proposed general amendment to the existing provisions of this chapter includes changes in an existing zoning map, public notice shall be given as required by subsection (a) of this section.

(c) Where a proposed text amendment to an existing zoning ordinance would cause a conforming lot of record to become nonconforming by lot area or frontage, written notice shall be given to all owners of the real property as shown on the current real estate tax assessment records of the town. The notice shall be given at least two weeks prior to the hearing at which the text amendment is to be considered, with the content required by subsection (a). If the zoning ordinance contains an existing merger clause to which the nonconforming lots would be subject, the notice shall include reference to the merger clause and the impacts of common ownership of nonconforming lots. The notice shall be sent certified by first-class mail and a certificate of mailing from the US Postal Service shall be obtained and the certificate or an electronic copy thereof shall be retained to demonstrate proof of the mailing the sender of the notice shall submit a notarized affidavit to attest to such mailing.

Bristol Zoning Ordinance – 2023 Amendments

(d) Where a proposed amendment to an existing provision of this chapter includes a specific change in a zoning district map but does not affect districts generally, public notice shall be given as required in subsection (a) of this section, with the additional requirements that:

(1) Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and town boundaries where appropriate; and

(2) Written notice of the date, time and place of the public hearing and the nature and purpose thereof shall be sent, by certified mail, to all owners of real property whose property is located within 200 feet of the perimeter of the area proposed for change, whether within the Town of Bristol or within an adjacent town (Warren) in which the property is located. Notice shall also be sent to any individual or entity holding a recorded conservation or preservation restriction on the property that is the subject of the amendment. The notice shall be sent by registered, certified, or first-class mail to the last known address of the owners, as shown on the current real estate tax assessment records of the town; provided for any notice sent by first-class mail, the sender of the notice shall utilize and obtain a US Postal Service certificate of mailing, PS Form 3817, or any applicable version thereof, to demonstrate proof of submit a notarized affidavit to attest to such mailing.

(e) Notice of a public hearing shall be sent by first class mail to the town council of any town to which one or more of the following pertain:

(1) Which is located within 200 feet of the boundary of the area proposed for change; or

(2) Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of any real property that is the subject of a proposed zoning change, regardless of municipal boundaries.

(f) Notice of a public hearing shall be sent to the governing body of any state or municipal water department agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suitable for use, as a public water source and that is within 2,000 feet of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water company has filed with the director in the town a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.

(g) No defect in the form of any notice under this section shall render an ordinance or amendment invalid, unless such defect is found to be intentional or misleading.

(h) Costs of any notice newspaper and mailing notices required under this section shall be borne by the applicant.

* * *

Bristol Zoning Ordinance – 2023 Amendments

Article III. Permitted Uses.

Amend as follows:

Sec. 28-82. Use regulations.

~~(b) *Prohibited uses and uses not listed.* If a use is not shown herein, it is prohibited, unless the zoning enforcement officer determines in writing that such use is consistent with uses that are explicitly permitted. To the extent a proposed land use is not specifically listed, an applicant may submit a written request to the zoning enforcement officer for an evaluation and determination of whether the proposed use is of a similar type, character, and intensity as a listed use requiring a special use permit. The zoning enforcement officer will have 30 days to provide a written response. Upon such determination, the proposed use may be considered to be a use requiring a special use permit. Unlisted uses that are deemed not similar to a listed use requiring a special use permit shall be deemed prohibited. Any number of uses may be located on a lot provided each use is permitted in that district and all other requirements of this chapter are met.~~

* * *

Article V. Supplementary Regulations

Amend as follows:

Sec. 28-152. Zoning Modification Permits.

~~The zoning enforcement officer may issue a modification permit on the construction, alteration or structural modification of a conforming structure or a conforming lot of record.~~

~~(1) *Criteria.* Such modification shall not exceed 25 percent of the following dimensional requirements: Side yard; front yard; and rear yard. Such modification shall only apply to residential structures in residential zoning districts. Such modification permits shall not include nonconforming lots of record. In the case of side yard variances, there shall be a minimum of ten feet between principle structures in all cases.~~

~~(2) *General procedure.* The applicant shall make an application for a modification permit with the zoning enforcement officer which shall include a signed site plan drawn to scale. Within ten days of receipt of a complete application, the zoning enforcement officer shall make a decision as to the suitability of the modification based on the following determinations:~~

- ~~a. The modification requested is reasonably necessary for the full enjoyment of the permitted use;~~
- ~~b. If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;~~
- ~~e. The modification requested is in harmony with the purposes and intent of the comprehensive plan and this chapter; and~~
- ~~d. The modification requested does not require a variance of a flood hazard permit.~~

Bristol Zoning Ordinance – 2023 Amendments

~~(3) *Notice.* Upon an affirmative determination, the zoning enforcement officer shall notify abutting owners by certified mail and place an advertisement in the newspaper of the proposed modification. Such notice shall indicate that the modification will be granted unless written objection is received within 30 days of such notice. Costs of the public notice shall be borne by the applicant.~~

~~(4) *Decision.* If written objection is received within 30 days, the request for modification shall be denied. In that case the changes requested will be considered a request for a variance and may only be issued by the zoning board of review following the standard procedures for variances. If no written objections are received within 30 days, the zoning enforcement officer shall grant the modification.~~

~~(5) *Conditions.* The zoning enforcement officer may apply such special conditions to the permit as may, in the opinion of the zoning enforcement officer, be required to conform to the intent and purposes of this chapter.~~

~~(6) *Public records.* The zoning enforcement officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions and any objections received.~~

The zoning officer is authorized to grant modification permits of up to and including twenty-five percent (25%) of the literal dimensional requirements of this ordinance as follows:

- a. Within ten (10) days of the receipt of a request for a modification, the zoning enforcement officer shall make a decision as to the suitability of the requested modification based on the following determinations:
 1. The modification is reasonably necessary for the full enjoyment of the permitted use;
 2. If the modification is granted, neighboring property will neither be substantially injured nor its appropriate use substantially impaired;
 3. The modification requested does not require a variance of a flood hazard requirement, unless the building is built in accordance with applicable regulations;
 4. The modification requested does not violate any rules or regulations with respect to freshwater or coastal wetlands.
- b. Upon an affirmative determination, in the case of a modification of five percent (5%) or less, the zoning enforcement officer shall have the authority to issue a permit approving the modification, without any public notice requirements. In the case of a modification of greater than five percent (5%), the zoning enforcement officer shall notify, by first class mail, all property owners abutting the property which is the subject of the modification request, and shall indicate the street address of the subject property in the notice, and shall publish in a newspaper of local circulation within the city or town that the modification will be granted unless written objection is received within fourteen (14) days of the public notice. If written objection is received within fourteen (14) days, the request for modification shall be scheduled for the next available hearing before the zoning board of review on application for a dimensional variance following the standard

Bristol Zoning Ordinance – 2023 Amendments

procedures for such variances, including notice requirements provided for under this chapter. If no written objections are received within fourteen (14) days, the zoning enforcement officer shall grant the modification.

- c. The zoning enforcement officer may apply any special conditions to the permit as may, in the opinion of the officer, be requested to conform to the intent and purposes of the zoning ordinance.
- d. The zoning enforcement officer shall keep public records of all requests for modifications, and of findings, determinations, special conditions, and any objections received.
- e. Costs of any notice required under this subsection shall be borne by the applicant requesting the modification.

* * *

Sec. 28-161. Adaptive Reuse.

- a. Permitted Use. Adaptive reuse for the conversion of any commercial building, including offices, schools, religious facilities, medical buildings, and malls into residential units or mixed-use developments is a permitted use, under the criteria described below under Eligibility.
- b. Eligibility.
 - 1. Adaptive reuse development must include at least 50% of existing gross floor area developed into residential units.
 - 2. There are no environmental land use restrictions recorded on the property preventing the conversion to residential use by RIDEM or the US EPA.
- c. Density calculations.
 - 1. For projects that meet the following criteria, the residential density shall be no less than fifteen (15) dwelling units per acre:
 - i. Where the project is limited to the existing footprint, except that the footprint is allowed to be expanded to accommodate upgrades related to the building fire code, and utility requirements.
 - ii. The development includes at least twenty percent (20%) low- and moderate-income housing.
 - iii. The development has access to public sewer and water service or has access to adequate private water, such as well and/or wastewater treatment systems approved by the relevant state agency for the entire development as applicable.
 - 2. For all other adaptive reuse projects, the residential density permitted in the converted structure shall be the maximum allowed that otherwise meets all standards of minimum

Bristol Zoning Ordinance – 2023 Amendments

housing and has access to public sewer and water services or has access to adequate private water, such as well and wastewater treatment systems approved by the relevant state agency for the entire development, as applicable.

3. The density proposed for any adaptive reuse project shall be determined to meet all public health and safety standards.
- d. Dimensional requirements.
 1. Notwithstanding any other provisions of this section, existing building setbacks shall remain and are considered legal nonconforming.
 2. No additional encroachments shall be permitted into any nonconforming setback unless relief is granted by the permitting authority.
 3. Notwithstanding other provisions of this section, the height of the structure shall be considered legal nonconforming if it exceeds the maximum height of the zoning district in which the structure is located.
 - i. Any rooftop construction necessary for building or fire code compliance, or utility infrastructure is included in the height exemption.
- e. Parking requirements.
 1. Adaptive reuse developments shall provide one parking space per dwelling unit. The applicant may propose additional parking in excess of one space per dwelling unit.
 2. The parking requirements and design standards in Article VIII shall apply to all uses proposed as part of the project unless otherwise approved by the applicable authority. The number of parking spaces required shall apply for uses other than residential.
- f. Allowed uses within an adaptive reuse project.
 1. Residential dwelling units are a permitted use in an adaptive reuse project regardless of the zoning district in which the structure is located, in accordance with the provisions of this section.
 2. Any nonresidential uses proposed as part of an adaptive reuse project must comply with the provisions of Sec. 28-82 for the zoning district in which the structure is located.
 - 1.2. Development and Design Standards. Site design shall be in accordance with the development regulations.
 - 1.3 Procedural requirements.
- a. Adaptive reuse projects shall be subject to land development project review pursuant to the regulations.

Bristol Zoning Ordinance – 2023 Amendments

- b. In addition to the checklist requirements for the applicable review process, the applicant shall provide the following information:
1. The proposed residential density and the square footage of nonresidential uses.
 2. A floor plan to scale for each building indicating, as applicable, the use of floor space, number of units, number of bedrooms, and the square footage of each unit.

* * *

Article VI. Development Plan Review.

Amend as follows:

Delete Sec. 28-181 through 28-186 and replace as follows:

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 Planning Board.

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:

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

Bristol Zoning Ordinance – 2023 Amendments

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

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

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

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

Bristol Zoning Ordinance – 2023 Amendments

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 – 28-210. Reserved.

* * *

Article VII. Nonconformance

Amend as follows:

Sec. 28-221. Land nonconforming by area.

