

D. Ch. 38 – New business



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 VII – SPECIAL USE PERMITS AND VARIANCES

Sec 38-323: Standards for granting shall be amended to meet RIGL:

Sec. 38-323. - Standards for granting special-use permits.

(a) All applications for special-use permits shall be reviewed by the zoning board of review planning board pursuant to Sec. 38-325 and 32-46. The planning board may shall not grant a special use permit for gravel banks unless it finds the following:

- (1) The use will comply with all applicable requirements and development and performance standards set forth in articles VI and IX of this chapter.
- (2) The use will be in harmony with the general purpose and intent of this chapter ~~and the comprehensive plan of the town.~~
- (3) The granting of the special use permit will substantially serve the public convenience and welfare.
- (4) The use will not result in or create conditions inimical to the public health, safety, morals and general welfare.
- (5) It will not substantially or permanently injure the appropriate use of surrounding property.
- (6) The screening standards shall meet the requirements of Sec. 38-298.
- (6) In addition to the above, the zoning board of review shall consider:
 - a. Access to air, light, views and solar access;
 - b. Public access to waterbodies, rivers and streams; and
 - c. The conservation of energy and energy efficiency.
 - d. Methods of ingress and egress, traffic circulation, and suitability of the road(s) which the lot fronts to withstand daily traffic flow.

(b) The zoning board of review planning board may not extend or enlarge a special use permit except by granting a new special use permit.

(c) Pursuant to Sec. 38-236 a nonconforming use may be changed to a different nonconforming use by special use permit. If so changed, the alteration shall more closely adhere to the intent and purpose of this chapter.



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.

i. Applications and review stages not requiring a public hearing shall not be required to advertise in a newspaper of local circulation, but shall be required to send notice to each owner within the notice area, by first class mail, notifying the owner of the time and place of the hearing not less than ten (10) days prior to the date of the meeting.

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:

Chapter 38 – ZONING

ARTICLE VII – SPECIAL USE PERMITS AND VARIANCES

Secs. 38-326. – Special-use permit in conjunction with a variance shall be added to come into compliance with RIGL:

Sec. 38-326 – Special-use permit in conjunction with a variance.

A special use permit may be granted in conjunction with a variance according to the following procedures:

1. *Submission.* The applicant shall submit an application for a special-use permit and a separate application for relief from the literal provisions of the zoning ordinance.
2. *Receipt.* Upon receipt of the two completed applications, the planning board shall combine the review of both applications.
3. *Public notice.* Public notice shall be given pursuant to Sec. 38-38.
4. *Review.* The combined hearing and review shall be held during the next regularly scheduled planning board meeting.



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 XI – VESTED RIGHTS

Sec 38-470: Development requiring both planning board and zoning board approval shall be amended to meet RIGL:

Sec. 38-470. - Development requiring both planning ~~board~~ and zoning ~~board~~ approval.

Where ~~both planning board and zoning board~~ approvals are required under chapter 32 or development plan review and under chapter 38 for development, an applicant is vested when the planning board certifies that the plans are complete under the ~~respective~~ guidelines and regulations of unified development review pursuant to chapter 32 and this chapter, ~~including article IX of this chapter.~~ The applicant is vested under this chapter and regulations in effect at the time of the certification, not the date of application.



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 VI – SUPPLEMENTARY REGULATIONS

Sec 38-289: Historic cemeteries shall be amended as follows:

Sec. 38-289. - Historic cemeteries.

No construction, excavation or other ground disturbing activity shall take place within ~~35~~25 feet of a cemetery except in compliance with the following provisions pursuant to § 23-18-11.1:

1. The boundaries of the cemetery are adequately documented and there is no reason to believe additional graves exist outside the recorded cemetery and the proposed construction or excavation activity will not damage or destructively alter the historic cemetery through erosion, flooding, filling, or encroachment; or

2. The proposed construction or excavation activity has been reviewed and approved by the city or town in accordance with § 23-18-11.1.

~~No driveway shall be permitted within 15 feet of a cemetery.~~—Ordinary road maintenance on town roads shall be exempt from these distance requirements, ~~except that such~~ When an application for any project or development involving construction, excavation or other ground disturbing activity is filed on a property or portion of right-of-way or portion of proposed right-of-way directly abutting a cemetery of which the boundaries are not adequately documented and there may be reason to believe additional graves exist outside the recorded cemetery and/or the proposed construction or excavation activity may damage or

destructively alter the historic cemetery through erosion, flooding, filling, or encroachment it shall be considered an application for alteration of a historic cemetery pursuant to § 23-18-11.1.

