

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 VIII. – LAND DEVELOPMENT PROJECTS

Sec. 38-358 – Development standards for Highway Commercial 2 development

Sec. 38-358 – Development standards for Highway Commercial 2 (HC2) development shall be added to provide application and review standards for HC2 developments.

**Sec. 38-358. - Development standards for Highway Commercial 2 (HC2) development.**

• Secs. 38-358 – 38-385. – Reserved shall be amended to reserve sections 38-359 – 38-385. Development standards for the new HC2 zoning district proposed to be added.

Sec. 38-358. - Development standards for Highway Commercial 2 (HC2) development.

This designation contains nodes for commercial establishments to provide industry and service needs. Residential uses are prevalent in this designation. Commercial uses may include retail, service, office, manufacturing, industrial, and related activities. Residential uses may be single family, multi family, age restricted community, or homeowners association. Agricultural and municipal uses are permitted.

(1) *Purposes.* The purpose of this Section is to provide individual detailed review of uses and structures which have an impact upon the character of the Town. In this section procedures are provided for the evaluation and approval of new integrated Highway Commercial developments. The regulations are intended to promote developments which are compatible with surrounding areas, and which incorporate buffers or transition areas to reduce potential negative impacts on agricultural or residential areas. The regulations are intended to encourage a mixture of compatible uses to create a sustainable and attractive environment for a variety of trades and businesses. The regulations are intended to be flexible, to allow for innovative design techniques, to accommodate unique land uses, and to encourage creative approaches to development issues.

Foster encourages a coordinated design approach for development within the HC2 district with an emphasis on compatibility with the natural environment and surrounding land uses. This coordinated approach will allow for a sufficient mix of uses and accessory uses to create a self-contained or self-sustained development. It allows for planning of a land development project and calculation of densities within the surrounding area in addition to on an individual lot-by-lot basis.

A coordinated design approach should:

• Break up the apparent mass and scale of large structures, and large paved parking areas, in order to ensure that such development is compatible with and does not detract from Foster's character, scale, and sense of place;

• Help integrate multi-use development with its surroundings;

- Encourage a mixture of uses and sizes of structures;
- Meet applicable building and safety codes;
- Not significantly alter the surrounding natural environment;
- Secure an adequate storm water runoff management and soil erosion plan; and
- Preserve significant natural and historic characteristics.

It is anticipated that public officials will have considerable involvement in determining the nature of the development through the development plan review process, which will include consideration and application of aspects of both chapter 32 and chapter 38.

Where the requirements of any part of this section may conflict with any other section of chapter 32 or chapter 38, this section shall prevail as to, or for, the highway commercial development.

(2) *Applicability and procedure.*

a. Highway commercial developments are permitted in HC2 zones as set forth in article III and article IV of this chapter with the approval of and subject to possible conditions and restrictions imposed by the planning board pursuant to this section.

b. No Highway commercial development shall be undertaken, nor any portion of such development be constructed until a plan for such development has been approved by the planning board in accordance with the procedures established by:

1. For residential projects, chapter 32 of this ordinance for major land development and major subdivision or for minor land development and minor subdivision;
2. For new commercial developments, article IX of this chapter.
3. For expansion of commercial developments, the procedures detailed in subsection (8) of these standards; and;
4. Additional procedures and requirements set forth herein for Highway Commercial developments, such as environmental impact and design standards specified in subsection (5).

c. Compatibility and interrelation of uses within the highway commercial developments and coordination of traffic, parking, storm-water management, security, onsite wastewater treatment systems, storage, architecture, open space, infrastructure, and other needs, as well as the entire development's impact on the surrounding area and roadways. The development shall be considered according to the procedures set forth for major land development and major subdivision, or minor land development and minor subdivision except as detailed in subsection (8) of these standards and approved, if appropriate, and developed as a whole. Phasing of construction may be permitted, as set forth in the land development and subdivision regulations, or as required by the planning board. Improvement guarantees shall be required as set forth in article VIII of the land development and subdivision regulations.

d. Applicants for a highway commercial development under this section shall follow procedures for major land development and major subdivisions or minor land development and minor subdivision (see article VI of chapter 32 for major and article V of chapter 32 for minor) including pre-application meetings, master plan review, preliminary plan review, and final plan review, and all requirements thereof shall be met, except as detailed in subsection (8) of these standards.

(3) *Single-Family Dwelling Exemption.* Notwithstanding the foregoing, development of new single-family dwellings or exterior alterations, exterior additions and exterior changes, if made to a single-family dwelling, shall be exempt from the regulations of this Section.

(4) Additional site plan requirements. In addition to the site plan requirements of article VI of chapter 32, the following materials shall be included in the application.

- a. Existing and proposed planting, landscaping and screening, which shall show the location, dimension and arrangement of all open spaces and yards, including type and size of planting materials, methods to be employed for screening and proposed grades and a plan for maintenance;
- b. Location, type, size and dimension of existing trees, rock masses and other natural features with designations as to which features will be retained;
- c. Dimension and location of existing and proposed buildings and structures;
- d. Existing topography, including any proposed grade changes;
- e. Parking areas and facilities, traffic circulation, driveways, loading areas, access and egress points;
- f. Storm drainage, including direction of flow and means of ultimate disposal. Storm-water drainage runoff calculations used for the drainage system design shall be prepared by a Registered Professional Engineer and must support the sizing of all drainage structures and pipes and demonstrate compliance with the Storm-water Management, Design, and Installation Rules (250-RICR-150-10-8) adopted and as amended from time to time by the RI Department of Environmental Management;
- g. Provisions for sanitary sewerage and water supply, including fire protection measures;
- h. Location of all utilities, signage, outdoor storage and trash disposal areas.
- i. Location and description of any proposed disturbance to existing vegetation, or alteration of natural or historic features, which are proposed in relation to temporary access, utility installation, or other aspects of construction, including provisions for site restoration.

(5) Environmental impact and design standards (EIDS). The following standards shall be utilized by the planning board to review and evaluate all applications pursuant to this Section. These standards are intended to provide a frame of reference for the applicant in the development of their project and building plans as well as criteria for review by the planning board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in this Section shall also apply to all accessory buildings, structures, signs and other site features, however related to the principal buildings or structures.

- a. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable. Tree and soil removal shall be minimized, and any grade changes shall be consistent with the general appearance of neighboring developed areas. Due regard shall be given to the attractive utilization of the natural features of the area, including trees, woods, streams and ponds. All open areas which cannot be preserved in their natural state shall be replanted as far as practicable with as many trees and plantings as previously existed.
- b. Relation of Buildings to Environment. The proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property, public open space or streets.
- c. Open Space. All open space shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- d. Circulation, Traffic Impact and Alternative Means of Transportation. With respect to vehicular and pedestrian circulation and traffic, including entrances, ramps, walkways, drives and parking, special attention shall be given to location, number and function of access points to the public streets (especially in relation to existing traffic flow, traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, the arrangement, safety and convenience of both vehicle parking areas and the effect thereof upon the use and enjoyment of

proposed buildings and structures and the neighboring properties, and the traffic impact of the proposed development on nearby public and private streets.

- a-e. Storm-water Drainage and Erosion Control. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system, and so as to minimize any adverse impact upon nearby “downstream” properties. Storm-water shall be removed from all roofs, canopies and paved areas in a manner complying with the Storm-water Management, Design, and Installation Rules (250-RICR-150-10-8) adopted and as amended from time to time by the RI Department of Environmental Management.
- f. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. Erosion and sediment controls must be implemented to prevent any negative impacts during construction or other land disturbance activities. Permanent post-development erosion controls must be implemented and maintained where necessary.
- g. Advertising Features. The size, location, design, color texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties and must comply with Sign and Lighting ordinances.
- h. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties. All towers, antennas and poles shall be sited, designed and sized to have minimal visual impact on nearby properties.
- i. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of an accident or attempted criminal act. Traffic to and from any facility shall not cause safety hazards or increased congestion in nearby residential neighborhoods.
- j. Heritage. With respect to the Town’s heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties. Applicants shall follow the requirements of RIGL 23-18-11 and RIGL 23-18-11.1 where applicable.
- k. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hardsurface ground coverage or the installation of machinery which emits heat, vapor or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air and water resources or on noise and temperature levels of the immediate environment.
- l. Energy Efficiency. To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of the building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.
- m. Detrimental Effects. No proposed facility shall be detrimental to the health, safety or welfare of persons working or living in the neighborhood, or by reason of danger of fire or explosion, environmental pollution, corrosion, toxic or noxious fumes, gas, smoke, soot, dust, odors, noise or vibrations or other hazards.
- n. Nearby Properties. Nearby properties shall be protected against detrimental uses on the site.
- o. Air Quality. Any use whose emissions are such as to cause it to be classified as a major new stationary source of air pollution, as defined by the Environmental Protection Agency (EPA) under the Clean Air Act, and any use

required to apply to the Rhode Island Department of Environmental Management under 250-RICR-120-05-0 et. al. or to EPA under Section 112 of the Clean Air Act for permission to emit asbestos, benzene, beryllium, mercury, vinyl chloride, or radionuclides shall be permitted only upon determination by the Planning Board that compliance with the requirements of those agencies is assured, and that health and safety are adequately protected.