- (a) Single lots of record.
- (1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot which was of record on June 28, 1961.
- (2) Notwithstanding limitations imposed by other provisions of this chapter, such lot must be in separate ownership and not adjoining any other lots in common ownership which would result in a merger under subsection 28-221(c) below and must not have been merged by use. This provision shall apply:
 - a. Even though such lot fails to meet the requirements for total lot area or width, or both, that are generally applicable in the district as set forth in article V of this chapter; and
 - b. ~~Provided that the front and rear yard dimensions of the lot as built upon shall conform to the regulations for the district in which such lot is located as set forth in article IV of this chapter, and provided that for a lot with a lot width of 50 feet or more, each side yard shall have a minimum width of at least 20 percent of the lot width, but such yard need not exceed 25 feet in width. For any lot with a lot width of less than 50 feet, each side yard shall have a minimum width of ten feet.~~

Bristol Zoning Ordinance – 2023 Amendments

~~Lot coverage by structures shall not exceed 40 percent. Principal structures shall be compatible in size and character with the neighborhood in which they are located. Variance of building size, lot coverage or yard requirements shall be obtained only through action of the zoning board; and~~

- ~~e. Lots of 10,000 square feet or more must meet the requirements for public utilities of the zone in which it is located; and lots with less than 10,000 square feet shall either (A) be connected to both public sewer and water, or (B) shall obtain a variance from the zoning board of review to have the lot serviced by only one utility. In the granting of said variance, the zoning board of review shall consider such factors as health and safety reasons and the financial feasibility of extending the utility lines to the lot. It shall be considered financially unfeasible to extend utilities to the lot if the cost of such extension would exceed 50 percent of the value of the fully developed lot, (with street, utilities, etc., but without a building). Such financial infeasibility shall be verified by a certified appraisal as to the lot value and the BCWA estimate for water service or three estimates for the sewer line installation. If the lot is not serviced by water, the owner shall record an indemnity in the land evidence records to hold the town harmless against any and all future costs if a public utility must later be brought to service the lot.~~

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

~~(d)~~ (c) Provided that appropriate landscaping, including, but not limited to, trees, hedges or fences shall be installed pursuant to the direction of the director to minimize any impact on adjacent property.

(d) Merger prohibited for certain lots. The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200 ft) of the subject lot, as confirmed by the zoning enforcement officer.

* * *

Article IX. Land Development Projects and Special Zones

* * *

Bristol Zoning Ordinance – 2023 Amendments

Division 6. Low and Moderate Income Housing and Inclusionary Zoning

Amend as follows:

Sec. 28-361. — Purpose and authority.

(a) Purpose.

~~(1) To promote the public health, safety and welfare by promoting 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.~~

~~(2) To promote the development of affordable housing throughout town in a manner that is consistent with the town's adopted affordable housing plan and the comprehensive community plan.~~

~~(3) To produce housing that qualifies as affordable as defined by the mandates of the State's Comprehensive Housing Production and Rehabilitation Act of 2004.~~

~~(4) To establish mixed income households within new subdivisions and land development projects throughout the town.~~

~~(5) To provide the town's developers of affordable housing the financial resources for promoting the production of affordable units throughout town, in lieu of on-site units provided within a subdivision subject to the provisions of this article.~~

~~(6) To establish an affordable housing unit or funding set aside requirement that allows for a reasonable return for property owners and developers, while recognizing the fact that most future subdivisions will be small scale because few large parcels remain for development within Bristol.~~

~~(b) Authority to grant comprehensive permits. In accordance with RIGL Tit. 45, Ch. 53, the Low and Moderate Income Housing Act (as amended) the local review board shall have the power to issue a comprehensive permit for a qualifying low or moderate income housing project, which relief shall include all permits or approvals from any local board or official who would otherwise act with respect to such application including, but not limited to, the power to attach to the permit or approval conditions and requirements with respect to setbacks, height, site plan, size, shape, building materials, landscaping, and parking consistent with the terms of the Act.~~

Sec. 28-362. — Designation of local review board.

~~The town planning board is hereby designated as the local review board and all references in this division to local review board shall be to the planning board.~~

Sec. 28-363. — Definitions.

~~*Affordable housing* means residential housing that has a sales price or rental amount that is within the means of a household that is moderate income or less. In the case of dwelling units for sale, housing that is affordable means housing in which principal, interest, taxes, which may be~~

Bristol Zoning Ordinance – 2023 Amendments

~~adjusted by state and local programs for property tax relief, and insurance constitute no more than 30 percent of the gross household income for a household with less than 120 percent of area median income, adjusted for family size. In the case of dwelling units for rent, housing that is affordable means housing for which the rent, heat, and utilities other than telephone constitute no more than 30 percent of the gross annual household income for a household with 80 percent or less of area median income, adjusted for family size. Such housing shall remain affordable through a land lease and/or deed restriction for 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 30 years from initial occupancy.~~

~~*Affordable housing plan* means that component of the housing element of the town comprehensive plan designed to meet the housing needs in the town.~~

~~*Approved affordable housing plan* means the affordable housing plan that has been approved by the director of administration as meeting the guidelines for the local comprehensive plan as promulgated by the state planning council.~~

~~*Affordable housing trust fund* means a restricted fund to be established by the town council for the purposes set forth in this article per RIGL Tit. 45, Ch. 53.~~

~~*Comprehensive plan* means the comprehensive plan of the town adopted and approved by the town pursuant to RIGL Chs. 22.2 and 22.3.~~

~~*Consistent with local needs* means reasonable in view of the state need for low or moderate income housing, considered with the number of low income persons in the town affected and the need (a) to protect the health and safety of the occupants of the proposed housing or of the residents of the town, (b) to promote better site and building design in relation to the surroundings, or (c) to preserve open spaces, and if the local zoning or land use ordinances, requirements, and regulations are applied as equally as possible to both subsidized and unsubsidized housing.~~

~~*Inclusionary housing agreement* means an agreement recorded in the town's land evidence records describing how the developer will comply with the provisions of this article.~~

~~*Inclusionary housing plan* means a plan setting forth in detail the manner in which the provisions of this article will be implemented.~~

~~*Inclusionary unit* means an affordable housing unit, as defined in this article.~~

~~*Local board* means any town or city official, zoning board of review, planning board or commission, board of appeal or zoning enforcement officer, local conservation commission, historic district commission, or other municipal board having supervision of the construction of buildings or the power of enforcing land use regulations, such as subdivision, or zoning laws.~~

~~*Low or moderate income housing* means 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~~

Bristol Zoning Ordinance – 2023 Amendments

~~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 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 30 years from initial occupancy.~~

~~Sec. 28-364. – Applicability and eligibility.~~

~~(a) Any applicant proposing to build low or moderate income housing may submit to the local review board a single application for a comprehensive permit to build that housing in lieu of separate applications to the applicable local boards. This procedure is only available for proposals in which at least 25 percent of the housing is low or moderate income housing.~~

~~(b) Notwithstanding the foregoing, in accordance with RIGL § 45-53-4(a)(xiii) the Bristol Town Council limits the annual total number of dwelling units in comprehensive permit applications from for-profit developers to an aggregate of one percent of the total number of year-round housing units in the town, as recognized in the affordable housing plan.~~

~~(c) Notwithstanding the timetables set forth elsewhere in this division, the local review board shall have the authority to consider comprehensive permit applications from for-profit developers, which are made pursuant to this paragraph, sequentially in the order in which they are submitted.~~

~~Sec. 28-365. – Application and review procedures.~~

~~Application and review procedures shall be set forth in the Town of Bristol Subdivision and Development Review Regulations.~~

~~Sec. 28-366. – Criteria for approval.~~

~~In approving an application for a comprehensive permit, the local review board shall make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions, where applicable:~~

~~(1) The proposed development is consistent with local needs as identified in the local comprehensive community plan with particular emphasis on the community's affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.~~

~~(2) The proposed development is in compliance with the standards and provisions of the municipality's zoning ordinance and subdivision regulations, and/or where expressly varied or waived local concerns that have been affected by the relief granted do not outweigh the state and local need for low and moderate income housing.~~

~~(3) All low and moderate income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.~~

Bristol Zoning Ordinance – 2023 Amendments

~~(4) There will be no significant negative environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.~~

~~(5) There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including, but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water run-off, and the preservation of natural, historical or cultural features that contribute to the attractiveness of the community.~~

~~(6) All proposed land developments and all subdivisions lots will have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.~~

~~(7) The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.~~

Sec. 28-367. — Criteria for denial.

The local review board may deny the request for any of the following reasons:

~~(1) The town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan. In this section *meeting housing needs* means adoption of the implementation program of an approved affordable housing plan and the absence of unreasonable denial of applications that are made pursuant to an approved affordable housing plan in order to accomplish the purposes and expectations of the approved affordable housing plan.~~

~~(2) The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinances and procedures promulgated in conformance with the comprehensive plan. Local zoning and land use ordinances, requirements, or regulations are consistent with local needs when imposed by the town council after comprehensive hearing, and, the town either has existing low or moderate income housing units in excess of ten percent of the year round housing units reported in the latest decennial census of the town, or the town has promulgated zoning or land use ordinances, requirements, and regulations to implement a comprehensive plan which has been adopted and approved pursuant to state law, and the housing element of the comprehensive plan provides for low and moderate income housing in excess of ten percent of the year round housing units.~~

~~(3) The proposal is not in conformance with the comprehensive plan.~~

~~(4) The town has met or has plans to meet the goal of ten percent of the year round units being low and moderate income housing.~~

~~(5) Concerns for the environment and the health and safety of current residents have not been adequately addressed.~~

Bristol Zoning Ordinance – 2023 Amendments

In the case of a denial, if the applicant fails to meet one or more of the criteria for approval, where applicable, then the local review board shall make negative findings on those provisions as part of its decision.

~~Sec. 28-368. Voting and appeal.~~

~~All decisions on comprehensive permits shall be by majority vote of the membership of the local review board and may be appealed by the applicant to the state housing appeals board. Any person aggrieved by the issuance of an approval may appeal to the Rhode Island Supreme Court.~~

~~Sec. 28-369. Expiration of approval and construction.~~

~~A comprehensive permit shall expire unless construction is started within 12 months and completed within 60 months of final plan approval unless a longer and/or phased period for development is agreed to by the local review board and the applicant. Low and moderate income housing units shall be built and occupied prior to, or simultaneous with the construction and occupancy of market rate units.~~

Sec. 28-361. Definitions.

“Adjustment(s)” means a request, or requests by the application to seek relief from the literal use and dimensional requirements of the zoning ordinance and/or the design standards or requirements of the land development and subdivision regulations. The standard for the local view board’s consideration of adjustments is set forth in RIGL §45-53-4(d)(2)(iii)(E)(II).

“Consistent with local needs” means reasonable in view of the state need for low- and moderate-income housing, considered with the number of low-income persons in the town affected and the need to protect the health and safety of the occupants of the proposed housing or of the residents of the town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if the zoning ordinance, requirements, and regulations are applied as equally as possible to both subsidized and unsubsidized housing.

“Infeasible” means any condition brought about by any single factor or combination of factors, as a result of limitations imposed on the development by conditions attached to the approval of the comprehensive permit, to the extent that it makes it financially or logistically impracticable for any applicant to proceed in building or operating low- or moderate-income housing, within the limitations set by the subsidizing agency of government or local review board, on the size or character of the development, on the amount or nature of the subsidy, or on the tenants, rentals, and income permissible, and without substantially changing the rent levels and unit sizes proposed by the applicant.

“Letter of eligibility” means a letter issued by the Rhode Island housing and mortgage finance corporation in accordance with RIGL §42-55-5.3(a).

“Local review board” means the planning board.

“Low- or moderate-income housing” shall be synonymous with “affordable housing” as defined in R.I. Gen. Laws § 42-128-8.1, and further means any housing whether built or operated by any

Bristol Zoning Ordinance – 2023 Amendments

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 affordable housing 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.

“Meeting local housing needs” means as a result of the adoption of the implementation program of an approved affordable housing plan, the absence of unreasonable denial of applications that are made pursuant to an approved affordable housing plan in order to accomplish the purposes and expectations of the approved affordable housing plan, and a showing that at least twenty percent (20%) of the total residential units approved by a local review board or any other municipal board in a calendar year are for low- and moderate-income housing as defined in R.I. Gen. Laws § 42-128-8.1.

