
Sec. 28-1. Definitions.

Words used in the present tense include the future, the singular includes the plural and the plural, the singular. Terms not defined in this chapter shall have the meaning customarily assigned to them. The following terms, unless a contrary meaning is specifically prescribed, shall have the following meanings:

Abandonment means to cease or discontinue a use or activity without intent to resume (See subsection 28-218(9)).

Abutter means one whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land. For purposes of notice, abutter also includes any property that is across a street from the subject property.

Accessory dwelling unit means either an accessory dwelling unit that has been restricted by deed for the sole use as an affordable housing rental unit that meets the requirements of the Low and Moderate Income Housing Act or an accessory dwelling unit for the sole use of one or more members of the family or caretaker of the occupant or occupants of the principal residence, but neither type needing to have a separate means of ingress and egress. (See section 28-151.)

Accessory structure means a subordinate structure detached from but located on the same lot or parcel as the principal structure, the use of which is incidental and accessory to that of the principal structure. A structure is detached when there is no physical connection with and a minimum distance of six feet from the principal structure. (See also definition of garage and subsection 28-142(d) for dimensional requirements.)

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 shall be restricted to the same lot or parcel as the principal use. An accessory use shall not be permitted without the principal use to which it is related.

Accessory use solar energy system. A solar photovoltaic energy system that is incidental and subordinate to the principal use(s) of the parcel or development, and that generates no more energy than the average electrical consumption (as defined herein) necessary to support the principal use(s) of the parcel. Solar energy systems serving multiple parcels within a subdivision or land development project shall be considered accessory if they produce no more than the average electrical consumption necessary to support the development as a whole.

Administrative officer. The director of community development or designee means the administrative officer is charged with administering the land development and subdivision regulations and coordinating with local boards and commissions, and other municipal staff and state agencies.

Adult entertainment means any commercial establishment or business where any individual, employee, operator, or owner exposes genitals, pubic regions, buttocks, anus, anal cleft or cleavage, or female breasts at or below the areola, or employs any device or covering which is intended to give the appearance of or simulate genitals, pubic regions, buttocks, anus, anal cleft or cleavage or female breasts at or below the areola for viewing by patrons.

Aggrieved party means for purposes of this chapter:

- (1) Any person or entity who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering the zoning regulations of the town; or
- (2) Anyone requiring notice pursuant to this chapter.

Agricultural land means land suitable for agriculture by reason of suitability of soil or other natural characteristics or past use for agricultural purposes. Agricultural land includes that defined as "prime farm land" or "additional farm land of statewide importance for the state" by the Soil Conservation Service of the United States Department of Agriculture.

Agricultural operations means any commercial enterprise that has as its primary purpose horticulture, viticulture, viniculture, floriculture, forestry, stabling of horses, dairy farming, or aquaculture, or the raising of livestock, including for the production of fiber, furbearing animals, poultry, or bees, and all such other operations, uses, and activities as the director, in consultation with the chief of division of agriculture, may determine to be agriculture, or an agricultural activity, use or operation. The mixed-use of farms and farmlands for other forms of enterprise including, but not limited to, the display of antique vehicles and equipment, retail sales, tours, classes, petting, feeding and viewing of animals, hay rides, crop mazes, festivals and other special events are hereby recognized as a valuable and viable means of contributing to the preservation of agriculture.

Air-supported structure means a temporary or permanent structure made from a membrane-like fabric either fully or partially supported by air pressure. An air-supported structure typically has cable restraints, anchoring supports, primary blowers and/or backup inflation units. Air-supported structures are generally used for warehouse or indoor commercial recreational purposes. Air-supported structures are also known as air-inflated structures, air domes or membrane structures.

Alteration, exterior means an action that changes one or more of the exterior architectural features of a structure or its appurtenances, including, but not limited to, the erection construction, reconstruction, or removal of any structure or appurtenance.

Antenna means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

Applicant means an owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.

Application means the completed form and all accompanying documents, exhibits and fees required of an applicant by an approving authority for development plan review, approval, or permitting purposes.

Appurtenances means features other than primary or secondary structures which contribute to the exterior appearance of a property including, but not limited to, doors, windows, signs, materials, decorative accessories, paving, fences and landscape features.

Artisan manufacturing and production means the on-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, welding, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that "have no negative external impacts on surrounding properties".

Artist means an individual who practices one of the fine, design, graphic, musical, literary, computer or performing arts.

