



Town of Bristol, Rhode Island
Department of Community Development

10 Court Street
Bristol, RI 02809
401-253-7000

**SUMMARY OF PROPOSED AMENDMENTS
TO ZONING ORDINANCE**
“Phase IV Zoning Revisions”
January 26, 2010

The Bristol Town Council in spring 2007 appointed the Zoning Revision Advisory Committee (ZRAC) to review the current zoning ordinance and recommend updates and amendments. This committee was comprised of 18 members of the community representing Town boards and commissions, local businesses, community organizations, and the general public. The ZRAC also included support staff including the Community Development Director, Zoning Officer, and Assistant Town Solicitor. The ZRAC held its first meeting on June 18, 2007 and began the work of considering zoning amendments on a variety of topics. Community Development staff had for some time been gathering information on potential zoning amendments as various issues presented themselves and requests for amendments or clarifications were received from Town boards, the solicitor’s office and the public. These potential amendments included a general “cleanup” of the ordinance to address various typos, inconsistencies, and clarifications as well as significant revisions and/or new ordinance sections relating to affordable housing, wind turbines, conservation developments, and the Metacom Avenue overlay zone.

The ZRAC also reviewed and considered proposed updates and edits to the Planning Board’s Subdivision and Development Review Regulations. These regulations had been adopted by the Planning Board in 1995 and had not been significantly updated since that time. The Planning Board and Town Council reviewed and considered these regulatory amendments during the spring and summer of 2009 and the revised regulations were adopted by the Planning Board on September 8, 2009.

The ZRAC held its last meeting on April 21, 2008 and at that time agreed to present a variety of amendments to the Town Council for adoption. However, the completion of this effort also coincided with the Town’s requirement to update its Comprehensive Plan. As State law requires Zoning Ordinances to be consistent with a community’s Comprehensive Plan, it was felt that the proposed Zoning Ordinance amendments should be withheld until completion of updates to the Comprehensive Plan. The Comprehensive Plan review, editing and adoption process continued through 2008 and 2009 and the plan was ultimately adopted by the Town Council in December 2009 and received State approval on December 17, 2009. The newly adopted Comprehensive Plan includes numerous action items and recommendations that require Zoning Ordinance amendments for consistency, and proposed zoning amendments reflect those action items.

Specific proposed amendments are discussed below:

1. Article I. In General

Section 28-1. Definitions

Proposed cleanup and clarifications for consistency with the use table.

Accessory Family Dwelling Unit – Changed to “accessory dwelling unit” and revised definition to specify that they include both units for family members and units for affordable housing (due to change in State law). See amendments to Section 28-151.

Accessory Structure – Defined minimum distance of separation between principal and accessory structures as 6 feet as there is currently no minimum distance.

Administrative Officer – Changed to Director of Community Development or designee.

Billboard – Removed definition and revised language under definition for Signs: Billboard.

Boatyard/Marina – Revised definition to clarify permitted activities for this use.

Building Height – Revised definition to clarify excluded items such as cupolas, weathervanes and the like.

Commercial or Technical Trades School – Provided a definition for this use as it is proposed in the table of use regulations, along with “recreational or athletics school”, to replace “specialty school” use and clarify types of permitted facilities.

Comprehensive Plan – Revised definition to be consistent with State law.

Deck – Removed second sentence of definition and moved it to Section 28-142(g) as this yard exception is difficult for the public to find.

Domesticated Animals, Household and Domesticated Animals, Non-Household – Added these two new definitions to define domestic animals and inserted “keeping of non-household domesticated animals” in table of use regulations to differentiate and regulate domestic livestock (chickens, goats, pigeons, etc.) from household pets.

Grade – Revised definition to clarify elevation of ground prior to construction. This definition is used to determine building height.

Home Occupation – Revised definition to include accessory structures. The language in Section 28-153 regulating home occupation businesses has also been revised as the existing language was contradictory as to whether home occupations were permitted within accessory structures.

Marine Trades Industries – Provided a definition for this use as this use is proposed in the table of use regulations.

Non-Domesticated Animals – Provided a definition for this use as it is included in the table of use regulations.

