

## Chapter 260. Zoning

### Article III. Use Regulations

#### § 260-9. Residential uses.

[Amended 3-18-2008 by Ord. No. 07-19; 9-15-2015 by Ord. No. 2015-10; 7-26-2022 by Ord. No. 2022-4; 12-19-2023 by Ord. No. 2023-12; 10-15-2024 by Ord. No. 2024-6; 10-15-2024 by Ord. No. 2024-8; 3-27-2025 by Ord. No. 2025-7]

- A. One dwelling unit or household unit as defined in this chapter. There shall be no more than one main residential building on any one lot.
  - (1) \*\* A special use permit for this use in a CR-1 Zone shall be constrained so that development of the site for residential use is limited to RA-40 dimensional requirements.
- B. Two dwelling units or household units as defined in this chapter, including semi-detached structures. There shall be no more than one main residential building on any one lot.
- C. Three or more dwelling units or household units.
- D. A facility offering temporary lodging and breakfast. The facility shall not have more than five units for temporary lodging. Cooking on premises is allowed for guests only, not open to general public.
- E. Includes hotels, motels, and bed and breakfasts with more than five units but less than 26 units. Cooking on premises is allowed for guests only, not open to general public.
- F. Includes hotels and motels. Cooking on premises is allowed for guests only, not open to public.
- G. The use or storage of one or more residential mobile homes, mobile home parks, and trailer parks. In the case of fire or other acts of God resulting in severe damage to a building, a mobile home may be used as temporary housing while necessary repairs are conducted to make the damaged structure usable, and in no case shall the mobile home remain on site for more than one year. This does not exclude a property owner, in a residential district, from storing one recreational camper/mobile home as long as it is not used for living/sleeping space.
- H. As defined in R.I.G.L. § 45-24-31(15), and this chapter: 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: a) Whenever six or fewer children or adults with developmental disabilities reside in any type of residence in the community, as licensed by the state pursuant to Chapter **24** of Title 40.1 of the Rhode Island General Laws. All requirements pertaining to local zoning are waived for these community residences; b) A group home providing care or supervision, or both, to not more than eight persons with disabilities, and licensed by the state pursuant to Chapter **24** of Title 40.1 of the Rhode Island General Laws; c) A residence for children providing care or supervision, or both, to not more than eight children including those of the caregiver and licensed by the state pursuant to Chapter 72.1 of Title 42 of the Rhode Island General Laws; d) 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.

- I. Includes retirement home, home for aged, extended care, and convalescent housing.
- J. Day-care center; or day care in lieu of parental care or supervision is offered at the same time to more than six individuals who are not relatives of the caregiver, or more than a total of eight individuals for a total of no more than 12 with eight individuals over the age of 2 1/2 years receiving day care. The total amount of children of any age shall be no more than 12.
- K. Customary home occupation performed by the occupant and using no more than 400 square feet of floor area, providing such activity shall not be visible from a lot line and that there is no exterior advertising. A customary home occupation must have no employees except members of the family living on the premises. The use shall not result in a noticeable increase in parking or vehicular traffic, nor shall it adversely impact the surrounding area.
- L. Accessory dwelling units (ADU):
  - (1) One accessory dwelling unit (ADU) per lot shall be allowed by right under the following circumstances:
    - (a) On an owner-occupied property as a reasonable accommodation for family members with disabilities; or
    - (b) On a lot with a total area of 20,000 sq. ft. or more for which the primary use is residential; or
    - (c) Where the proposed ADU is located within the existing footprint of the primary structure or existing accessory attached or detached structure and does not expand the footprint of the structure.
  - (2) Uniform standards:
    - (a) Maximum unit size for an ADU is established subject to the following applicable dimensional requirements:
      - [1] A studio or one bedroom ADU of 900 sq. ft., or 60% of the floor area of the principal dwelling, whichever is less; and
      - [2] A two bedroom ADU of 1,200 sq. ft., or 60% of the floor area of the principal dwelling, whichever is less.
    - (b) For all ADU applications, the Town shall not:
      - [1] Restrict tenants based on familial relationships or age unless such restriction is necessary to comply with the terms of the federal subsidy related to affordability;
      - [2] Charge application or permitting fees for the creation of an ADU that exceed those that would be charged for a new single family dwelling;
      - [3] Require infrastructure improvements in connection with the ADU, including, but not limited to, separate water or sewer service lines or expanded septic system capacity unless such improvements and/or modifications are required by an applicable state agency for compliance under state law or regulation, or to comply with building code requirements, or to address capacity or upgrades necessary to accommodate the ADU;
      - [4] Discriminate against populations protected under state and federal fair housing laws;
      - [5] Impose dimensional requirements or other development standards on ADUs that in any instance exceed the requirements for an accessory structure in the same zoning

district;

- [6] Require additional lot area, lot frontage or lot width for conforming lots of record solely to accommodate an ADU;
- [7] Require zoning relief for ADU applications proposed within an existing footprint of the primary or accessory structure which is a legal nonconforming structure in order to address the existing dimensional nonconformity;
- [8] Require more than one off-street parking space per bedroom of the ADU;
- [9] Limit ADUs to lots with preexisting dwellings, or otherwise prohibit ADUs as part of applications for new primary dwelling units or subdivisions;
- [10] Prohibit an ADU that otherwise complies with this chapter and applicable dimensional regulations from having up to two bedrooms;
- [11] Require an ADU to be exclusively occupied by a household that is low or moderate income or less as defined by state law, unless such ADU is part of an inclusionary zoning or comprehensive permit application; or
- [12] Revoke the permitted status or otherwise require the disassembly of a legally established ADU upon transfer of title or occupancy.

(c) ADUs shall not be offered or rented for tourist or transient use or through a hosting platform, as such terms are defined in RI state law.

- M. Senior residential communities: A senior residential community is a community of single-family residential dwelling units or attached multifamily dwelling units with respect to which the following conditions are applicable: the community shall contain a minimum of five acres of lot area with a total density that shall not exceed 15 dwelling units per acre of lot area, the maximum percentage of lot building coverage shall be 35%. In addition to the requirements set forth in Article **XI**, Special Use Permits, all proposed senior residential community projects shall specifically address and include written evidence for the record of meeting the requirements set forth in Article **XII**, Special Conditions, occupancy is limited to require that at least 80% of the occupied units must be occupied by at least one person 55 years of age and older. Moreover, no person 18 years of age and younger may be a permanent resident of any unit. Notwithstanding anything to the contrary in the foregoing, individuals with handicaps are permitted as residents in the community.
- N. Mixed use: A combination of residential and commercial uses located on one lot. There shall be no more than one main building on any one lot.
- O. \*\* Temporary lodging, 26 or more rooms in a CR2 zoning district; such a use is allowed by right as an accessory to a State licensed casino gaming and entertainment facility, so long as it is subject to review under applicable Town of Lincoln land use regulations.
- P. Short-term rental or lodging. A short-term rental or lodging is a residential unit offered for lease on a hosting platform or otherwise for the occupation of a dwelling unit for term of 30 nights or less.

[1] *Editor's Note: The Table of Uses is included as an attachment to this chapter.*