In these cases the applicant, at its own expense shall conduct an archaeological investigation to determine the actual size of the cemetery prior to final consideration of the application to alter. After due consideration, the Town Council may grant the application to alter the historic cemetery in part under the supervision of an archaeologist and with any restrictions and stipulations that it deems necessary to effectuate the purposes of § 23-18-11.1 and this section, or deny the application in its entirety. Any person or persons aggrieved by a decision of the Town Council shall have the right of appeal concerning the decision to the superior court and from the superior court to the Supreme Court by writ of certiorari. Private road construction shall not undermine or destroy a cemetery. In addition, excavation on a property shall not undermine or destroy any cemetery, burial ground or any structures or gravesites located therein. This chapter shall not apply to the ordinary installation of gravesites, monuments, markers or mausoleums.



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:

		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 (FDPR)	N	N	Y (FDPR)

	See Sec. 38-290 for Supplementary Regulations				
	B. Animals exceeding the above, See Sec. 38-290 for Supplementary Regulations	S FDPR	N	N	S FDPR
3.	Raising crops and forest products	Y	S ADPR	N	Y
4.	Commercial nursery structures	S FDPR	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	S FDPR	N	N	S FDPR
Residential Uses					
1.	Single-family detached dwelling	Y	S Y	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, exceeding 900 square feet (1-Bedroom) or not exceeding 1,200 square feet (2-Bedroom). (See section 38-282 for further requirements)	Y	S Y	N	Y
3.	Residential compound	Y	N	N	N
4.	Multi-family dwelling structure see Sec. 38-281	S LAND	S LAND	N	S LAND
5.	Community residences, and family daycare homes	Y	Y	N	Y
6.	Short term rental structure or bed-and-breakfast (for tourist	S FDPR	Y	N	Y

	<u>or transient use as defined in Sec. 38-2)</u>				
7.	Motel	N	Y (FDPR)	N	Y (FDPR)
8.	Hotel	N	Y (FDPR)	N	Y (FDPR)
9.	Customary home occupation (performed by the occupant and using no 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 V <u>Sec. 38-288</u>)	Y (ADPR)	Y (ADPR)	N	Y (ADPR)
10.	Rest home or convalescent home	<u>§ LAND</u>	<u>§ LAND</u>	N	<u>§ 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>§ LAND</u>	N	N	Y (LAND)
Open Recreation Uses					
1.	Public playground or park	Y (ADPR)	Y (ADPR)	<u>§ ADPR</u>	Y (ADPR)
2.	Bathing beach	Y (FDPR)	N	N	N
3.	Golf course	Y (FDPR)	N	N	N
4.	Camping area (licensed by town)	<u>§ FDPR</u>	N	N	<u>§ FDPR</u>
5.	Rod and gun clubs, rifle or pistol ranges	<u>§ FDPR</u>	N	N	Y (FDPR)
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	<u>§ (FDPR)</u>	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
2.	Religious institution	X	X	N	X
3.	Library, museum, etc.	<u>Y (FDPR)</u>	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
4.	Medical clinic	S	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
5.	Hospital	N	N	N	<u>§ FDPR</u>
6.	Town of Foster government building	N	<u>§ FDPR</u>	<u>Y (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	<u>Y (FDPR)</u>	<u>Y (FDPR)</u>	<u>Y (FDPR)</u>	<u>Y (FDPR)</u>
9.	General purpose hall for recreation, social or other intermittent functions	<u>§ FDPR</u>	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
10.	Cemetery	<u>§ FDPR</u>	N	N	N
11.	State government building of any kind	<u>Y (FDPR)</u>	N	N	<u>Y (FDPR)</u>
Office Uses					
1.	Professional office in the home (for use by a resident of the premises)	<u>Y (ADPR)</u>	<u>Y (ADPR)</u>	N	<u>Y (ADPR)</u>
2.	Bank or office building	N	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
3.	Real estate office	S	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
4.	Office for wholesale or manufacturing uses	N	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
Restaurants and Entertainment					
1.	Lunchroom or restaurant	<u>§ FDPR</u>	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
2.	Tavern or night club	N	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
3.	Drive-in food or dairy bar	N	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
4.	Theater or concert hall	N	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>
5.	Indoor commercial recreation	N	<u>Y (FDPR)</u>	N	<u>Y (FDPR)</u>

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 <u>(ADPR)</u>	N	Y <u>(ADPR)</u>
Business					
1.	Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops	<u>§ FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
2.	Antique shop, gift shop, florist shop, pet shop and similar specialty shops	<u>§ FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
3.	Mortuary or funeral home	N	<u>§ FDPR</u>	N	<u>§ FDPR</u>
4.	Radio or television studio or transmission studio	N	Y <u>(ADPR)</u>	N	Y <u>(ADPR)</u>
5.	Drive-in theater	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
6.	Veterinary	Y	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
7.	Caterer	N	Y <u>(ADPR)</u>	N	Y <u>(ADPR)</u>
8.	Gasoline filling station (no major repairing)	N	<u>§ FDPR</u>	N	<u>§ FDPR</u>
9.	General automotive repair	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
10.	Vehicle rental agency	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
11.	Building materials and supplies, grain and feed and similar stores	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
12.	Grocery, bakery, drug, hardware, variety and similar neighborhood stores	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
13.	Fruit and vegetable stand (See Sec. 38-276.)	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	N	Y <u>(ADPR)</u>
14.	General merchandise, supermarket, department store, furniture store and	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>

