

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 V. – NONCONFORMING USE

Sec. 38-239 – Easement Access.

- Sec. 38-239 – Easement Access shall be added to regulate access on lots not having road frontage.

Where a lot has no road frontage, an easement is required to be recorded in land evidence prior to the issuance of a zoning certificate or building permit. The easement shall not be located on more than three (3) lots under different ownership. Nothing stated herein shall be construed to reduce the authority of the zoning-enforcement officer to issue conditions on said recorded easement.

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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 V. – NONCONFORMING USE

Sec. 38-237 – Enlargement.

- Sec. 38-237 – Enlargement shall be amended to remove inaccurate information as it pertains to the provisions of section 38-192.

A preexisting use, which is not a prohibited use under section 38-193, may be enlarged for the same use, provided such enlargement is within the limits of the lot of record the use occupies on July 6, 1967, and subject to the dimensional requirements for front, side and rear yard depth and height of section 38-192 for the district of its location. ~~In the case of enlargement of a single family residence structure, the district dimensional requirements for front, side and rear yard depth may be modified by permitted use by special use permit under section 38-192.~~ A preexisting use, which is a prohibited use under section 38-193, shall not be enlarged, and the extent and intensity of usage of any structure for a prohibited use shall not be increased beyond the extent and intensity of usage on July 6, 1967.

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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 V. – NONCONFORMING USE

Sec. 38-230 – Nonconforming by use.

- Sec. 38-230 – Nonconforming by use shall be amended to match the definitions section.

A lawfully established use of land, building or structure ~~which that~~ is not a permitted use in the zoning district in which it is located is nonconforming by use. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter is nonconforming by use.

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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 V. – NONCONFORMING USE

Sec. 38-231 – Nonconforming by dimension.

- Sec. 38-231 – Nonconforming by dimension shall be amended to match the definitions section.

A ~~lawfully established~~ building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter is nonconforming by dimension. Dimensional regulations include all regulations of this chapter, other than those pertaining to the permitted uses. A ~~lawfully established building, or structure, parcel of land, containing a permitted number or use thereof dwelling units by, not in compliance with the parking use regulations of this chapter, but not meeting the lot area per dwelling unit regulations is also nonconforming by dimension. A lawfully existing or lawfully established lot that is not in compliance with the dimensional regulations of this chapter including, but not limited to, those regulations for minimum lot size, lot width and lot frontage (also known as a substandard lot of record), is also noneonforming by dimension.~~

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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 V. – NONCONFORMING USE

Sec. 38-234 – Continuation of use.

- Sec. 38-234 – Continuation of use shall be amended to clarify/meet requirements set forth in RIGL.

Nothing in this chapter shall prevent or be construed to prevent the continuation of a nonconforming use of any building, ~~or~~ structure or use of land for any purpose to which such building, ~~or~~ structure or use of land was lawfully established.

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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 V. – NONCONFORMING USE

Sec. 38-226 – Substandard lot of record.

- Sec. 38-226 – Substandard lot of record shall be amended to meet requirements set forth in RIGL.

(a) No lot area shall be so reduced that yards, total area and lot width shall be less than prescribed for the district in which the lot is located. No yard or open space provided around any building for the purpose of complying with the provision of this chapter shall again be used as a yard or open space for any other building.

(b) Where no adjacent land is in the same ownership so as to form a larger land parcel, a lot smaller than the minimum dimensions and area required by this chapter which was a lot of record on the effective date of the ordinance from which this chapter derives may be used for a permitted use, provided that such lot shall have a minimum area of 10,000 square feet, a minimum frontage of 100 feet on a public or private road, and a minimum width of 100 feet. Unless reduced by the provisions of this section, All other dimensional requirements of the district as written in 38-192 shall be complied with by existing conditions or by granted request for relief from the literal requirements of this zoning ordinance, except that side and rear depth requirements shall be reduced by the associated percentage that the lot is less than 150 feet wide or less than 200 feet deep. Maximum lot coverage shall be permitted to exceed that of the district in which it is located, for the permitted use in question by no more than 25%.

(c) Where a lot has no road frontage, easement access shall be regulated by 38-239. Nothing stated herein shall be construed to reduce the authority of the zoning-enforcement officer in issuing conditions on a recorded easement.