Artist work or sales space means activities where floor space is devoted to the production, showing or sale of art. Typical uses include art galleries and artist studios. Artist work or sales spaces may be utilized for work only, sale only or a combination of work and sale space. "Artist," for the purposes of this section, includes painting, drawing, writing, graphics and music.

Auto repair, major means a parcel of land or building in which major repairs are performed on automobile, truck or motorcycle bodies or chassis, including body repair, painting or priming.

Auto repair, minor means a parcel of land or building designed and used for the storage, care, and minor repair of motor vehicles, excluding body repair, with or without gasoline dispensers.

Average electrical consumption shall mean 125 percent of the average electric consumption on the property for the past 12 months or the average for the past 36 months if the principal use has been in existence for such periods. For a new or expanded principal use, average electrical consumption shall be 125 percent of the estimated electrical consumption on the property as certified by affidavit in a report containing the calculations for such use from a licensed professional electrical engineer.

Basement means that portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having more than one-half of its height above the average elevation of the finished lot grade adjoining the building. A basement shall be considered a story.

Bed and breakfast means a house, or portion thereof, where short-term lodging rooms and meals are provided.

Board means the zoning board of review.

Boardinghouse means a building where lodging is supplied with or without meals and the operator resides on the premises.

Boatyard/marina means a facility for some or all of the following: the storing, servicing, sale, repairing, fueling, berthing, and securing, launching and transporting of boats, and the sale of fuel and incidental supplies (such as marine equipment and food service and supplies) for the boat owners, crews and guests, and provision of on-water taxi and marine salvage operations.

Bond means one type of improvement guarantee.

Brewery means an establishment where beer or other malt beverages are made on the premises. There are three categories of breweries in Bristol: large breweries, microbreweries and farm breweries. A manufacturer's license to make alcoholic beverages under RIGL § 3-6-1 shall be required and such establishments must meet all local dimensional and parking regulations.

Brewpub means an establishment where beer and malt beverages are made on the premises in conjunction with a restaurant or bar, and where 40 percent or more of the product made on site is sold on site. Brewpubs may distribute to off-site accounts or sell beer to take away in accordance with state law.

Farm brewery/farm winery/farm cidery means an establishment where beer, malt beverages, wine, or hard cider are produced and the ingredients (such as grains, hops, or fruit) used must be grown on the given property.

Large brewery means an establishment where beer or malt beverages are made on premises at an annual production rate of 10,000 barrels or more. A barrel is equivalent to roughly 31 gallons.

Microbrewery means an establishment where beer and/or malt beverages are made on premises and then sold or distributed, producing less than 10,000 barrels per year. Microbreweries sell their product in any of the following ways: the traditional three-tier system of brewer to wholesaler to retailer to consumer; a two-tier system of brewer acting as wholesaler and then to retailer to consumer; or directly to the end consumer.

Buffer means land which 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.

Buildable lot means a lot where construction for the use(s) permitted on the site under this chapter is considered practicable by the planning board, considering the physical constraints to development of the site as well as the requirements of the pertinent federal, state and local regulations.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

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

Building height means the vertical distance from grade, as defined herein, to the top of the highest point of the roof or structure. The distance shall exclude unoccupied decorative space or items such as spires, chimneys, cupolas, weathervanes, 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 map (FIRMs), or depicted on the Rhode Island Coastal Resources Management Council (CRMC) suggested design elevation three-foot sea level rise (CRMC SDE 3 SLR)

map as being inundated during a 100-year storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:

- (1) The base flood elevation on the FEMA FIRM plus up to five feet of any utilized or proposed freeboard, less the average existing grade elevation; or
- (2) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a 100-year storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for exclusion every ten years, or as otherwise necessary.

Café/limited food service means the preparation of food or beverage to order in a setting that provides no more than eight indoor seats and 16 outdoor seats and that operates as an accessory use clearly subordinate to the farm lot operation.

Caliper means the diameter of a tree trunk measured in inches, six inches above ground level for trees up to four inches in diameter and 12 inches above ground level for trees over four inches in diameter.

Campground means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Cannabis cultivator means, as defined under Section 21-28.11-3(11) of the Rhode Island Cannabis Act, 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.

Cannabis product manufacturer means, as defined under Section 21-28.11-3(14) of the Rhode Island Cannabis Act, 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.

Cannabis retailer means, as defined under Section 21-28.11-3(16) of the Rhode Island Cannabis Act, an entity licensed pursuant to Section 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.