	household goods store (including storage up to 30% of the gross floor area)				
15.	Auto or truck sales in a building (including repairs)	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
16.	Auto or truck sales in an open lot	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
17.	Retail sales in an open lot	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
18.	Package store (alcoholic beverages)	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
19.	Medical Office Building situated on a State or US Highway	<u>§FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
20.	Communications Towers and Antennas* <u>(See Sec. 38-291)</u>	<u>§FDPR subject to LAND</u>	<u>§FDPR subject to LAND</u>	<u>§FDPR subject to LAND</u>	<u>§FDPR subject to LAND</u>
21.	Firearms shops, ammunition shops, edged weapons shops	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
22.	Restaurant, pharmacy, or finance institution drive-through (See Sec. 38-285.)	N	<u>§FDPR</u>	N	<u>§FDPR</u>
23.	Winery	<u>§FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
24.	Farm Brewery	<u>§FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
25.	Farm Distiller	<u>§FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
26.	Micro-Brewery	<u>§FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
27.	Distillery	<u>§FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
<u>28.</u>	<u>Kenel (requires DPR approval prior to Town Council approval)</u>	<u>FDPR</u>	<u>FDPR</u>	<u>N</u>	<u>FPDR</u>
Transportation and parking					
1.	Off-street parking facility (accessory to a use permitted in the district)	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	N	Y <u>(ADPR)</u>

2.	Commercial off-street parking facility	N	Y (FDPR)	N	Y (FDPR)
3.	Rail or motor freight terminal	N	S (FDPR)	N	S (FDPR)
4.	Rail or bus passenger station	Y (ADPR)	Y (ADPR)	N	Y (ADPR)
Wholesale Business and Storage					
1.	Wholesale business and storage of non-flammable and non-explosive material in a building	N	Y (FDPR)	N	Y (FDPR)
2.	Open lot storage of building materials and machinery, etc. (See Sec. 38-298)	S ADPR	S ADPR	N	S ADPR
3.	Storage of flammable or explosive materials above ground (other than for normal home heating fuel use, not to exceed 1,000 gallons) Amended 9/21/95	N	N	N	S FDPR
4.	Open storage of solid fuel (other than wood), sand and gravel	S FDPR	S FDPR	N	S FDPR
5.	Storage of flammable or explosive materials on-site, above or underground	N	S FDPR	N	S FDPR
6.	Retail Outlet for wholesale or storage or commercial storage facility	N	X FDPR	N	X FDPR
Service Industries					
1.	Auto body or paint shop	N	Y FDPR	N	Y FDPR
2.	Electric Substation	S FDPR	Y FDPR	N	Y FDPR
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	Y FDPR	Y FDPR	N	Y FDPR

	substantially similar to any of the structures or uses included in this subsection				
4.	Any other structure which is part of a public service system	<u>§ FDPR</u>	<u>§ FDPR</u>	N	<u>§ FDPR</u>
5.	Laundromat	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
6.	Major or medium solar installation	<u>§ LAND</u>	<u>§ LAND</u>	<u>§ LAND</u>	<u>§ LAND</u>
Industrial Use					
1.	The following uses in a single story building of not more than 1,000 sq. ft. in 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	<u>§ FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>

	conducting business in the neighborhood.				
2.	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	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
3.	The manufacture, compounding or assembly of articles using shell, cellophane, plastic, fur, glass, leather, precious metals or stones, wood, textiles or tobacco and other previously prepared products	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
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	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 (FDPR)	N	Y (FDPR)
9.	Welding shop	N	Y (FDPR)	N	Y (FDPR)
10.	Scientific or research laboratory	N	Y (FDPR)	N	Y (FDPR)
11.	Woodworking and cabinetmaking	N	Y (FDPR)	N	Y (FDPR)
12.	Ceramics or pottery manufacture	N	Y (FDPR)	N	Y (FDPR)
13.	Mining, quarrying or loam stripping	§ FDPR	§ FDPR	N	§ FDPR
14.	Retail outlet for permitted industrial operation	§ FDPR	Y (FDPR)	N	Y (FDPR)
15.	Soap manufacture	N	§ FDPR	N	Y (FDPR)
16.	Sodium compounds manufacture	N	§ FDPR	N	Y (FDPR)
17.	Stone cutting	§ FDPR	Y (FDPR)	N	Y (FDPR)
18.	Tile or brick manufacture	N	§ FDPR	N	Y (FDPR)
19.	Sawmill	Y (FDPR)	§ FDPR	N	Y (FDPR)
20.	Temporary sawmill (not more than six months operation in any three year period)	Y	Y	N	Y
21.	Reserved				
22.	Chemical manufacture	N	§ FDPR	N	§ FDPR
23.	Gravel banks (See Sec. 38-298 for screening standards)	S	S	S	S
24.	Natural Material Processing, Stone Crushing and Sorting	§ FDPR	§ FDPR	§ FDPR	§ FDPR
Accessory Uses					
1.	Any use customarily incident to a use permitted in the district and located on same lot	Y	Y	N	Y