“Monitoring agents” means those monitoring agents appointed by the Rhode Island housing resources commission pursuant to RIGL §45-53-3.2 and to provide the monitoring and oversight set forth in this chapter, including, but not limited to, RIGL §§45-53-3.2 and 45-53-4.

Sec. 28-362. Applicability and eligibility.

- a. Any applicant proposing to build low- or moderate-income housing may submit to the local review board a single application for a comprehensive permit to build that housing in lieu of separate applications to the applicable local boards. This procedure is only available for proposals in which at least twenty five percent (25%) of the housing is low- or moderate-income housing.
- b. Notwithstanding the foregoing, in accordance with RIGL §45-53-4(d)(10), the Bristol Town Council limits the annual total number of dwelling units in comprehensive permit applications from for-profit developers to an aggregate of one percent (1%) of the total number of year-round housing units in the town, as recognized in the affordable housing plan, and notwithstanding the timetables set elsewhere in this section, the planning board shall consider comprehensive permit applications from for-profit developers sequentially in the order in which they are submitted.

Sec. 28-363. Municipal Subsidies.

In order to offset the differential cost of the low- or moderate-income housing units in the section, the following municipal subsidies shall be provided:

- a. Adjustments, meaning a request, or requests by the application to seek relief from the literal use and dimensional requirements of the zoning ordinance and/or the design standards or requirements of the land development and subdivision regulations. The standard for the planning board’s consideration of adjustments is set forth in RIGL §45-53-4(d)(2)(iii)(E)(II).

Bristol Zoning Ordinance – 2023 Amendments

- b. Density bonus. The town shall provide the following density bonuses for projects submitted under this section provided that the total land utilized under in the density calculation shall exclude wetlands, wetland buffers, area devoted to infrastructure necessary for development, and easements or rights of way of record.
 - 1. For projects connected to public water and sewer, or eligible to be connected to public water and sewer, demonstrated through written confirmation from each respective service provider the following density bonuses are provided:
 - i. For projects providing at least twenty-five (25%) low- and moderate-income housing the density bonus shall be five (5) units per acre.
 - ii. For projects providing at least fifty percent (50%) low- and moderate-income housing the density bonus shall be nine (9) units per acre.
 - iii. For projects providing at least 100 percent (100%) low- and moderate-income housing the density bonus shall be twelve (12) units per acre.
 - 2. For properties not connected to either public water or sewer or both, but which provide competent evidence as to the availability of water to service the development and/or a permit for on-site wastewater treatment system to service the dwelling units from the applicable state agency the following density bonuses are provided:
 - i. For projects providing at least twenty-five (25%) low- and moderate-income housing the density bonus shall be three (3) units per acre.
 - ii. For projects providing at least fifty percent (50%) low- and moderate-income housing the density bonus shall be five (5) units per acre.
 - iii. For projects providing at least 100 percent (100%) low- and moderate-income housing the density bonus shall be eight (8) units per acre.
- c. Parking. For comprehensive permit applications one (1) off-street parking space per dwelling unit is required for units up to and including two (2) bedrooms. Bedrooms. The bedroom count of units for a comprehensive permit are not limited to any count less than three (3) bedrooms for single family dwelling units, Floor area. There are no floor area limitations for comprehensive permit applications other than those provided by §45-24.3-11.

Sec. 28-364. Application Procedure.

The application and review process for a comprehensive permit shall be as follows:

- a. Pre-application conference. A pre-application conference may be required by the administrative officer or requested by the applicant. The preapplication conference may be with the planning board, technical review committee, or administrative officer as determined appropriate by the administrative officer.

Bristol Zoning Ordinance – 2023 Amendments

1. In advance of the pre-application conference, the applicant shall submit a short written description of the project including the number of units, type of housing, density analysis, preliminary list of adjustments requested, a location map, and a conceptual site plan.
2. Upon request of the applicant for a pre-application conference, such conference will be scheduled and held within thirty (30) days of the request, unless a different timeframe is agreed to by the applicant in writing.
3. If thirty (30) days has elapsed from the filing of the pre-application submission, and no pre-application submission has taken place, nothing shall be deemed to preclude the applicant from thereafter filing and proceeding with an application for preliminary plan review.
 - b. Preliminary plan.
 1. Submission requirements. Applications for preliminary plan under this section shall include:
 - i. A letter of eligibility issued by the Rhode Island Housing Mortgage Finance Corporation, or in the case of projects primarily funded by the U.S. Department of Housing and Urban Development or other state or federal agencies, an award letter indicating the subsidy, or application in such form as may be prescribed for a municipal government subsidy; and
 - ii. A letter signed by the authorized representative of the applicant, setting forth the specific sections and provisions of applicable local ordinances and regulations from which the applicant is seeking adjustments; and
 - iii. A proposed timetable for the commencement of construction and completion of the project; and
 - iv. Those items included in the checklist for preliminary plan review with the exception of evidence of state or federal permits.
 - v. Notwithstanding the submission requirements set forth above, the planning board may request additional, reasonable documentation throughout the public hearing, including, but not limited to, opinions of experts, credible evidence of application for necessary federal and or state permits, and advice from other local boards and officials.
 2. Certification of completeness. The preliminary plan must be certified complete or incomplete by the administrative officer, provided, however, that the certificate shall be granted within twenty-five (25) days of submission of an application. The running of the time period set forth herein will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a correct application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the

Bristol Zoning Ordinance – 2023 Amendments

application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

3. Public hearing. A public hearing shall be noticed and held as soon as practicable after the issuance of a certificate of completeness.
 4. Notice. Public notice for the public hearing will be the same notice required under local regulations for a public hearing for a master plan. The cost of notice shall be paid by the applicant.
 5. Timeframe for review. The planning board shall render a decision on the preliminary plan application within ninety (90) days of the date the application is certified complete, or within a further amount of time that may be consented to by the applicant through the submission of written consent.
 6. Failure to act. Failure of the planning board to act within the prescribed period constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure of the planning board to act within the required time and the resulting approval shall be issued on request of the applicant. Further, if the public hearing is not convened or a decision is not rendered within the time allowed, the application is deemed to have allowed and the preliminary plan approval shall be issued immediately.
 7. Vesting. The approved preliminary plan is vested for a period of two (2) years with the right to extend for two (2), one-year extension upon written request by the applicant, who must appear before the planning board for each annual review and provide proof of valid state or federal permits as applicable. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the planning board. The vesting for the preliminary plan approval includes all ordinances and provisions and regulations at the time of the approval, general and specific conditions shown on the approved preliminary plan drawings and support material.
- c. Final plan. The second and final stage of review for the comprehensive permit project shall be done administratively, unless an applicant has requested and been granted any waivers from the submission of checklist items for preliminary plan review, and then, at the planning board’s discretion, it may vote to require the applicant to return for final plan review and approval.
1. The following items shall be submitted as part of the final plan submission:
 - i. All required state and federal permits must be obtained prior to the final plan approval.
 - ii. A draft monitoring agreement which identifies an approved entity that will monitor the long-term affordability of the low- and moderate-income units pursuant to RIGL §45-53-3.2.

Bristol Zoning Ordinance – 2023 Amendments

- iii. A sample land lease or deed restriction with affordability liens that will restrict use as low- and moderate-income housing in conformance with the guidelines of the agency providing the subsidy for the low- and moderate-income housing, but for a period of not less than thirty (30) years.
- iv. Those items included in the checklist for final plan review.
- v. Arrangements for completion of the required public improvements, including construction schedule and/or financial guarantees.
- vi. Certification by the tax collector that all property taxes are current.
- vii. For phased projects, the final plan for phases following the first phase, shall be accompanied by copies of as-built drawings not previously submitted of all existing public improvements for prior phases.
 - 2. Certificate of completeness. The final plan application must be certified complete or incomplete by the administrative officer according to the provisions of § 45-23-36; provided however, that, the certificate shall be granted within twenty-five (25) days of submission of the application. The running of the time period set forth herein will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.
 - 3. Timeframe for review. The reviewing authority shall render a decision on the final plan application within forty-five (45) days of the date the application is certified complete.
 - 4. Decision on final plan. An application filed in accordance with this article shall be approved by the administrative officer unless such application does not satisfy conditions set forth in the preliminary plan approval decision or such application does not have the requisite state and/or federal approval or other required submissions, does not post the required improvement bonds, or such application is a major modification of the plans approved at preliminary plan.
 - 5. Failure to act. Failure of the reviewing authority to act within the prescribed period constitutes approval of the final plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the applicant.

Bristol Zoning Ordinance – 2023 Amendments

6. Vesting. The approved final plan is vested for a period of two (2) years with the right to extend for one one-year extension upon written request by the applicant, who must appear before the planning board for the extension request. Thereafter, vesting may be extended for a longer period, for good cause shown, if requested, in writing by the applicant, and approved by the local review board.

Sec. 28-365. Modifications and changes to plans.

- a. Minor changes, as defined in the local regulations, to the plans approved at preliminary plan may be approved administratively, by the administrative officer, whereupon final plan approval may be issued. The changes may be authorized without additional public hearings, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting a recommendation from either the technical review committee or the local review board. Denial of the proposed change(s) shall be referred to the local review board for review as a major change.
- b. Major changes, as defined in the local regulations, to the plans approved at preliminary plan may be approved only by the local review board and must follow the same review and public hearing process required for approval of preliminary plans.

Sec. 28-366. Required findings.

- a. Required findings for approval. In approving a preliminary plan application for a comprehensive permit, the local review board shall make positive findings, supported by legally competent evidence on the record which discloses the nature and character of the observations upon which the fact finders acted, on each of the following standard provisions, where applicable:
 1. The proposed development is consistent with local needs as identified in the comprehensive plan with particular emphasis on the affordable housing plan and/or has satisfactorily addressed the issues where there may be inconsistencies.
 2. The proposed development is in compliance with the standards and provisions of the zoning ordinance and subdivision regulations, and/or where adjustments are requested by the applicant, that local concerns that have been affected by the relief granted do not outweigh the state and local need for low- and moderate-income housing.
 3. All low- and moderate-income housing units proposed are integrated throughout the development; are compatible in scale and architectural style to the market rate units within the project; and will be built and occupied prior to, or simultaneous with the construction and occupancy of any market rate units.

Bristol Zoning Ordinance – 2023 Amendments

4. There will be no significant negative impacts on the health and safety of current or future residents of the community, in areas including but not limited to, safe circulation of pedestrian and vehicular traffic, provision of emergency services, sewerage disposal, availability of potable water, adequate surface water runoff, and the preservation of natural, historical, or cultural features that contribute to the attractiveness of the community.
5. All proposed land development and all subdivision lots will have adequate and permanent physical access to a public street.
6. The proposed development will not result in the creation of individual lots with any physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable, unless created only as permanent open space or permanently reserved for a public purpose on the approved, recorded plans.
- b. Required findings for denial. In reviewing the comprehensive permit request, the local review board may deny the request for any of the following reasons:
 1. The town has an approved affordable housing plan and is meeting housing needs, and the proposal is inconsistent with the affordable housing plan; provided that, the local review board also finds that the municipality has made significant progress in implementing the housing plan;
 2. The proposal is not consistent with local needs, including, but not limited to, the needs identified in an approved comprehensive plan, and/or local zoning ordinance and procedures promulgated in conformance with the comprehensive plan;
 3. The proposal is not in conformance with the comprehensive plan;
 4. The community has met or has plans to meet the goal of ten percent (10%) of the year-round units being low- and moderate-income housing provided that, the local review board also finds that the community has achieved or has made significant progress towards meeting the goals of the affordable housing plan; or
 5. Concerns for the environment and the health and safety of current residents have not been adequately addressed.
- c. Infeasibility of Conditions of Approval. The burden is on the applicant to show, by competent evidence before the local review board, that proposed conditions of approval are infeasible, as defined in R.I. Gen. Laws § 45-53-3. Upon request, the applicant shall be provided a reasonable opportunity to respond to such proposed conditions prior to a final vote on the application.