Outdoor Wood Boiler - Provided a definition for this use as this use is proposed in the table of use regulations (and is currently regulated under a different chapter of Town Code (Chapter 10, Article V)).

Performance Guarantee – Provided a definition that is consistent with definition included in the Planning Board Subdivision and Development Review Regulations.

Recreational or Athletics School – Provided a definition for this use as it is proposed in the table of use regulations, along with “commercial or technical trades school”, to replace “specialty school” use and clarify types of permitted facilities.

Self-Service Storage Facility (a.k.a. mini storage) - Provided a definition for this use as this use is proposed in the table of use regulations.

Sign: Billboard – Revise definition to incorporate language of definition for “billboard” as noted above.

Warehouse – Revised definition to differentiate from proposed “Self-Service Storage Facility” definition noted above.

Yard – Provided a definition as this word is used throughout the zoning ordinance with regard to setbacks.

Yacht Club - Provided a definition for this use as it is included in the table of use regulations and to differentiate from proposed “Boatyard/Marina” definition noted above.

Zoning Enforcement Officer – Revised definition to clarify that the ZEO may not necessarily be the Director of Community Development.

Section 28-2. Purpose of Chapter

Revise Comprehensive Plan amendment date and added a new purpose of promoting sustainable development for consistency with the Comprehensive Plan.

Section 28-3. Establishment of Zoning Districts

Provided a description for the proposed Metacom Mixed Use (MMU) zoning district as recommended in the Metacom Avenue Corridor Management Plan and the Comprehensive Plan. Revised description of *Resource Conservation and Creative Development Overlay* zone to be consistent with proposed amendments in Section 28-283.

Removed description of *Open Space Planned Unit Development* zone as this zone is no longer necessary with the proposed amendments in Section 28-283.

Removed *Soil Erosion/Storm Runoff Control Overlay* zone as this zone is no longer necessary with the adoption of Chapter 29 Soil Erosion Runoff and Sediment Control Ordinance and amendments to Section 28-331.

Section 28-4. Official Zoning Map

Revise date and title of zoning map.

2. Article II Administration

Section 28-33 Vested Rights

Revised title of land development projects to be consistent with Article IX and address inconsistency.

3. Article III Permitted Uses

Section 28-82 Use Regulations

Table A. Permitted Use Table.

Added new column for uses in the proposed MMU zone and identified appropriate uses for this zone consistent with Metacom Avenue Corridor Management Plan and the Comprehensive Plan.

Agricultural

Added “keeping of non-household domesticated animals” (see proposed definition in Section 28-1) with special use permit standards in Section 28-150(e).

Revised “raising of animals for profit or consumption” to be permitted by special use permit in the R-15 zone.

Residential

Revised “two household dwelling” use to be permitted in the R-15 zone if one of the two units is deed restricted for affordable housing (see proposed note #1 at bottom of table) to be consistent with Affordable Housing Production Plan.

Removed “caretaker’s house” use from table as it is regulated under Accessory Uses section of table. Added “resource conservation land development project” use in specific residential zones for consistency with proposed Section 28-283.

Institutional and Governmental Services

Removed “specialty school” use and added two new uses further below in table to differentiate between commercial schools (e.g. boat repair, marine trades schools) and recreational schools (e.g. dance/gymnastics/music).

Office Uses

Removed “corporate headquarters in a building built prior to 1950”.

Service Business

Added “tattoo parlor” use to be permitted in the General Business (GB) zone to be consistent with prior zoning interpretation.

Added “self-service storage facility (mini storage)” use to be permitted with special use permit in the GB zone.

Added “commercial or technical trades school” use to be permitted in the Manufacturing (M) zone and in the Waterfront (W) or GB zones by special use permit.

Moved “wireless telecommunications antenna and facilities” uses to the Accessory Uses section of the table.

Added “kennel” use to be permitted in the M zone and GB zone by special use permit as there is an existing definition, but no use in the table.

Retail Businesses

Removed “shopping center (>2 stores)” use to remove antiquated language and facilitate development/redevelopment in the Downtown (D) and W zones.