- p. Plants and Animals. Location and design shall not cause avoidable damage to wildlife habitats or corridors, or to any plant species listed on the Rhode Island Natural Heritage List established by the Rhode Island Natural History Survey (for plants, animals, natural communities, and natural heritage areas (as provided by Rhode Island Geographic Information Systems)), or to any tree with more than a twenty-four (24) inch trunk diameter one (1) foot above grade. An application for a special use permit or development plan review must include documentation to the planning board of having consulted with Rhode Island Department of Environmental Management and the Rhode Island Natural Heritage Survey regarding these considerations, and that the proposed site either contains no such habitats or materials, or that all feasible efforts to avoid, minimize or compensate for damage have been reflected in the development proposal.
- q. Vibration. Except for blasting and other activities within the jurisdiction of the RI Fire Safety Code Board of Appeal and Review, no use shall be allowed which produces vibration at or beyond the boundaries of the premises exceeding two-thirds (2/3) the blasting and seismograph limitations established by RIGL 23-28.28-9 et. al. for three (3) minutes or more in any hour between 7:00 am and 9:00 pm or for thirty (30) seconds or more in any hour between 9:00 pm and 7:00 am.
- r. Electrical Disturbances. No EMF emission shall be permitted which adversely affects the operation of any equipment on other properties.
- s. Historic and Archaeological Sites. Location and design shall not cause avoidable damage or impairment to the historic or archaeological value of buildings on sites recorded on the Rhode Island Register of Historic Places. An application for a special permit shall submit documentation that either the site does not contain or impact such buildings or sites, or that any potential damage or impairment has been effectively mitigated.
- t. Solid Waste. Each development must document arrangements for satisfactory disposal of tree stumps and debris resulting from construction and must make permanent arrangement for satisfactory on-site storage of refuse pending its removal, such storage to be screened from public view, secure from vermin, birds or other animals, and located to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.
- u. Water Quality. Each development must document arrangements for adequate safeguards for protecting the integrity of groundwater quality.

(6) Minimum land area.

- a. A planned development shall consist of not less than 200,000 square feet of land area which may be developed into a combination of uses on multiple lots, a mixed use development, commercial, or residential units as set forth in section 38-131(4); of this chapter.
- b. Once a planned development has been approved, all land area shown on the plan submitted as part of said planned development application, including those areas designated as reserved for future development, shall be dedicated to the development and may not be withdrawn from said development plan or devoted to any other use without the express written consent of the planning board. The board may allow subsequent withdrawal of land from a development, after an appropriate hearing, when such withdrawal will not violate the purpose and intent of this chapter or impair the previously approved plan.

(7) Uses.

- a. Generally.

1. Uses are categorized as "permitted use", "administrative development plan review", "land-development project", "formal development plan review", "special-use permit" and "prohibited use." The planning board or administrative officer may, at its sole option, impose conditions on any approved use; on any development plan approval; on any land development project approval; on any special-use permit proposal and/or on any variance approval.

2. Designation as a development plan review use or as a land-development project use does not constitute an authorization or an assurance that such use will be permitted without conditions within the planned development. Rather, each application for a development plan review use or a land-development project use shall be evaluated as to its internal consistency with the intent of the proposed HC2 development, and its probable effect on the intent of said development, the adjacent property, the neighborhood, and on the town; and may be approved or denied as the findings of fact indicate appropriate.

3. Nothing herein contained shall preclude the planning board from requiring multiple conditions for a proposal or to grant one or more development plan review uses or land-development project uses during the master plan, preliminary plan, and/or final plan review stages of the application for a planned development or during the review of the application, as appropriate. Unless phasing of construction is permitted as referenced in subsection (2)(c) of this section, the development must be completed as a whole according to the final planning board approval for a planned development.

4. Items to be considered when evaluating a land development project or development plan review include, but are not limited to, the following:

- i. The desired use will not be detrimental to the intent of the planned development or to the surrounding area;
- ii. It will be compatible with existing and proposed uses within the planned development, as well as neighboring land uses;
- iii. It will not create a nuisance or a hazard in the neighborhood;
- iv. Adequate protection is afforded to the surrounding properties by the use of open space and plantings, or by decorative fencing;
- v. Safe vehicular access and adequate parking are provided, and use of pervious surfaces is encouraged;
- vi. Control of noise, smoke, odors, lighting, and any other objectionable feature is provided;
- vii. Solar rights of the abutters are provided for;
- viii. Architectural compatibility within the development and with the surrounding area is illustrated;
- ix. The proposed conditional use will be in conformance with the purpose and intent of the comprehensive plan and the zoning ordinance of the Town of Foster;
- x. The health, safety, and welfare of the community are protected;
- xi. Shared parking/curb cuts or joint use is encouraged, and for some uses may be required, where it is likely that occupants of a vehicle would visit more than one use within a development before departing;
- xii. Certain parking requirements may be waived, provided that adequate and safe parking is still provided;
- xiii. Applicant shall demonstrate how the development will utilize shared parking and shall show all calculations for such parking on the proposed site plan as required under the Foster Zoning Ordinance for such parking.

5. Before a land development project or a development plan review is approved by the planning board, the applicant must show how its application complies with article IX Site Plan Review or Sec. 38-359 Land Development Projects in this chapter.

b. Mixed uses. Nothing contained in this section shall be construed to prevent or discourage the institution or maintenance of two or more uses on any one lot or within any one building in a highway commercial development. A development plan review application for two commercial uses or operations in the same building or on the same lot shall be accompanied by a use variance application. A mix of compatible uses are to be encouraged throughout a highway commercial development. The institution or maintenance of two or more uses on any one lot or within any one building is permitted as approved by Rhode Island Department of Environmental Management based on the soils.



(8) Expansion of existing uses; changes of use.

a. Expansion of a permitted use within the HC2 district is allowed. Expansion of a nonconforming use is prohibited.

b. Expansion of a permitted use commercial use within the HC2 district shall fall under one of the following tiers:

1. Original square foot building footprint of 2,500 square feet or less.

i. Expansion between 75 and 100 percent of the original square foot building footprint shall follow procedures for minor land development and minor subdivisions per article V of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable HC2 development standards as detailed in subsections (2) through (4).

~~i~~.ii. Expansion constituting more than 100 percent of the original square foot building footprint up to ten-thousand (10,000) square feet shall follow procedures for minor land development and minor subdivisions per article V of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable HC2 development standards as detailed in subsections (2) through (4).

~~ii~~.iii. Expansion constituting more than 100 percent of the original square foot building footprint exceeding ten-thousand (10,000) square feet shall require a site plan review with the planning board per article IX of this chapter.

2. Original square foot building footprint of 7,500 square feet or less and greater than 2,500 square feet.

i. Expansion between 51 and 75 percent of the original square foot building footprint up to ten-thousand (10,000) square feet shall follow procedures for minor land development and minor subdivisions per article V of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable HC2 development standards as detailed in subsections (2) through (4).

ii. Expansion between 51 and 75 percent of the original square foot building footprint exceeding ten-thousand (10,000) square feet shall require a site plan review with the planning board per article IX of this chapter.

