



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.

- Sec. 38-2 – Definitions shall be amended as follows to meet RIGL:

~~The following Where words, or terms and phrases, when used in this chapter are defined in § 45-22.2-4 or 45-23-32, shall they have the meanings stated in that section. In addition, the following words shall have the following meanings. Additional words and phrases may be used in developing local ordinances under this chapter; however, the words and phrases defined in this section are controlling in all local ordinances created under this chapter: ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~(#) *Abutter*. means ~~o~~One whose property abuts, that is, adjoins at a border, boundary or point with no intervening land.~~

~~(#) *Accessory dwelling unit (ADU)*. A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.~~

~~*Accessory family dwelling unit*. means an accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress or egress.~~

~~(#) *Accessory structure*. A detached structure which is not used or not intended to be used for living or sleeping by human occupants, and which is located on the same premises with a dwelling. (As defined in RIGL 45-24.3-5.)~~

~~(#) *Accessory use*. means ~~a~~A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use may be restricted to the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related. Examples: a garage accessory to a house on the residential lot, a repair shop in an auto sales agency and a parking lot serving a drugstore, and a barn accessory to a house.~~

~~(#) *Adaptive reuse*. "adaptive reuse," as defined in § 42-64.22-2.~~

~~(#) *Aggrieved party*. means An aggrieved party, for purposes of this chapter, shall be:~~

(1i) Any person, or ~~persons, or entities,~~ who ~~or that~~ can demonstrate that ~~their- his, her, or its~~ property will be injured by a decision of any officer or agency responsible for administering this chapter; or

(2ii) Anyone requiring notice pursuant to this chapter.

~~(#) Agricultural land. means "Agricultural land," as defined in G.L. 1956, § 45-22.2-4.~~

~~(#) Airport hazard area. means "Airport hazard area," as defined in G.L. 1956, § 1-3-2.~~

~~(#) Applicant. means a~~An owner, or authorized agent of the owner, submitting an application or appealing an action of any official, board or agency.

~~(#) Billboard. means a~~Any sign or advertising device, freestanding or located on a building or wall, which is not related to a use on the premises.

~~(#) Buffer. means a~~Land ~~and which-that~~ is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

~~(#) Building. means a~~Any structure used or intended for supporting or sheltering any use or occupancy.

~~(#) Building envelope. means t~~The three-dimensional space within which a structure is permitted to be built on a lot and ~~which-that~~ is defined by regulations governing building setbacks, maximum height and bulk; by other regulations; ~~and/or~~ by any combination thereof.

~~(#) Building height. means the vertical distance from grade in conformance with the state building code, to the top of the highest point of the roof or structure. For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall excludes spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:~~

~~(i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or proposed freeboard, less the average existing grade elevation; or~~

~~(ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten (10) years, or as otherwise necessary.~~

~~(#) 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).

(#) *Cluster.* ~~means a~~ site-planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally, historically, culturally or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in this chapter and may include, but are not limited to, reduction in lot areas, setback requirements and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development, there is no increase in the number of lots that would be permitted under conventional development except where chapter provisions include incentive bonuses for certain types or conditions of development. ~~(Reserved for future development)~~

(#) *Collocation.* ~~means~~ The use of a common tower by two or more license holders or by one license holder for more than one type of communications technology.

(#) *Common ownership.* ~~means~~ either:

(~~1~~i) Ownership by one or more individuals or entities in any form of ownership of two (2) or more contiguous lots; or

(~~2~~ii) Ownership by an association (such ownership may also include a municipality) of one or more lots under specific development techniques.

(#) *Communications tower.* ~~means a~~ freestanding structure used for the location of one or more communications antenna arrays. It may also include an equipment shelter as an accessory use.

(#) *Community residence.* A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This does not include halfway houses or substance-use-disorder-treatment facilities. This does include, but is not limited to, the following:

(i) Whenever six (6) or fewer 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 chapter 24 of title 40.1. All requirements pertaining to local zoning are waived for these community residences;

(ii) A group home providing care or supervision, or both, to not more than eight (8) persons with disabilities, and licensed by the state pursuant to chapter 24 of title 40.1;

(iii) A residence for children providing care or supervision, or both, to not more than eight (8) children, including those of the caregiver, and licensed by the state pursuant to chapter 72.1 of title 42;

(iv) 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.

(#) *Compassion center*, ~~a~~ As defined in ~~G.L.~~ § 21-28.6-3, is a not-for-profit entity registered under ~~G.L.~~ § 21-28.6-12 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser.

(#) *Comprehensive plan*, ~~means~~ tThe comprehensive plan adopted and approved pursuant to ~~G.L. 1956,~~ § 45-22.2-1 et seq. and to which any zoning adopted pursuant to this chapter shall be in compliance.

(#) *Customary home occupation*, ~~means a~~ Any occupation which may normally be carried on in a residence by the occupant without the provision of normal business or industrial equipment and displays except for simple tools and machinery designed for home use. Such a use requires no structural alteration to the residence and does not create a nuisance to neighboring dwellings. Such home occupations may include, but are not limited to, knitting, sewing, cooking, handcrafts, artist, dressmaker, teacher, author, lawyer, architect, accountant, or consultant.

(#) *Day care*, ~~and~~ Day-care center, ~~means a~~ Any other day care center which is not a family day-care home.

(#) *Day care, family day-care home*, ~~Day care, family day care home~~. 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 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.

(#) *Density, residential*, ~~means~~ tThe number of dwelling units per unit of land.

(#) *Development*, ~~means~~ tThe construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; any change in use or alteration or extension of the use, of land.