Cannabis testing laboratory means, as defined under Section 21-28.11-3(17) of the Rhode Island Cannabis Act, a third-party analytical testing laboratory that is licensed annually by the commission, in consultation with the department of health, to collect and test samples of cannabis and cannabis products pursuant to regulations issued by the commission and is: (i) Independent financially from any medical cannabis treatment center or any licensee or cannabis establishment for which it conducts a test; and (ii) Qualified to test cannabis in compliance with regulations promulgated by the commission pursuant to this chapter. The term includes, but is not limited to, a cannabis testing laboratory as provided in Section 21-28.11-11.

Capacity or land capacity means the suitability of the land, as defined by geology, soil conditions, topography and water resources to support its development for uses such as residential, commercial, industrial, open space or recreation. Land capacity may be modified by provision of facilities and services.

Cellar means that portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having less than one-half its height above the average elevation of the finished lot grade adjoining the building. A cellar shall not be considered a story.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Certificate of completeness means a notice issued by the administrative officer informing an applicant that the application is complete and meets the requirements of town regulations, and that the applicant may proceed with the approval process.

Clinic, medical means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Clinic, veterinary means a building designed and used for the diagnosis and treatment of animals that may include limited overnight facilities.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, literature, politics or the like, but not operated for profit.

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 are 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 to one or more uses.

Commercial or technical trades school means a school, providing vocational education, and operated for the express purpose of giving students the skills needed to perform a certain job that is based in manual or practical activities, traditionally non-academic and totally related to a specific trade, occupation or vocation.

Common ownership means either:

- (1) Ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots; or
- (2) Ownership by any association (such ownership may also include the town) of one or more lots under specific development techniques.

Community center means a place, structure, area, or other facility used for and providing nonprofit recreational, social, fraternal, and/or educational programs generally open to the public and designed to accommodate and serve significant segments of the town.

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

- (1) Whenever six or fewer mentally disabled or mentally handicapped children or adults reside in any type of residence in the community, as licensed by the state pursuant to R.I.G.L., § 40.1-24-1 et seq.;
- (2) A group home providing care or supervision, or both, to not more than eight mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to R.I.G.L., § 40.1-24-1 et seq.;
- (3) A residence for children providing care or supervision, or both, to not more than eight children including those of the care giver and licensed by the state pursuant to R.I.G.L., § 42-72.1-1 et seq.;
- (4) A community transitional residence providing care or assistance, or both, to no more than six unrelated persons or no more than three families, not to exceed a total of eight 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 60 days nor more than two 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 means, as defined in R.I.G.L., § 21-28.6-3, a not-for-profit corporation, subject to the provisions of chapter 6 of title 7, and registered under R.I.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, who have designated it as one of their primary caregivers.

Comprehensive plan means the comprehensive plan adopted and approved by the town pursuant to R.I.G.L., § 45-22.2 et seq. to which the provisions of this chapter shall be in compliance.

Concept plan means a drawing with accompanying information showing the basic elements of a proposed land development plan or subdivision as used for preapplication meetings and early discussions, and classification of the project within the approval process.

Congregate housing means a residential facility for four or more elderly persons (age 60 or older) within which are provided living and sleeping facilities, meal preparation, laundry services and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments and counseling.

Consistency with the comprehensive plan means a requirement that all local land regulations and subsequent actions shall be in accordance with the public policies arrived at through detailed study and analysis and adopted by the municipality as the comprehensive community plan as specified in R.I.G.L., § 45-22.2.

Contaminated site pending remediation. A property that has been identified and confirmed by RIDEM as being contaminated through issuance of a "letter of responsibility", but which has not yet been remediated to the satisfaction of RIDEM.

Contract construction service means a business that conducts various infrastructure installation and maintenance such as landscapers, home builders, road or drainage work as commissioned by a customer.

Convenience store means any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

Day care, day care center means any other day care center which is not a family day care home.

Day care, family day care home means any home other than the individual's home in which day care in lieu of family care or supervision is offered at the same time to six or less individuals who are not relatives of the caregiver, but may not contain more than a total of eight individuals receiving day care.

Days means calendar days.

Deck means an addition to a structure which is used for outdoor purposes and is not enclosed.

Dedication, fee-in-lieu-of means monetary payments which are authorized in the local regulations when requirements for mandatory dedication of land are not met because of physical conditions of the site or other reasons.

Demolition means an act or process that destroys a building or structure or its appurtenances in part or in whole.

