

ORDINANCE NO. _____
AN ORDINANCE IN AMENDMENT TO
THE ZONING CODE OF THE TOWN OF FOSTER

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE I. - IN GENERAL
Sec. 38-2. - Definitions.

The definition for Community Residence shall be amended to state the following:

Community residence means a home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. This shall include, but not be limited to, the following:

(4i) Whenever six or fewer ~~retarded~~ children or adults with intellectual and/or developmental disability reside in any type of residence in the community, as licensed by the state pursuant to ~~G.L. 1956, § 40.1-24.1 et seq. chapter 24 of Title 40.1 (as amended).~~ All use requirements pertaining to local zoning are waived for those community residences;

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(2ii) A group home providing care or supervision, or both, to not more than eight (8) ~~mentally disabled or mentally handicapped or physically handicapped~~ persons with disabilities, and licensed by the state pursuant to ~~G.L. 1956, § 40.1-24.1 et seq. chapter 24 of title 40.1 (as amended);~~

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(3iii) A residence for children providing care or supervision or both, to not more than eight (8) children, including those of the care-giver, and licensed by the state pursuant to ~~G.L. 1956, § 42-72.1-1 et seq. chapter 72.1 of title 42 (as amended);~~

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(4iv) A community transitional residence providing care or assistance, or both, to no more than six (6) ~~unrelated~~ persons or no more than three (3) families, not to exceed a total of eight (8) persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse or neglect, and who are expected to reside in that residence not less than ~~sixty (60) days;~~ nor more than two (2) years. Residents will have access to, and use ~~of,~~ all common areas, including eating areas and living rooms, and will receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

The definition for Day care — Family daycare home shall be amended to state the following:

~~Day care—family day care home, means a~~ Any home, other than the individual's home, in which day care in lieu of parental care or supervision is offered at the same time to six (6) ~~or fewer less~~ individuals who are not relatives of the care-giver, but may not contain more than a total of eight (8) individuals receiving day care.

ARTICLE IV: USES

DIVISION 2. - DESCRIPTION OF USES

Sec. 38-191. - Table of uses.

Sec 38-191 – Residential Uses shall be amended to state the following:

	Residential uses						
6.	Community residences (see RIGL 45-24-37); and family daycare homes	AR	NC	GBM	MI	R-SC	M
		X	S X	S-X	Θ X	Θ-X	Θ X

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Sec 38-191 – Residential Uses shall have the following use added:

		AR	NC	GBM	MI	R-SC	M
13.	Day Care - Family daycare home (see RIGL 45-24-37)		X	X	X	X	X

Commented [MA1]: Same comment as above

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ARTICLE I. - IN GENERAL

Sec. 38-2. - Definitions.

The cannabis-related definitions shall be added, stating the following::

"Cannabis Cultivator" or "marijuana cultivator" means an entity licensed to cultivate, process and package cannabis, to deliver cannabis to cannabis establishments and to transfer cannabis to other cannabis establishments, but not to consumers. (Pursuant to RIGL Sec. 21-28.11-3, as amended)

"Cannabis establishment" or "marijuana establishment" means a cannabis cultivator, independent testing laboratory, cannabis product manufacturer, cannabis retailer or any other type of licensed cannabis-related business. (Pursuant to RIGL Sec. 21-28.11-3, as amended)

"Cannabis product manufacturer" or "marijuana product manufacturer" means an entity licensed to obtain, manufacture, process and package cannabis and cannabis products, to deliver cannabis and cannabis products to cannabis establishments and to transfer cannabis and cannabis products to other cannabis establishments, but not to consumers. (Pursuant to RIGL Sec. 21-28.11-3, as amended).

"Cannabis retailer" or "marijuana retailer" means an entity licensed pursuant to § 21-28.11-10.2 to purchase and deliver cannabis and cannabis products from cannabis establishments and to deliver, sell or otherwise transfer cannabis and cannabis products to cannabis establishments and to consumers. (Pursuant to RIGL Sec. 21-28.11-3, as amended).

"Medical cannabis treatment center" or "Medical marijuana treatment center" includes a compassion center, a medical marijuana emporium, or marijuana establishment licensee who operates a treatment center, all as defined in § 21-28.6-3 (Pursuant to RIGL Sec. 21-28.11-3, as amended).

ARTICLE IV: USES

DIVISION 2. - DESCRIPTION OF USES

Sec. 38-191. - Table of uses.