Sec. 28-367 – 28-369. Reserved.

Bristol Zoning Ordinance – 2023 Amendments

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.

(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.

Bristol Zoning Ordinance – 2023 Amendments

(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.

b. Reserved.

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

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

Bristol Zoning Ordinance – 2023 Amendments

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.

* * *

Article XI. Administration, Enforcement and Relief

Amend as follows:

Sec. 28-408. Zoning board of review.

(f) Voting. The board shall be required to vote as follows:

(1) ~~Five~~ Four active members, ~~which may include alternates,~~ shall be necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall excuse himself, and shall not sit as an active member and shall take no part in the conduct of the hearing. ~~Only A~~ maximum of five active members, which may include alternates, shall be entitled to vote on any issue.

Bristol Zoning Ordinance – 2023 Amendments

(2) The concurring vote of ~~three of the five~~ a majority of members of the board sitting at a hearing shall be necessary to reverse any order, requirement, decision or determination of the historic district commission, the planning board, or any administrative officer or agency from whom an appeal was taken.

(3) The concurring vote of ~~four of the five~~ a majority of members of the board sitting at a hearing shall be required to decide in favor of an applicant on any matter within the discretion of the board upon which it is required to pass under this chapter, including variances and special use permits.

Sec. 28-409. Variances and special use permits.

* * *

(b) *Hearing and notice.* The zoning board shall immediately upon receipt of an application for a use variance or special use permit, request that the planning board report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the comprehensive plan of the town, in writing to the board. The planning board may, but need not, hold a public hearing on any such request to the zoning board not later than 30 days from receipt of the request by the planning board. The planning board may also delegate the review of such requests to its technical review committee pursuant to RIGL § 45-23-32(52). The zoning board shall hold a public hearing on any application for variance or special use permit in an expeditious manner after receipt in proper form of an application and the planning board recommendation, provided such recommendation is received within the specified 30 days. The zoning board shall give public notice thereof at least 14 days prior to the date of the hearing in a newspaper of ~~general~~ local circulation in the town. The same notice shall be posted in the town clerk's office and one other municipal building and shall be accessible on the home page of the town's website at least fourteen (14) days prior to the hearing. Notice of this hearing, including at least the substance of the application and the street address of the subject property, shall be sent by first class mail to the applicant and to:

(1) All owners of real property whose property is located within 200 feet of the perimeter of the subject property, if any part of the subject property is located in the D, W, LB or R-6 zones; or

(2) All owners of real property whose property is located within 300 feet of the perimeter of the subject property, if any part of the subject property is located in any zone other than the zones set forth in subsection 28-409(b)(1) of this section; and

(3) To the town council of any town to which one or more of the following pertain:

a. Which is located within 200 or 300 feet, as set forth in subsections 28-409(b)(1) and (2) of this section, of the boundary of the subject property; or

b. Where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within 2,000 feet of any part of the subject property, regardless of municipal boundaries; and

Bristol Zoning Ordinance – 2023 Amendments

(4) To the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used, or is suitable for use, as a public water source and that is within 2,000 feet of any part of the subject property; provided, however, that the governing body of any state or municipal water company has filed with the director in the town a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within 2,000 feet thereof.

Such notice as is required in subsections 28-409(b)(1) and (2) of this section shall be sent whether or not the noticed land is within the town or within an adjacent town. No defect in the form of any notice under this section shall render any variance, special use permit or decision on appeal, invalid, unless such defect is found to be intentional or misleading. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

(c) Standards for relief. The following shall be standards for relief:

(1) Variance. In granting a variance, the board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

a. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and not due to an economic disability of the applicant;

b. That such hardship is not the result of any prior action of the applicant ~~and does not result primarily from the desire of the applicant to realize greater financial gain;~~

c. That the granting of the requested variance will not alter the general characteristic of the surrounding area or impair the intent or purpose of this chapter or the comprehensive plan of the town;

~~d. That the relief to be granted is the least relief necessary;~~

e d. The board shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

1. In granting a use variance, the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this chapter. Nonconforming use of neighboring land or structures in the same district and permitted use of land or structures in an adjacent district shall not be considered grounds for granting a use variance; and

2. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject property if the dimensional variance is not granted shall amount to more than a mere inconvenience, meaning that relief sought is minimal to a reasonable enjoyment of the permitted use to which the property is proposed to be devoted. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

* * *

Bristol Zoning Ordinance – 2023 Amendments

Add the following:

Sec. 28-414. Unified development review.

- a. Unified development review established. There shall be unified development review for the issuance of variances and special use permits for properties undergoing review by development plan review and/or land development or subdivision review.
- b. Public hearing. All land development and subdivision applications, and development plan review applications that include requests for variances and/or special-use permits submitted pursuant to this section, shall require a public hearing.
- c. In granting requests for dimensional and use variances, the planning board shall be bound to the requirements of Sec. 28-409(c)(1) relative to entering evidence into the record in satisfaction of the applicable standards.
- d. In reviewing requests for special use permits the planning board shall be bound to the conditions and procedures under which a special use permit may be issued and the criteria for the issuance of such permits, as found within the zoning ordinance at Sec. 28-409(c)(2), and shall be required to provide for the recording of findings of fact and written decisions as described in the zoning ordinance pursuant to Sec. 28-408(i).
- e. Appeals. An appeal from any decision made pursuant to this section may be taken pursuant to RIGL 45-23-71.

* * *

This ordinance shall take effect on January 1, 2024.

Section 28-82 Table A PERMITTED USE TABLE NOVEMBER 1, 2023 Revised Per Planning Board Review November 9 and 21, 2023

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
AGRICULTURAL																
Gardening and raising of crops	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y
Nursery or greenhouse/agricultural (without sales on premises)	Y	Y	Y	Y	N	N	Y	Y	N	N	N	Y	N	Y	Y	N
Nursery or greenhouse/commercial (with sales on premises)	S_*	S_*	S_*	S_*	N	N	Y	Y	N	N	N	S_*	N	N	Y	N
Nursery or greenhouse/nonprofit (with sales on premises)	S_*	S_*	S_*	S_*	N	N	Y	Y	N	N	N	S_*	N	Y	Y	N
Raising of animals for profit or consumption	S*	S*	S*	S*	N	N	N	N	N	N	N	Y	N	Y	N	N
Keeping of chicken hens+++	S*	S*	S*	S*	N	N	N	N	N	N	N	Y	N	Y	N	N
Keeping of non-domesticated animals as pets	S*	S*	S*	N	N	N	N	N	N	N	N	Y	N	Y	N	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Keeping of non-household domesticated animals	S*	S*	S*	S*	N	N	N	N	N	N	N	Y	N	Y	N	N
Agricultural promotion uses as part of an agricultural operation on a farm lot: on-site retail of farm products, roadside stand, light food processing, farm demonstration and educational projects, pick your own produce, cafe/limited food service	Y	Y	Y	Y	Y	N	N	N	N	N	N	Y	N	N	N	N
Seasonal attractions up to 4 times a year with a permit by the zoning enforcement officer in accordance with the standards of section 28-157	Y	Y	Y	Y	Y	N	N	N	N	N	N	Y	N	N	N	N
Farm brewery, farm winery, farm cidery as part of an agricultural operation on a farm lot	S-Y	S-Y	S-Y	S-Y	N	N	N	N	N	N	N	S-N	N	N	N	N

(Supp. No. 50)

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
RESIDENTIAL																
Single household dwelling	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	N	N	N
Two household dwelling	N	N	Y(1)	Y(1)	Y	Y	N	Y	Y	Y	N	N	N	N	N	N
Multi-household dwelling	N	N	N	N	N	Y	N	Y	Y	Y	N	N	N	N	Y; on upper floors of building only	N
Bed and breakfast	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	N	N	Y	Y	N
Country inn with 5—10 rooms in one or more buildings with meals to guests only	N	N	N	N	N	N	N	SN	S-N	N	N	N	N	Y	N	N
Dormitory	N	N	N	N	N	NS	N	S	N	N	N	N	Y	N	N	N
Nursing home	N	N	N	S*	S*	Y	S*	S*	S*	N	N	N	N	N	Y	N
Congregate care facility	N	N	N	S*	S*	Y	S*	S*	S*	N	N	N	N	N	Y	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Hotel	N	N	N	N	N	N	S_*	Y	Y	Y	N	N	N	N	Y	N
Motel	N	N	N	N	N	N	N	S_*	N	N	N	N	N	N	S_*	N
Manufactured home	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Manufactured home park	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Community residence	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	Y	N	Y	N
Lodging/boarding house:													Y			N
5 rooms or less	N	N	N	N	N	Y	S_*	N	Y	Y	N	N	N		S_*	N
Over 5 rooms	N	N	N	N	N	S_*	S_*	N	S_*	S_*	N	N	N		S_*	N
INSTITUTIONAL AND GOVERNMENTAL SERVICES																
Medical clinic	N	N	N	N	N	N	Y	Y	Y	N	N	N	Y	N	Y	N
Hospital	N	N	N	N	N	N	S_N	S_*	S_N	N	N	N	N	N	S_*	N
Drug and alcohol rehabilitation facility	S_*	S_*	N	N	N	S_*	S_*	Y	S_*	N	N	N	N	N	S_*	N
Halfway house	N	N	N	N	N	S_*	N	N	S_*	N	N	N	N	N	N	N

SERVICE BUSINESS																
ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Restaurant, cafe, or deli with or without liquor sales	N	N	N	N	N	N	Y S*	Y	Y	Y	N	N	N	N	Y	N
Brew pub	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Restaurant, cafe, or deli with liquor sales	N	N	N	N	N	N	S	Y	Y	Y	N	N	N	N	S	N
Drive-thru restaurant	N	N	N	N	N	N	N	S*	N	N	N	N	N	N	S*	N
Fast food restaurant	N	N	N	N	N	N	S_*	Y	Y	Y	N	N	N	N	S_*	N
Tavern/bar/nightclub	N	N	N	N	N	N	S_*	Y	Y	Y	N	N	N	N	Y	N
Funeral home	N	N	N	N	N	S_*	Y	Y	Y	N	N	N	N	N	Y	N
<u>Crematory</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Gasoline service station	N	N	N	N	N	N	S*	S*	N	N	N	N	N	N	S*	N
Catering	N	N	N	N	N	N	Y	Y	Y	Y	S_* Y	N	N	N	Y	N
Massage therapist	N	N	N	N	N	N	Y	Y	Y	Y	S_* N	N	N	N	Y	N
Tattoo parlor	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N
Sign painting	N	N	N	N	N	N	S_* Y	Y	S	Y S	Y	N	N	N	S_* Y	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R-10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Car wash	N	N	N	N	N	N	N	S*	N	N	N	N	N	N	S*	N
Self-service storage facility (mini storage)	N	N	N	N	N	N	N	S-N	N	N	S*	N	N	N	N	N
Auto repair, minor	N	N	N	N	N	N	S*	S*	N	N	Y	N	N	N	S*	N
Laundry, self-service	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Dry-cleaning without on-site plant	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Gunsmith (gun repair)	N	N	N	N	N	N	N	Y	N	N	S-Y	N	N	N	S-N	N
Bakery	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Appliance repair	N	N	N	N	N	N	Y	Y	Y	S-Y	Y	N	N	N	Y	N
Mechanical equipment repair	N	N	N	N	N	N	Y	Y	Y	S-Y	Y	N	N	N	Y	N
Printing, blueprinting and photocopying	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	N
Artist work or sale space (studio/gallery)	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	Y, within decommissioned school buildings only