Density, residential means the number of dwelling units per unit of land.

Design standards means standards that set forth specific improvement requirements.

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. (See article VI of this chapter.)

Development regulation means zoning, subdivisions, land development plan, development plan review, historic district, official map, floodplain regulation, soil erosion control or any other governmental regulation of the use and development of land.

Director means director of the office of community development.

District. See zoning use district.

Division of land means a subdivision.

Domesticated animals, household means animals that have been domesticated and that are adapted to live with or in very close proximity to humans. Examples of household domesticated animals include dogs, non-feral cats, hamsters and parakeets.

Domesticated animals, non-household means animals that have been domesticated and are not adapted to live with or in very close proximity to humans. Examples of non-household domesticated animals include livestock animals such as chickens, horses, pigeons, pigs and goats.

Dormitory means a building used as rooming units for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar institution.

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 means for preserving surface waters and groundwaters, and the prevention and/or alleviation of flooding.

Drive-thru means a type of service provided by a business that allows customers to purchase products without leaving their cars.

Dwelling, multi-household means a building or portion thereof used for occupancy by three or more households living independently of each other.

Dwelling, single-household means a building used exclusively for one household and containing only one dwelling unit.

Dwelling, two-household means a building used exclusively for occupancy by two households living independently of each other.

Dwelling unit means 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.

Easement means a grant of one or more of the property rights by the owner to, or for the use by, the public or another person or entity.

Elderly housing means multifamily housing occupied solely by persons 65 years of age or older.

Environmental constraints means natural features, resources or land characteristics that are sensitive to change and may require conservation measures or the application of special development techniques to prevent degradation of the site, or may require limited development, or in certain instances, may preclude development. See also physical constraints to development.

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.

Family member means a person 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.

Farm demonstration and educational projects means the use of a portion of a customary farm operation as an educational forum where small groups visiting the farm will observe the operation and be taught, trained or guided on aspects of the farm operation.

Farm lot means a property qualifying (or simply meeting the definition of) as a farm under the Rhode Island Department of Environmental Management (RIDEM) Farm, Forest, and Open Space Act as an agricultural operation with a minimum of five acres of contiguous land parcels.

Fence means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Final plan means the final stage of land development and subdivision review.

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

Floodplains or flood hazard area means an area that has a one percent or greater chance of inundation in any given year, as delineated by the Federal Emergency Management Agency (FEMA) pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) (42 USC 4011 et seq.).

Floor area, gross means the sum of the gross horizontal area of all floors of a building measured from the exterior face of exterior walls, but not including interior parking spaces, or any space where the floor to ceiling height is less than six feet.

Floor area ratio is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Formula business means a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized ("formula") array of services and/or merchandise, trademark, logo, service mark, symbol, decor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than five other businesses regardless of ownership or location. Formula businesses can include, but are not limited to: restaurants, retail stores, banks, real estate sales offices, spas, hair and nail salons, and hotel/motel/inn/B&B.

Garage, commercial parking means a building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Garage, private means a building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities.

Gasoline sales means an establishment where fuel is stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Gasoline service station means a building or portion thereof in which automotive repairs or services are performed; fuel, oil, batteries and accessories are sold; grease racks, elevators and tire mounting devices are employed; but excluding automobile body repairing and painting and sale of automotive body parts.

Grade means the average point of existing elevation of natural ground (prior to manmade alterations in anticipation of construction) within the footprint of a proposed structure.

Ground-mounted solar energy system. A solar energy system that is structurally appended to the ground and is not supported to a structure or building.

Groundwater and associated terms shall have the meanings ascribed to them in R.I.G.L., § 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 subsection 28-409(c) or R.I.G.L., § 45-24-41 for hardship standards.

Health club means an indoor facility including uses such as game courts, exercise equipment, locker rooms, pool, jacuzzi, sauna and pro shop.

Historic district means the same as defined in R.I.G.L., § 45-22.2-4. The term "historic district" means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic sites, and has been registered, or is deemed eligible to be included, on the state register of historical places pursuant to R.I.G.L., § 42-45-5.

Home occupation means any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit or accessory structure. See section 28-153.

Hospital means an institution licensed by the state to provide primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel means a building where temporary lodging is offered, but not including kitchen facilities in individual rooms, and where additional services such as restaurants, meeting rooms and recreational facilities may be provided. Access to rooms is primarily from interior lobbies, courts or halls.

