

F. New Business - Zoning



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 to make clear distinctions between manufactured homes, house trailers and mobile homes.

Manufactured Home. A structure transportable in one or more sections that, in the traveling mode is 8 body feet (2438 body mm) or more in width or 40 body feet (12192 body mm) or more in length or, where erected on site is 320 or more square feet (30 m²), and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all of the requirements of this paragraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the US Department of Housing and Urban Development (HUD) and complies with the standards established under this title.

For mobile homes built prior to June 15, 1976 a label certifying compliance with the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture, is required. For the purpose of these provisions, a mobile home shall be considered to be a manufactured home.



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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. 38-280 – ~~House trailers or mobile~~ Manufactured homes

Sec. 38-280 – House trailers or mobile homes shall be amended to permit new individual trailers while prohibiting trailer parks.

Sec. 38-280. - ~~House trailers or mobile~~ Manufactured homes.

~~House trailers or mobile Manufactured homes, so-called as defined in Sec. 38-2, whether on wheels, temporary foundations or permanent foundations shall not be permitted within the town pursuant to RISBC-2 – R102.5 Appendices, Appendix E., except as follows: trailers that were lawfully located in the town as of July 1, 1971, and replacements for such trailers; camping trailers, so-called; and trailers when used as a temporary substitute residence following damage, arising from fire, windstorm or sudden casualty to a permanent residence which has made such permanent residence uninhabitable. Such temporary use of a house trailer shall continue only during repairs to the permanent residence and shall, in no event, continue for a period of more than one year from the date of the zoning and building permit allowing its location. Such temporary house trailer shall be located only on the same lot as the damaged permanent residence is located and shall comply with all dimensional requirements of the district where located. Such temporary house trailers shall be promptly removed as soon as the permanent residence shall be habitable and, in any event, within one year of the date of the permit for its location. This section shall apply only to damage to a permanent residence occurring on and after January 1, 1974. This section shall not be construed to permit manufactured home parks. Trailer parks and manufactured home parks are prohibited pursuant to Article III of chapter 16.~~



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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. 38-300 – Development standards for in-patient rehabilitation facility.

- Sec. 38-300 – Development standards for in-patient rehabilitation facility shall be added as follows to create appropriate development standards which differ from those of senior citizens group dwellings.

(a) Purpose. The purpose of this section is to promote the establishment of in-patient rehabilitation facilities, particularly suited for senior citizens in need of care, within an AR, GB or HC2 district; to promote the use of land to facilitate a more economic arrangement of buildings, common facilities, 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) 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.

(c) Additional regulations and standards. Additional district regulations, standards for development and special provisions are as follows:

(1) Each living unit shall be designed for occupancy by no more than one (1) person and shall be a single bedroom unit. All of the living units may be planned as ADA adaptable units.

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

(3) Lot Sizes.

i. Minimum lot size for in-patient rehabilitation facilities not exceeding ten (10) units shall be 200,000 square feet as permitted by RIDEM.

ii. Minimum lot size for in-patient rehabilitation facilities between eleven (11) and thirty (30) units shall be 400,000 square feet as permitted by RIDEM.

iii. The maximum number of units within a single lot 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 in-patient rehabilitation facilities 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) 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.

(9) A buffer strip will be maintained in accordance with section 38-281(8)d(3).

(10) Provisions for waste disposal will be provided for in accordance with section 38 281(8)d.(5).

(11) 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.

(12) Multiple structures. Where an in-patient living facility or similar development consists of multiple structures, each structure shall be spaced a minimum of 100 feet apart.

(13) Open Space. Minimum open space area on the parcel shall be forty (40) percent. This does not include the area used for parking lots or driveways. Paved or unpaved walkways may be included within the forty (40) percent open space area.

(14) Landscaping. Natural buffers shall be left undisturbed alongside and rear property lines when possible. If no natural landscaping exists, a tight evergreen hedge having a height of no less than five feet shall be erected and maintained along the rear and side property lines.

(15) Lot Coverage. Maximum lot coverage for buildings only shall be 25 percent.



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE IX. – DEVELOPMENT PLAN REVIEW AND REVIEW OF SITE PLANS

Sec. 38-393 – Site plan for senior citizens housing **and in-patient rehabilitation facilities.**

- Sec. 38-393 – Site plan for senior citizens housing shall be renamed to encompass in-patient rehabilitation facilities.

See [section 38-389](#).

G. Old Business - Zoning



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 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 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

*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.

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

	Any Permitted Use
Minimum lot size	200,000 <u>100,000</u> 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 <u>50</u> % ^a,b
Maximum impervious surface coverage (of net buildable area) c	60 <u>80</u> % ^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.

*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.

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

	Commercial uses <u>and residential uses exceeding single-family residence structures</u>	Single-Family Residence Structure	Senior citizens group housing
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	(unless otherwise stated in this ordinance)		
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 <u>2</u> -10 units per structure
<u>Maximum number of bedrooms per unit</u>	<u>NA</u>	<u>NA</u>	<u>2 bedrooms per 1 unit</u>
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) c	60% ^{a, b}	25 percent	25 percent
Maximum building coverage (of net buildable area) c	25% a, b	3 percent	3 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.