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Artisan manufacturing and production and sale space	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N	Y	Y	Y; within decommissioned school buildings only
Photographic development	N	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	N
Hairdresser/barber	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Pet grooming	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	Y	N
Commercial or technical trades school	N	N	N	N	N	N	S_*	S_*	N	S_*	Y	N	N	N	N	Y; within decommissioned school buildings only
Adult entertainment	N	N	N	N	N	N	N	N	N	Y (4)	N	N	N	N	N	N
Conference center	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y	Y	Y
Contract construction service	N	N	N	N	N	N	S_*	S_*	N	S_N	Y	N	N	N	N	N
Kennel and Animal Care	N	N	N	N	N	N	S_*	S_*	N	N	Y	N	N	N	N	N
RETAIL BUSINESS																
Antique store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Appliance store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Auto parts sales, new	N	N	N	N	N	N	S-Y	Y	S	N	N	N	N	N	Y	N
Auto sales	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	Y	N
Bait shop	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Bakery	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Book store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Book store/cafe	N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y	N	Y	N
Car rental	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N	S-Y	N
Clothing sales	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Convenience store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Florist	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Furniture store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Gunsmith (sales)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
General merchandise store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Gift shop	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Grocery store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Liquor store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Mechanical equipment sales	N	N	N	N	N	N	N	Y	N	N	S_*	N	N	N	Y	N
Newsstand	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Pet store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Pharmacy	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Variety store	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N
Lumber/building products	N	N	N	N	N	N	N	Y	N	N	N	N	N	N	N	N
WHOLESALE BUSINESS																
Wholesale trade within enclosed structure	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	N	Y	N
Wholesale trade, outdoor storage	N	N	N	N	N	N	N	S_*	N	N	S_*	N	N	N	S_*	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	WT	M	OS	EI	HPC	MMU	PI
Outdoor storage of junk, scrap, or salvage material, including junkyards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Warehouse/distribution facility	N	N	N	N	N	N	N	S_*	N	N	Y	N	N	N	S_*	N
Air-supported structure	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Reclamation facility	N	N	N	N	N	N	N	N	N	N	S_*	N	N	N	N	N
SERVICE INDUSTRIES																
Dry-cleaning plant	N	N	N	N	N	N	N	S_*	N	N	Y	N	N	N	NS	N
Automotive body repair, major	N	N	N	N	N	N	N	S*	N	N	Y	N	N	N	S*	N
INDUSTRIAL																
Food and kindred products-manufacturing including canning or packaging	N	N	N	N	N	N	N	S_*	N	N	S_*	N	N	N	N	N
Large brewery	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Microbrewery	N	N	N	N	N	N	N	S Y	S Y	S Y	S Y	N	N	N	N	N
Processing of bakery products	N	N	N	N	N	N	S*	Y	N	N	Y	N	N	N	S*	N
Textile mill products and apparel manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Cosmetics manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Lumber and wood products, furniture and fixtures manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Paper and allied products, printing, and publishing, including refinishing	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Chemicals and allied products manufacturing	N	N	N	N	N	N	N	N	N	N	S N	N	N	N	N	N
Leather and fur tanning and finish	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Rubber and miscellaneous plastic products-manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Stone, clay, and glass products manufacturing	N	N	N	N	N	N	S <u>S</u> *	S *	S <u>S</u> *	N	Y	N	N	N	S <u>S</u> *	N
Pottery products manufacturing	N	N	N	N	N	N	Y	Y	S <u>S</u> *	S <u>S</u> *	Y	N	N	N	Y	N
Cement, lime, gypsum, or plaster of Paris manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Fabricated metal products-manufacturing	N	N	N	N	N	N	N	N	N	S <u>N</u>	Y	N	N	N	N	N
Drop forge industries, manufacturing forgings with power hammers	N	N	N	N	N	N	N	N	N	N	S *	N	N	N	N	N
Machinery and machine parts manufacturing	N	N	N	N	N	N	N	N	N	S <u>N</u>	Y	N	N	N	N	N
Wire and cable manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Transportation equipment manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Boat building including fiberglass and steel	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Boat building (wooden boats only)	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N
Marine trade industries	N	N	N	N	N	N	N	S*	N	S*	Y	N	N	N	S*	N
Instruments and scientific equipment manufacturing	N	N	N	N	N	N	N	S_*	N	Y	Y	N	N	N	S_*	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Jewelry, silverware, plated ware, costume jewelry manufacturing	N	N	N	N	N	N	N	N	N	S-N	Y	N	N	N	N	N
Manual assembly of jewelry parts and crafts	N	N	N	N	N	N	N	Y	Y	S-Y	Y	N	N	N	N	N
Lighting manufacturing	N	N	N	N	N	N	N	N	N	S-N	Y	N	N	N	N	N
Plating of jewelry and other metals	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Extractive industry	N	N	N	N	N	N	N	N	N	N	S-N	N	N	N	N	N
Pump station	Y	Y	Y	Y	Y	S*	Y	Y	S*	S*	S*	N	Y	N	Y	Y
Sewage treatment plant	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	Y	N	S*	N	S*	Y
Sludge compost facility, public	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	Y
Recycling facility, indoor	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	Y
Landfill, public	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y
RECREATION																

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Camp for children, including music or art camp	Y	Y	S ₋ *	S ₋ *	S ₋ *	S ₋ *	S ₋ *	N	N	N	N	Y	S ₋ *	Y	N	Y; within decommissioned school buildings only
Campground	S ₋ *	S ₋ *	N	N	N	N	N	N	N	N	N	S ₋ *	N	S ₋ *	N	N
Riding stable	S ₋ *	S ₋ *	S ₋ N	S ₋ N	N	N	N	N	N	N	N	Y	S ₋ *	Y	N	N
Golf course	Y ₋ N	Y ₋ N	Y ₋ N	Y ₋ N	N	N	N	N	N	N	S ₋ N	Y	N	Y	N	N
Golf driving range	N	N	N	N	N	N	N	S ₋ S ₋ *	N	N	S ₋ N	N	N	N	N	N
Miniature golf course	N	N	N	N	N	N	S ₋ Y	Y	N	N	N	N	N	N	S ₋ Y	N
Bowling alley	N	N	N	N	N	N	S ₋ Y	Y	Y _S	N	N	N	S ₋ Y	N	Y	N
Skating/rolling rink	N	N	N	N	N	N	S ₋ Y	Y	S ₋ Y	N	S ₋ N	N	S ₋ Y	N	Y	Y
Billiards parlor	N	N	N	N	N	N	S ₋ Y	Y	Y	Y	N	N	S ₋ Y	N	Y	N
Health club	N	N	N	N	N	N	S ₋ *	Y	Y	Y	N	N	N	N	Y	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Theater	N	N	N	N	N	N	S ₋ *	Y	Y	Y	N	N	Y	N	Y	Y; within decommissioned school buildings only
Playground/park	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Open space	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Recreational or athletics school	N	N	N	N	N	N	Y	Y	Y	Y	N	N	S ₋ Y	S ₋ Y	S ₋ Y	Y
Nonprofit community or education center	S ₋ N	S ₋ N	S ₋ N	S ₋ N	S ₋ N	S ₋ Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Boatyard/marina	S ₋ *	S ₋ *	S ₋ *	S ₋ *	N	N	N	N	N	Y	Y	N	N	N	N	N
Yacht club	S ₋ *	S ₋ *	S ₋ *	S ₋ *	N	N	N	N	N	Y	N	N	N	N	N	N
Air-supported structure	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
ACCESSORY USES++																
Prefabricated relocatable steel buildings, box trailers, or shipping or cargo containers	S*(5)	S*(5)	S*(5)	S*(5)	S*(5)	S*(5)	S*(5)	S*(5)	N	N	S*(5)	N	N	N	S*(5)	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Above ground propane tanks larger than 500 gallons	N	N	N	N	N	N	N	S*	N	N	S*	N	N	N	N	N
Outdoor wood boiler(6)	Y	Y	Y	Y	Y	N	N	Y	N	N	Y	Y	Y	Y	Y	N
Wireless telecommunications antenna on an existing structure, subject to section 28-147	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Wireless telecommunications facility, including tower, subject to sections 28-147 and 28-150	N	N	N	N	N	N	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*
Drive-thrus	N	N	N	N	N	N	N	S*	N	N	N	N	N	N	S*	N
Gift shop	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
Administrative services	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
Caretaker's residence	N	N	N	N	N	N	N	N	N	N	N	Y(7)	N	(See section 28-356 et seq.)	N	N
MEDICAL MARIJUANA/CANNABIS RELATED USES																
Compassion center	N	N	N	N	N	N	N	S*	N	N	N	N	N	N	N	
Medical marijuana cultivation center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Medical marijuana emporium	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Cannabis retailer/hybrid cannabis retailer	N	N	N	N	N	N	N	S*	N	N	N	N	N	N	N	

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Cannabis cultivator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Cannabis product manufacturer	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Cannabis testing laboratory	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
UTILITIES																
Accessory use solar energy system, subject to sections 28-158 through 28-160	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
Accessory use solar canopy over parking lot (parking lot would be principal use)	N	N	N	N	N	N	N	Y	N	N	Y	N	Y	N	Y	N
Principal use solar energy system	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Ground mounted solar	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

ZONING DISTRICTS	R-80	R-40	R-20	R-15	R-10 R- 10SW R-8	R-6	LB	GB	D	W+	M	OS	EI	HPC	MMU	PI
Large-scale ground-mounted solar photovoltaic facility, located on a remediated and restricted contamination site or a contaminated site pending remediation, as a major land development project subject to sections 28-286 through 28-291	N	N	N	N	N	N	S*	S*	S*	S*	S*	N	S*	N	S*	N
Large-scale ground-mounted solar photovoltaic facility on a closed and capped landfill subject to sections 28-286 through 28-290	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y

Notes:

* See special use standards in section 28-150.

+ In the W (waterfront) zone, other than for single, two-family, three-family, four-family dwellings or in an urban rehab land development project; retail business, office uses, marine trades industries, restaurants, cafes, and/or delis are required on the first floor within 50 feet of the front lot line.

++ See section 28-356 et seq. for additional language regarding accessory uses in the HPC zone.

+++ See section 28-150(e) et seq. for ~~additional language~~standards regarding the keeping of chicken hens.

See sections 28-150(h) and 28-281 for formula business (as defined in section 28-1) in the historic district zone which also require a special use permit.

- (1) Two household dwellings may be permitted in the R-15 and R-20 zoning districts provided that at least one unit is deed restricted as an affordable housing unit under the Low to Moderate Income Housing Act.
- (2) On state-owned land.
- (3) Except as provided per section 28-153, home occupations.
- (4) Only if not within 200 feet from a residential zone or residential use.
- (5) Not more than one prefabricated relocatable steel building, box trailer or shipping or cargo container shall be permitted as of right for a single period of no longer than 60 days as a temporary use of any property by the property owner. The temporary use must first be approved by a permit from the building official and zoning enforcement officer to ensure compliance with standards of section 28-150(i). During that 60-day period, a property owner may apply to the zoning board for a special use permit to maintain the structure for an extended period of time.
- (6) See chapter 10, article V of the Bristol Town Code for additional regulation of outdoor wood boilers.
- (7) One dwelling for a caretaker may be constructed if the property has more than 20 acres.