Household means 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:

- (1) A family, which may also include servants and employees living with the family; or
- (2) A person or group of unrelated persons living together. The maximum number is four.

Hybrid cannabis retailer means, under Section 21-28.11-3(28) of the Rhode Island Cannabis Act, a compassion center licensed pursuant to chapter 28.6 of title 21 that is in good standing with the department of business regulation and that has paid the fee pursuant to Section 21-28.11-10 and has been authorized to sell non-medical or adult use cannabis to consumers.

Improvement means any natural or built item which becomes part of, is placed upon, or is affixed to, real estate.

Improvement guarantee means a security instrument accepted by a municipality to ensure that all improvements, facilities or work required by the land development and subdivision regulations, or required by the municipality as a condition of approval, will be completed in compliance with the approved plans and specifications of a development.

Infrastructure means facilities and services needed to sustain residential, commercial, industrial, institutional uses, and other activities.

Junkyard means a parcel of land or portion thereof on which junk or scrap materials are collected, stored, salvaged, dismantled, or sold; including, but not limited to, computers, plastics, wood, metal, and other material determined to be junk and/or hazardous; inoperative or unregistered vehicles; or, other inoperative machinery.

Kennel means a facility housing dogs, cats or other household pets overnight and where grooming, breeding, boarding, training or selling of animals is conducted as a business.

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 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.

Large-scale ground-mounted solar photovoltaic facility means a solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity per panel of 250 kW DC or more, or that occupies 40,000 square feet of area or more, inclusive of inter-row and panel/collector spacing. This use shall only be permitted on town-owned land that exists as a closed and capped landfill, or on a remediated and restricted contamination site or a contaminated site pending remediation as a land development project and subject to a special use permit as set forth in article IX of this chapter.

Laundry, self-service means a business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

Light food processing means the cleaning, cutting, cooking and/or packaging of non-animal food at a scale appropriate to a domestic kitchen.

Lodginghouse. See boardinghouse.

Lot means either:

- (1) The basic development unit for determination of lot area, depth, and other dimensional regulations; or
- (2) A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Lot area means the total area within the boundaries of a lot, excluding any street right-of-way or tidelands (filled or otherwise), usually reported in acres or square feet.

Lot building coverage means that portion of the lot that is or may be covered by buildings and accessory buildings.

Lot, corner means a lot at the junction of and fronting on two or more intersecting streets, which are 20 feet or more in width.

Lot depth means 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 that portion of a lot abutting a street. Except in an R-6 zone, for noncontiguous frontage, all such frontage may be combined to meet the minimum lot frontage requirements of the zoning district; provided, however, a minimum of 75 percent of the zoning district frontage requirement is contiguous.

Lot line means a line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space and shall include:

- (1) Front: Any lot line fronting on a street shall be a front lot line and shall have a front setback.
- (2) Rear: 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 in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- (3) Side: Any lot line other than a front or rear lot line.

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- (4) **Corner lot:** A corner lot will have more than one front lot line, all of which shall meet the front yard setback. The yard setback of one of the rear lot lines may be reduced to side yard setback requirements.

Lot, through means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot width means 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.

Maintenance guarantee means any security instrument which may be required and accepted by a municipality to ensure that necessary improvements will function as required for a specific period of time.

Major land development project means any land development project, pursuant to article IX of this chapter.

Manufactured home (also known as *mobile home*) means a structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a roadway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted, or attached to a permanent slab foundation. The term "manufactured home" does not include modular construction.

Manufactured home park (also *mobile home park*) means a parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

Marina. See boatyard/marina.

Marine trade industries mean the design, fabrication, construction, maintenance, transport, storage, and retail and wholesale sale of boats and other marine products, equipment, systems and parts.

Master plan means an overall plan for a proposed project site outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. A master plan is required in major land development review.

Medical marijuana cultivation center means any entity that, under state law, may acquire, possess, cultivate, manufacture, deliver, transfer, transport, or supply marijuana to a registered compassion center, or other entity authorized to dispense marijuana.

Medical marijuana emporium means any retail or commercial establishment, or club, whether for-profit, non-profit, or otherwise, at which the sale or use of medical marijuana takes place. This shall include without limitation any so-called "vape lounge," "vapor lounge," or any other establishment at which medical marijuana is consumed in vaporized form. This shall not include a compassion center regulated and licensed by the State of Rhode Island, as defined herein.