2.	Any use customarily incident to a use permitted in the district as a special-use permit and located on the same lot (to be reviewed in conjunction with primary use if necessary.)	S	S	N	S
Medical marijuana uses					
1.	Compassion Center	N	Y (FDPR)	N	Y (FDPR)
2.	Licensed cultivator	§ FDPR	Y (FDPR)	N	Y (FDPR)
3.	Medical marijuana emporium	N	Y (FDPR)	N	Y (FDPR)
4.	Nonresidential cooperative cultivation	N	Y (FDPR)	N	Y (FDPR)
5.	Residential cooperative cultivation	§ FDPR	N	N	§ FDPR
6.	Residential caregiver cultivation	Y	Y	Y	Y
7.	Residential personal cultivation	Y	Y	Y	Y
Recreational Marijuana uses					
1.	Cannabis or marijuana cultivator	N	§ FDPR	N	§ FDPR
2.	Cannabis establishment or marijuana establishment	N	§ FDPR	N	§ FDPR
3.	Cannabis product manufacturer or marijuana product manufacturer	N	§ FDPR	N	§ FDPR
4.	Cannabis retailer or marijuana retailer	N	§ FDPR	N	§ FDPR
5.	Medical cannabis treatment center or Medical marijuana treatment center	N	§ FDPR	N	§ FDPR

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.

Any use, not expressly permitted in this article, is prohibited.

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. 38-192. – Dimensional regulations.

- Sec. 38-192 – Dimensional regulations shall be amended as follows to account for the amendments to the zoning map.

(1) *AR agricultural/residential district.* Dimensional regulations for the AR district are as follows:

	Single-Family Residence Structure	Other Permitted Use	Senior citizens group housing
Minimum lot size	200,000 square feet	200,000 square feet	<u>200,000 square feet for ten (10) units or fewer as permitted by RIDEM. 400,000 square feet for</u>

			<u>developments between ten (10) and thirty (30) units as permitted by RIDEM. The maximum number of units within a single development shall be increased at the ratio of one (1) unit per 25,000 square feet on lots exceeding 400,000 square feet.</u>
Minimum lot area per living unit	NA	NA	40,000 13,333 square feet
Minimum lot frontage	300 feet	300 feet	300 feet
Minimum lot width	300 feet	300 feet	300 feet
Minimum front yard depth	35 feet	35 feet	35 feet
Minimum side yard depth	50 feet	50 feet	50 feet
Minimum rear yard depth	50 feet	50 feet	50 feet
Maximum building coverage	3 percent	3 percent	3 percent
Maximum building height	35 feet	35 feet	2 stories or 20 feet
<u>Number of units per structure</u>	<u>NA</u>	<u>NA</u>	<u>2-10 units per structure</u>
Maximum number of bedrooms per unit	NA	NA	2 bedrooms per 1 unit

(2) *General business district.* Dimensional regulations for the GB district are as follows:

	Any Permitted Use
Minimum lot size	200,000 square feet
Minimum front yard depth	35 feet
Minimum lot frontage	300 feet
Minimum lot width	300 feet
Minimum side yard depth	50 feet
Minimum rear yard depth	50 feet
Maximum building height	35 feet
Minimum buffer strip (side and rear yards)	30 feet
Minimum distance of structure from A/R zoning district	50 feet

Maximum building coverage (of net buildable area) c	25% ^a,b
Maximum impervious surface coverage (of net buildable area) c	60% ^a,b

^a Provided that all parking and design requirements are met.

^b One drive-through use shall be permitted within shopping centers having less than 100,000 square feet of gross floor area, provided that common curb cuts for the center are used. The drive-through use shall not have dedicated curb cuts in addition to those utilized in access to the center. The drive-through use shall be limited to a restaurant, pharmacy, or finance institution only. The design of the drive-through use shall provide for safe vehicular and pedestrian circulation and function in a manner that complements the center in which it is located. The use shall not create traffic hazards interior to the site or in the surrounding street network and neighborhood. It shall be properly screened and buffered to minimize impacts on surrounding properties and other uses within the center.

^c Net buildable area is defined as the total area of the applicable lot minus setbacks, buffer strips, and wetlands.