(Ord. No. 2013-15, 10-9-13; Ord. No. 2015-15, 12-16-15; Ord. No. 2017-03, 4-26-17; Ord. No. 2018-12, 7-11-18; Ord. No. 2018-18, 2-6-19; Ord. No. 2019-07, 6-26-19; Amend. of 1-27-21; Ord. No. 2022-12, 11-16-22)

THIS PAGE INTENTIONALLY BLANK

(Supp. No. 50)

Created: 2023-08-17 09:32:10 [EST]

Page 24 of 24

~~Section 28-150 (e) Special Use Standards for Keeping of non-domesticated animals and non-household domesticated animals kept as pets and/or for profit or consumption~~

- ~~(1) The animals and their shelters must be kept a minimum of 40 feet from all lot lines.~~
- ~~(2) No animals or their quarters may be kept in the front yard.~~
- ~~(3) No more than three non-domesticated animals or non-household domesticated animals may be kept on any one property, except that up to six chicken hens may be kept on any one property. As part of the granting of a special use permit the zoning board may allow more animals if neighborhood conditions are appropriate.~~
- ~~(4) Parcels qualifying (or simply meeting the definition of) as farms under the Rhode Island Department of Environmental Management (RIDEM) Farm, Forest, and Open Space Act are exempt from the provisions of subsection (2), above.~~

Section 28-150 (e) Special Use Standards for Raising of animals for profit or consumption, keeping of non-domesticated animals as pets, and, keeping of non-household domesticated animals

1. Keeping of non-domesticated animals and non-household domesticated animals are permitted in the rear yard only.
2. The keeping of non-domesticated animals and non-household domesticated animals shall be by an owner-occupant of the property which shall consist of a minimum of one acre of lot area.
3. Shelters and enclosures must be kept a minimum of fifty (50) feet from all lot lines. However, the Board may allow less than that if the abutting zone is other than residential or limited business.
4. Non-domesticated animals and non-household domesticated animals are not allowed in a residence, porch or attached garage, or to run free.
5. No more than three non-domesticated animals or non-household domesticated animals may be kept on any one property.
6. Parcels qualifying as farms under the Rhode Island Department of Environmental Management (RIDEM) Farm, Forest, and Open Space Act are exempt from the provisions of subsection (2), above.

Section 28-150 (n) Special Use Permit Standards for Nursery or Greenhouse (commercial or nonprofit) with sales on premises

1. The on-site sales area shall be delineated on a site plan drawn to scale to show locations of merchandise sales and customer parking. All parking and merchandise pickup areas shall be on the subject property and not impede pedestrian or vehicular traffic on adjacent public streets.
2. Outdoor sales areas shall be separate from customer parking areas with a physical barrier.
3. Hours of operation for on-site sale shall be limited to between 10:00 am and 7:00 pm unless approved otherwise by specific use permit.

Section 28-150 (o) Special Use Permit Standards for Keeping of chicken hens

1. Chicken coops and runs are permitted in the rear yard only.
2. Chicken coops and runs shall must be kept a minimum of forty (40) feet from all lot lines. However, the Board may allow less than that if the abutting zone is other than residential or limited business.
3. Chickens are not allowed in a residence, porch or attached garage, or to run free.
4. One chicken hen is permitted per each 800 square feet of total lot area, up to a maximum of six hens on any lot.
5. The owner of the hens shall be a resident of the dwelling on the lot.
6. Roosters are prohibited. However, if the sex of a chick cannot be determined at hatching, a chick of either sex may be kept on the property for up to six months.
7. All hens shall be confined between the hours of 9:00 p.m. and 8:00 a.m.
8. All hens shall be provided with both a chicken coop and a fenced outdoor enclosure, subject to the following provisions:
 - a. The chicken coop shall provide a minimum of two square feet per hen.
 - b. An outside, enclosed run is permitted. The run should be no larger than one hundred (100) square feet, and it must be attached to the coop.
 - c. The chicken coop and fenced enclosure shall be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, obnoxious smells, and substances. The facility shall be adequately lit and ventilated.
 - d. The chicken coop shall be designed to ensure the health and well-being of the hens, including protection from predators, the elements, and inclement weather.
9. All manure shall be composted in enclosed bins.
10. Slaughtering of chickens on-site is prohibited.

Section 28-150 (p) Special Use Permit Standards for Nursing Home

1. Must have sufficient parking to meet minimum requirements of 28-252(6).
2. Resident and visitor parking to be screened by fence or vegetation from neighboring residential uses.
3. There shall be a designated drop off area for residents and visitors near an entrance to the building with a queuing area that does not block off-street vehicle parking spaces.
4. Service and delivery entrances for cooking and maintenance facilities must be located a minimum 75 feet from adjacent residential properties.
5. Service and delivery parking/loading areas must be separate from vehicle parking areas and located adjacent to facilities such as kitchen and maintenance garage entrances.
6. A parking and circulation plan shall be provided showing safe circulation for vehicles and pedestrian with clearly marked crosswalks where appropriate.
7. Nursing homes must have direct access from collector or arterial street and not a local neighborhood street.
8. When adjacent to a residential use, the following conditions must be met:

- a. A minimum of 25 feet of landscape buffer from adjacent residential; or a minimum of 15 feet of landscape buffer with a 6-foot-tall solid fence
 - b. Building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
9. Outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

Section 28-150 (q) Special Use Permit Standards for Congregate Care Facilities

1. Must have sufficient parking to meet minimum requirements of 28-252(6).
2. Resident and visitor parking to be screened by fence or vegetation from neighboring residential uses.
3. There shall be a designated drop off area for residents and visitors near an entrance to the building with a queuing area that does not block off-street vehicle parking spaces.
4. Service and delivery entrances for cooking and maintenance facilities must be located a minimum 75 feet from adjacent residential properties.
5. Service and delivery parking/loading areas must be separate from vehicle parking areas and located adjacent to facilities such as kitchen and maintenance garage entrances.
6. A parking and circulation plan shall be provided showing safe circulation for vehicles and pedestrian with clearly marked crosswalks where appropriate.
7. Congregate Care Facilities must have direct access from collector or arterial street and not a local neighborhood street.
8. When adjacent to a residential use, the following conditions must be met:
 - a. A minimum of 25 feet of landscape buffer from adjacent residential; or a minimum of 15 feet of landscape buffer with a 6-foot-tall solid fence
 - b. Building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
9. Outdoor lighting must be fully shielded, hooded; and cannot trespass onto any adjacent property.

Section 28-150 (r) Special Use Permit Standards for Hotel

The following standards shall govern the development and/or operation of hotels:

1. Kitchens, kitchenettes and other cooking facilities shall not be permitted within motel or hotel units except the manager's unit.
2. All uses integral to the hotel or motel development shall either be clearly accessory to the hotel or motel or shall be permitted uses or special permit uses within the zoning district in which the hotel or motel development is proposed.
3. Integral accessory uses shall generally be limited to the following:
 - (a) Meeting rooms.
 - (b) Restaurant (excluding a formula food establishment as defined in Article XIII) and dining facilities serving either guests exclusively or the general public, provided that no

music or other objectionable noise shall be audible beyond the boundaries of the lot on which the use is constructed.

(c) Recreational facilities, such as swimming pools and tennis courts for the provision of guests.

(d) Small personal service/retail shops fully within the hotel or motel and selling newspapers, magazines, small gifts, and similar items; and

(e) One apartment for the manager.

4. The minimum setback for any structure, parking lot or other outdoor facility from any property line adjacent to a residential zoning district shall be 100 feet.

Section 28-150 (s) Special Use Permit Standards for Motel

The following standards shall govern the development and/or operation of motels:

1. Kitchens, kitchenettes and other cooking facilities shall not be permitted within motel or hotel units except the manager's unit.
2. All uses integral to the hotel or motel development shall either be clearly accessory to the hotel or motel or shall be permitted uses or special permit uses within the zoning district in which the hotel or motel development is proposed.
3. Integral accessory uses shall generally be limited to the following:
 - a. Meeting rooms.
 - b. Restaurant (excluding a formula food establishment as defined in Article XIII) and dining facilities serving either guests exclusively or the general public, provided that no music or other objectionable noise shall be audible beyond the boundaries of the lot on which the use is constructed.
 - c. Recreational facilities, such as swimming pools and tennis courts for the provision of guests.
 - d. Small personal service/retail shops fully within the hotel or motel and selling newspapers, magazines, small gifts, and similar items; and
 - e. One apartment for the manager.
4. The minimum setback for any structure, parking lot or other outdoor facility from any property line adjacent to a residential zoning district shall be 100 feet.

Section 28-150 (t) Special Use Permit Standards for Lodging/Boarding House

1. Lodging/boarding houses must have an on-site manager on the premises when occupants are residing in the facility.
2. Unless otherwise approved by the Zoning Board as part of the Special Use Permit, the total occupancy of a lodging/boarding house shall be based on double occupancy of the approved number of bedrooms to be used for transient purposes. The Zoning Board shall ensure that the proposed occupancy of the establishment can be effectively and efficiently accommodated by the configuration of the structure and the physical layout of the property.
3. There shall be two (2) parking spaces provided for use for the resident(s)/owner(s) and one (1) additional parking space for each guest room. All parking shall be located on the parcel in which the lodging/boarding house resides. In addition to the general requirements and standards set

forth in Article VIII (off-street parking and loading regulations), parking areas shall also adhere to the following:

- a. A solid wall or opaque fence not less than five (5) feet nor more than six (6) feet in height or a compact evergreen screen not less than five (5) feet in height shall be erected and maintained between a parking area(s) and an adjacent residential property.
- b. Any light used to illuminate the parking area shall be arranged to reflect the light away from adjoining property and away from adjacent streets.
4. No kitchen or cooking facilities shall be allowed in guestrooms.
5. Outdoor Livability Space. At least 25% of the lot must be used for outdoor livability space such as lawns, gardens, and/or outdoor patios.
6. No exterior additions or alteration shall be made for the express purpose of maintaining or adding to a lodging/boarding house, other than those required to meet health, safety, and sanitation requirements. Minimal outward modification of the structure or grounds may be made if such changes are compatible with the character of the neighborhood and approved as part of the Special Use Permit.
7. The Lodging and boardinghouse shall contain: One (1) bathroom for every two (2) bedrooms. One (1) kitchen facility; and not over 75 percent of the heated floor area in use for sleeping quarters.
8. The lodging/boardinghouse shall be located in a structure originally constructed as and adhering to the standards of a single-family dwelling.
9. Operations. The lodging and boardinghouse shall be the permanent residence of the owner or the manager of the business; and permitted to contain home occupations and adhere to the additional standards outlined therefore (see 28-153 Home Occupations)

Section 28-150 (u) Special Use Permit Standards for Hospital

1. A certificate of need from the RI Department of Health or condition of approval shall be submitted.
2. Shall be so located to have at least one (1) lot line abutting a major street. All ingress and egress to the site shall be directly onto said thoroughfare or a marginal access service drive.
3. No building shall be located closer than 30 feet to a lot line.
4. Service entrances shall be screened from the view of adjacent residential property.
5. Height of any structure shall not exceed four floors.
6. Minimum lot area shall be no less than 5 acres.
7. No building or parking area shall be located closer than 50 feet to any side or rear lot line if adjacent to a residential use.
8. No on-site incineration shall be permitted, and all chemical, radioactive and other medical waste shall be disposed of in accordance with applicable state and federal requirements.