Minor land development project means a conservation development pursuant to the resource conservation and creative development overlay (the RCCD overlay zone) where there are five or less units created and the uses are pursuant to subsection 28-283(f)(1).

Mixed use means a mixture of land uses within a single development, building, or tract.

Modification means permission granted and administered by the zoning enforcement officer of the town to grant a dimensional variance other than lot area requirements from this chapter not to exceed 25 percent of front, side, rear yard requirements.

Motel means a building or series of buildings in which lodging is offered, but not including kitchen facilities in individual rooms, and where additional services such as restaurants, meeting rooms and recreational facilities may be provided. Access to rooms is primarily from exterior doors.

Museum means a nonprofit organization that maintains collections of artifacts, historic properties, including buildings, or living plants and animals which opens the collections to the public and may rent their facilities for

special events, such as weddings, parties, meetings, fundraisers, concerts (with appropriate entertainment licenses) from time to time.

Nameplate capacity shall mean the total maximum intended full load sustained output of the solar energy system's inverter or inverters, as determined by the manufacturer. Due to the latitude and climate of Bristol, the average actual capacity is deemed to be one-quarter of such total nameplate capacity.

Nonconformance means a building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of this chapter and not in conformity with the provisions of this chapter or amendment. Nonconformance shall be of only two types:

- (1) Nonconforming by use: A lawfully established use of land, building or structure which 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 this chapter shall be nonconforming by use; or
- (2) 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 nonconforming by use; a building or structure containing permitted number of dwelling units by the use regulations of this chapter, but not meeting the lot area per dwelling unit regulations, shall be nonconforming by dimension.

Nondomesticated animals means an animal that has not been tamed or otherwise adapted to survival with the help of humans (i.e. wild).

Nursery/greenhouse, agricultural means any land used to raise trees, shrubs, flowers and other plants for sale where the goods are transported off site to be sold.

Nursery/greenhouse, commercial means any land used to raise trees, shrubs, flowers, and other plants for sale where the public comes to purchase the plants and other items accessory to on site.

Nursing home means a facility licensed by the state and maintained for the purpose of providing skilled nursing care and medical supervision primarily to elderly persons at a lower level than that available at a hospital.

Off-site means located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application, or on a contiguous portion of a street or right-of-way.

Off-street parking space means a parking space provided in a parking lot, parking structure, or private driveway.

On-site means located on the lot or parcel in question.

On-site retail of farm products means the sale of farm products in a permanent building.

Open space means any parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that the area may be improved with only those buildings, structures, streets, and off-street parks and other improvements that are designated to be incidental to the natural openness of the land.

Outdoor wood boiler means a fuel burning device designed to burn wood and other solid fuels; that the manufacturer specifies for outdoor installation or in structures not normally occupied by humans; and that heat building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

Overlay district means a district established in a zoning ordinance that is superimposed on one or more districts or parts of districts and that imposes specified requirements in addition to, but not less than those otherwise applicable for the underlying zone.

Parcel means a lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development. The term "parcel" is also referred to as a tract.

Parking aisle means the traveled way by which cars enter and depart parking spaces.

Parking area or lot means all that portion of a development that is used by vehicles, the total area used for vehicular access, circulation, parking, loading, and unloading.

Parking space means an area provided for the parking of a motor vehicle.

Performance guarantee means any security instrument which may be required and accepted by the town to ensure that necessary improvements are installed as required.

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

Permitted use means a use by right which is specifically authorized in a particular zoning district.

Phased development means development where construction of public and/or private improvements proceeds by section(s) subsequent to approval of a master plan for the entire site.

Physical constraints to development means characteristics of a site or area, either natural or manmade, which present significant difficulties to construction of the uses permitted on that site, or would require extraordinary construction methods.

Pick your own produce means a fee-based operation that allows customers to harvest produce for their own purchase and consumption.

Planned development means a "land development project", as defined herein, and developed according to plan as a single entity and containing one or more structures and/or use with appurtenant common areas.

Planning board means the official planning agency of the town.

Porch means a covered, single-story, unenclosed structure that projects out from the front of the structure.

Pre-application conference means a review meeting of a proposed development held between applicants and reviewing agencies before formal submission of an application for a permit or for development approval. This initial meeting affords the developer(s) the opportunity to present their proposal informally and to receive comments and direction from the municipal officials and others.

Preliminary plan means the required stage of land development review which shall require detailed engineered drawings and all required state and federal permits.