(#) *Development plan review*, ~~means~~ tThe process whereby authorized, local officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of this chapter.

(#) *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.

(#) *District*. See ~~“Zoning-use district.”~~

(#) *Drainage system*, ~~means a~~ A system for the removal of water from land by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation

during and after construction or development; the means for preserving surface water and groundwaters; and the prevention and/or alleviation of flooding.

(#) Dump. ~~means a~~ place or facility for disposing discarded materials, such as trash, garbage or junk, as generated by residential, institutional, commercial, industrial and agricultural sources.

(#) Dwelling unit. ~~means a~~ structure, or portion thereof of a structure, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, and containing a separate means of ingress and egress.

(#) Equipment shelter. ~~means a~~ an enclosed structure, cabinet, shed or box used in as an accessory to a communications antenna array to house electrical equipment, batteries and emergency electrical generators, directly related to such antenna array. No other uses, including storage, shall be permitted in any equipment shelter.

(#) Extractive industry. ~~means~~ the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

(#) FAA. ~~means~~ The Federal Aviation Administration.

(#) Farm Brewery. means a brewery that is located on a farm of no less than five acres and that produces beer or cider which is manufactured with at least one primary ingredient (hops, grain or fruit) grown on the farm and whose annual production does not exceed 150,000 gallons of beer or cider, 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 or cider 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.

(#) 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.

(#) Family member. ~~means a~~ person, or persons, related by blood, marriage, or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household ~~See also Household.~~

(#) FCC. ~~means~~ The Federal Communications Commission.

(#) Floating zone. ~~means a~~ an unmapped zoning district adopted within this chapter ~~which that~~ is established on the zoning map only when an application for development, meeting the zone requirements, is approved.

(#) Floodplains, or flood hazard area. ~~Means a~~ as defined in G.L. 1956, § 45-22.2-4.

(#) Freeboard. ~~A factor of safety expressed in feet above the base flood elevation of a flood hazard area for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.~~

~~(#) Front yard. means t~~The area between a road line and a line parallel thereto drawn through the nearest point of a structure, extending between side lot lines.

~~(#) Garbage. means a~~Any animal or vegetable waste.

~~(#) General business—Mixed use development. is a~~ A planned, coordinated development of a single tract or tracts of land with one or more buildings for a variety of uses. These may include retail, service, office and related activities, ~~and residential and municipal~~ uses. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with particular attention given to on-site vehicular circulation, parking, utility needs, building design and location, and open space. The project is developed or controlled by a single proprietary entity and has an enforceable master plan and/or covenants, conditions and restrictions. The development may consist of one or more parcels, ~~e~~~~condominium various forms of residential~~ ownership, or a combination thereof and may contain public ~~or private~~ roads, ~~or a combination thereof.~~

~~(#) Groundwater. “Groundwater” and associated terms. shall mean~~ as defined in ~~G.L. 1956,~~ § 46-13.1-3.

~~(#) Halfway house. means a~~ A residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

~~(#) Hardship. See G.L. 1956,~~ § 45-24-41.

~~(45) Height, when referring to a tower or other structure, means the distance measured from the ground level to the highest point on the tower or other structure, even if the said highest point is an antenna.~~

~~(#) Historic district or historic site. means a~~ As defined in ~~G.L. 1956,~~ § 45-22.2-4.

~~(#) Home occupation. means a~~ Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit. ~~Examples include, but are not limited to, small engine repair shop, weaving, book binding and chair caning.~~

~~(#) Household. means o~~ One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of ~~such~~ units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

~~(i)~~ A family, which may also include servants and employees living with the family; or

~~(ii) a~~ A person or group of unrelated persons living together, not to exceed five.

~~(#) Incentive zoning. means t~~The process whereby the local authority may grant additional development capacity in exchange for developer's provision of a public benefit or amenity as specified in local ordinances.

~~(#) Infrastructure. means f~~Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

~~(#) In-patient rehabilitation facility. A skilled nursing facility or long-term care facility.~~

~~(#) Land-development project. means a~~ project in which one or more lots, tracts, or parcels of land are ~~to be~~ developed or redeveloped as a coordinated site for ~~a complex of one or more~~ uses, units, or structures, including, but not limited to, planned development ~~and/or~~ cluster development for residential, commercial, institutional, recreational, open space, ~~and/or~~ mixed uses as may be provided for in this chapter.

~~(#) Licensed cultivator. means a~~ person as identified in ~~G.L.~~ § 43-3-6, who has been licensed by the department of business regulation to cultivate marijuana pursuant to ~~G.L.~~ § 21-28.6-16.

~~(#) Licensed nonresidential cooperative cultivation. means t~~Two or more cardholders who cooperatively cultivate marijuana in nonresidential locations subject to the requirements set forth in ~~G.L.~~ § 21-28.6-14.

~~(#) Licensed residential cooperative cultivation. means t~~Two or more cardholders who cooperatively cultivate marijuana in residential locations subject to the requirements set forth in ~~G.L.~~ § 21-28.6-14. This excludes, per department of business regulation, the situations of two or more qualifying patient or primary caregiver cardholder(s) who are primary residents of the same dwelling.

~~(#) Lodging or guest home~~~~Short term rental structure. means a~~ structure devoted to the leasing of three or more rooms or suites, such suites usually consisting of a single room with common sanitary and dining facilities.

~~(#) Lot. means e~~Either:

~~(1i)~~ The basic development unit for determination of lot area, depth, and other dimensional regulations; or

~~(2ii)~~ A parcel of land ~~the whose~~ boundaries ~~of which~~ have been established by some legal instrument, such as a recorded deed or recorded map, and ~~which that~~ is recognized as a separate legal entity for purposes of transfer of title.

