

TOWN COUNCIL MOTION TO APPROVE AMENDMENTS  
TO  
BRISTOL ZONING MAP AND BRISTOL ZONING ORDINANCE  
AS PRESENTED, BUT SUBJECT TO THE FOLOWING CHANGES  
FOR  
BRISTOL YARN MILL (A/K/A ROBIN RUG)

A. The Town Council hereby adopts the Findings of the Planning Board as set forth in its Master Plan Decision and in its Recommendation to the Town Council, dated and recorded May 16, 2022, as attached hereto and to be re-recorded herewith, with the exception of those findings and revised conditions related to the requirements for Affordable Housing set forth herein.

B. Section 28-51(2) of the Zoning Ordinance allows the Town Council to make “decisions that are inconsistent with the findings of the planning board” only if the Town Council “makes their own findings of facts present in the record, that the findings of the planning board are in clear error or clearly exceed their authority.”

C. Therefore the Town Council hereby makes the following of facts which the Town Council has found in the record, including the various memoranda from the Director of Community Development and the Assistant Town Solicitor, the previously enacted Zoning Ordinance and Zoning Map amendments, and testimony presented verbally at the extensive public hearing held on July 13, 2022; by which the Town Council finds that the Planning Board findings as to the requirements for Affordable Housing were clearly in error.

**UNDERLYING FACTS**

1. In 2008, the Town Council granted a conditional Zone Map Change for the subject property which, among other conditions, set the requirements for affordable housing to be provided with a minimum of 10% and a maximum of 20% of the units be either off-site, on-site, or fee-in-lieu.
2. This change of zone map runs with the land and would still be applicable if the proposed development complied with all of the other conditions of that zoning map amendment, including the number of units and the amount of commercial use.

3. The current developer has made a proposal requesting modifications of some of the conditions of the 2008 Zone Map Change, including increasing the number of residential units.
4. The Planning Board's review of the current proposal included Findings of Fact that would also modify the 2008 Zone Map Change conditions relative to the affordable housing requirement such that the minimum amount of affordable housing required would be 15% of the units (20 units of 127 units).
5. Additionally, the Planning Board's Findings further specified such requirement, but mandated the creation of only 3 off-site units in existing dwellings located to the east of the mill building. These units would be in an existing 2-family dwelling on Lot 49 and an existing 1-family dwelling on Lot 50. The balance of the affordable housing would be fee-in-lieu to be paid to the Town and placed in an affordable housing trust fund.

#### **FINDINGS OF CLEAR ERROR**

6. While the Town had no inclusionary zoning requirement in 2008, the Town of Bristol does now have inclusionary zoning (Section 28-370) which requires a 20% set aside for affordable housing units in developments with 5 or more units. The Town Council finds that it was clear error for the Planning Board to disregard this specific policy choice of the Town, duly adopted in the Comprehensive Plan and the Zoning Ordinance, and applied to many developments throughout the Town over the intervening years, and which is necessary if the Town is ever to reach the level of affordable housing mandated by the State of Rhode Island and if the Town is to be able to provide its workforce with housing within the Town. This is further in error because the original 2008 Zone Change had a range of 10% to 20% that thus included the current 20% minimum within such range.
7. While the Town's recently amended inclusionary zoning does not provide for a fee-in-lieu option, it is noted that the original change of zone conditions which were enacted prior to the inclusionary zoning does allow this provision. The Town does have a history of providing financial support for non-profit entities to create affordable housing (especially through rehabilitation) and thus this is part of a continuing policy of the Town, even if the State-mandated fees were set artificially low, leading to the removal of the fee-in-lieu option from the Zoning Ordinance. Therefore, the Town Council finds that it was NOT clear error for the Planning Board to allow some portion of the affordable housing requirement to be satisfied by payment of a fee-in-lieu by a developer of this project.
8. While the 2008 Zone Change allowed total flexibility as to the mix of on-site, off-site, and fee-in-lieu payments, the Zoning Ordinance was subsequently amended (Section 28-370-c) to provide certain integration requirements for the affordable units, incorporating State and Town policy that affordable housing units should be integrated with market-rate units, and

not excluded from any area of Town. The Town Council finds that it was clear error for the Planning Board to disregard this specific policy choice of the Town, duly adopted in the Comprehensive Plan and the Zoning Ordinance, and require no affordable units at all in the same building as the 127 market rate units, and also clear error to require only 3 actual units, or only 2%, to be physically created by the developer.

## **REVISED CONDITIONS**

9. All conditions of the Planning Board, as set forth in its Master Plan Decision and in its Recommendation to the Town Council, dated and recorded May 16, 2022, as attached hereto and to be re-recorded herewith, are adopted as conditions of the Zoning Map amendment, with the exception of the following revised conditions, which are also adopted as conditions of the Zoning Map amendment.
10. Per the procedures of Section 28-51, the Town Council therefore finds that the development shall include a minimum of 20% of the units to be for Affordable Housing, which would equal 26 units.
11. The required Affordable Housing mix shall include 3 off-site units on the east side of Thames Street, to be located in the existing 2-family dwelling on Assessor's Plat 10, Lot 49 and the existing 1-family dwelling on Assessor's Plat 10, Lot 50.
12. The required Affordable Housing mix shall include 10 units to be incorporated and dispersed within the mill buildings complex itself on the west side of Thames Street, and shall be in compliance with Section 28-370(c) of the Zoning Ordinance.
13. The required Affordable Housing mix shall include 13 units to be satisfied by paying a fee-in-lieu, at the fee established by Rhode Island Housing at the time of Master Plan Approval by the Planning Board, and placed in an affordable housing trust fund.
14. Although not clear error, it was assumed by both the Town and the Developer that the usual conditions of Affordable Housing would be in effect, and thus the Town Council hereby further establishes the explicit condition that all onsite and offsite units shall be in compliance with the affordability requirements of Section 28-370 (h) regarding the town approved monitoring agency; the deed restriction; the marketing plan; and the local preference.