

House Bill H-7324 - Comments from the RI Chapter of the American Planning Association. February 13, 2024

OBJECTING TO REMOVAL OF FLOOR AREA RATIO (FAR) AS A LOCALLY REGULATED ELEMENT IN THE RI ZONING ENABLING ACT

KEY FACTS IN SUPPORT OF FAR REGULATION

1. Floor Area Ratio (FAR) is a tried and tested, well-established dimensional standard that is widely used in zoning regulations across the country from Chilmark, Massachusetts to Honolulu, Hawaii. FAR regulation has been explicitly enabled in RI Zoning Enabling Law since 1991 under RIGL Section 45-24-33. It is listed as one of the “Standard Provisions” authorized for local regulatory control. Section 45-24-33 provides the basis of a variety of local standards for regulation including FAR and:
 - a. Regulating zoning districts and uses within them
 - b. Authorizing performance standards.
 - c. Density / intensity of use.
 - d. Dimensions, size , lot coverage.

2. Floor Area Ratio is defined as the total floor area of a building divided by the total area of the lot, expressed as a fraction. This definition is accepted by many RI jurisdictions and has existed in several RI Zoning Regulations since prior to 1991. An FAR component of a local zoning regulation is merely one of many “performance standards” that municipalities use to regulate the development patterns so that they fit residential neighborhoods.

3. The primary purpose of a Floor Area Ratio (FAR) regulation is to ensure that a residential structure is balanced with the size of the lot it sits upon. Application of a ratio of floor space allowed on a lot, based on the lot’s area, ensures that sufficient space will remain available for off-street parking, and essential facilities such as OWTS (septic systems) , stormwater mitigation facilities (such as detention basins drainage swales and raingardens) , generators, HVAC units etc. It also establishes the provision of sufficient yard space for family living and recreation, particularly valuable in areas not served by nearby public playgrounds. In addition, the regulation of a building size based on its land area helps to prevent negative impacts and maintain the character of the neighborhood.

4. Following are a few examples of how FAR is employed to ensure development does not overload properties around the State.

- a. FAR is especially important in Breakwater Village, a neighborhood in **Narragansett** with many houses and cottages on very small lots. A special Breakwater Village zoning ordinance was developed in concert with the property owners/residents association of Breakwater Village in 2000. The regulation was amended in 2009 at the HOA's request to alleviate problems being created when new property owners were replacing small cottages with houses that were too large for their lots. These redeveloped houses were negatively impacting adjacent properties and the character of the neighborhood. The FAR promoted by the BWV Association set a size limit that solved the neighborhood concerns.
- b. In other areas of Narragansett, FAR standards are established for residential lots of 20,000 sq. ft. or less. The FAR standard the town uses is a sliding scale based on lot size. It varies from .25 for larger lots (20,000sf) to .55 for smaller lots (2,000 sf). A 10,000 sq. ft. lot (quarter acre) has an FAR of .31 which translates to a limit of 3,100 sq. ft. of floor area for the house.
 - a. Notably, garages unenclosed porches and decks, detached accessory structures and basements or attics with ceiling height of less than 7 feet are all excluded from floor area the calculation.
- c. Other Rhode Island communities also use FAR. **New Shoreham** regulates floor area of total living space. **Westerly** uses FAR for mixed-use development. **Bristol** has an FAR regulation for commercial development near residential zones and special flood areas. And in the **Cranston** Zoning Code Section 17.100.020 - Development standards includes the following:

Maximum Coverage. Maximum coverage for all MPDs shall be sixty (60) percent with the following exception: 1. Areas designated on the final overall district plan for single-family dwelling units shall be limited to thirty-five (35) percent maximum lot coverage. 2. Density shall be approved or rejected on the basis of intensity of uses expressed by floor area ratios (FAR). The relationship between uses and overall area ratio allowable shall be related to the character of the proposal and its impact on the surrounding environment and city facilities. The city council, subsequent to planning commission recommendation, shall have the right to impose density limitations. In all cases, the burden of proof shall be on the applicant to show that existing or proposed facilities can support the requested additional impact of the proposed development.

5. FAR is a vital tool for municipalities to have available if needed. It provides a reasonable measuring stick for development that is not always addressed by application of setbacks and lot coverage limits. FAR should be retained as an option for each municipality to adopt as appropriate.