~~(#) Lot area. means t~~The total area within the boundaries of a lot, excluding any road right-of-way, usually reported in acres or square feet.

~~(#) Lot area, minimum. The smallest land area established by this chapter upon which a use, building, or structure may be located in a particular zoning district.~~

~~(#) Lot building coverage. means t~~That portion of the lot that is, or may be, covered by buildings and accessory buildings.

~~(#) Lot depth. means t~~The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

~~(#) Lot frontage. means t~~That ~~contiguous~~ portion of a lot abutting a ~~road street~~. ~~Where N~~noncontiguous frontage ~~is located on the same street, it shall not~~ be included when considering whether a lot meets the dimensional requirements of ~~section 38-192~~. ~~Where noncontiguous frontage fronts two streets, it shall not be included when considering whether a lot meets the dimensional requirements of section 38-192.~~

~~(#) Lot line. means a~~ line of record, bounding a lot, ~~which that~~ divides one lot from another lot or from a public or private ~~road street~~ or any other public or private space and shall include:

~~(1i)~~ ~~Front. means~~ the lot line separating a lot from a ~~road street~~ right-of-way. The front lot line on lots fronting on more than one road shall conform to ~~section 38-273~~.

(2ii) *Rear*: means the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line: ~~and-~~

(3iii) *Side*: means any lot line other than a front or rear lot line. On a corner lot, a side lot line is a road lot line.

(#) *Lot of record*: means a A parcel of land recorded by deed or recorded plat in the office of the town clerk.

(#) *Lot size, minimum*. Shall have the same meaning as “*minimum lot area*” defined herein.

(#) *Lot, corner*. A lot which fronts upon two (2) roads, those roads intersecting, and not being parallel.

(#) *Lot, through*: means a A lot which fronts upon two (2) parallel roads streets, or ~~which that~~ fronts upon two (2) roads which streets that do not intersect at the boundaries of the lot. ~~At least one lot frontage shall meet minimum zoning requirements for the district.~~

(#) *Lot width*: means ~~t~~The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

(#) *Low- or moderate-income (LMI) housing*: means a 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 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 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.

(#) *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).

(#) *Medical marijuana emporium*: means a Any establishment, or club, whether for-profit or nonprofit, or any commercial unit or other premises at which the distribution, transfer or use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among registered patients, registered caregivers, authorized purchaser cardholders. This shall not include a compassion center or licensed cultivator regulated and licensed by the department of business regulation.

(#) *Mere inconvenience*. See ~~G.L. 1956,~~ § 45-24-41.

(#) *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.

(#) *Mixed use*: means a A land use where ~~more than one classification mixture~~ of land uses ~~(residential, commercial, recreational)~~ is permitted within a zoning district and is combined on within a single development, building, or tract, ~~or tracts of land, or within a single structure.~~

(#) *Modification*. Permission granted and administered by the zoning enforcement officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional variance other than lot area

requirements from the zoning ordinance to a limited degree as determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%) of each of the applicable dimensional requirements.

~~Multi family dwelling for LMI housing means a structure containing up to four units with a maximum of eight bedrooms total for the structure for housing subject to a comprehensive permit pursuant to section 38-281.~~

~~(#) Nonconformance. means a~~ building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with the provisions of ~~such that~~ ordinance or amendment. Nonconformance ~~shall be is of~~ only two (2) types:

~~(1i)~~ Nonconforming by use: a lawfully established use of land, building or structure ~~which that~~ is not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance ~~shall be is~~ nonconforming~~ng~~ by use; or

~~(2ii)~~ Nonconforming by dimension: a building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter. Dimensional regulations include all regulations of this chapter, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter ~~shall be is~~ nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of this chapter, but not meeting the lot area per dwelling unit regulations, ~~shall be is~~ nonconforming by dimension.

~~(#) Overlay district. means a~~ district established in this chapter that is superimposed on one or more districts or parts of districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts consistent with other applicable state and federal laws, and that imposes specified requirements in addition to, but not less than, those otherwise applicable for the underlying zone.

~~(#) Performance standards. means a~~ set of criteria or limits relating to elements ~~which that~~ a particular use or process ~~either~~ must either meet or may not exceed.

~~(#) Permitted use. means a~~ use by right ~~which that~~ is specifically authorized in a particular zoning district.

~~(#) Piggery. means a~~Any lot, structure or farm where garbage collected from off the premises is fed to pigs.

~~(#) Planned development. means a~~ “land-development project” as defined in subsection (38), and developed according to plan as a single entity and containing one or more structures and/or uses with appurtenant common areas.

~~(#) Plant agriculture. The growing of plants for food or fiber, to sell or consume.~~

~~(#) Preapplication conference. means a~~ review meeting of a proposed development held between applicants and reviewing agencies as permitted by law and municipal ordinance, before formal submission of an application for a permit or for development approval.

~~(#) Preexisting towers and antennas. means t~~Towers and antennas built and/or mounted before March 5, 1998.

(#) Professional office. means a~~n~~ office used primarily for conduct of ~~the following~~ occupations including, but, not limited to; licensed medical practitioner, attorney, accountant, architect, surveyor or engineer.

(#) Rear yard. means~~t~~The area between a rear lot line and a line parallel thereto drawn through the nearest point of a structure, extending between side lot lines.

(#) Recreational events and amusements (open). means~~o~~Outdoor recreational uses that are temporary and characteristic of the town and cause minimal noise, traffic and inconvenience to neighboring properties. Examples are; horse shows and art shows. Any event following within the scope of ~~G.L. 1956,~~ § 5-22-1 et. seq. shall also receive approval from the town council, subject to any terms and conditions imposed by the council pursuant thereto.