Principal use solar energy system. A solar energy system that is either (1) the only use occupying a parcel, or (2) produces more than the average electrical consumption that is necessary to support the other legal use(s) occupying the parcel.

Print shop means a retail establishment that provides duplicating service using photocopy, blueprint, and offset printing equipment, including collating and binding of booklets and reports.

Public improvement means any street or other roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, drainage feature, or other facility for which the local government or other governmental entity either is presently responsible, or will ultimately assumed the responsibility for maintenance and operation upon town acceptance.

Public informational meeting means a meeting of the planning board or other governing body preceded by a notice, open to the public and at which the public shall be heard.

Reclamation facility means a facility that is not a junkyard and in which recoverable resources, such as automobile parts and engine parts are collected, stored, dismantled, and salvaged, essentially by machine operation within a completely enclosed building, including a nonpermeable floor surface with a closed drain system.

Recreational or athletics school means an educational institution with a primary focus on athletics, the arts, or recreational activities such as dance, gymnastics, theatre or visual arts.

Recycling facility means a facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, plastic containers and metal cans are collected, stored, flattened, crushed or bundled, essentially by hand within a completely enclosed building.

Remediated and restricted contamination site. A property (1) that has been identified and confirmed by RIDEM as having contained a hazardous material contamination; (2) on which remediation activities were conducted to the satisfaction of RIDEM as documented within a "letter of compliance" or an "interim letter of compliance", and (3) for which RIDEM has required the use of the property to be restricted through an environmental land use restriction.

Restaurant means an establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, tea rooms and outdoor cafes.

Restaurant, drive-in means an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Restaurant, fast-food means an establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

Roadside stand means a seasonal, temporary, or semi-temporary structure where farm products are sold directly to consumers.

Roof-mounted solar energy system. A solar energy system that is structurally appended to the roof of a building or structure.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be to be used for living and sleeping, but not for cooking or eating purposes.

Seasonal attractions means hayrides, festivals, fairs, and the like up to four times a year. In no case will seasonal attractions include concerts, weddings or private receptions.

Screen means a structure or planting consisting of fencing, berms and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.

Self-service storage facility means a facility or businesses composed of real estate divided into spaces that are rented to residential or small business tenants for storage of items that are not regularly or frequently accessed by the tenants, usually on a monthly basis.

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.

Sign means any display of lettering, logos, colors, lights or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public or intends to advertise, direct,

invite, announce or drawn attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the lot or on any other premises, excluding window displays and merchandise.

Awning: A sign painted on or attached to the cover of a structural frame; movably hinged, rollable, foldable; or, falsely rigid type.

Banner: Any sign intended to be hung either with or without frames having characters, letters, illustrations or ornamentations applied to paper, plastic or fabric.

Billboard: A freestanding sign larger than 25 square feet or wall sign covering more than ten percent of the surface area to which it is attached and advertising products, services, facilities, events or attraction not made, sold, used, served or available on the premises displaying such sign.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government, political subdivision or other entity.

Flashing: A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction or animation. Illuminated signs which indicate the date, time and temperature will not be considered flashing signs.

Freestanding: A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include portable signs or motor vehicle signs.

Illuminated, directly: Any sign internally lit by electrical bulbs, fluorescent lights or neon tubes.

Illuminated, indirectly: A sign illuminated with an artificial light directed primarily toward such sign from an exterior source.

Landmark: An older sign of artistic or historic merit, uniqueness or extraordinary significance to the town as identified by the historic district commission.

Motor vehicle: Any sign painted on a registered motor vehicle, except motor vehicles which are actively operated or parked temporarily for business purposes (i.e. provision of services or delivery of goods).

Off-premises: Any sign, that advertises a business, or activities, products or services that are available elsewhere than within the building or on the lot where the sign is located.

On-premises: Any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

On-site construction: An on-premises sign identifying the general contractor, architect, engineer or other professional currently engaged in construction or renovation of such property.

Portable: A sign capable of being readily moved or relocated. There are two types as follows:

Type a: Signs mounted on chassis and wheels or sail flag banners that are ground mounted;

Type b: Signs supported by legs such as A-frame or sandwich type signs.

Projecting: Any sign other than a wall sign, affixed to any building or wall whose leading edge extends beyond such building or wall.

Real estate: An on-premises sign advertising the property being sold or rented.

Temporary: A sign intended to be used for a period of no more than 30 days.

Wall: Any sign which is painted on, incorporated into, or affixed permanently to the wall of a building or structure, and which extends not more than six inches from the surface of that building or structure.