(3) *Highway commercial (2) district (HC2)*. Dimensional regulations for the HC2 district are as follows:

	Commercial uses (unless otherwise stated in this ordinance)	Single-Family Residence Structure	Senior citizens group housing
Minimum lot size	200,000 square feet	200,000 square feet	<u>200,000 square feet for ten (10) units or fewer as permitted by RIDEM. 400,000 square feet for developments between ten (10) and thirty (30) units as permitted by RIDEM. The maximum number of units within a single development shall be increased at the ratio of one (1) unit per 25,000 square feet on lots exceeding 400,000 square feet.</u>
Minimum lot area per living unit	NA	NA	40,000 <u>13,333</u> square feet
Minimum lot frontage	300 feet	300 feet	300 feet
Minimum lot width	300 feet	300 feet	300 feet
Minimum front yard depth	35 feet	35 feet	35 feet
Minimum side yard depth	50 feet	50 feet	50 feet
Minimum rear yard depth	50 feet	50 feet	50 feet

Maximum building coverage	25 percent or 50,000 square feet, whichever is less	3 percent	3 percent
Maximum building height	35 feet	35 feet	2 stories or 20 feet
Number of units per structure	NA	NA	3 2-10 units per structure
Maximum number of bedrooms per unit	NA	NA	2 bedrooms per 1 unit
Minimum buffer strip (side and rear yards)	30 feet	30 feet	30 feet
Minimum distance of structure from A/R zoning district	50 feet	As required by setbacks	As required by setbacks
Maximum impervious surface coverage (of net buildable area) ^a	60% ^{a, b}	25 percent	25 percent

^a Provided that all parking and design requirements are met.

^b One drive-through use shall be permitted within shopping centers having less than 100,000 square feet of gross floor area, provided that common curb cuts for the center are used. The drive-through use shall not have dedicated curb cuts in addition to those utilized in access to the center. The drive-through use shall be limited to a restaurant, pharmacy, or finance institution only. The design of the drive-through use shall provide for safe vehicular and pedestrian circulation and function in a manner that complements the center in which it is located. The use shall not create traffic hazards interior to the site or in the surrounding street network and neighborhood. It shall be properly screened and buffered to minimize impacts on surrounding properties and other uses within the center.

~~^c Net buildable area is defined as the total area of the applicable lot minus setbacks, buffer strips, and wetlands.~~

(4) *M municipal district.* Dimensional requirements for the M district are as follows

Any Permitted Use	
Minimum lot size	10,000 square feet
Minimum front yard depth	35 feet
Minimum side yard depth	50 feet
Minimum rear yard depth	50 feet
Maximum building height	40 feet

(5) *Reserved - Municipal/Historic overlay district.* This subsection is reserved.

(6) *Additional dimensional regulations; uses permitted by special-use permit.* Any use listed in section 38-191 requiring a special-use permit in the AR district shall conform at least to the dimensional regulations for other permitted use of the AR district, and to such further dimensional requirements as may be imposed for that use in this article or by the zoning board of review in granting the special-use permit.

(7) FC – Farmland/Conservation overlay district. This subsection is reserved.

(8) Utility dimensional regulations. All utilities including, but not limited to septic systems and wells shall be setback, at a minimum, 50 feet from side and rear lot lines, 35 feet from the front lot line, and shall adhere to the natural conditions buffers and setbacks established under 250-RICR-150-15-3. All buildings shall be setback 35 feet from the front lot line, 50 feet from side and rear lot lines, and shall adhere to the natural conditions buffers and setbacks established under 250-RICR-150-15-3. OWTS shall be set back a minimum of 100 feet from wells.

*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.

NA = Not applicable

E. Chapter 38 – Old Business



ARTICLE IV. – USES

DIVISION 2. - DESCRIPTION OF USES

Sec. 38-191. – Table of Uses. Accessory Uses

Sec 38-191 –Accessory uses shall be amended to state the following:

Accessory uses	AR	GB	M	HC2
1. Any use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building which is to a use permitted in the district and located on same lot. (to be reviewed in conjunction with primary use if necessary.)	Y	Y	Y	Y
2. Any use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building which is to a use permitted in the district as a special use permit FDPR, ADPR or Land Development Project and located on the same lot. (to be reviewed in conjunction with primary use if necessary.)	Y (ADPR)	Y (ADPR)	Y (ADPR)	Y (ADPR)

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough



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 VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-281 – Development standards for multifamily dwellings and comprehensive permit applications for affordable housing.

- Sec. 38-281 – Development standards for multifamily dwellings and comprehensive permit applications for affordable housing shall be amended as follows:

Multifamily dwellings means a structure designed for two (2) or more separate dwelling units. Each dwelling or living unit shall be designed and constructed with a maximum of one (1) bedroom. More than one multifamily dwelling structure may be permitted on the same lot. In these cases, the structures shall be placed a minimum of 100 feet apart on the lot. Multifamily dwellings are permitted by obtaining a ~~special use permit~~ major or minor land development or subdivision approval whichever is applicable or a comprehensive permit pursuant to ~~G.L. 1956, ch. §45-53~~ in the AR, ~~NC HC2~~ and GBM districts. All such multifamily uses must meet the requirements as set forth in this section, article V or VI of chapter 32, whichever article is applicable and Sec. 38-359.