(#) Residential caregiver cultivation. is a~~a~~ primary caregiver as defined in ~~G.L.~~ § 21-28.6-3 who elects to grow marijuana at their residence in accordance with the regulations as set forth in ~~G.L.~~ § 21-28.6-4.

(#) Residential personal cultivation. means~~m~~Marijuana cultivation by a single registered cardholder, as defined in ~~G.L.~~ § 21-28.6-3, within his or her residential dwelling for medical use only, in accordance with the regulations set forth in ~~G.L.~~ § 21-28.6-4.

(#) Road. means a~~A~~ public highway of the town or the state, or a road within a subdivision approved by the planning board in accordance with [chapter 32](#), the town subdivision regulations.

(#) Road line. means a~~A~~ lot line separating a lot from an adjacent road.

(#) Senior citizen group dwelling. An age-restricted community (individuals 55 years old and greater) that is not a rest home or convalescent home.

(#) Setback line or lines. means a~~A~~ line, or lines, parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

(#) Side yard. means~~t~~The area between a side lot line and a line parallel thereto drawn through the nearest point of a structure, extending from the front yard to the rear yard, or if there is no rear yard, to the rear lot line.

(#) Site plan. means~~t~~The development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

(#) Special use. means a~~A~~ regulated use which is permitted pursuant to the special-use permit issued by the authorized governmental entity, pursuant to ~~G.L.~~ 1956, § 45-24-42; formerly referred to as a special exception.

(#) Structure. means a~~Anything constructed which requires location on or attachment to the ground; and includes buildings, but does not include paving and planting combination of materials to form a construction~~ for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

(#) Substandard lot of record. means a~~A~~Any lot lawfully existing at the time of adoption or amendment of this chapter and not in conformance with the dimensional ~~and~~or area provisions of this chapter.

(#) Tourist or transient. Any use of a residential unit for occupancy for less than a thirty (30) consecutive day term of tenancy, or occupancy for less than thirty (30) consecutive days of a residential unit leased or

owned by a business entity, whether on a short-term or long-term basis, including any occupancy by employee or guests of a business entity for less than thirty (30) consecutive days where payment for the residential unit is contracted for or paid by the business entity (as defined in RIGL 42-63.1-2).

(#) Use. means ~~†~~The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

(#) Variance. means ~~p~~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 that~~ is prohibited by this chapter. There shall be only two (2) categories of variance, a use variance or a dimensional variance.

(1i) Use variance. means ~~p~~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.

(2ii) Dimensional variance. means ~~p~~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~~ are not grounds for relief.

(#) Waters. means ~~a~~As defined in ~~G.L. 1956,~~ § 46-12-1 (23).

(#) Wetland, coastal. means ~~a~~As defined in ~~G.L. 1956,~~ § 45-22.2-4.

(#) Wetland, freshwater. means ~~a~~As defined in ~~G.L. 1956,~~ § ~~45-22.2-4~~ 42-1-20.

(#) 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.

(#) Zoning certificate. means ~~a~~A document signed by the zoning ~~enforcement~~ official, as required in this chapter, ~~which that~~ acknowledges that a use, structure, building, or lot either complies with, or is legally nonconforming to, the provisions of, the municipal zoning ordinance, or is an authorized variance or modification therefrom.

(#) Zoning map. means ~~†~~The map, or maps, ~~which that~~ are a part of this chapter and ~~which that~~ delineate the boundaries of all mapped zoning districts within the physical boundary of the town.

(#) Zoning official. The town planner.

(#) Zoning-enforcement officer. The town’s building official.

(#) Zoning ordinance. means ~~a~~An ordinance enacted by the legislative body of the town pursuant to ~~G.L. 1956,~~ § 45-24-1 et seq. and in the manner providing for the adoption of ordinances in the town’s legislative or Home Rule ~~Charter~~, if any, ~~which sets forth that establish~~ regulations and standards relating to the

nature and extent of uses of land and structures; ~~which that~~ is consistent with the comprehensive plan of the town as defined in ~~G.L. 1956~~, § 45-22.2-1 et seq.; ~~which that~~ includes a zoning map; and ~~which that~~ complies with the provisions of this chapter.

~~(#) Zoning-use districts. means~~ The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations is for a specified use. ~~The Zoning-use~~ districts include, but are not limited to: agricultural, commercial, industrial, institutional, open space and residential. Each district may include sub-districts. Districts may be combined.



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:

Chapter 38 – ZONING

ARTICLE II – ADMINISTRATION

DIVISION 1. - GENERALLY

Sec 38-38: Public notice requirements shall be added to meet RIGL:

Sec. 38-38 – Public notice requirements.

a. Applications requiring public notice. Any application or appeal filed under this chapter or chapter 32 except for those reviewed administratively shall require public notice.

b. Notice requirements. Public notice on applications and review stages requiring a public hearing shall be given at least fourteen (14) days prior to the date of the hearing in a newspaper of local circulation. The same notice shall be posted in the town clerk’s office and one other municipal building. The notice shall be posted to the homepage of the town website at least fourteen (14) days prior to the hearing. Notice shall be sent to the applicant and to each owner within the notice area, by first class mail, of the time and place of the hearing not less than ten (10) days prior to the date of the hearing. 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 application at least fourteen (14) days prior to the hearing. The notice shall also include the street address of the subject property, or if no street address is available, the distance from the nearest existing intersection in

tenths (1/10's) of a mile. For any notice sent by first-class mail, the sender of the notice shall submit a notarized affidavit to attest to such mailing.

c. Notice area.