The Medical marijuana related uses shall be amended as follows:

<i>Medical marijuana related-uses</i>	AR	NC	GBM	MI	R-SC	M
1. Compassion center	O	O	X	O	O	O
2. Licensed cultivator	S	O	X	O	O	O
3. Medical marijuana emporium	O	O	X	O	O	O
4. Nonresidential cooperative cultivation	O	O	X	O	O	O
5. Residential cooperative cultivation	S	O	O	O	O	O
6. Residential caregiver cultivation	X	X	X	X	X	X
7. Residential personal cultivation	X	X	X	X	X	X

Recreational Marijuana uses shall be added as a subsection to Sec. 38-191 – Table of uses. The following uses shall be added:

	Description of Use	AR	NC	GBM	MI	R-SC	M
<i>Recreational Marijuana uses</i>							
1.	<u>Cannabis or marijuana cultivator</u>	<u>O</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>O</u>	<u>O</u>
2.	<u>Cannabis establishment or marijuana establishment</u>	<u>O</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>O</u>	<u>O</u>
3.	<u>Cannabis product manufacturer or marijuana product manufacturer</u>	<u>O</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>O</u>	<u>O</u>
4.	<u>Cannabis retailer or marijuana retailer</u>	<u>O</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>O</u>	<u>O</u>
5.	<u>Medical cannabis</u>	<u>O</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>O</u>	<u>O</u>

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	<u>treatment center</u> <u>or Medical</u> <u>marijuana</u> <u>treatment center</u>						
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ARTICLE VI: SUPPLEMENTARY REGULATIONS

Sec. 38-295. – Recreational marijuana uses.

Supplementary Regulations for Recreational marijuana uses shall be added:

This section is reserved.

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ARTICLE I. - IN GENERAL

Sec. 38-2. - Definitions.

The following definitions shall be added to Sec 38-2:

“Winery” means an agricultural processing facility comprising the building or buildings used to convert fruit juices to wine, and to age, bottle, store, distribute and sell said wine. A winery can include, but is not limited to, crushing, fermenting and re-fermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions. Winery shall also include “Farmer-winery” as specified by RIGL 3-1-1 and RIGL 3-6-1.1. Subject to the provisions of Section 38-394.

“Farm Brewery” means a brewery that is located on a farm of no less than five acres and that produces beer which is manufactured with at least one primary ingredient (hops or grain) grown on the farm and whose annual production does not exceed 150,000 gallons of beer, and where customers would have the opportunity to tour the farm and try small samples (3 ounces or less), and purchase bottles (of up to 64 ounces each) to take home and consume off site. A farm brewery may also sell beer at wholesale to retailers with the appropriate State license. A farm brewery must have the appropriate State license to operate a brewery. Subject to the provisions of Section 38-394.

“Micro-Brewery” means a commercial establishment wherein beer, cider, or other malt-beverages are manufactured and prepared for wholesale distribution, retail sales, and onsite tastings. A brewery may not produce more than 15,000 barrels per year.

“Distillery” means a commercial establishment wherein potable alcoholic liquors obtained by the process of distillation are made and sold. The distillation process shall take place wholly inside a building and shall result in products for sale that may include but not be limited to whiskey, vodka, rum and gin. Distilleries shall produce greater than 20,000 but less than 50,000 gallons of liquor per year. Distilleries producing greater than 50,000 gallons of liquor per year are not permitted.

“Farm Distiller” means A facility located on a farm of no less than five acres that produces distilled spirits which are manufactured with at least one primary ingredient grown on the farm into alcoholic beverages and where customers would have the opportunity to tour the farm, try small samples, and purchase bottles to take home and consume off site. A Farm Distiller shall produce no greater than 20,000 gallons of product per year. Subject to the provisions of Section 38-394.

ARTICLE IV: USES

DIVISION 2. - DESCRIPTION OF USES

Sec. 38-191. - Table of uses – Business.

The following uses shall be added to Sec. 38-191 Table of Uses - Business:

	<u>Description of Use</u>	<u>AR</u>	<u>NC</u>	<u>GBM</u>	<u>MI</u>	<u>R-SC</u>	<u>M</u>
<u>Business</u>							
23.	Winery	X S	X	X	Q X	<u>Q</u>	<u>Q</u>
24.	Farm Brewery	X S	X	X	<u>Q</u>	<u>Q</u>	<u>Q</u>
25.	Farm Distiller	<u>S</u>	X	X	<u>Q</u>	<u>Q</u>	<u>Q</u>
26.	Micro-Brewery	<u>S</u>	S X	X	X	<u>Q</u>	<u>Q</u>
27.	Distillery	Q S	Q X	S X	S X	<u>Q</u>	<u>Q</u>

The definition of Microbrewery shall be removed from the Sec 38-191 – Restaurants and Entertainment.

	<u>Description of Use</u>	<u>AR</u>	<u>NC</u>	<u>GBM</u>	<u>MI</u>	<u>R-SC</u>	<u>M</u>
<u>Restaurants and entertainment</u>							
7	Microbrewery, attached to or maintained as part of a restaurant	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Q</u>	<u>Q</u>

To be removed from Sec 38-193 – Prohibited Uses:

~~Brewery or distillery~~