(d) No building permit shall be issued on such a lot without certification in writing from the zoning-enforcement officer town's building official that said lot is a substandard lot of record. In the event that a variance or special-use permit is necessary, the official shall certify that the lot is a substandard lot of record and needs the relief relating to "side and rear requirements," as prescribed in the previous paragraph, as part of application to the zoning board of review.

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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 V. – NONCONFORMING USE

Sec. 38-227 – Merger of substandard lot of record.

- Sec. 38-227 – Merger of substandard lot of record shall be amended to clarify provisions set forth in RIGL.

Merger of substandard lots of record has been ~~required-provided for~~ under prior editions of this chapter. Such merger shall continue ~~to have provisions~~ under this edition for all districts and all contiguous ~~substandard~~ lots of record in the same ownership. Such lots shall continue to be ~~permitted to be~~ merged so as to create dimensionally conforming lots or to reduce the extent of nonconformance. Merger in all districts is determined necessary under these standards due to the town's lack of sewers and public water supply and because it is a rural town and must conform ~~with to~~ the comprehensive plan.

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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 I. – IN GENERAL

Sec. 38-1. - Purpose of chapter.

- ~~Sec. 38-1 – Purpose of chapter shall be amended as follows to meet RIGL:~~

The zoning districts and regulations set forth in this chapter are made in accordance with the comprehensive community plan, ~~adopted~~ ~~approved~~ ~~as amended~~ on ~~April 23, 1992~~ ~~October 27, 2022~~, and for the following purposes:

- (1) ~~Promote~~ing the public health, safety and general welfare of the town.
- (2) ~~Provide~~ing for a range of uses and intensities of use appropriate to the character of the town and reflecting current and expected future needs.
- (3) ~~Provide~~ing for orderly growth and development ~~which that~~ recognizes:
 - ~~a-~~(i) The goals and patterns of land use contained in the comprehensive community plan of the town adopted pursuant to ~~G.L. 1956~~, § 45-22.2-1 et seq.
 - ~~b-~~(ii) The natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface water or groundwater pollution;
 - ~~e-~~(iii) The values and dynamic nature of the town's waterbodies including freshwater ponds, streams and freshwater wetlands;
 - ~~d-~~(iv) The entire town's watershed areas;
 - ~~e-~~(v) The values of unique natural resources and features;
 - ~~f-~~(vi) The availability and capacity of existing and planned public and/or private services and facilities;

~~g-(vii)~~ The need to shape and balance urban, ~~suburban~~ and rural development; and

~~h-(vii)~~ The use of innovative development regulations and techniques.

(4) Provide~~ing~~ for the control, protection and/or abatement of air, water, groundwater, noise pollution, and soil erosion and sedimentation.

(5) Provide~~ing~~ for the protection of the natural, historic, cultural, and scenic character of the town, or areas therein.

(6) Provide~~ing~~ for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources and open space and recreation resources of the town.

(7) Provide~~ing~~ for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space and other public requirements.

(8) Promote~~ing~~ a balance of housing choices, for all income levels and groups, ~~and to en~~assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.

(9) Providing opportunities for the establishment of low-and moderate-income housing

~~(9)10~~ Promote~~ing~~ safety from fire, flood and other natural or manmade disasters.

~~(40)11~~ Promote~~ing~~ a high level of quality in design in the development of private and public facilities.

~~(44)12~~ Promote~~ing~~ implementation of the comprehensive ~~community~~-plan which states that the town will continue to be a rural community retaining its historic hamlets, small farmsteads, scenic roads, wooded ridges and river valley pastures while simultaneously absorbing new growth and development in the planning horizon (~~2010~~2022) through the use of ~~growth management, development standards~~ and through ~~special-overlay-concentrated~~ zoning districts to protect its farmland and historic, scenic and unique natural resources. The comprehensive plan is adopted pursuant to § 45-22.2-1 et seq.

~~(42)13~~ Provide~~ing~~ for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

~~(43)14~~ Provide~~ing~~ for efficient review of development proposals, ~~and to~~ clarify and expedite the zoning approval process.

~~(44)15~~ Provide~~ing~~ for procedures for the administration of this chapter, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.

(16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

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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 II. – ADMINISTRATION

DIVISION 1. - GENERALLY

Sec. 38-36. - Enforcement of chapter.

- Sec. 38-36 – Enforcement of chapter shall be amended as follows to match the amendments to the definition section.