1. Notice distances. Public notice of the hearing shall be sent to all property owners within a maximum of two hundred feet (200') of the subject property.

2. Watersheds. Additional notice within watersheds shall also be sent as required in § 45- 23-53(b) and (c).

3. Adjacent municipalities. Notice of the public hearing shall be sent by the administrative officer to the administrative officer of an adjacent municipality if:

i. The notice area extends into the adjacent municipality, or

ii. The development site extends into the adjacent municipality, or

iii. There is a potential for significant negative impact on the adjacent municipality.

d. Notice cost. The cost of all newspaper and mailing notices shall be borne by the applicant. Any party may appear at the hearing in person, by agent or by attorney.

e. Severability. Where this section is in conflict with another section of this chapter or chapter 32, this section shall apply.



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 IV. – USES

Sec. 38-191. – Table of uses.

- Sec. 38-191 – Table of uses shall be amended as follows to account for the amendments to the zoning map.

The uses in the various zoning districts are as follows:

Key:

Y - Permitted use

N - Prohibited use

ADPR – Administrative development plan review

FDPR – Formal development plan review

LAND – Land development project

S – Special-use permit

*No parking, signs (temporary or permanent, fixed or moveable) or structures (other than mailboxes) are permitted within 30 feet of the highway right-of-way.

		Districts			
		AR	GB	M	HC2
Agricultural Uses					
1.	Raising animals for home use	Y	N	N	Y
2.	Raising Animals for sale or for sale of animal products:				
	A. A maximum of 35 animals on five acres or less: five additional animals for each additional acre over five acres	Y	N	N	Y
	B. Animals exceeding the above, See Sec. 38-290 for Supplementary Regulations	S	N	N	S

3.	Raising crops and forest products	Y	SN	N	Y
4.	Commercial nursery structures	S	Y	N	Y
5.	Sale of produce raised on the premises	Y	Y	N	Y
6.	Poultry farm with capacity for more than 10,000 birds <u>See Sec. 38-290 for Supplementary Regulations</u>	S	N	N	S
Residential Uses					
1.	Single-family detached dwelling	Y	SY	N	Y
2.	Accessory family dwelling unit (ADU) for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress or egress. (See section 38-282 for further requirements)	Y	SY	N	Y
3.	Residential compound	Y	N	N	N
4.	Multi-family dwelling structure <u>(See Sec. 38-281)</u>	SLAND	SLAND	N	SLAND
5.	Community residences, and family daycare homes	Y	Y	N	Y
6.	Short term rental structure or bed-and-breakfast <u>(for tourist or transient use as defined in Sec. 38-2)</u>	SY <u>(FDPR)</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
7.	Motel	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
8.	Hotel	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
9.	Customary home occupation (performed by the occupant and using no	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	N	Y <u>(ADPR)</u>

	more than 200 sq. ft. of the area of one floor provided such activity shall not be visible from a lot line and that exterior advertising shall conform to the provisions of article VI <u>Sec. 38-288</u>)				
10.	Rest home or convalescent home in-patient rehabilitation facility	<u>S LAND</u>	<u>S LAND</u>	N	<u>S LAND</u>
11.	Senior citizens group dwelling structure(s): Permitted in the AR and HC2 districts for the use of senior citizen group housing. Refer to section 38-284.	<u>S LAND</u>	N	N	<u>Y (LAND)</u>
<u>12.</u>	<u>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 which include the development of at least fifty percent (50%) of the existing gross floor area into residential units. (See Sec. 38-360 for exceptions).</u>	<u>Y (FDPR)</u>	<u>Y (FDPR)</u>	<u>Y (FDPR)</u>	<u>Y (FDPR)</u>
Open Recreation Uses					
1.	Public playground or park	<u>Y (FDPR)</u>	<u>Y (FDPR)</u>	<u>S Y (FDPR)</u>	<u>Y (FDPR)</u>
2.	Bathing beach	<u>Y (FDPR)</u>	N	N	N
3.	Golf course	<u>Y (FDPR)</u>	N	N	N
4.	Camping area (licensed by town)	S	N	N	S
5.	Rod and gun clubs, rifle or pistol ranges	S	N	N	<u>Y (FDPR)</u>

6.	Open rec. events and amusements (license required by town council Ordinance No. 95-12-366)	Y	Y	Y	Y
Public and Semi-Public Uses					
1.	School or College	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
2.	Religious institution	X	X	N	X
3.	Library, museum, etc.	Y <u>(FDPR)</u>	Y <u>(FDPR)</u>	N Y <u>(FDPR)</u>	Y <u>(FDPR)</u>
4.	Medical clinic	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
5.	Hospital	N	N	N	S
6.	Town of Foster government building	N	§ <u>FDPR</u>	Y <u>(FDPR)</u>	§ <u>FDPR</u>
7.	Federal government building of any kind	N	§ <u>FDPR</u>	§ <u>FDPR</u>	§ <u>FDPR</u>
8.	Fire station or ambulance barn	Y <u>(FDPR)</u>	Y <u>(FDPR)</u>	Y <u>(FDPR)</u>	Y <u>(FDPR)</u>
9.	General purpose hall for recreation, social or other intermittent functions	§ <u>FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
10.	Cemetery	S	N	N	N
11.	State government building of any kind	Y <u>(FDPR)</u>	N	N	Y <u>(FDPR)</u>
Office Uses					
1.	Professional office in the home (for use by a resident of the premises)	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	N	Y <u>(ADPR)</u>
2.	Bank or office building	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
3.	Real estate office	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
4.	Office for wholesale or manufacturing uses	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
Restaurants and Entertainment					