Section 28-150 (v) Special Use Permit Standards for Drug and Alcohol Rehabilitation Facility

1. A certificate of need from the RI Department of Health or condition of approval shall be submitted.
2. Drug and alcohol rehabilitation facilities shall have an on-site manager on duty at all times.
3. There shall be a minimum of three (3) off-street parking spaces. In authorizing construction of new structures, the zoning board may require sufficient yard area to be reserved as potential parking to facilitate conversion to a permitted use in the district, should the facility cease to operate.
4. Site Plan and Property Maintenance Requirements. Existing structures shall meet all the minimum property maintenance and site plan requirements for licensing. Applications for new buildings shall include a site plan, floor plan and elevations.
5. Approval of the site plan and/or special use permit shall specify compliance with the number of occupants. Violation of this condition shall result in a public hearing before the Zoning Board and shall be grounds for revocation of the Special Use Permit.
6. In reviewing an application for a special use permit, the Zoning Board shall consider the density of similar uses. In no case shall a drug and alcohol rehabilitation facility be permitted within 500 feet of another similar 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.

Section 28-150 (w) Special Use Permit Standards for Halfway House

1. Halfway Houses shall have an on-site manager on duty at all times.
2. Halfway Houses shall have a minimum of three (3) off-street parking spaces. In authorizing construction of new structures, the zoning board may require sufficient yard area to be reserved as potential parking to facilitate conversion to a permitted use in the district, should the facility cease to operate.
3. Existing structures shall meet all the minimum property maintenance and site plan requirements for licensing. Applications for a new building shall include a site plan, floor plan and elevations.
4. Approval of the site plan and/or special use permit shall specify compliance with the number of occupants. Violation of this condition shall result in a public hearing before the Zoning Board and shall be grounds for revocation of the Special Use Permit.
5. In reviewing an application for a special use permit, the Zoning Board shall consider the density of similar uses. In no case shall a halfway house be permitted within 500 feet of another similar facility.
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.

Section 28-150 (x) Special Use Permit Standards for Day care facility with 6 or more persons

1. The applicant shall provide proof of state licensing.

2. There shall be a designated drop-off area near an entrance to the building with a minimum two vehicle queuing lane that does not block vehicle parking spaces calculated as 25% percent of facility's enrollment capacity as determined by the licensing authority.
3. The parking plan shall provide safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).
4. All outdoor activity areas are to be enclosed with fencing, a minimum of four (4) feet high, provided that such fencing is to be solid and six (6) feet in height on any property line abutting a residential use on an adjoining lot.

Section 28-150 (y) Special Use Permit Standards for Cemetery

1. No burial or memorial plots or buildings shall be located closer than 50 feet to any residential lot line, except when a dense evergreen hedge or wall or landscaped strip at least six feet in height provides complete visual screening from all adjacent residential properties. Burial or memorial plots with headstones, monuments or other grave markers limited to less than six feet in height may be located as close as 25 feet to any residential property line. This provision shall apply to both new cemeteries and proposals for expansion of existing cemeteries.
2. A cemetery shall be located so that the site has direct ingress from and egress to a major street or a minor street no more than 400 feet from its intersection with a major street.
3. No building for a cemetery use shall be located closer than thirty (30) feet to a lot line.
4. Service buildings and entrances shall be screened from the view of adjacent residential property.
5. No companion crematory shall be allowed.

Section 28-150 (z) Special Use Permit Standards for Museum, nonprofit

1. For a museum to be located in any residential district, the structure must have a direct link with an individual who inhabited the structure or event that transpired in the structure.
2. The structure must remain residential in character and may not be altered in a way that detracts from the surrounding neighborhood and must meet all zoning district requirements.

Section 28-150 (aa) Special Use Permit Standards for k-12 school

1. The applicant shall provide proof of state licensing as required.
2. The site shall otherwise comply with landscaping requirements of this chapter.
3. There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces calculated as 25% percent of facility's enrollment capacity as determined by the licensing authority.
4. The use shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum of 4 feet and a maximum of 6 feet in height. Shrubs a minimum of 10 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.

5. Parking shall be located in the side and rear yards of the property, behind the building(s) and parking plans shall provide safe pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s).

Section 28-150 (bb) Special Use Permit Standards for Office of a professional

1. A professional office use may only be permitted in the M zone within a building that contains a permitted use. The professional office use shall not occupy more than 25 percent of the total gross floor area of the structure.

Section 28-150 (cc) Special Use Permit Standards for Bank

1. A bank use may only be permitted in the M zone within a building that contains a permitted use. The bank office use shall not occupy more than 25 percent of the total gross floor area of the structure.

Section 28-150 (dd) Special Use Permit Standards for Restaurant, café or deli with or without liquor sales

1. When adjacent to a residential use, the following conditions must be met:
 - A minimum of 25 feet of landscape buffer from adjacent residential; or a Minimum of 15 feet of landscape buffer with a 6-foot-fence.
 - All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
 - Operating hours are limited to 7:00 a.m. to 10:00 p.m., unless otherwise approved by special use permit.
 - Outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

Section 28-150 (ee) Special Use Permit Standards for Fast food restaurant

1. Hours of operation shall be compatible with adjacent uses and residential areas and to avoid the creation of any nuisance condition.
2. The inclusion of accessory recreational facilities or similar amusement areas, including tot lots, video games and the like, as part of the fast-food establishment shall be strictly prohibited.
3. The establishment shall not alter the identity of Bristol in a way which detracts from its uniqueness or contributes to a nationwide trend of standardized fast-food offerings.
4. The establishment shall contribute to a diverse and appropriate blend of uses in the district and shall not be located within 500 feet of another fast-food establishment.
5. The establishment shall complement the uses already located in the district and must help promote and foster the economic base as a whole.
6. The establishment shall be compatible with existing surrounding uses and shall be designed and operated in a nonobtrusive manner to preserve the community's character and appearance.
7. The establishment shall not create a substantial impact to the public safety from increased traffic.

Section 28-150 (ff) Special Use Permit Standards for Tavern/bar/nightclub

1. When adjacent to a residential use, the following conditions must be met:
 - a. minimum of 25 feet of landscape buffer from adjacent residential; or a minimum of 15 feet of landscape buffer with a 6-foot-fence.
 - b. All building signage must face the right-of-way or an internal parking lot. Building signage cannot face any adjacent residential property. If the residential property is across a public right-of-way, building signage facing the property is allowed.
 - c. Outdoor lighting must be fully shielded, hooded and cannot trespass onto any adjacent property.

Section 28-150 (gg) Special Use Permit Standards for Funeral home

1. The funeral home shall maintain the appearance and the building and site design characteristics of a residential dwelling.
2. The funeral home shall be located on a single lot with no less than the minimum lot area specified for the zoning district.
3. Off-street parking and its associated lighting shall be both screened by an intervening landform and/or natural vegetation from neighboring residential properties and located in a rear or side yard.
4. No companion crematory shall be allowed.

Section 28-150 (hh) Special Use Permit Standards for Car wash

1. Car wash facilities shall be screened along interior side and rear lot lines with a solid fence or wall, a minimum 6 feet in height. Shrubs a minimum of 4 feet in height at time of planting shall be planted linearly every 10 feet on-center along such fence or wall.
2. When a car wash facility abuts a residential use or zoning district, there shall be a 20ft. setback from each such lot line abutting a residential use or zoning district.
3. When vacuums are included on the site, they shall include mufflers to reduce the sound of the equipment.
4. Trash receptacles shall be placed near all vacuum stations as applicable and at the entrance to the car wash entrance.
5. Structures or equipment related to cleaning vehicles (car wash bays, vacuums, vending machines) must be located at least 50 ft. from the boundary of any residential zoning district, places of residence such as nursing homes or lodging establishment.
6. Washing facilities must occur under a roofed area with at least two walls.
7. Car wash facilities next to residential zoning districts, places of residence such as nursing homes and extended care facilities, and lodging establishments: Must be screened and buffered with solid fencing at least six feet in height to minimize impact on residential properties. May operate only between 7:00 AM and 9:00 PM. Cannot have loudspeakers or equipment that emits audible signals such as beeps, buzzers and bells that would be audible off the site.

Section 28-150 (ii) Special Use Permit Standards for Commercial or Technical Trades School

1. The applicant shall provide proof of state licensing or approval shall be conditioned on final approval of licensing.
2. There shall be a designated drop-off area near an entrance to the building with a queuing lane that does not block vehicle parking spaces.
3. Parking plans shall include pedestrian circulation with clearly marked crosswalks from each parking area to the building entrance(s)
4. A traffic study shall be required if proposed number of students exceeds 50.

Section 28-150 (jj) Special Use Permit Standards for Contract Construction service

1. Outside storage of equipment, supplies and materials associated with any of the normal operations of must be adequately screened along the interior side yard, rear yard and road frontage with natural vegetation, landscaping, fencing and/or as shall be deemed appropriate by the Board.
2. The materials processing area shall be completely enclosed along all lot lines by an opaque fence, 6' in height.
3. Where buildings are proposed, they should be located along the street frontage, meeting setback requirements. Otherwise, screening the operation from the street, which may include fences and tall vegetation is required.
4. A narrative is required to be submitted explaining the scope of the business, including without limitation, the number of employees, the number and type of trucks and other vehicles and the provisions to protect adjoining and adjacent residential properties from noise, vibration, visual, odor, or other adverse effects.
5. The subject property shall have frontage on, and direct vehicular access to an arterial or collector street.
6. Vehicular access to the subject property shall not be by means of local streets.

Section 28-150 (kk) Special Use Permit Standards for Kennel and Animal Care

1. Exterior exercise areas shall be located in the interior side or rear yard and shall be completely enclosed along all property lines by landscaping, fencing and/or as shall be deemed appropriate by the Board.
2. Where the outside exercise area abuts a residential use or residential zoning district, there shall be a setback from the residential use or zone of 75'.
3. All overnight (between the hours of 10 p.m. – 8 a.m) boarding operations shall be located indoors and be fully enclosed and sufficiently insulated so no unreasonable noise or odor can be detected off the premises.
4. The facility shall be compliant with all state and local license requirements, or condition of approval will be subject to licenses from state and local authorities.

Section 28-150 (ll) Special Use Permit Standards for Mechanical Equipment Sales

1. Sales of Mechanical Equipment when associated with a manufacturing operation provided the area for the sales does not exceed 25% of the total gross floor area of the manufacturing operation.

Section 28-150 (mm) Special Use Permit Standards for Wholesale Trade Outdoor storage

1. The storage area shall be completely enclosed along all side and rear lot lines by a solid fence, 6' in height. Front lot line, along street frontage, shall be screened with a mixture of fencing and landscaping as determined appropriate by the board.
2. Storage of any kind is prohibited outside the fence or landscaping screening when adjacent to a residential use or zone. No items stored within 10' of the screening shall exceed the height of the screening.
3. The storage area should be located to the rear of the lot. Any structures shall be located in front of the storage area to obscure the view of the storage area from the street, in compliance with the front yard setback of the underlying zone.

Section 28-150 (nn) Special Use Permit Standards for Warehouse /Distribution Facility

1. A Traffic Study is required prepared by a Registered Professional Engineer.
2. The subject property shall have frontage on, and direct vehicular access to, an existing street with sufficient capacity to accommodate the type and amount of traffic to be generated by the business.
3. Vehicular access to the subject property shall not be by means of streets internal to residential subdivisions.