Industrial

Added “marine trades industries” use (see proposed definition in Section 28-1) as permitted in the M zone and in the W and GB zones by special use permit to facilitate economic development and clarify intensity of use.

Revised language for two “boat building” uses to differentiate from marine trades industries.

Added “extractive industry” use to coincide to existing definition in Section 28-1 to regulate locations for gravel yards, stone processing facilities, etc.

Recreation

Added “recreational or athletics school” use to be permitted in commercial zones and by special use permit in the M or R-6 zones with the intent to keep the M zone for heavier uses.

Added “boatyard/marina” use (see proposed definition in Section 28-1) to be permitted in the W and M zones and by special use permit in some residential zones.

Revised wording of “yacht club” use (see proposed definition in Section 28-1) and prohibited use in M zone.

Accessory Uses

Revise “Prefabricated relocatable steel buildings, box trailers, or shipping or cargo containers” use to be allowed in most zones by permit for not longer than 60 days and by special use permit from the zoning board (subject to specific standards in Section 28-150(i)) for longer periods (see proposed note #5 at bottom of table).

Added “outdoor wood boiler” use (see proposed definition in Section 28-1) as permitted in specific zones (see proposed note #6 at bottom of table).

Moved “wireless telecommunications antenna and facilities” uses from Service Businesses section of table.

Added “commercial or municipal wind energy conversion system” and “residential wind energy conversion systems” uses to regulate wind turbines by special use permit (subject to specific standards in Section 28-150(j)).

Added note #7 at bottom of table for “caretaker’s residence” use in the Open Space zone.

4. Article IV Dimensional Regulations

Section 28-111. Residential Zones

Table B. Dimensional Table.

Moved notation regarding setbacks on corner lots to bottom of table.

Moved and reformatted notations regarding developments in the R-20SP zone to bottom of table and remove item 4 from notations as this is a reference to old zoning section 22-28 that no longer exists.

Added notation #4 regarding setbacks for accessory structures in residential zones.

Section 28-112. Commercial and Industrial Zones

Table C. Dimensional Table.

Added new column for dimensional requirements in the proposed MMU zone.

Added notation #9 regarding building height requirements in the proposed MMU zone.

5. Article V Supplemental Regulations

Section 28-142. Yard Requirements and Exceptions

Clarified permitted location and setbacks for accessory structures in residential zones.

Moved setback requirement for decks from Section 28-1 as it is a yard exception that is not easy to find.

Section 28-143. Height requirements and exceptions

Revise section clarify that listed exceptions must be attached to a permitted building.

Section 28-150. Special Use Permit Standards for Various Uses

- Section 28-150(c) - standards for drive-thru uses. Revised section (1) to change “property” to “parcel” as “parcel” is defined in Section 28-1. Revised section (8) to clarify size of a parcel where a drive thru use is permitted and also clarify that other uses (buildings, parking, etc.) are exclusive from the required 40,000 sq. ft. land area requirement.
- Section 28-150(e) – standards for non-domesticated animals kept as pets and/or for profit or consumption. Revised section to include standards for both domestic livestock “non-household domesticated animals” and for true “non-domesticated animals” (see proposed definitions in Section 28-1).

- Section 28-150(i) – Added section to include standards for *Prefabricated relocatable steel buildings, box trailers, or shipping or cargo containers* use both temporary or longer term by special use permit from the zoning board (see proposed revisions in Section 28-82).
- Section 28-150(j) – Added section to include standards for *wind energy conversion systems* to regulate both commercial and residential wind turbines by special use permit from the zoning board (see proposed revisions in Section 28-82) and accommodate future wind turbines.

Section 28-151. Accessory Family Dwelling Units

Changed title and language within this section to “accessory dwelling units” to indicate that these residential units may be permitted for either family members (as is currently allowed) or for affordable housing units as is currently allowed by State law. The standards for design and construction of either type of unit remain the same as existing, but affordable housing units would need to meet additional requirements for restricting and monitoring.

Section 28-153 Home Occupations

Added clarification that a home occupation may be located within a principal residence or within an accessory structure, as existing language was not clear (see also proposed edit to definition of “home occupation” in Section 28-1). Also proposed amendments to home occupation standard for signage to clarify the intent and the location where signage may be placed.