1.	Lunchroom or restaurant	S Y (FDPR)	Y (FDPR)	N	Y (FDPR)
2.	Tavern or night club	N	Y (FDPR)	N	Y (FDPR)
3.	Drive-in food or dairy bar	N	Y (FDPR)	N	Y (FDPR)
4.	Theater or concert hall	N	Y (FDPR)	N	Y (FDPR)
5.	Indoor commercial recreation	N	Y (FDPR)	N	Y (FDPR)
6.	Cafeteria (accessory to a permitted use and designated to serve the students, employees and patrons of the main use. Located entirely within the main building and with no exterior advertising)	Y	Y (ADPR)	N	Y (ADPR)
<u>7.</u>	<u>Outdoor commercial recreation</u>	<u>Y (FDPR)</u>	<u>N</u>	<u>N</u>	<u>Y (FDPR)</u>
Business					
1.	Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops	S	Y (FDPR)	N	Y (FDPR)
2.	Antique shop, gift shop, florist shop, pet shop and similar specialty shops	S	Y (FDPR)	N	Y (FDPR)
3.	Mortuary or funeral home	N	S	N	S
4.	Radio or television studio or transmission studio	N	Y (ADPR)	N	Y (ADPR)
5.	Drive-in theater	N	Y (FDPR)	N	Y (FDPR)
6.	Veterinary	Y	Y (FDPR)	N	Y (FDPR)
7.	Caterer	N Y (ADPR)	Y (ADPR)	N	Y (ADPR)
8.	Gasoline filling station (no major repairing)	N	S	N	S

9.	General automotive repair (See Sec. 38-298 for Screening Standards)	N	Y S	N	Y (FDPR)
10.	Vehicle rental agency	N	Y (FDPR)	N	Y (FDPR)
11.	Building materials and supplies, grain and feed and similar stores	N	Y (FDPR)	N	Y (FDPR)
12.	Grocery, bakery, drug, hardware, variety and similar neighborhood stores	N	Y (FDPR)	N	Y (FDPR)
13.	Fruit and vegetable stand (See Sec. 38-276.)	Y	Y	N	Y
14.	General merchandise, supermarket, department store, furniture store and household goods store (including storage up to 30% of the gross floor area)	N	Y (FDPR)	N	Y (FDPR)
15.	Auto or truck sales in a building (including repairs)	N	Y (FDPR)	N	Y (FDPR)
16.	Auto or truck sales in an open lot	N	Y (FDPR)	N	Y (FDPR)
17.	Retail sales in an open lot	N	Y (FDPR)	N	Y (FDPR)
18.	Package store (alcoholic beverages)	N	Y (FDPR)	N	Y (FDPR)
19.	Medical Office Building situated on a State or US Highway	S	Y (FDPR)	N	Y (FDPR)
20.	Communications Towers and Antennas* (See Sec. 38- 291)	<u>S subject to LAND; subject to FDPR</u>	<u>S subject to LAND; subject to FDPR</u>	<u>S subject to LAND; subject to FDPR</u>	<u>S subject to LAND; subject to FDPR</u>
21.	Firearms shops, ammunition shops, edged weapons shops	N	Y (FDPR)	N	Y (FDPR)

22.	Restaurant, pharmacy, or finance institution drive-through (See Sec. 38-285.)	N	S <u>FDPR</u>	N	S <u>FDPR</u>
23.	Winery	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
24.	Farm Brewery	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
25.	Farm Distiller	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
26.	Micro-Brewery	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
27.	Distillery	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
<u>28.</u>	<u>Animal boarding or Kennel (requires DPR approval prior to Town Council approval) See Sec. 38-290 for Supplementary Regulations</u>	Y <u>(FDPR)</u>	Y <u>(FDPR)</u>	N	Y <u>(FPDR)</u>
Transportation and parking					
1.	Off-street parking facility (accessory to a use permitted in the district)	Y	Y	N	Y
<u>21.</u>	<u>Commercial off-street parking facility (See Sec. 38-298 for Screening Standards)</u>	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
32.	Rail or motor freight terminal	N	S	N	S
<u>43.</u>	<u>Rail or bus passenger station</u>	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	N	Y <u>(ADPR)</u>
Wholesale Business and Storage					
1.	Wholesale business and storage of non-flammable and non-explosive material in a building	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
2.	Open lot storage of building materials and machinery, etc. (See Sec. 38-298 for screening standards)	S <u>Y</u> <u>(FDPR)</u>	S <u>Y</u> <u>(ADPR)</u>	N	S <u>Y</u> <u>(ADPR)</u>
3.	Storage of flammable or explosive materials above	N	N	N	S <u>Y</u> <u>(FDPR)</u>

	ground (other than for normal home heating fuel use, not to exceed 1,000 gallons) Amended 9/21/95				
4.	Open storage of solid fuel (other than wood), sand and gravel (See Sec. 38-298 for screening standards)	S	S	N	S
5.	Storage of flammable or explosive materials on-site, above or underground	N	<u>S</u> Y (FDPR)	N	<u>S</u> Y (FDPR)
6.	Retail Outlet for wholesale or storage or commercial storage facility	N	X Y (FDPR)	N	X Y (FDPR)
Service Industries					
1.	Auto body or paint shop	N	Y (FDPR)	N	Y (FDPR)
2.	Electric Substation	S	Y S	N	Y S
3.	Office or office building, service, building, storage of materials, uses incidental or related to operation of maintenance of all or any part of a public service system, or any structure or uses substantially similar to any of the structures or uses included in this subsection	Y (FDPR)	Y (FDPR)	N	Y (FDPR)
4.	Any other structure which is part of a public service system	S	S	N	S
5.	Laundromat	N	Y S	N	Y S
6.	Major or medium solar installation	<u>S</u> LAND	<u>S</u> LAND	<u>S</u> LAND	<u>S</u> LAND
Industrial Use					
1.	The following uses in a single story building of not more than 1,000 sq. ft. in	S	Y (FDPR)	N	Y (FDPR)