~~iii~~. Expansion constituting more than 75 percent of the original square foot building footprint up to ten-thousand (10,000) square feet shall follow procedures for minor land development and minor subdivisions per article V of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable HC2 development standards as detailed in subsections (2) through (4).

iv. Expansion constituting more than 75 percent of the original square foot building footprint exceeding ten-thousand (10,000) square feet shall require a site plan review with the planning board per article IX of this chapter.

3. Original square foot building footprint of 10,000 square feet or less and greater than 7,500 square feet.

i. Expansion between 25 and 50 percent of the original square foot building footprint shall follow procedures for minor land development and minor subdivisions per article V of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable HC2 development standards as detailed in subsections (2) through (4).

i. Expansion constituting more than 50 percent of the original square foot building footprint shall require a site plan review with the planning board per article IX of this chapter.

4. Original square foot building footprint of greater than 10,000 square feet.

i. Expansion constituting 25 percent or less of the original square foot building footprint shall follow procedures for minor land development and minor subdivisions per article V of Foster's Land

Development and Subdivision Regulations and shall be subject to the applicable HC2 development standards as detailed in subsections (2) through (4).

ii. Expansion between 25 and 50 percent of the original square foot building footprint shall follow procedures for minor land development and minor subdivisions per article V of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable HC2 development standards as detailed in subsections (2) through (4).

iii. Expansion of greater than 50 percent of the original square foot building footprint shall require a site plan review with the planning board per article IX of this chapter.

5. Changes of use.

i. Changes of use shall require a site plan review with the planning board per Article IX of this chapter.

6. Expansion of multifamily residential structure.

i. Expansion of any multifamily residential structure of nine (9) units or less shall be reviewed as a minor land development project pursuant to Sec. 32-161.

ii. Expansion of any multifamily residential structure of ten (10) or more units shall be reviewed as a major land development pursuant to article VI of chapter 32.

(9) Decision. Development standards for highway commercial approval shall be granted upon the determination of the planning board that the application meets the objectives cited herein. The planning board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm-water drainage consistent with the functional requirements of this chapter and Chapter 32 Subdivision Regulations. New building construction or other site alteration shall be designed after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points and other aspects of the development, so as to:

- Minimize the volume of cut and fill, the number of removed trees six (6) inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm-water flow increase from the site, soil erosion and threat of air and water pollution;
- Maximize pedestrian and vehicular safety on the site and egress to and from the site;
- Minimize obstruction of scenic views from publicly accessible locations;
- Minimize visual intrusion by controlling the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- Minimize glare from headlights and lighting intrusion;
- Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity, as viewed from public ways and places;
- Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances; and
- Ensure compliance with the provisions of this ordinance, including parking, landscaping, exterior lighting and noise.

(10) Post-Approval Modifications. Once Development standards for highway commercial approval have been granted by the planning board, any subsequent changes in which the zoning-enforcement officer has determined will substantially affect or alter the visual appearance of the building façade or roof or will substantially affect or alter traffic flow or modify the site plan, a new application shall be submitted pursuant to this Section.

(11) Expiration. The approval of a plan meeting the development standards for highway commercial approval shall expire pursuant to timeframes provided under the type of review which the plan was reviewed.



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**AN ORDINANCE IN AMENDMENT TO  
THE ZONING CODE OF THE TOWN OF FOSTER**

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

**ARTICLE IV. – USES**

**Sec. 38-191. – Table of uses.**

- Sec. 38-191 – Table of uses shall be amended as follows to account for the amendments to the zoning map.

The uses in the various zoning districts are as follows:

		Districts						
		AR	NC	GBM	MI	R-SC	M	HC2
<b>Agricultural Uses</b>								
1.	Raising animals for home use	X	✗	O	✗	⊖	O	<u>X</u>
2.	Raising Animals for sale or for sale of animal products:							
	A. A maximum of 35 animals on five acres or less: five additional animals for each additional acre over five acres	X	⊖	O	✗	⊖	O	<u>X</u>
	B. Animals exceeding the above, See <b>Article VI, Section 19.38-290</b> for Supplementary Regulations	S	⊖	O	S	⊖	O	<u>S</u>
3.	Raising crops and forest products	X	✗	S	✗	⊖	O	<u>X</u>
4.	Commercial nursery structures	S	✗	X	✗	⊖	O	<u>X</u>
5.	Sale of produce raised on the premises	X	✗	X	✗	⊖	O	<u>X</u>
6.	Poultry farm with capacity for more than 10,000 birds	S	S	O	S	⊖	O	<u>S</u>

7.	<del>One 200 sq. ft. wooden building not less than 120 sq. ft. wooden building, not for the purpose of housing animals. The use would require a reapplication for a special use permit every three years and the Building Official shall review the use of the building for compliance purposes.</del>	S	S	S	S	Ø	S	==
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Residential Uses

1.	Single-family detached dwelling	X	S	S	Ø	Ø	O	X
2.	Accessory family dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress or egress. (See section 38-282 for further requirements)	X	Ø	S	Ø	Ø	O	X
<del>3.</del>	<del>Residential cluster (reserved)</del>	<del>==</del>	<del>==</del>	<del>==</del>	<del>==</del>	<del>==</del>	<del>==</del>	<del>==</del>
4.	Residential compound	X	Ø	O	Ø	Ø	O	O
5.	Multi-family dwelling structure <u>see Sec. 38-281</u>	S	S	S	Ø	Ø	O	S
6.	Community residences, and family daycare homes	X	S	SX	Ø	Ø	O	X
7.	<del>Lodging, guesthouse, Short term rental structure</del> or bed-and-breakfast	S	X	X	S	Ø	O	X
8.	Motel	O	S	X	S	Ø	O	X
9.	Hotel	O	X	X	S	Ø	O	X
10.	Customary home occupation (performed by the occupant and using no more than 200 sq. ft. of the area of one floor	X	X	X	X	Ø	O	X

	provided such activity shall not be visible from a lot line and that exterior advertising shall conform to the provisions of article VI)							
11.	Rest home or convalescent home	S	<del>S</del>	S	<del>Θ</del>	<del>Θ</del>	O	<u>S</u>
12.	Senior citizens group dwelling structure(s): Permitted <del>only</del> in the <del>R-SC AR and HC2</del> districts for the <del>exclusive</del> use of senior citizens group housing. <del>No other residential, commercial, or industrial use shall be permitted in this district.</del> Refer to section 38-284.	<del>ΘS</del>	<del>Θ</del>	O	<del>Θ</del>	<del>X</del>	O	<u>X</u>
Open Recreation Uses								
1.	Public playground or park	X	<del>X</del>	X	<del>X</del>	<del>Θ</del>	S	<u>X</u>
2.	Bathing beach	X	<del>X</del>	<del>XO</del>	<del>X</del>	<del>Θ</del>	O	<u>O</u>
3.	Golf course	X	<del>Θ</del>	O	<del>X</del>	<del>Θ</del>	O	<u>O</u>
4.	Camping area (licensed by town)	S	<del>Θ</del>	O	<del>S</del>	<del>Θ</del>	O	<u>S</u>
5.	Rod and gun clubs, rifle or pistol ranges	S	<del>Θ</del>	O	<del>Θ</del>	<del>Θ</del>	O	<u>X</u>
6.	Open rec. events and amusements (license required by town council Ordinance No. 95-12-366)	<del>SX</del>	<del>S</del>	<del>SX</del>	<del>S</del>	<del>S</del>	X	<u>X</u>
Public and Semi-Public Uses								
1.	School or College	S	<del>X</del>	X	<del>X</del>	<del>Θ</del>	O	<u>X</u>
2.	Religious institution other than church	S	<del>Θ</del>	O	<del>Θ</del>	<del>Θ</del>	O	<u>X</u>
3.	Church	X	<del>X</del>	X	<del>Θ</del>	<del>Θ</del>	O	<u>O</u>
4.	Library, museum, etc.	X	<del>X</del>	X	<del>S</del>	<del>Θ</del>	O	<u>X</u>
5.	Medical clinic	S	<del>S</del>	X	<del>Θ</del>	<del>Θ</del>	O	<u>X</u>