(1) The minimum lot area for ~~each four (4) multifamily-use dwelling structure-units~~ shall be ~~3200,000 square feet. and shall be increased in proportion to the total number of bedrooms per structure;~~ Each unit above a multiple of four shall have a minimum lot area of an additional 200,000 square feet. Refer to subsection (8)c(1) of this section, except in cases where LMI housing is proposed and a density bonus pursuant to subsection (8)~~c(5)~~ and Sec. 32-316 is applied.

(2) ~~A Dwelling~~ unit is a structure or portion thereof 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.

(3) Each multifamily structure shall be provided with the necessary water supply and separate sewerage for sanitary and laundry facilities, all contained on the lot. All such systems shall be in conformance with the RI Department of Environmental Management Regulations currently in effect and all town regulations and standards. Where town, state and/or other standards are in conflict, the higher standards shall prevail.

(4) The development shall constitute an environment of sustained desirability in conformance with the policies and goals of the comprehensive community plan.

(5) Before a ~~special use permit land development or subdivision~~ for a multifamily structure or multifamily development shall be granted, the site plan, together with supporting documents, shall be reviewed by the Foster Planning Board; ~~after which a review, the planning board shall publish a report of its findings and recommendations pertaining to the conformity of the proposed development with the comprehensive plan of an application for a multifamily development shall be for the purpose of determining if the proposed development meets the requirements of Sec. 38-359 and Article V or VI of chapter 32, whichever article is applicable and the requirements of this section. Copies of this report shall be sent to the zoning board of review and to the office of the town clerk, who shall maintain copies for public inspection upon request. The zoning board of review shall grant no special use permit for multifamily developments without first receiving the aforementioned opinion of the town planning board.~~ The building official shall grant no building permit or certificate of occupancy except for construction and occupancy in strict compliance with

conditions set by the zoning planning board-of-review. Such building permits must be requested within six months of the date of approval.

(6) In cases where a comprehensive permit is requested by an applicant for LMI housing, the planning board shall serve as the "local board of review" pursuant to G.L. 1956, ch. § 45-53 and shall follow procedures provided thereto and in the land development and subdivision review regulations.

(7) *Procedures for applicant.*

a. *Special use permit not requiring subdivision of Minor land development project or minor subdivision.* The applicant shall ~~apply to the Foster Zoning Board of Review for a special use permit~~ submit at least the preliminary plan and if desired, the preliminary and final plans for combine review. ~~The secretary of the zoning board of review administrative officer~~ shall forward the applicant's plans to the ~~Foster~~-Planning Board for review and decision pursuant to Sec. 32-161 and opinion prior to the conclusion of the public hearing for the special use permit.

b. *Major Land development project.* The applicant shall submit at least the master plan and if desired, the master and preliminary plan for combined review. The administrative officer shall forward the applicant's plans to the Planning Board for review and decision on the master or the master and preliminary plans pursuant to Article VI of this chapter.

1. Final plan. The applicant shall submit the final plan. The administrative officer shall forward the applicant's plans to the Planning Board for review and decision on the review and decision on the final plan pursuant to Article VI of this chapter.

2. All multifamily and comprehensive permit applications shall adhere to the requirements of a land development project as specified in Sec. 38-359.

~~bc. *Special use permit requiring Major subdivision of land.* A request for a special use permit requiring subdivision approval shall first be~~ The applicant shall submitted ~~The applicant shall submit at least the master plan and if desired, the master and preliminary plan for combined review. The administrative officer shall forward the applicant's plans to the Planning Board for review and decision on the master or the master and preliminary plans pursuant to Article VI of this chapter.~~ to the Foster Planning Board under the Foster Subdivision Regulations. Upon receipt of "preliminary approval" by the planning board for the subdivision, the applicant shall then apply to the zoning board of review for a special use permit.

1. Final plan. The applicant shall submit the final plan. The administrative officer shall forward the applicant's plans to the Planning Board for review and decision on the review and decision on the final plan pursuant to Article VI of this chapter.

2. All multifamily and comprehensive permit applications shall adhere to the requirements of a land development project as specified in Sec. 38-359.

ed. *Comprehensive permit.* Any applicant proposing to build LMI housing may submit to the planning board a single application for a comprehensive permit to build that housing ~~in lieu of separate applications to the zoning board.~~ This procedure is only available for proposals in which at least 25 percent of the housing is LMI housing. The application and review process for a comprehensive permit are contained in Article X of the land

development and subdivision review regulations. The planning board and/or administrative officer has the authority to decide on adjustments and requests for relief from the literal requirements of the zoning ordinance on comprehensive permit applications.