	<p>area, occupying the same lot as the residence of the owner and set back at least 100 ft. from the public highway, at least 100 ft. from side lot lines and at least 100 ft. from rear lot lines: Scientific or research laboratory, manufacture of musical or precision instruments, natural soaps and cosmetics, manufacture of toys and novelties, light metal fab-shop, blacksmith or welding shop, manufacture of electric or electronic devices and appliances, ceramics or pottery manufacture, manufacture of boats, fine arts and handcraft studios, woodworking and cabinetmaking, furniture repair, conservation arts studios, provided that such uses do not create smoke, gas odors, sound, vibration, soot, or hazardous waste to a degree obnoxious or offensive to person residing or conducting business in the neighborhood.</p>				
2.	<p>The manufacture, compounding, processing or packaging of bakery goods, candy, cosmetics, drugs, food products (excluding meat, fish, yeast, vinegar and the rendering of fats and oils) and other similar operations</p>	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
3.	<p>The manufacture, compounding or assembly</p>	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>

	of articles using shell, cellophane, plastic, fur, glass, leather, precious metals or stones, wood, textiles or tobacco and other previously prepared products				
4.	The manufacture and assembly from prepared materials of musical instruments, precision instruments, clocks, toys, novelties, appliances, electronic devices, metal products, machine tools and machinery (not requiring the use of drop hammers and punch presses of over 100 tons) and other similar products	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
5.	Machinery and machine tool manufacture (requiring drop hammers or punch presses of over 100 tons)	N	<u>S</u> Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
6.	Auto assembly or manufacture	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
7.	Boat building	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
8.	Commercial boat storage and repair	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
9.	Welding shop	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
10.	Scientific or research laboratory	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
11.	Woodworking and cabinetmaking	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
12.	Ceramics or pottery manufacture	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
13.	Mining, quarrying or loam stripping	S	S	N	S

14.	Retail outlet for permitted industrial operation	S	Y (FDPR)	N	Y (FDPR)
15.	Soap manufacture	N	S	N	Y S
16.	Sodium compounds manufacture	N	S	N	Y S
17.	Stone cutting	S	Y S	N	Y S
18.	Tile or brick manufacture	N	Y (FDPR)	N	Y (FDPR)
19.	Sawmill	Y (FDPR)	S (FDPR)	N	Y (FDPR)
20.	Temporary sawmill (not more than six months operation in any three-year period)	Y	Y	N	Y
21.	Reserved				
220.	Chemical manufacture	N	S	N	S
2321.	Gravel banks, <u>natural material processing, stone crushing and sorting, mining, quarrying (See Sec. 38-298 for screening standards). (See Sec. 12-47 for renewal requirements) (See Sec. 26-4; Sec. 26-81; and Sec. 26-87 for land disturbing activity applicability procedures, approval procedures, and soil erosion and sediment control plan contents)</u>	S	S	Y N	S
24.	<u>Natural Material Processing, Stone Crushing and Sorting</u>	S	S	S	S
Accessory Uses					
1.	Any use <u>of land or of a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure which is to a use</u> permitted in	Y (ADPR)	Y (ADPR)	N (ADPR)	Y (ADPR)

	the district (<u>listed as “Y”, “FDPR”, “ADPR” or “LAND”</u> and located on same lot. <u>(may be reviewed in conjunction with or separate from a primary use.)</u>)				
2.	Any use <u>of land or of a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure which is to a use</u> permitted in the district as a special-use permit and located on the same lot. <u>A special-use permit may be granted for an accessory use in conjunction with a special-use permit for a primary use as a condition of the special-use permit for the primary use. A special-use permit may be granted for an accessory use following the grant of a special-use permit for the primary use as a condition to the existing special-use permit.</u>	S	S	N <u>S</u>	S
Medical marijuana uses					
1.	Compassion Center	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
2.	Licensed cultivator	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
3.	Medical marijuana emporium	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
4.	Nonresidential cooperative cultivation	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
5.	Residential cooperative cultivation	S	N	N	S
6.	Residential caregiver cultivation	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>
7.	Residential personal cultivation	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>
Recreational Marijuana uses					

1.	Cannabis or marijuana cultivator	N	S	N	S
2.	Cannabis establishment or marijuana establishment	N	S	N	S
3.	Cannabis product manufacturer or marijuana product manufacturer	N	S	N	S
4.	Cannabis retailer or marijuana retailer	N	S	N	S
5.	Medical cannabis treatment center or Medical marijuana treatment center	N	S	N	S

Any use, not expressly permitted in this article, ~~is prohibited~~ shall be presented by the property owner to the administrative officer. Upon application for the use not expressly permitted or at a pre-application conference, the administrative officer shall immediately transmit the application to the zoning enforcement officer.

Upon receipt of an application for a use not expressly permitted or following a pre-application conference regarding a use not expressly permitted, the administrative officer and/or zoning enforcement officer shall evaluate and determine whether the proposed use is of a similar type, character, and intensity as a listed use in Sec. 38-191 requiring a special-use permit. Upon such determination, the proposed use may be considered to be a use requiring a special-use permit. If such determination is made, the application for the proposed use shall be heard as a special-use permit for the use of a similar type, character, and intensity as listed in Sec. 38-191 by the zoning board of review, or by the planning board pursuant to Sec. 38-325 and Sec. 32-46.