6.	Hospital	O	S	O	Θ	Θ	O	<u>S</u>
7.	Town of Foster government building	O	S	S	S	Θ	X	<u>S</u>
8.	<del>State or f</del> Federal government building of any kind	O	Θ	S	S	Θ	S	<u>S</u>
9.	Fire station or ambulance barn	X	X	X	X	Θ	X	<u>X</u>
10.	General purpose hall for recreation, social or other intermittent functions	S	X	X	X	Θ	O	<u>X</u>
11.	Cemetery	S	Θ	O	Θ	Θ	O	<u>O</u>
<del>12.</del>	<del>Day camps (no permanent residency permitted)</del> State government building of any kind	<u>SX</u>	O	O	O	O	O	<u>X</u>
Office Uses								
1.	Professional office in the home (for use by a resident of the premises)	X	X	X	X	Θ	O	<u>X</u>
2.	Bank or office building	O	X	X	X	Θ	O	<u>X</u>
3.	Real estate office	S	X	X	X	Θ	O	<u>X</u>
4.	Office for wholesale or manufacturing uses	O	S	X	X	Θ	O	<u>X</u>
Restaurants and Entertainment								
1.	Lunchroom or restaurant	S	X	X	X	Θ	O	<u>X</u>
2.	Tavern or night club	O	S	X	X	Θ	O	<u>X</u>
3.	Drive-in food or dairy bar	O	Θ	<u>SX</u>	Θ	Θ	O	<u>X</u>
4.	Theater or concert hall	O	S	X	Θ	Θ	O	<u>X</u>
5.	Indoor commercial recreation	O	S	X	S	Θ	O	<u>X</u>
6.	<del>Lunch room or c</del> Cafeteria (accessory to a permitted use and designated to serve the students, employees and patrons of the main use.	X	X	X	X	Θ	O	<u>X</u>

	Located entirely within the main building and with no exterior advertising)							
Business								
1.	Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops	S <del>1</del>	X	X	S	⊖	O	<u>X</u>
2.	Antique shop, gift shop, florist shop, pet shop and similar specialty shops	S <del>1</del>	X	X	S	⊖	O	<u>X</u>
3.	Mortuary or funeral home	O	S	S	S	⊖	O	<u>S</u>
4.	Radio or television studio or transmission studio	O	X	X	X	⊖	O	<u>X</u>
5.	Drive-in theater	O	⊖	<u>SX</u>	S	⊖	O	<u>X</u>
6.	Veterinary	X	X	X	X	⊖	O	<u>X</u>
7.	Caterer	O	X	X	X	⊖	O	<u>X</u>
8.	Gasoline filling station (no major repairing)	O	S	S	S	⊖	O	<u>S</u>
9.	General automotive repair	O	S	<u>SX</u>	X	⊖	O	<u>X</u>
10.	Vehicle rental agency	O	⊖	X	X	⊖	O	<u>X</u>
11.	Building materials and supplies, grain and feed and similar stores	O	X	X	X	⊖	O	<u>X</u>
12.	Grocery, bakery, drug, hardware, variety and similar neighborhood stores	O	X	X	X	⊖	O	<u>X</u>
13.	Fruit and vegetable stand <del>and grocery variety store</del> (See Sec. 38-276.)	S <del>1,2</del> <u>X</u>	X	X	X	⊖	O	<u>X</u>
14.	General merchandise, supermarket, department store, furniture store and household goods store (including storage up to 30% of the gross floor area)	O	X	X	X	⊖	O	<u>X</u>

15.	Auto or truck sales in a building (including repairs)	O	⊖	<u>SX</u>	×	⊖	O	<u>X</u>
16.	Auto or truck sales in an open lot	O	⊖	<u>SX</u>	×	⊖	O	<u>X</u>
17.	Retail sales in an open lot	O	S	<u>SX</u>	S	⊖	O	<u>X</u>
18.	Package store (alcoholic beverages)	O	×	X	×	⊖	O	<u>X</u>
19.	Medical Office Building situated on a US Highway (not to exceed 5,000 sq. ft. in area)	S	×	X	⊖	⊖	O	<u>X</u>
20.	Communications Towers and Antennas*	S	S	S	S	⊖	S	<u>S</u>
21.	Firearms shops, ammunition shops, edged weapons shops	O	×	X	S	⊖	O	<u>X</u>
22.	Restaurant, pharmacy, or finance institution drive-through ( <a href="#">See Sec. 38-285.</a> )	O	⊖	S4	⊖	⊖	O	<u>S</u>
23.	Winery	S	X	X	X	O	O	X
24.	Farm Brewery	S	X	X	O	O	O	X
25.	Farm Distiller	S	X	X	O	O	O	X
26.	Micro-Brewery	S	X	X	X	O	O	X
27.	Distillery	S	X	X	X	O	O	X
Transportation and parking								
1.	Off-street parking facility (accessory to a use permitted in the district)	X	×	X	×	⊖	O	<u>X</u>
2.	Commercial off-street parking facility	O	×	X	×	⊖	O	<u>X</u>
3.	Rail or motor freight terminal	O	⊖	S	×	⊖	O	<u>S</u>
4.	Rail or bus passenger station	<u>⊖X</u>	S	X	×	⊖	O	<u>X</u>
Wholesale Business and Storage								
1.	Wholesale business and storage of non-flammable and	O	⊖	X	×	⊖	O	<u>X</u>





Industrial Use								
1.	The following uses in a single story building of not more than 1,000 sq. ft. in area, occupying the same lot as the residence of the owner and set back at least 100 ft. from the public highway, at least 100 ft. from side lot lines and at least 100 ft. from rear lot lines: Scientific or research laboratory, manufacture of musical or precision instruments, natural soaps and cosmetics, manufacture of toys and novelties, light metal fab-shop, blacksmith or welding shop, manufacture of electric or electronic devices and appliances, ceramics or pottery manufacture, manufacture of boats, fine arts and handcraft studios, woodworking and cabinetmaking, furniture repair, conservation arts studios, provided that such uses do not create smoke, gas odors, sound, vibration, soot, or hazardous waste to a degree obnoxious or offensive to person residing or conducting business in the neighborhood.	S	X	<u>SX</u>	NA	⊖	O	<u>X</u>
2.	The manufacture, compounding, processing or packaging of bakery goods, candy, cosmetics, drugs, food products (excluding meat, fish, yeast, vinegar and the rendering of fats and oils) and other similar operations	O	S	<u>SX</u>	X	⊖	O	<u>X</u>

3.	The manufacture, compounding or assembly of articles using shell, cellophane, plastic, fur, glass, leather, precious metals or stones, wood, textiles or tobacco and other previously prepared products	0	⊖	<u>SX</u>	×	⊖	0	<u>X</u>
4.	The manufacture and assembly from prepared materials of musical instruments, precision instruments, clocks, toys, novelties, appliances, electronic devices, metal products, machine tools and machinery (not requiring the use of drop hammers and punch presses of over 100 tons) and other similar products	0	⊖	<u>SX</u>	×	⊖	0	<u>X</u>
5.	Machinery and machine tool manufacture (requiring drop hammers or punch presses of over 100 tons)	0	⊖	<u>⊖S</u>	⊖	⊖	0	<u>X</u>
6.	Auto assembly or manufacture	0	⊖	<u>⊖X</u>	×	⊖	0	<u>X</u>
7.	Boat building	0	⊖	<u>SX</u>	×	⊖	0	<u>X</u>
8.	Commercial boat storage and repair	0	⊖	<u>SX</u>	×	⊖	0	<u>X</u>
9.	<del>Blacksmith or w</del> Welding shop	0	⊖	<u>SX</u>	×	⊖	0	<u>X</u>
10.	Scientific or research laboratory	0	⊖	X	×	⊖	0	<u>X</u>
11.	Woodworking and cabinetmaking	0	⊖	X	×	⊖	0	<u>X</u>
12.	Ceramics or pottery manufacture	0	⊖	X	×	⊖	0	<u>X</u>