(8) Standards for development.

a. *Permitted uses.* ~~Only in~~ Multifamily structure(s) and ~~their several~~ accessory uses ~~will may~~ be permitted. "Accessory uses" may include indoor and outdoor parking facilities and most ordinary residential uses, ~~but shall not include~~, office uses, restaurant and entertainment uses, commercial uses, wholesale business and storage, industrial uses, home occupations and, professional offices, ~~and neither storage or overnight parking of commercial vehicles which have a capacity of over one and one-half tons.~~

b. *Maximum lot coverage.* The total ground area, occupied by the buildings, together with all accessory building(s), shall not exceed 20 percent of the total area of the lot ~~except where provided by density bonus for LMI housing.~~

c. *Dimensional regulations.* Each lot shall meet the following lot area and ~~front, side and rear yard~~ dimensions. ~~Two (2) or more dwelling units may be contained within one structure or within multiple structures. Where multiple structures are on the same lot, the structures shall be placed a minimum of 100 feet apart:~~

1.

1.	Maximum n Number of bedrooms per structure dwelling units	Minimum lot area per structure (in square feet)	Minimum lot frontage (in feet)
--	2 to 4	3 200,000	300
--	5 - 8	325,000 300,000	300
--	9 - 12	350,000 400,000	300
--	13 - 16	375,000 600,000	325 300
--	17 - 20	400,000 800,000	350 300
--	21-24	425,000 1,000,000	375 300
--	25 and above	450,000 1,200,000	400 300

2. Minimum front yard depth~~100~~35 feet

3. Minimum rear yard depth~~100~~50 feet

4. Minimum side yard depth..... 50 feet

45. Density bonus - Multi-unit structures may be allowed a density bonus of up to a maximum of eight bedrooms per acre for LMI housing as approved by RI DEM based on the soils. See Sec. 32-316.

d. *Additional requirements.* Additional requirements are as follows:

~~1. The specified lot area excludes ponds, streams and other freshwater wetland areas.~~

21. Lot frontage as defined in article I of this chapter.

32. The total number of bedrooms per structure is related to the design daily sewage flow (~~two person occupancy per bedroom~~) in accordance with state DEM regulations currently in effect.

43. A buffer strip is a strip 50 feet in width or depth alongside and rear lot lines that shall be maintained as a landscape buffer strip.

54. No ~~principal~~ building, principal or accessory shall exceed 35 feet in height ~~or two stories. No accessory building or other permitted structure shall exceed 20 feet in height.~~

65. Each building shall be provided with an enclosed fireproof waste pen of sufficient size to accommodate all trash and waste stored on the premises. The waste pen and utility area shall be properly screened and buffered from all buildings and property lines. No trash shall be disposed of on the premises.

76. Minimum off-street parking shall be provided and maintained as follows unless otherwise provided as an LMI density bonus:

i. Two car spaces per dwelling unit (300 square feet per space including access, egress and general circulation).

ii. No parking shall be permitted within 75 feet of any boundary line or within the required minimum front yard.

iii. Off-street parking spaces and service drives shall be located within the boundaries of the lot being developed as a multifamily development, and provided in accordance with section 38-286.

(9) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.



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 VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-284 – Development standards for senior citizens group housing.

- Sec. 38-284 – Development standards for senior citizens group housing shall be amended to account for the amendments to the zoning map and to correct citations referring to Sec. 38-281.

(a) *Purpose.* The purpose of this section is to promote the establishment of new housing developments, particularly suited for senior citizens, within an designated R-SC AR or HCM district; to promote the use of land to facilitate a more economic arrangement of buildings, common facilities, vehicular circulation and utilities; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to allow for some flexibility in design and location of multiple structures on the same lot and to ensure a quality of construction and maintenance of the development commensurate with existing single-family dwellings within the community.

(b) *Variances.* In accordance with the purpose stated in subsection (a) of this section, the town recognizes that senior citizens, as a special class of residents, have particular needs and different life styles such that a housing development proposed exclusively for this purpose may be entitled to stronger consideration regarding several variations from the multifamily dwelling requirements.

(c) *Senior citizen or elderly person defined.* Senior citizen or elderly person shall mean herein a person 6255 years of age or older, or a handicapped person.

(d) *Review of site plan.* The planning board shall review the site plan of the proposed development to determine its conformance with the requirements of this section. Within 45 days of receipt of the applicant's final site plan and supporting documents, the planning board shall submit a written report to the zoning official stating its findings and any special requirements for approval, with a copy to the town council. No zoning certificate shall be issued without written recommendation by the planning board.

(e) *Additional ~~R-SC~~ regulations and standards.* Additional ~~R-SC~~ district regulations, standards for development and special provisions are as follows:

(1) Each living unit shall be designed for occupancy by no more than two persons and ~~shall~~ may be considered a single bedroom unit or a two-bedroom unit. Up to ~~ten~~ twenty-five percent (25%) of the living units may be planned ~~for occupancy by handicapped persons as~~ ADA adaptable units.

(2) No fewer than ~~three~~ two (2), nor more than ~~ten~~ (10), living units shall be planned within a single structure.

(3) The maximum number of living units within ~~any~~ single development shall be ten (10) on a 200,000 square foot lot. The maximum number of living units within a single development shall be thirty (30) on a 400,000 square foot lot. The maximum number of living units within a single development shall be increased at the ratio of one (1) unit per 25,000 square feet on lots exceeding 400,000 square feet.