If an environmental impact study is requested by the administrative officer and/or the zoning enforcement officer for the use not expressly permitted, which is found to be of a similar type, character, and intensity as a listed use in Sec. 38-191 requiring a special-use permit, the study shall be conducted at the expense of the applicant and shall be included in the formal submission of the special-use permit for review.

Notes:

~~1. Must be screened by an opaque fence or hedge no less than six feet in height. This requirement does not apply to such uses by the state or town government.~~



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 IV. – USES

Sec. 38-193 – Prohibited uses.

- Sec. 38-193 – Prohibited uses shall be amended to meet RIGL:

The following uses shall not be permitted within the Town of Foster:

Acetylene gas manufacture

Acid manufacture

Adult entertainment uses involving nudity or partial nudity

Airport or heliport

Ammonia or bleach manufacture

Any use which is obnoxious by reason of the emission of gasses, odors, noise, dust, vibration or soot or by reason of the danger of fire or explosion

Asphalt manufacture of refining

Atomic energy processes and storage

Automobile, truck, or other vehicle junkyard

Brewery or distillery

Carbon black manufacture

Cement, lime, gypsum, pyroxylin, or plastic manufacture

Chlorine manufacture

Coal distillation and derivation of coal products

Commercial facilities established for the purpose of storage, processing, or disposal of organic and non-organic waste

Commercial laundry (excepting a laundromat as provided for in [section 38-191](#))

Commercial slaughterhouse

Creosote manufacture

Dormitory, except where accessory to a permitted use

Dry cleaning plant

Explosives manufacture

Fertilizer manufacture

Fossil fuel and nuclear power generating station

Glue manufacture

House trailer park or colony

House trailers/mobile homes (except as provided for in [section 38-191](#))

Hydrofracking for the purpose of oil or gas extraction

Iron or steel foundry

Offal or dead animal processing, or treatment and distillation of bones, fats, or feathers

Oilcloth or linoleum manufacture

Paint manufacture

Petroleum refinery

Piggery

Potash manufacture

Racetracks of any description where a fee is charged or donations made (except as allowed under [section 38-191](#))

Rendering or refining of fats, oils, or bones

Rubber manufacture or treatment

Smelter

Storage, processing, or disposal of hazardous waste or material

Tanning or curing of hides

Textile dyeing or finishing

Vehicle washing shop (except where public sewerage disposal is available and/or except where utilizing a water reclaim system)

Wastewater treatment facility or sewage sludge incinerator

Any use, not expressly permitted in this article, ~~is prohibited shall be presented by the property owner to the administrative officer. Upon application for the use not expressly permitted or at a pre-application conference, the administrative officer shall immediately transmit the application to the zoning enforcement officer.~~

~~Upon receipt of an application for a use not expressly permitted or following a pre-application conference regarding a use not expressly permitted, the administrative officer and/or zoning enforcement officer shall evaluate and determine whether the proposed use is of a similar type, character, and intensity as a listed use in Sec. 38-191 requiring a special-use permit. Upon such determination, the proposed use may be considered to be a use requiring a special-use permit. If such determination is made, the application for the proposed use shall be heard as a special-use permit for the use of a similar type, character, and intensity as listed in Sec. 38-191 by the zoning board of review, or by the planning board pursuant to Sec. 38-325 and Sec. 32-46.~~

~~If an environmental impact study is requested by the administrative officer and/or the zoning enforcement officer for the use not expressly permitted, which is found to be of a similar type, character, and intensity as a listed use in Sec. 38-191 requiring a special-use permit, the study shall be conducted at the expense of the applicant and shall be included in the formal submission of the special-use permit for review.~~



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 V. – NONCONFORMING USE

Sec. 38-226 – Substandard lot of record.

- Sec. 38-226 – Substandard lot of record shall be amended to meet requirements set forth in RIGL.

(a) No lot area shall be so reduced that yards, total area and lot width shall be less than prescribed for the district in which the lot is located. No yard or open space provided around any building for the purpose of complying with the provision of this chapter shall again be used as a yard or open space for any other building.

(b) Where no adjacent land is in the same ownership so as to form a larger land parcel, a lot smaller than the minimum dimensions and area required by this chapter which was a lot of record on the effective date of the ordinance from which this chapter derives may be used for a permitted use, provided that such lot shall have a minimum area of 10,000 square feet, ~~and a minimum width of 100 feet. All dimensional requirements of the district shall be complied with except that Lot width, frontage, side, and front and rear depth requirements shall be reduced by the associated percentage that the lot is less than 150 feet wide or less than 200 feet deep 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. 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 under 38-321 or a dimensional variance request under 38-321 and 38-324, whichever is applicable.

(c) Where a dimensional variance and/or building permit is issued on a substandard lot of record and that lot has no road frontage or is inaccessible at all points of frontage, access shall be regulated by easement or shared driveway which shall be recorded in land evidence. Nothing stated herein shall be construed to reduce the authority of the zoning-enforcement officer in issuing conditions on a recorded easement.

(d) No building permit shall be issued on such a lot without certification in writing from the town's building official that said lot is a substandard lot of record. In the event that a variance or special-use permit is necessary, the official shall certify that the lot is a substandard lot of record and needs ~~the~~ relief relating to "side, and/or front, and/or rear requirements, and/or area, and/or frontage, and/or width requirements" as prescribed in the previous paragraph, as part of application to the zoning board of review.