Window: Any sign which is painted directly inside the window with the purpose of identifying the premises from the sidewalk or street.

Site plan means the development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

Solar canopy. An elevated structure, built to cover a parking area, that hosts solar panels and provides shade.

Solar energy system. The equipment and requisite hardware that provide and are used for collecting, transferring, converting, storing, or using incident solar energy for water heating, space heating, cooling, generating electricity, and off-loading said electricity to the grid, or other applications that would otherwise require the use of a conventional source of energy such as petroleum products, natural gas, manufactured gas, or electricity produced for a nonrenewable resource. This shall include photovoltaic arrays and installations that utilize ground-mounted systems.

Special use means a regulated use which is permitted pursuant to the special use permit issued by the authorized governmental entity, pursuant to article XI of this chapter. A special use situation was formerly referred to as a special exception.

Stormwater detention means a provision for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm.

Stormwater retention means a provision for storage of stormwater runoff.

Street means a public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform.

Street, access to means an adequate and permanent way of entering a lot. All lots of record shall have access to a public street for all vehicles normally associated with the uses permitted for that lot.

Street, alley means a public or private thoroughfare primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Street, cul-de-sac means a local street with only one outlet and having an appropriate vehicular turnaround, either temporary or permanent, at the closed end.

Street, limited access highway means a freeway or expressway providing for through traffic. Owners or occupants of abutting property on lands and other persons have no legal right to access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway.

Street, private means a thoroughfare established as a separate tract for the benefit of multiple, adjacent properties and meeting specific, municipal improvement standards. This definition shall not apply to driveways.

Street, public means all public property reserved or dedicated for street traffic.

Street, stub means a portion of a street reserved to provide access to future development, which may provide for utility connections.

Structure means a 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 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.

Temporary improvement means improvements built and maintained by a developer during construction of a development project and prior to release of the improvement guarantee, but not intended to be permanent.

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 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 is prohibited by this chapter. There shall be only two categories of variance, a use variance or a dimensional variance.

- (1) *Use variance.* 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.
- (2) *Dimensional variance.* 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 grounds for relief.

Vested rights means the right to initiate or continue the development of an approved project for a specified period of time, under the regulations that were in effect at the time of approval, even if, after the approval, the regulations change prior to the completion of the project.

Warehouse means a building used primarily for the storage, repackaging, and trans shipping of commercial and industrial goods and materials which are frequently or regularly accessed.

Waters means as defined in RIGL § 46-12-1(b).

Well means an artesian or rock drilled well conforming to the "Rules and Regulations Governing the Enforcement of RIGL § 46-13.2 et seq., relating to the Drilling of Drinking Water Wells" of the state department of environmental management, division of groundwater resources.

Wetland, coastal means the same as defined in RIGL § 2-1-14. A salt marsh bordering on the tidal waters of this state and contiguous uplands extending not more than 50 yards inland therefrom.

Wetland, freshwater means the same as defined in RIGL § 2-1-20. A marsh, swamp, bog, pond, river, river or stream floodplain or bank, area subject to flooding or storm flowage; emergent or submergent plant community in any body of fresh water; or area within 50 feet of the edge of a bog, marsh, swamp or pond, as defined in RIGL § 2-1-20.

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

Yard means that portion of a property located between a lot line and an applicable setback line.

Yacht club means a sports club specifically related to sailing and yachting, including facilities for berthing, securing, and launching boats, and the conduct of social functions for members.

Zoning enforcement officer means the director of community development or designee.

Zoning map means the map or maps which are a part of this chapter and which delineate the boundaries of all mapped zoning districts within the physical boundary of the city or town.

Zoning ordinance means the zoning ordinance enacted by the town council pursuant to this chapter and in the manner providing for the adoption of ordinances in town's home rule charter which sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with the comprehensive plan of the town as defined in this chapter, which includes a zoning map, and which complies with the provisions of RIGL § 45-24-27 et seq.

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 for a specified use. The districts include, but are not limited to: agricultural, commercial, industrial, institutional, open space and residential. Each district may include subdistricts. Districts may be combined.

(Ord. No. 2015-14, 12-2-15; Ord. No. 2015-15, 12-16-15; Ord. No. 2017-03, 4-26-17; Ord. No. 2019-07 , 6-26-19; Amend. of 1-27-21 ; Ord. No. 2022-12 , 11-16-22)

Cross reference(s)—Definitions generally, § 1-2.