13.	Mining, quarrying or loam stripping	S	<del>S</del>	<del>OS</del>	<del>S</del>	<del>Θ</del>	O	<del>S</del>
14.	Retail outlet for permitted industrial operation	S	<del>S</del>	X	<del>X</del>	<del>Θ</del>	O	<del>X</del>
15.	Soap manufacture	O	<del>Θ</del>	<del>OS</del>	<del>S</del>	<del>Θ</del>	O	<del>X</del>
16.	Sodium compounds manufacture	O	<del>Θ</del>	<del>OS</del>	<del>S</del>	<del>Θ</del>	O	<del>X</del>
17.	Stone cutting	S	<del>S</del>	X	<del>X</del>	<del>Θ</del>	O	<del>X</del>
18.	Tile or brick manufacture	O	<del>Θ</del>	<del>OS</del>	<del>S</del>	<del>Θ</del>	O	<del>X</del>
19.	Sawmill	<del>ΘX</del>	<del>Θ</del>	<del>OS</del>	<del>X</del>	<del>Θ</del>	O	<del>X</del>
20.	<del>Temporary sawmill (not more than six months operation in any three-year period)</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>Θ</del>	<del>Θ</del>	
21.	<del>Reserved</del>	<del>=</del>	<del>=</del>	<del>=</del>	<del>=</del>	<del>=</del>	<del>=</del>	<del>=</del>
22.	Chemical manufacture	O	<del>Θ</del>	<del>OS</del>	<del>S</del>	<del>Θ</del>	O	<del>S</del>
23.	Gravel banks	S	<del>Θ</del>	<del>OS</del>	<del>S</del>	<del>Θ</del>	S	<del>S</del>
24.	Natural Material Processing, Stone Crushing and Sorting	S	<del>Θ</del>	<del>OS</del>	<del>S</del>	<del>Θ</del>	S	<del>S</del>
Accessory Uses								
1.	Any use customarily incident to a use permitted in the district and located on same lot <u>(to be reviewed in conjunction with primary use if necessary.)</u>	X	<del>X</del>	X	<del>X</del>	<del>Θ</del>	O	<del>X</del>
2.	Any use customarily incident to a use permitted in the district as a special-use permit and located on the same lot <u>(to be reviewed in conjunction with primary use if necessary.)</u>	S	<del>S</del>	S	<del>S</del>	<del>Θ</del>	O	<del>S</del>
Medical marijuana <del>related</del> uses								
1.	Compassion Center	O	<del>Θ</del>	X	<del>Θ</del>	<del>Θ</del>	O	<del>X</del>

2.	Licensed cultivator	S	⊖	X	⊖	⊖	O	<u>X</u>
3.	Medical marijuana emporium	O	⊖	X	⊖	⊖	O	<u>X</u>
4.	Nonresidential cooperative cultivation	O	⊖	X	⊖	⊖	O	<u>X</u>
5.	Residential cooperative cultivation	S	⊖	O	⊖	⊖	O	<u>S</u>
6.	Residential caregiver cultivation	X	×	X	×	×	X	<u>X</u>
7.	Residential personal cultivation	X	×	X	×	×	X	<u>X</u>
Recreational Marijuana uses								
1.	Cannabis or marijuana cultivator	O	S	S	S	O	O	S
2.	Cannabis establishment or marijuana establishment	O	S	S	S	O	O	S
3.	Cannabis product manufacturer or marijuana product manufacturer	O	S	S	S	O	O	S
4.	Cannabis retailer or marijuana retailer	O	S	S	S	O	O	S
5.	Medical cannabis treatment center or Medical marijuana treatment center	O	S	S	S	O	O	S

Key:

X - Permitted use

O - Prohibited use

S – Special-use permit

NA – Not applicable

\*No parking, signs (temporary or permanent, fixed or moveable) or structures (other than mailboxes) are permitted within 30 feet of the highway right-of-way.

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

Notes:

~~1. Must occupy the same lot as the residence of the owner.~~

~~2. Building not to exceed 1,000 square feet.~~

3. Must be screened by an opaque fence or hedge no less than six feet in height. This requirement does not apply to such uses by the state or town government.

~~4. Drive-through uses, where permitted, shall meet the following development standards:~~

~~a. There shall be adequate off-street parking and loading spaces to serve the proposed use. There must be sufficient on-site stacking areas to accommodate at least ten queued vehicles, entering the site waiting to park or approach the order window/order box, and at least three queued vehicles exiting the site.~~

~~b. Any accessory drive-through window(s) shall be properly located within the parking and circulation plan to avoid any effect on traffic, and in no case shall a drive-through window be located on any building façade which faces a public street.~~

~~c. Vehicular entrances and exits shall be controlled by curbing.~~

~~d. All other dimensional and parking requirements for the site and the use shall be met.~~

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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 listed as “X” or “S” in Sec. 38-191 (unless otherwise stated in this ordinance)	Senior citizens group housing
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Minimum lot size	200,000 square feet	200,000 square feet	<u>400,000 square feet</u>
Minimum lot frontage- area per living unit	<u>NA</u>	<u>NA</u>	<u>40,000 square feet</u>
Minimum lot width frontage	300 feet	300 feet	<u>300 feet</u>
Minimum front yard depth/lot width	300 feet	300 feet	<u>300 feet</u>
Minimum side front yard depth	35 feet	50 feet	<u>35 feet</u>
Minimum rear side yard depth	50 feet	100 feet	<u>50 feet</u>
Maximum building coverage Minimum rear yard depth	<del>10</del> 50 feet	100 feet	<u>50 feet</u>
Maximum building height coverage	3 percent	3 percent	<u>3 percent</u>
Maximum building height	35 feet	35 feet	<u>2 stories or 20 feet</u>
Maximum number of bedrooms per unit	<u>NA</u>	<u>NA</u>	<u>2 bedrooms per 1 unit</u>

*(2) NC neighborhood/commercial district. Dimensional regulations in the NC district are as follows:*

	Other Permitted Use	
Single-Family Residence Structure		
Minimum lot size	200,000 square feet	—
Minimum lot frontage	300 feet	300 feet
Minimum lot width	300 feet	225 feet
Minimum front yard depth	—35 feet	—80 feet
Minimum side yard depth	—50 feet	100 feet
Minimum rear yard depth	100 feet	—80 feet
Maximum building coverage	3 percent	25 percent or 6,000 square feet, whichever is less
Maximum building height	—35 feet	—35 feet
Minimum distance of structure from a residence district boundary	—	—50 feet
Minimum buffer strip*	—	—30 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.~~

(32) ~~General business mixed use~~ district. Dimensional regulations for the GBM district are as follows:

	Any Permitted Use
Minimum lot size	200,000 square feet
Minimum front yard depth	35 feet
Minimum lot frontage	300 feet
Minimum lot width	300 feet
Minimum side yard depth	50 feet
Minimum rear yard depth	850 feet
Maximum building height	35 feet
Minimum buffer strip (side and rear yards)	30 feet
Minimum distance of structure from A/R zoning district	50 feet
Maximum building coverage (of net buildable area) c	25% ^a,b
Maximum impervious surface coverage (of net buildable area) c	60% ^a,b

<sup>a</sup> Provided that all parking and design requirements are met.

<sup>b</sup> 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.

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

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

	<u>Commercial uses (unless otherwise stated in this ordinance)</u>	<u>Single-Family Residence Structure</u>	<u>Senior citizens group housing</u>
<u>Minimum lot size</u>	<u>200,000 square feet</u>	<u>200,000 square feet</u>	<u>400,000 square feet</u>
<u>Minimum lot area per living unit</u>	<u>NA</u>	<u>NA</u>	<u>40,000 square feet</u>
<u>Minimum lot frontage</u>	<u>300 feet</u>	<u>300 feet</u>	<u>300 feet</u>
<u>Minimum lot width</u>	<u>300 feet</u>	<u>300 feet</u>	<u>300 feet</u>
<u>Minimum front yard depth</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>
<u>Minimum side yard depth</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>
<u>Minimum rear yard depth</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>

<u>Maximum building coverage</u>	<u>25 percent or 50,000 square feet, whichever is less</u>	<u>3 percent</u>	<u>3 percent</u>
<u>Maximum building height</u>	<u>35 feet</u>	<u>35 feet</u>	<u>2 stories or 20 feet</u>
<u>Number of units per structure</u>	<u>NA</u>	<u>NA</u>	<u>3-10 units per structure</u>
<u>Minimum buffer strip (side and rear yards)</u>	<u>30 feet</u>	<u>30 feet</u>	<u>30 feet</u>
<u>Minimum distance of structure from A/R zoning district</u>	<u>50 feet</u>	<u>As required by lot depths</u>	<u>As required by lot depths</u>
<u>Maximum building coverage (of net buildable area) <sup>c</sup></u>	<u>25% <sup>a, b</sup></u>	<u>3 percent</u>	<u>3 percent</u>
<u>Maximum impervious surface coverage (of net buildable area) <sup>c</sup></u>	<u>60% <sup>a, b</sup></u>	<u>25 percent</u>	<u>25 percent</u>

<sup>a</sup> Provided that all parking and design requirements are met.