(4) A private nonpublic road for the main circulation within the development shall be permitted provided it is designed and constructed in accordance with current subdivision regulation requirements governing reserved right-of-way width, width of improved roadway, storm drainage and other features.

(5) The entire development including the structures and land shall remain solely owned, meaning one person, firm, corporation or partnership.

(6) Permitted uses for senior citizens group housing may include such accessory use, attached or detached, structures directly in support of the community living concept such as a community hall, but limited to use by the residents of the development and occasional guests.

(7) Water supply and sewerage requirements for each structure shall be planned in accordance with section 38-277.

(8) The requirements for off-street parking, cited in section 38-286, may be reduced to require one car space per dwelling unit, provided additional infrequent and temporary parking can be accommodated by the roadway.

(9) Site plan/building design. A site plan for a proposed senior citizens group housing development shall be prepared in accordance with section 38-393. The applicant shall submit a preliminary and final site plan to the planning board as part of the review process required in section 38-393.

(10) A buffer strip will be maintained in accordance with section 38-281(78)d(3).

(11) Provisions for rubbish disposal will be provided for in accordance with section 38 281(78)d.4(3).

(12) Density bonuses. Density bonuses for senior citizen dwelling facilities including LMI housing are permitted for maximum building coverage. See Sec. 32-316 and Sec. 38-359.

(13) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

(14) Multiple structures. Where a senior citizens group home or similar development consists of multiple structures, each structure shall be spaced a minimum of 100 feet apart.



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 ~~a~~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~~ 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:~~

~~(~~1~~i) 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~~

~~(~~2~~ii) 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~~ ~~it~~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 exclude 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:

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

(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~~ ~~†~~The 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*, ~~—d~~*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~~ ~~†~~The number of dwelling units per unit of land.

(#) *Development*, ~~means~~ ~~†~~The 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~~ ~~†~~The 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 "~~Z~~zoning-use district."

(#) *Drainage system*, ~~means 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~~ the means for preserving surface water and groundwaters; ~~and~~ 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 t~~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 t~~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~~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 t~~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, ~~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~~ 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~~ 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.

(#) *Land-development project.* ~~means a~~ 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~~ 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 ~~two~~ 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~~ 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:

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

(2) 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. Noncontiguous frontage shall not be included when considering whether a lot meets the dimensional requirements of [section 38-192](#).

(#) Lot line, means ~~a~~ 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:

(1) 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](#).

(2) 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~~.

(3) 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~~ 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~~ 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:

(4i) 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~~ty~~ 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~~ny 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.

(#) Rest home or convalescent home. A skilled nursing facility or long-term care facility. Shall be reviewed according to Sec. 38-284.

(#) Residential caregiver cultivation. is 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 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 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 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 regulated use which is permitted pursuant to the special-use permit issued by the special 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 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 t 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.

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

~~(2)~~ (ii) *Dimensional variance.* ~~means p~~means pPermission 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, t~~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~~means aAs defined in ~~G.L. 1956,~~ § 46-12-1(23).

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

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

~~(#)~~ (#) *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~~means aA document signed by the zoning ~~enforcement~~ enforcement officer, 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 t~~means tThe 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~~means aAn 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 t~~means tThe 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 VI – SUPPLEMENTARY REGULATIONS

- Sec 38-298: Reserved shall be amended to reserve sections 38-298-38-320. Supplementary regulations for Screening Standards to be added as follows:

Sec. 38-298. – Screening Standards.

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. Applicable to Sec. 38-191 – Wholesale business and storage uses #2 and #4.



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 IV – USES

Sec 38-191: Table of Uses shall be amended as follows:

Any use, not expressly permitted in this article, ~~is prohibited~~ shall be matched to a use listed in Sec. 38-191 by the administrative officer upon application for the use not expressly permitted or at a pre-application meeting.

Upon receipt of an application for a use not expressly permitted or following a pre-application meeting, the administrative officer shall match the use in question to the use most closely related to that use in Sec. 38-191. The administrative officer's interpretation shall immediately be transmitted in writing to the planning board for approval to be reviewed as interpreted by the administrative officer.

The planning board shall report the interpretation of the administrative officer and shall conduct a vote at the next regularly scheduled planning board meeting following the submission of the application for a use not expressly permitted or the pre-application meeting at which such use was discussed. Upon simple majority approval of the planning board, the use in question shall be determined according to the interpretation of the administrative officer or according to the interpretation of the planning board, if the planning board's interpretation differs from that of the administrative officer.

The review of an application for a use not expressly permitted shall be conducted at the next regularly scheduled meeting of the appropriate review board or shall be conducted administratively, whichever is appropriate.

If the use not expressly permitted is interpreted, by the administrative officer or by the planning board as a use listed in Sec. 38-193 an application for such use will be denied.