*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.

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

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

*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.

(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 in which the lot is located, 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~~ Statewide Buffer Zone Designations 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~~ Statewide Buffer Zone Designations 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



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
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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 two (2) bedrooms. 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, up to twelve (12) shall require a minimum lot area of an additional 100,000 square feet of lot area. Thirteen (13) to sixteen (16) units shall require a minimum lot size of 600,000 square feet. Each unit above a multiple of four, being greater than sixteen (16) shall require an additional 200,000 square feet of lot area. 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)d(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 rReview, 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 mMultifamily 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.

<u>1.</u>	<u>Maximum n</u> Number of bedrooms <u>per structure</u> <u>dwelling units</u>	Minimum lot area per structure (in square feet)	Minimum lot frontage (in feet)
<u>--</u>	<u>2 to 4</u>	<u>3</u> 200,000	400
<u>--</u>	<u>5 3 or 4</u>	<u>325,000 400,000</u>	400
<u>--</u>	<u>6 5 or 6</u>	<u>350,000 600,000</u>	400
<u>--</u>	<u>7 or 8</u>	<u>375,000 800,000</u>	<u>425</u> 300
<u>--</u>	<u>8 9 or 10</u>	<u>400,000 1,000,000</u>	<u>450</u> 300

--	<u>9 11 or 12</u>	425,000 <u>1,200,000</u>	475 <u>300</u>
--	<u>10 13 and above</u>	450,000 <u>1,400,000</u>	500 <u>300</u>

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

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

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

45. Comprehensive permit Density bonus - Multi-unit structures may be allowed a density bonus of up to a maximum of eight ~~bedrooms~~ units per acre for LMI housing as approved by RI DEM based on the soils. See Sec. 32-316(2)(3)(4).

6. Comprehensive permit zoning incentives. See Sec. 32-316(5)(6)(7) for parking, bedrooms and floor area zoning incentives.

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, pursuant to Sec. 38-298 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.

(10) Site plan/building design requirements. See Sec. 38-389 for site plan/building design requirements for multifamily dwellings.



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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 HC2 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 ~~62~~55 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~~ waste disposal will be provided for in accordance with section 38 281~~(78)~~d.4(5).

(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) Comprehensive permit zoning incentives. See Sec. 32-316(5)(6)(7) for parking, bedrooms and floor area zoning incentives.

(14) 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.

(15) 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.

(16) Permitted uses. Senior citizens group dwelling(s) and several accessory uses may be permitted. "Accessory uses" may include an accessory dwelling unit indoor and outdoor parking facilities, restaurant uses, community center uses, office uses and home occupations.



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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. 38-286 – Off-street parking requirements.

- Sec. 38-286 – Off-street parking requirements shall be amended as follows to match amendments to the definition section and to add a licensing requirement.

(a) Any structure or use erected or developed after July 6, 1967, must provide off-street parking facilities in accordance with the following regulations:

- (1) Dwellings and motels, one car for each dwelling unit;
- (2) Hotels and ~~lodging houses~~short term rental structures, one car space for every two suites or rooms;
- (3) Office uses, one car space for every 250 square feet of floor area;
- (4) Retail and service businesses, one car space for every 200 square feet of gross building area, with a minimum of four spaces per building;

(5) Parking space width, nine feet;

(6) Restaurants, theaters, churches and other places of assembly, one car space for every five persons of capacity;

(7) Industrial and wholesale uses, two car spaces for every three employees; and

(8) All other uses, parking as may be required by ~~commercial site~~ development plan review, section 38-394 ~~or section 38-395~~.

(b) Plans and specifications for the required parking facility and its access drives shall be submitted at the time of application for the zoning certificate for the main use. In allocating space for off-street parking facilities, each car space shall have a minimum width of nine feet and minimum length of 18 feet and shall be served by suitable aisles to permit access to all car spaces. In no case shall the gross area of the facility be less than 270 square feet per car space.

(c) Off-street parking lots of more than two motor vehicles capacity shall conform to the following standards of construction:

(1) The area shall have a dust free, hard surface and shall be provided with bumper guards where needed.

(2) Where such area adjoins or lies within an AR agricultural/residential district, or adjoins a residential use in any other district, an opaque fence not less than four feet nor more than six feet in height, or a compact evergreen screen not less than four feet in height shall be erected and maintained between such area and the adjoining AR district or residential use.

(3) Lighting fixtures used to illuminate the parking area shall reflect away from adjoining property and away from adjacent traffic arteries. All lighting shall be directed downward, and incorporate full cutoff fixtures to reduce light pollution, utilizing fixtures meeting the criteria of the ISA International Dark Sky Association, and shielded from directing light on abutting properties.

(d) In any AR district, the parking or storage of commercial vehicles of over 1.5 tons capacity and of commercial or house trailers (not including camping trailers) shall not be permitted except by license issued by the town clerk, where such parking or storage is directly related to and is accessory to a permitted use or a legal preexisting use.