<sup>b</sup> 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.

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

~~(4) MI manufacturing/industrial district. Dimensional regulations for the MI district are as follows:~~

<u>Any Permitted Use</u>	
<u>Minimum front yard depth</u>	<u>100 feet</u>
<u>Minimum side yard depth</u>	<u>25 feet</u>
<u>Minimum rear yard depth</u>	<u>25 feet</u>
<u>Minimum distance of structure from a residence district boundary</u>	<u>100 feet</u>
<u>Maximum building coverage</u>	<u>25 percent or 50,000 square feet, whichever is less</u>
<u>Maximum building height</u>	<u>35 feet</u>

~~(5) R-SC residential/senior citizens district. Dimensional regulations for the R-SC district are as follows:~~

	Only Permitted Use	
Minimum lot area per development	400,000 square feet	Whichever is greater
Minimum lot area per living unit	40,000 square feet	
Minimum lot width	500 feet	
Minimum front yard depth	100 feet	
Minimum rear yard depth	100 feet	
Maximum building coverage	3 percent of net area	
Maximum building height	2 stories or 20 feet	

~~⇨ Refer to section 38-284 for other requirements.~~

~~⇨ Specified lot area excludes ponds, streams and other wetland areas.~~

~~(64) M municipal district.~~ Dimensional requirements for the M district are as follows

Any Permitted Use	
Minimum front yard depth	35 feet
Minimum side yard depth	50 feet
Minimum rear yard depth	50 feet
Maximum building height	40 feet

~~(75) FC farmland/conservation Reserved - Municipal/Historic overlay district. This subsection is reserved.~~

~~(86) Additional dimensional regulations; any uses permitted by special-use permit. Any existing use listed in section 38-191 which is located in an NC, GBM or MI district shall conform to the dimensional regulations of the AR district.~~ Any use listed in section 38-191 requiring a special-use permit in the AR district shall conform at least to the dimensional regulations for other permitted use of the AR district, and to such further dimensional requirements as may be imposed for that use in this article or by the zoning board of review in granting the special-use permit.

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

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

~~\*No parking, signs (temporary or permanent, fixed or moveable) or structures (other than mailboxes) are permitted within 30 feet of the highway right-of-way.~~

~~NA = Not applicable~~

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE IN AMENDMENT TO  
THE ZONING CODE OF THE TOWN OF FOSTER

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

**ARTICLE VI. – SUPPLEMENTARY REGULATIONS**

**Sec. 38-288 – Sign regulations**

- Sec. 38-288 – Sign regulations shall be amended to account for amendments to the zoning map.

(a) *Definitions.*

*Abandoned* means the business structure associated with the sign has been closed, demolished, or not maintained, for a period exceeding one year.

*Animated sign* means any sign that uses movement or the visual impression of movement, sound, or change of lighting to depict action or create a special effect and/or scene. Such signs include but are not limited to those that give the impression of flashing, running, blinking, oscillating, twinkling, scintillating, expanding, or contracting. Animated signs are prohibited.

*Announcement board* means a board or wall area on which bulletins, notices, or displays are temporarily posted. Such signs shall not exceed five square feet in area.

*Billboard* means any off-premises sign exceeding 15 square feet in area. Billboards are prohibited.

*Building marker* means any sign indicating the name of a building and/or date and/or incidental information about its history or construction. Such markers shall not exceed four square feet in area.

*Construction sign* means any sign which purpose is to display the name of the contractor and/or subcontractors employed on a work site, and/or the consultants and/or financial institutions participating in the project. Such signs shall be either freestanding or attached to the structure and shall not exceed 16 square feet in area. Such signs are meant to enhance public health and safety during construction and so shall be removed upon completion of construction. Such signs shall not be erected until building permits for the relevant project are pulled. This definition does not include signs located on the premises of the general offices of a contractor.

*Directional sign* means any sign which purpose is to direct vehicles and/or pedestrians onto, around, and off of a premises. Such signs shall be limited to four square feet in area including any attached corporate logos or other symbols. Such signs shall be limited to three feet in height from the top of the sign to grade. A name or logo on these signs shall not comprise greater than 20 percent of the total sign area.

*Directory sign* means a sign which provides dedicated space for listings of two or more professional, service, business, and/or commercial activities and is designated and constructed with provision to allow changes of occupancy to be reflected on the sign. One such sign shall be permitted per building, either as a wall directory sign or as a freestanding directory sign. Freestanding directory signs are permitted in lieu of individual freestanding signs and shall not exceed 15 feet in height or 60 square feet in sign area.

*Externally illuminated sign* means any sign which light source is located outside of the sign and is of a continuous white light in nature. This includes but is not limited to spotlights and stationary floods. All externally lit signs shall be illuminated with steady, fully shielded light sources aimed directly onto the sign. Light from external sources may not project beyond the edge of the sign face in any direction, whether onto another property or into the night sky. The intensity of sign lighting shall not exceed that necessary to illuminate a sign from the closest adjacent public right of way.

*Freestanding sign* means any sign supported by a structural device or devices that is placed on, or anchored into, the ground and that is independent from any building. One freestanding sign shall be permitted per lot with a maximum visible sign area of 40 square feet. Where more than one business is located on a lot, up to three freestanding signs shall be permitted, provided that the total square footage of visible sign area does not exceed 40 square feet. A minimum sign clearance of eight feet is required between the grade and the base of the lowest part of the sign to ensure adequate ~~site~~<sup>eight</sup> clearance for pedestrians and vehicles. Maximum sign height shall be 15 feet and all such signs shall be set back a minimum of ten feet from all lot lines. The area immediately underneath and around the base of the sign shall be landscaped per the landscaping requirements of this chapter.

*Gas and service station sign* means signs necessary to the operation of filling and service stations limited to the following:

- (1) Lettering on buildings displayed over individual entrance doors shall not consist of more than one such sign centered over each entrance, and the sign area shall not exceed 12 inches in height.
- (2) Lettering or other insignia which are part of a gasoline pump, consisting only of a brand name, lead warning sign, price, and other signs as required by law.
- (3) A credit card sign not exceeding one square foot in area, affixed to the building or window.
- (4) Other signs as permitted by this section.

*Government signs* mean signs erected by or on behalf of the United States of America, the State of Rhode Island, and the Town of Foster, traffic controls, legal notices, or other signs required by law including all signs erected under the authority of the Town of Foster. The town shall have the ability to erect such signs without sign approval.

*Internally illuminated sign* means any sign, exclusive of neon signs, whose light source is located behind and/or within the sign itself or behind and/or within any individual element(s) of a sign. Internally illuminated signs shall use semi opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Non-copy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.

*Incidental sign* means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "loading zone", "open", "telephone", and other similar directives. Such signs shall not exceed six square feet in area and shall not count toward the maximum visible sign area.

*Incidental sign, residential* means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no trespassing", "beware of dogs", and the like. Such signs shall not exceed six square feet in area and shall not count toward the maximum visible sign area.



*Institution/organization sign* means a wall sign or freestanding sign whose sign display is not to exceed 12 square feet and is used on premises for church, hospital, library, museum, art gallery, historic preservation, or similar organization.

*Legal nonconforming sign* means:

- (1) A sign which was erected legally prior to the enactment of this article;
- (2) A sign which does not conform to the sign regulation requirements, for which zoning relief has been granted through the zoning board of review.

*Lot frontage* means roadway frontage on a local access road.

*Monument sign* means any sign whose base is in contact with or within one foot of the ground. Where permitted, only one monument sign shall be allowed per lot in lieu of a freestanding sign and shall have a maximum sign area of 50 square feet and shall be set back a minimum of ten feet from all property lines. Maximum sign height shall be eight feet. The area immediately underneath and around the base of the sign shall be landscaped per the landscaping requirements found in this chapter.

*Moving sign* means any sign moved by mechanical or natural means, such as wind. Moving signs are prohibited.