Section 28-155 Performance Standards for Commercial and Industrial Uses...

Added Metacom Mixed Use (MMU) zoning district to locations where these standards apply.

6. Article VI Development Plan Review

Section 28-181 General Requirements - Added clarification for consistency with Comprehensive Plan.

Section 28-182 Uses Subject to Development Plan Review - Added requirement for development plan review in the Metacom Mixed Use zone.

Section 28-186 Required Guidelines, Findings and Improvements - Added language requiring boardwalks along Bristol Harbor and clarifying the number of required off street parking spaces for industrial/manufacturing uses.

7. Article VII Nonconformance

Section 28-221 Land Nonconforming by Area

(a) *Single Lots of Record* – Revised this section to include language clarifying lot merger provisions. Also added language for building size and lot coverage standards of dwellings to be built on single lots of record so that they may be compatible and in character with surrounding dwellings in the neighborhood.

(c) *Merger of Multiple Nonconforming Lots of Record in Residential Zones*. Revised this section to include the merger of developed and undeveloped adjacent nonconforming lots in common ownership. Also added provisions for subdividing merged lots to be comparable in size to other developed lots in the neighborhood.

8. Article VIII Off-Street Parking and Loading Regulations

Section 28-251 General Requirements

(2)a. Minimum Size of Spaces – Revised this section to include minimum dimensions for parallel parking spaces and differentiate from standard spaces. Consider increasing the number of required parking spaces for residential uses within the Waterfront zone.

(2)c. Revised to increase the percentage of spaces within larger parking lots that may be dedicated for small car parking.

Section 28-252 Parking; Number or Required Spaces

(c)(7)Minimum Number of Spaces Required for Industrial Uses – Amended to add notation about potential reductions in required number of parking spaces found in Section 28-186(c)(4).

Section 28-253 Loading; Number or Required Spaces

(a)Minimum Number of Spaces Required. Amended to clarify that this section regulates the minimum number of off-street loading spaces.

(b)Exemption from Loading Requirements in Downtown and Waterfront zones. Added language to exempt smaller developments in the D and W zones from the requirements for off-street loading spaces.

9. Article IX Land Development Projects and Special Zones

Division 1. Generally

Section 28-282 Land Development Projects – General Requirements

(d)Standards for Multi-family Buildings. Amended *(1)* Front Yard to clarify which roadways are meant by “major arterial public highway” (Metacom Avenue and Hope Street). Amended *(2)* Distance Between Multifamily Buildings on Same Lot to specify lesser minimum distances between buildings in the Downtown, Waterfront, and R-6 zones to facilitate downtown economic development and allow redevelopment to be consistent with existing development patterns. Amended *(3)* Distance Between Multi-family Buildings and Property Line to specify lesser minimum distances between buildings and side and rear property lines in the Downtown, Waterfront, and R-6 zones to facilitate downtown economic development and allow redevelopment to be consistent with existing development patterns.

Section 28-283 Land Development Projects - Resource Conservation and Creative Development Overlay

This section, which included the previously titled “Resource Buffer LDP”, “Residential Cluster LDP”, and “Village LDP” is deleted in its entirety and replaced with new language “Conservation Development LDP”. This type of development is intended to conserve open space land and protect areas containing unique and sensitive natural, cultural and historic resources. A Conservation Development LDP is required in the R-80 and R-40 zones and also in the Resource Conservation and Creative Development Overlay zone and is optional in the R-20, R-15, R-10 and R-8 zones.

Section 28-284 Land Development Projects – Urban Rehab Land Development Project

(d)Density. Amended *(1)* to clarify that residential density for an “Urban Rehab LDP” shall be compatible and not exceed the existing residential density of the surrounding neighborhood.

Section 28-285 Route 136 (Metacom Avenue) Overlay

Amended this section to incorporate recommendations from the Metacom Avenue Corridor Management Plan. Clarified the overlay zone boundary and identify which parcels of land are

subject to the Metacom Avenue Overlay development requirements. Also amended the requirements for a traffic impact analysis to specify areas for study. Also amended design standards to clarify the location of potential service roads, the distance between proposed driveways and roadway intersections, and the location of curb cuts along Metacom Avenue and adjacent side streets.