Section 28-150 (oo) Special Use Permit Standards for Reclamation Facility

1. Shall be located on a site not less than one (1) acre.
2. Any outside storage area shall be completely enclosed along all side and rear lot lines by a solid fence, 6' in height with a row of evergreens on the outside of the fence. Front lot line, along street frontage, shall be screened with a mixture of fencing and landscaping as determined appropriate by the board.
3. Storage of any kind is prohibited outside the fence or landscaping screening. No items stored within 10' of the screening shall exceed the height of the screening.
4. All lubricants, oils or other hazardous materials must be stored in on-site leak proof containers.
5. Owners must maintain an active EPA ID# with RIDEM as a hazardous waste generator and comply with all reporting requirements for same.

Section 28-150 (pp) Special Use Permit Standards for Dry Cleaning Plant

1. All processes and storage shall be carried on within an enclosed building.
2. All fluids used in processing shall be recycled, and the overall facility shall be designed, located and operated to protect surface waters and the groundwater reservoir from pollution.

Section 28-150 (qq) Special Use Permit Standards for Food and Kindred products

1. All operations shall be confined to the interior of a wholly enclosed building.
2. There shall be no outside storage of either raw materials or finished products.

Section 28-150 (rr) Special Use Permit Standards Processing of bakery Products

1. All operations shall be confined to the interior of a wholly enclosed building.
2. There shall be no outside storage of either raw materials or finished products.

Section 28-150 (ss) Special Use Permit Standards for Stone, Clay and Glass products manufacturing and Pottery Products Manufacturing

1. All operations shall be confined to the interior of a wholly enclosed building.
2. Any outside storage area shall be completely enclosed along all side and rear lot lines by a solid fence, 6' in height. Front lot line, along street frontage, shall be screened with a mixture of fencing and landscaping as determined appropriate by the board.
3. Storage of any kind is prohibited outside the fence or landscaping screening. No items stored within 25' of the screening shall exceed the height of the screening.

Section 28-150 (tt) Special Use Permit Standards for Drop Forge Industries, manufacturing forgings with power hammers.

1. There shall be no emission of toxic gases or fumes.
2. There shall be no discharge of harmful or toxic materials as runoff into public or private sewers or septic tanks, public or private waterways, or public or private land.
3. No drop forge or power hammer shall be allowed to operate within 500 feet of a zone in which they are prohibited.
4. Any outside storage area shall be completely enclosed along all side and rear lot lines by a solid fence, 6' in height.
5. A dedicated loading and unloading area shall be designated off of public streets.
6. Operation of drop forges or power hammers shall not create nuisance noise as defined by Ch 10 Art II of the Town Code of Ordinances
7. There shall be no production of heat or glare perceptible from any line of the premises on which the use is located.

Section 28-150 (uu) Special Use Permit Standards for Instruments and Scientific Equipment Manufacturing

1. All operations shall be confined to the interior of a wholly enclosed building.

2. Any outside storage area shall be completely enclosed along all side and rear lot lines by a solid fence, 6' in height. Front lot line, along street frontage, shall be screened with a mixture of fencing and landscaping as determined appropriate by the board.
3. Storage of any kind is prohibited outside the fence or landscaping screening. No items stored within 25' of the screening shall exceed the height of the screening.

Section 28-150 (vv) Special Use Permit Standards for Pump Station

1. The proposed facility is needed to provide service to the public.
2. The facility and its accessory elements shall be sited in accordance with the regulations of the underlying zone in which it is located or as modified to minimize any adverse impact on the existing community in which the facility is proposed to be located.

Section 28-150 (ww) Special Use Permit Standards for Sewage Treatment Plant

1. The proposed facility is needed to provide service to the public.
2. The facility and its accessory elements shall be sited in accordance with the regulations of the underlying zone in which it is located or as modified to minimize any adverse impact on the existing community in which the facility is proposed to be located.

Section 28-150 (xx) Special Use Permit Standards for Camp for Children, including music or art camp

1. There shall be a designated drop off area near an entrance to the facility.
2. Any overnight outdoor Childrens Camp shall conform to the standards for Campground.
3. All outdoor play areas in areas will be enclosed with fencing, a minimum of 4 feet, and shall be solid and 6 feet in height on any property line abutting a residential use on an adjoining lot.
4. In zones requiring special use permit, clear road signage noting presence of children (i.e. SLOW CHILDREN AT PLAY) should be posted no less than 100 feet from the camp in coordination with Bristol Department of Public Works.

Section 28-150 (yy) Special Use Permit Standards for Campground

1. Definitions
 - a. Sanitary Facilities: A closed toilet or latrine with handwashing station
 - b. Campsite: Any section or plot of ground upon which is erected any tent, tent house or camp cottage and/or for the accommodation of each automobile trailer or house car.
2. Campgrounds shall have an on-duty host or manager at all times of operation.
3. Sanitary facilities shall be provided for every 10 individual campsites.
4. Potable water shall be provided via connection to Town water supply or through spigots connected to a well supply. One water source shall be provided for at least every 10 individual campsites. Water supply shall be separate from the handwashing station in sanitary facilities.

5. Each individual campsite on which a tent, trailer or recreational vehicle is erected or placed, and each unit in any tourist camp upon which a camp cottage is hereafter erected or placed, shall be not less than 50 feet by 100 feet in area, clearly defined by markers in each corner.
6. Road or driveways shall be provided and shall be so located that each individual campsite is accessible.
7. Fully enclosed, permanent structures for use as sleeping units may be required to conform to state and town code for a dwelling unit.
8. Season of operation shall be not more than between March 31 and November 1.
9. Stormwater mitigation plan must be presented upon application for Special Use Permit .

Section 28-150 (zz) Special Use Permit Standards for Riding Stable

Definition: Riding Stable shall be defined as any establishment in which, for business purposes, horses or ponies are rented, hired, or loaned for riding or boarded for riding.

1. Riding Stable shall fall under the standards for non-household domesticated animals , Section 28-150 (e).
2. At least 1 acre of lot area must be provided per stable stall.

Section 28-150 (aaa) Special Use Permit Standards for Driving Range

1. Minimum lot area for driving ranges shall be 3 acres.
2. No tee or hole within any driving range station shall be closer than 100 feet from the principal structure on any abutting parcel. This shall not apply to practice putting greens.
3. Driving ranges abutting any public highway, street, sidewalk, or bicycle path shall have netting along full length of said roadway of no less than 45 feet in height.
4. Driving ranges abutting any non-open space parcel shall have netting along full length of property line of no less than 45 feet in height.
 - a. Off street parking shall be provided as follows:
 - i. employees - 1 space per employee.
 - ii. per driving range station tee area - 2 spaces.
5. Parking lots shall be shielded with a minimum 3-foot-high wall or a landscaped berm providing equivalent screening or a combination of both so that no vehicle lights shall shine onto adjacent residentially zoned property.
6. Signage shall only face street frontage or parking lot.
7. Outdoor floodlights to illuminate driving ranges shall not be allowed.
8. Stormwater mitigation plan must be presented upon application for Special Use Permit

Section 28-150 (bbb) Special Use Permit Standards for Health Club

1. For Health Clubs "LB" zones, all activities including exercise equipment, weights, etc. should be limited to indoor use as to avoid noise nuisance.
2. Outdoor lighting must be fully shielded .

3. Signage shall only face street frontage or parking lot.
4. At least one (1) off street parking space or equivalent shall be provided in "LB" zones. Bicycle racks may be substituted for automobile parking spaces at a rate of five (5) bicycle spaces per one (1) automobile space.
5. Automobile off street parking shall be screened by a minimum six (6) foot solid fence or minimum six (6) foot solid landscape barrier when on any property line adjacent to a residential use lot.

Section 28-150 (ccc) Special Use Permit Standards for Theater

1. In "LB" zones, acoustic deadening must be installed in performance area.
2. Parking lots shall be shielded with a minimum 3 foot high wall or a landscaping berm providing equivalent screening or a combination of both so that no vehicle lights shall shine onto adjacent residentially zoned property.
3. Signage shall only face street frontage or parking lot.
4. If liquor sales are requested, theater must meet standards for Tavern/Bar/Nightclub in a Limited Business (LB) zone.

Section 28-150 (ddd) Special Use Permit Standards for Boatyard/Marina and Yacht Club

1. A Best Management Practices (BMP's) document for marina tenants is to be submitted. This document shall include the specifications for repair and cleaning of gear and other cleaning and repair activities. Tenant agreements shall include the BMP's document and a section in the agreement that states that by signing the agreement, the tenant has read and agrees to comply with the BMP's.
2. Open areas used for boat and/or trailer storage and above ground structures storing fuel shall be screened with natural buffers or planted landscaped areas and set back a minimum of 50' from adjoining residential use or residential zone. The buffer may be reduced to 40' if the Board determines that architecturally designed fencing, compatible with the adjacent properties would effectively screen the facilities from view from the adjoining properties.
3. Large visual expanses of asphalt or concrete paving are to be avoided through the use of appropriately placed planter island and planting strips. Planting areas shall be designed and located so as to direct and control traffic flow.
4. Outdoor stacking of boats may be permitted if the activity is visually screened from abutting residential uses and residential zones.
5. The normal hoist or boating related hours of operation shall be limited to one half hour before sunrise and one half hour after sunset.
6. Stormwater mitigation plan shall be presented upon application for Special Use Permit

Section 28-150 (eee) Special Use Permit Standards for Structures in Residential Zones in the Flood Zone greater than 25' above grade

1. At a minimum, every special use permit granted pursuant to this section shall be conditioned on the construction conforming to the State Building Code requirements of the flood zone (see also Section 28-301 to 28-311).

2. The pitch of all roof areas shall be no less than 4/12. Roof pitches of less than 4/12 shall only be allowed directly below the footprint of a deck.
3. For lots with rear lot lines abutting a coastal feature, the minimum front yard shall be the average setback of those parcels within 250' of the parcel on the same side of the street.
4. The maximum lot coverage by structures percentage as defined by Article IV is not applicable. Instead building size shall be determined as follows:
 - i. For structures with two floors of living space (living space does not include the first floor car park and storage area), a Floor Area Ratio (FAR) 0.30 shall be used to calculate the maximum allowable gross floor area (GFA) for the parcel. The GFA is calculated by multiplying the parcel size by 0.30. The footprint of the first floor shall be no greater than 60% of the GFA and the footprint of the second floor, if any, shall be no greater than 40% of the GFA. In no case shall the area of the 2nd floor footprint exceed two-thirds of the first floor footprint.
 - ii. For structures with one floor of living space (living space does not include the first floor car park and storage area), a Floor Area Ratio of 0.2 shall be used to calculate the maximum allowable Gross Floor Area for the parcel. The GFA is calculated by multiplying the parcel size by 0.20.
 - iii. Decks shall be no greater in size than 15% of the calculated GFA. Integrated second story decks located directly over the footprint of the first floor of the structure shall not be included in this calculation. Decks located above the highest floor of living space shall not be permitted.
5. Articulation shall be required for structural walls that face a public right of way and exceed 24' in length. Articulation shall be in the form of a structural projection of at least one (1) foot in depth and six (6) feet in length and must extend along the entire vertical plane of the wall. The required projection may be divided into more than one, provided the total width of these projections is at least 6' in length.

Section 28-150 (fff) Special Use Permit Standards for Structures in a Commercial or Industrial zone in the flood zone greater than 35' above grade

1. At a minimum, every special use permit granted pursuant to this section shall be conditioned on the construction conforming to the State Building Code requirements of the flood zone (see also Section 28-301 to 28-311).
2. The applicant must present a storm preparedness plan including provisions for temporary storage of equipment/supplies outside of the flood zone.
3. The Board shall have the ability to condition any granted Special Use Permit as necessary to ensure public health and safety. Such conditions may include, but not be limited to, the following: limitations on periods of use and operation, imposition of performance standards, operational controls, and sureties, requirements on the location, construction, durability and safety of driveways and parking areas.