*Nameplate* means material on which a name and/or professional designation is inscribed or painted. Professional nameplates shall indicate a name and/or professional designation and/or affiliation and shall not exceed one square foot per professional occupant. Residential nameplates shall display the name and address of resident and shall not exceed one square foot in area. All such nameplates shall be affixed either to a door, an adjacent wall of the premises, or a lamp post/mail box.

*Neon sign* means an electronic sign illuminated by inert gas confined to a glass tube. Such signs may be classified as "window" signs or as "projecting" signs and must meet all definitions and requirements of those sign types as addressed in this section.

*Non-conforming sign* means any sign that does not conform to the requirements of this chapter.

*Off-premises sign* means a sign not related or associated with the use of the property on which the sign is located. These signs are prohibited from all public rights of way, municipal buildings, and town-owned property, and shall not be affixed to any traffic signs, utility poles, nor to any trees located in public rights of way or on town property.

(1) *Off-Premises Sign, Commercial Use* (article IV, Zone Regulations: Description of uses): Any sign not related or associated with the commercial use of the property on which the sign is located.

(2) *Off-premises sign, non-commercial use* (article IV, Zone Regulations: Description of uses): Any sign not related or associated with the non-commercial use of the property on which the sign is located. These signs that also meet the definition of a temporary sign shall be permitted in all zoning districts and may be of any type and size of sign allowed therein and shall be subject to the same requirements, restrictions, and set back limitations applicable to other sign types in those zones. These signs that do not meet the definition of a temporary sign are not allowed.

*Principal building* means the building in which the principal use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

*Projecting sign* means any sign affixed to a building or wall in such a manner that it extends more than ten inches beyond the surface of such building or wall. Such signs shall be permitted in lieu of freestanding signs or monument signs. Only one projecting sign shall be permitted per business and shall be perpendicular to the wall to which it is attached, its nearest edge being no less than three inches and its furthest edge projecting no greater than 48 inches from the wall. The projecting sign shall have a maximum sign area of ten square feet and its lowest edge shall be a minimum of eight feet from the ground.

*Real estate sign* means any sign advertising the real estate upon which the sign is located as being for rent, lease, or sale. Residential real estate signs shall be permitted for individual residential properties and for residential subdivisions, and shall not exceed 20 square feet in area. Only one residential real estate sign per lot and/or subdivision shall be permitted. Commercial and industrial real estate signs shall be permitted for industrial and commercial properties and shall not exceed 60 square feet in area. All residential, commercial, and industrial real estate signs shall be removed within two weeks of the sale or lease of the associated property, unit, or entire subdivision. Signs must be non-illuminated, constructed of durable materials, and placed only on the property for sale, rent, or lease.

*Sign* means any device, fixture, display, placard, or structure that uses any color, form, graphic, illumination, symbol, and/or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. A wall sign shall consist of both a sign face and a bracket. A freestanding sign shall consist of the sign face(s), bracket(s), post(s) and frame. A monument sign shall consist of the sign face(s) and support base.

*Subdivision identification sign* means one freestanding permanent sign may be installed at all exclusive entrances to a development. Each sign shall have a maximum sign area of sixteen (16) square feet. These signs shall not be located within the public right-of-way or on town-owned or controlled land.

*Temporary sign* means any sign not permanently installed or any sign only intended for use for a limited period of time. Such signs shall be permitted in all zoning districts and may be of any type and size of sign allowed therein and shall be subject to the same requirements, restrictions, and set back limitations applicable to other sign types in those zones. Temporary signs are prohibited from all public rights of way, municipal buildings, and town-owned property, and shall not be affixed to any traffic signs, utility poles, nor to any trees located in public rights of way or on town property. Such signs shall not remain in place for more than 120 days.

*Town* refers to all governmental entities of the Town of Foster.

*Wall sign* means any sign attached parallel to, but within ten inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building, and which displays only one sign surface and is supported by such wall or building. One such sign shall be permitted per business per building face with a maximum of three per business. The maximum width of the sign display shall not exceed 70 percent of the linear frontage associated with the business unit. This provision shall only apply to those businesses located within the main structure(s) and shall not apply to any other freestanding structures (i.e. pad sites, kiosks, outbuildings, etc.). All wall signs must be directly associated with the business, entity, or enterprise located within the building or structure to which they are attached, painted, or erected as described above. Any wall signs that are not directly associated with said business, entity, or enterprise are strictly prohibited.

*Window sign* means any sign that is placed inside a window or upon the window panes or glass (exclusive of merchandise display). Permanent window signs may be applied to, painted on, or attached to the inside of each window associated with a business. The area of such window signs shall be counted toward the maximum visible sign area. All window signs shall not exceed 25 percent of the total window area. Such signs must not be illuminated when the business is closed. Electronic or LED monitors (such as TV screens) shall not be used as window signs.

(b) *Computations.* The following principles shall control the computation of sign area and sign height:

(1) *Sign display:* The sign display is a portion of the permitted sign area. The area of a sign display shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display.

(2) *Sign area, single-faced signs:* The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed as the area of sign display together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

(3) *Sign height:* The height of a freestanding sign shall be computed as the distance from the base of the sign pole at normal grade to the top of the sign area. The height of a monument sign shall be computed as the distance from the base of the sign at normal grade to the top of the sign area. Normal grade shall be construed to be the lower of (1) existing grade prior to the construction, or (2) the newly established grade after construction.

(c) *General regulations.*

(1) *Changes to nonconforming signs:* Enlargement or relocation of legal non-conforming signs requires additional approval from the zoning board of review.

(2) *Rhode Island Building Code:* Within all zones and districts, all signs shall comply with applicable provision(s) of the Rhode Island State Building Code and the National Electric Code.

(3) *Sign maintenance:* Within all zones and districts, all signs shall be maintained in good structural condition in conformance with this article (unless otherwise allowed through the zoning board of review) at all times.

(4) *Landscaping requirements:* For the purposes of this article, "landscaping" shall include any combination of living plants such as grass, ground cover, shrubs, vines, or hedges and nonliving landscape materials such as rocks, pebbles, sand mulch, or decorative paving material. In the case of freestanding or monument signs, the requirement shall be that the area immediately underneath the sign and the entirety of an area extending two feet radially from the sign base or supports shall be landscaped. Landscape materials may not obstruct the view of the sign message.

(5) *Illumination:* Externally lit signs are allowed in all zones, provided they are oriented such that the light is directed away from any adjacent properties and traffic arteries and is of a continuous white nature. The intensity of sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest right-of-way; and the illumination of a sign shall not be obtrusive to the surrounding area. A sign shall

only be illuminated during the hours of operation of the use, business or activity being identified or advertised up to one hour after closing.

(6) *Alterations:* Any legally existing sign (including legal non-conforming sign) may be altered either to update the sign content or to reflect new information, provided that the alteration does not result in any change in the sign's extent, location, or illumination.

(d) *Sign table.*

X = Permitted

O = Prohibited

AR = Agricultural/Residential

~~NC = Neighborhood Commercial~~

~~GBM = General Business Mixed Use~~

~~MI = Manufacturing/Industrial~~

~~R-SC = Residential Senior Citizens~~

M = Municipal

HC2 = Highway Commercial (2)

	AR	<del>NC</del>	<del>GBM</del>	<del>MI</del>	<del>R-SC</del>	<u>M</u>	<u>HC2</u>
Animated	O	<del>⊖</del>	O	<del>⊖</del>	<del>⊖</del>	<u>O</u>	<u>O</u>
Announcement board	X	<del>×</del>	X	<del>×</del>	<del>×</del>	<u>X</u>	<u>X</u>
Billboard	O	<del>⊖</del>	O	<del>⊖</del>	<del>⊖</del>	<u>O</u>	<u>O</u>
Building marker	X	<del>×</del>	X	<del>×</del>	<del>×</del>	<u>X</u>	<u>X</u>
Construction sign	X	<del>×</del>	X	<del>×</del>	<del>×</del>	<u>X</u>	<u>X</u>
Directional sign	X	<del>×</del>	X	<del>×</del>	<del>×</del>	<u>X</u>	<u>X</u>
Directory sign	O	<del>⊖</del>	X	<del>⊖</del>	<del>⊖</del>	<u>X</u>	<u>X</u>
Externally illuminated sign	X	<del>×</del>	X	<del>×</del>	<del>×</del>	<u>O</u>	<u>X</u>
Freestanding sign	<del>X</del> <u>O</u>	<del>×</del>	X	<del>×</del>	<del>×</del>	<u>X</u>	<u>X</u>
Gas station and service sign	O	<del>×</del>	X	<del>×</del>	<del>⊖</del>	<u>O</u>	<u>X</u>
Government sign	X	<del>×</del>	X	<del>×</del>	<del>×</del>	<u>X</u>	<u>X</u>