Division 3. Soil Erosion/Storm Runoff Control

Section 28-331 Drainage Requirements

This section is deleted in its entirety and replaced with a reference to Chapter 29 of the Town Code, the Soil Erosion, Runoff and Sediment Control Ordinance.

Division 6. Low and Moderate Income Housing

Revised title to reference “Inclusionary Zoning”

Section 28-361 Authority to Grant Comprehensive Permit

Revised title to include purpose and remove reference to comprehensive permit. Amended section to include a detailed purpose for this section and a new title regarding the authority to grant comprehensive permits.

Section 28-363 Definitions

Amended this section to include new definitions for “affordable housing”, “affordable housing trust fund”, “inclusionary housing agreement”, “inclusionary housing plan”, and “inclusionary unit”.

Section 28-370 Inclusionary Zoning

This proposed section includes new provisions for inclusionary zoning consistent with the Town’s Affordable Housing Production Plan. This section regulates developments and subdivisions that result in the creation of five or more dwelling units and requires that at least 25% of the units in these developments be qualified affordable housing units. This section provides incentives for developing affordable housing including density bonuses and provisions to decrease lot dimensional requirements. This section also provides options for developing affordable housing including off-site options and the payment of a fee in-lieu of to fund affordable housing projects in other locations.

10. Article X Signs

Section 28-373 General Requirements

(c) District Requirements. Amended reference to Table 1 location.

(g) Placement Standards. Amended Item #5 to require approval from the Town Administrator rather than the Town Council for signs to be placed over a street or public right of way in an effort to streamline the process of obtaining a sign permit.

Section 28-374 Prohibited Signs

Amended language in (b) to clarify what type of “flashing signs” are prohibited.

Added new section (c) to specifically prohibit electronic message centers that have changing messages.

Table 1 Signs by Type and by Zoning District

Projecting Sign: Amended table to include a revised reference to Section 28-373 for signs projecting over a street or public right of way.

Banners and Portable Signs – Type b: Amended table to prohibit all commercial banners. Also clarified location, number and duration of permitted temporary commercial signs such as “sandwich boards”

On-Site Construction Signs: Amended table to specify that there shall be not more than one sign for each commercial contractor.

11. Article XI Administration, Enforcement and Relief

Section 28-402 Building Permit / Certificate of Occupancy

(3)Foundation Verification for Structures – Amended to increasing the setback distance of a foundation from a lot setback line requiring surveyed site plans from three feet to five feet.

Section 28-409 Variances and Special Use Permits

(b)Hearing and Notice – Amended this section to require Planning Board review of zoning applications only when they require a use variance or a special use permit. Also amended this section to require public notice of zoning board applications in the newspaper at least 14 days prior to the hearing rather than 21 days. This amendment would better accommodate the zoning board’s meeting schedule and the date that the local newspaper is published and benefit applicants.

(c)Standards for Relief – Amended *(1)Variance a.* of this section to remove reference to any physical disability from the variance hardship requirement to be consistent with State law.

(c)Standards for Relief – Amended *(2)Special Use Permit* of this section to allow the zoning board to grant dimensional relief (variance) on a project that also requires a special use permit if the special use could not exist without the dimensional variance. This amendment is consistent with a recent court ruling.

Section 28-411 Appeals to Superior Court

Amended this section to require that notice of an appeal to Superior Court be sent by the person taking the appeal to all abutters who received notice of the original application per State law.

Section 28-412 Expiration of Special Use Permit or Variance

Amended this section to increase the time limit on variances and special use permits from one year to two years. Also amended this section to allow the zoning board to specifically grant a variance or special use permit for a period longer than two years and to approve extensions for decisions if they are requested in writing prior to their expiration to facilitate economic development.

Amended the title of this section to include “repetitive petitions”. Amended this section to prohibit repetitive petitions for applications that may be denied by the zoning board for a period of two years.