

#22-05A

TOWN OF CUMBERLAND

AN ORDINANCE in amendment of the Code of Ordinances of the Town of Cumberland, Rhode Island, as amended, amending the Ordinances and map thereof with reference to Cumberland Assessor's Plat 016, Lot 0893

SECTION 1: The code of Ordinances, "Zoning" and the Zoning Map of the Town of Cumberland, are hereby amended as follows:

Amend the zoning designation of Assessor's Plat 016, Lot 0893, from R-1 to C-1.

SECTION 2: The Petitioner for this amendment shall be declared exempt from the requirement that it seek a Special Use Permit from the Cumberland Zoning Board of Review to operate a Funeral Home in the C-1 zoning designation.

SECTION 3: The Petitioner for this amendment shall be declared exempt from the requirement that it seek a dimensional variance from the Cumberland Zoning Board of Review from lot coverage restrictions in the C-1 zoning designation.

SECTION 4: This Ordinance shall become effective immediately upon its passage and any Ordinance or portions of Ordinances inconsistent herewith are hereby repealed.

ON A MOTION BY COUNCILOR BEAULIEU, SECONDED BY COUNCILOR SHAW, AND IT IS VOTED BY A ROLL CALL VOTE OF 6/1 WITH COUNCILOR BRADLEY RECUSING TO APPROVE AP 16, LOT 893 FROM R-1 TO C-1 WITH THE FOLLOWING CONDITIONS:

- 1. The use of the property be confined to that of a funeral home by right, including a new crematorium to be located to the rear of the lot.
2. The proposed administrative subdivision creating a new 2.42-acre lot (AP 16 Lot 893) fronting on Mendon Road and containing the Duffy Funeral home, and the remainder of the rear of the existing lot (3.58-acres) is to be merged with AP 16 Lot 716 (one acre) to create a new lot AP 16 Lot 716 (4.72-acres) which fronts on Hardwick Street and Elm Street (a paper road). The administrative subdivision creating the new JJ Duffy lot must also include moving the lot line so that the existing detention basin resides entirely on that lot.
3. The new Duffy lot may exceed the maximum lot coverage. It will have 73% coverage where up to 40% is allowed in a C-1 zone, and be allowed to waive Zoning Ordinance Article 6-9, requiring a 40-foot buffer between R-1 and C-1 zones. On the new Lot 893, the parking lot is already less than 40 ft. away from R-1 abutters on Lots 876 and 716.
4. The plan will be subject to Development Plan Review approval by the Planning Board and include a landscape plan.

Date Adopted: May 17, 2023

Jeffrey J. Mutter, Mayor

A True Copy, ATTEST:

Michael L. Kinch, Council President

Sandra M. Giovanelli, Town Clerk