Internally illuminated sign	O	⊖	⊖ <u>X</u>	⊖	⊖	<u>O</u>	<u>X</u>
Incidental sign	X	✗	X	✗	✗	<u>X</u>	<u>X</u>
Incidental sign, residential	X	✗	X	✗	✗	<u>O</u>	<u>X</u>
Institution/organization sign	X	✗	X	✗	✗	<u>X</u>	<u>X</u>
Monument sign	<del>O</del> <sup>1</sup>	✗	X	✗	✗	<u>X</u>	<u>X</u>
<u>Moving Sign</u>	<u>O</u>	=	<u>O</u>	=	=	<u>O</u>	<u>O</u>
Nameplate	X	✗	X	✗	✗	<u>X</u>	<u>X</u>
Neon sign	O	⊖	⊖ <u>X</u>	⊖	⊖	<u>O</u>	<u>X</u>
Off-premises sign – Commercial use	O	⊖	O	⊖	⊖	<u>O</u>	<u>O</u>
Off-premises sign – Non-commercial use, temporary	X	✗	X	✗	✗	<u>X</u>	<u>X</u>
Off-premises sign – Non-commercial use, permanent	O	⊖	O	⊖	⊖	<u>O</u>	<u>O</u>
Projecting sign	O	✗	X	✗	⊖	<u>O</u>	<u>X</u>
Real estate sign	X	✗	X	✗	✗	<u>O</u>	<u>X</u>
Subdivision identification sign	X	✗	X	✗	✗	<u>X</u>	<u>X</u>
Temporary sign	X	✗	X	✗	✗	<u>X</u>	<u>X</u>
Wall sign	O	✗	X	✗	✗	<u>X</u>	<u>X</u>
Window sign	O	✗	X	✗	✗	<u>X</u>	<u>X</u>

<sup>1</sup>Subdivision identification sign ~~ex~~accepted.

(e) *Regulations by zone.*

(1) *Agricultural/residential (AR).*

a. *Setbacks:* No sign shall be placed within five feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater).

b. *Height:* No sign shall be greater than five feet in height.

c. *Lighting:* No external illumination of a permitted sign shall be greater than 75 watts/1,500 lumens.

d. *Total sign area:* No sign shall exceed 20 square feet in area, or the size restriction specified by sign type definition (whichever is less).

~~(2) Neighborhood commercial (NC) and manufacturing/industrial (MI).~~

~~a. *Setbacks:* No sign shall be placed within five feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater). No sign shall be sited within 30 feet of an AR zone boundary.~~

~~b. *Height:* No sign shall be greater than 15 feet in height.~~

~~c. *Lighting:* No external illumination of a permitted sign shall be greater than 200 watts/4,000 lumens.~~

~~d. *Total sign area:* No sign shall exceed 60 square feet in area, or the size restriction specified by sign type definition (whichever is less).~~

~~(3) General business *mixed use* (GBM).~~

~~a. *Setbacks:* No sign shall be placed within five feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater). No sign shall be sited within 30 feet of an AR zone boundary.~~

~~b. *Height:* No sign shall be greater than 20 feet in height.~~

~~c. *Lighting:* No external illumination of a permitted sign shall be greater than 250 watts/5,000 lumens.~~

~~d. *Total sign area:* No sign shall exceed 100 square feet in area, or the size restriction specified by sign type definition (whichever is less).~~

~~(4) Residential *senior citizens* (R-SC).~~

~~a. *Setbacks:* No sign shall be placed within five feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater). No sign shall be sited within 30 feet of an AR zone boundary.~~

~~b. *Height:* No sign shall be greater than ten feet in height.~~

~~c. *Lighting:* No external illumination of a permitted sign shall be greater than 100 watts/2,000 lumens.~~

~~d. *Total sign area:* No sign shall exceed 20 square feet in area, or the size restriction specified by sign type definition (whichever is less).~~

(3) Municipal.

a. *Setbacks:* No sign shall be placed within five feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater).

b. b. *Height:* No sign shall be greater than five feet in height.

c. Lighting: No external illumination of a permitted sign shall be greater than 75 watts/1,500 lumens.

d. No sign shall exceed 20 square feet in area, or the size restriction specified by sign type definition (whichever is less).

(4) Highway commercial (2) (HC2).

a. Setbacks: No sign shall be placed within five feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater). No sign shall be sited within 30 feet of an AR zone boundary.

b. Height: No sign shall be greater than 20 feet in height.

c. Lighting: No external illumination of a permitted sign shall be greater than 250 watts/5,000 lumens.

d. Total sign area: No sign shall exceed 100 square feet in area, or the size restriction specified by sign type definition (whichever is less).

(f) *Prohibitions.* For the purposes of regulating unauthorized signage, protecting the health, safety, and welfare of residents, promoting the safety of the traveling public, protecting existing property values, preventing the overcrowding of land, encouraging positive economic development, and promoting a positive community appearance as part of a concerted effort to protect and enhance the aesthetics of the town for the enjoyment of all citizens, certain sign types are not allowed. It is recognized here that, unlike on-premises signs which are actually associated with the use of the property where the sign is located, "off-premises signage" is separate and distinct and thereby unrelated to the use of the property where the sign is located. With a view to this distinction, and in furtherance of the above stated goals, off-premises signs are regulated differently from on-premises signs.

In addition to the signs described as prohibited under the sign table, the following signs and sign materials are also expressly prohibited:

- (1) Signs which are attached to natural features, stone walls, utility poles, utility boxes, traffic signs, fences, or highway structures. This does not include residential incidental signs.
- (2) Signs attached to or placed on or against trailers or vehicles, whether registered or unregistered. This does not include signs adhered or painted onto vehicles.
- (3) Signs in the public right-of-way, except for those installed by the government.
- (4) Signs which imitate, and may be confused with, an official traffic control sign or signal, or an emergency or road equipment vehicle.
- (5) All other signs which have not been expressly permitted within this chapter.
- (6) All existing signs erected without the necessary approvals and/or permits.
- (7) Off-premises signs, commercial use including billboards.

(8) Moving devices, such as pennants, ribbons, streamers, spinners, or the like.

(9) Roof-mounted signs.

(10) Signs with any statement, symbol, or picture of an obscene nature.

Additional signs prohibited: The total number of permitted exterior signs at any business shall not exceed four. This number shall include any combination of wall signs, freestanding signs, monument signs, and projecting signs.

(g) *Non-conforming signs.* A sign shall lose its legal non-conforming status when:

(1) The sign is enlarged or reduced without approvals.

(2) The sign is relocated without approvals.

(3) The sign shall not have been repaired or properly maintained within 30 days after written notice to the effect has been given by the building official and/or director of planning, or their designees.

(4) The sign structure is removed and replaced with another nonconforming sign, regardless of its size.

(5) The business structure associated with the sign has been abandoned and demolished. A sign shall not lose its legal nonconforming status when:

(1) A wall sign is removed for construction, painting and/or restoration of the building, provided that the sign is returned to its location within 30 days of completion of the building work.

(2) The sign is removed to facilitate repair, maintenance and/or repainting and replaced immediately upon completion of such work.

(h) *Enforcement.*

(1) Permanent signs require a sign permit, excepting residential incidental signs. Applications are available from the building official.

(2) A sign shall be considered in violation of the provisions of this article if:

a. It is prohibited.

b. It loses its non-conforming status.

c. It is considered abandoned.

d. It is considered unsafe or unsecure.

1. The zoning enforcement officer will follow violation procedure as outlined in [section 38-3](#).



2. Notwithstanding the provisions of subsection 1 above, a sign may be removed if reasonable efforts to contact the owner have been unsuccessful and the sign constitutes an immediate threat to safety of persons or property as determined by the zoning enforcement officer or a designee.

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