(a) Zoning official. A zoning official shall be appointed by the town council and have the minimum qualifications of familiarity with this chapter and prior experience in the enforcement of zoning regulations. It shall be the duty of the zoning official to enforce the provisions of this chapter and to keep a record of every identifiable complaint of a violation and of any action taken in response.

(b) Zoning certificate. No building, structure or sign shall hereafter be erected, enlarged or relocated and no nonstructural use, (except nonstructural uses listed in section 38-191) shall be initiated until the zoning-~~enforcement~~ officia~~l~~er has certified, in writing, that the proposed use, structure or sign conforms to the provisions of this chapter. The zoning-~~enforcement~~ officia~~l~~er may require that copies of the plans, specifications and such other information as he may deem necessary be filed with the application for such certificate. The zoning certificate shall be issued within 15 days upon a written request from any person who is an owner of a parcel of land or a person with a bona fide legal or equitable interest in a parcel of land in the town. If no written response is provided from the zoning-~~enforcement~~ officia~~l~~er within that time, the requesting party shall have the right to appeal to the zoning board of review for the determination. The zoning- ~~enforcement~~ officia~~l~~er shall issue the following copies of each certificate: the applicant, zoning board of review, town council, town planner and town clerk. No certificate may be issued by the zoning-~~enforcement~~ officia~~l~~er for any use not specifically permitted in this chapter, except where the zoning-~~enforcement~~ officia~~l~~er receives a statement, in writing, from the zoning board of review indicating the granting of an appeal, special-~~use~~ permit or variance or a statement, in writing, from the town council indicating an amendment to this ordinance.

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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

Secs. 38-295-38-320. – Reserved.

- Secs. 38-295 – 38-320. – Reserved shall be amended to reserve sections 38-297 – 38-320. Supplementary regulations for Recreational marijuana uses to be added. Supplementary regulations for the proposed, future, Municipal/Historic Overlay District to be added.

Sec. 38-295. – Recreational marijuana uses.

This section is reserved.

Sec. 38-296. – Development regulations - Municipal/Historic overlay district

This section is reserved.

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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. 38-291 – Regulations pertaining to communications towers and antennas.

- Sec. 38-291 – Regulations pertaining to communications towers and antennas shall be amended to account for amendments to the zoning map

(a) *Purpose.* The purpose of this section is to provide guidelines for the siting of towers and antennae that are consistent with the rural character and land uses of the town. The goals of this section are to:

- (1) Establish the location of towers and minimize the total number of towers throughout the community, while providing seamless coverage.
- (2) Maximize location of antennae on existing structures, and require the joint use (collocation) of new and existing towers in order to minimize or mitigate any adverse impact on the town.
- (3) Facilitate the use of public property and structures for the siting of towers and antennas.
- (4) Establish that towers located in the agricultural-residential, ~~neighborhood-commercial, residential-senior citizen~~ and municipal zones will be alternative tower structures that are complimentary to the existing character of the surrounding environment, if possible.

(b) *Applicability.* No communications antenna array or communications tower shall be erected, constructed, altered, or maintained on any lot within the town after the November 19, 1998, without complying with the terms of this section. No communications antenna array or communications tower shall be erected, constructed, altered or maintained on any parcel designated as permanent open space held in trust by the town or by the Town of Foster Land Trust.

(c) *Development standards.* The following development standards for communications towers and antennas shall apply, but not limit the authority of the zoning board of review under [section 38-63](#).

(1) *General.* Towers and antennas shall be subject to review as a major land development plan and is to include a commercial and industrial development site review by the planning board as provided in [section 38-394](#).

a. Town-owned sites or facilities that are located in the prospective development area which could potentially accommodate the proposed antennas and tower shall be considered first and given priority for locations of said antennas and/or tower.

b. In the event town-owned sites or facilities are not available, the applicant shall make a reasonable effort to utilize existing structures or alternative tower structures for location of antennas. Should an existing structure not be utilized, evidence as to why shall be submitted.

c. All towers, antennas, equipment shelters and any other communications equipment which have not been used for a period of one year shall be considered abandoned and shall be dismantled and removed at the owner's expense. The owner of such tower, antennas, equipment shelter and any other communications equipment shall remove the same within 90 days of the sending of notice from the building official. If such tower, antenna, equipment shelter and any other communications equipment is not removed within said 90 days, the town may take any necessary action to remove said tower, antenna, equipment shelter and any other communications equipment at the owner's expense.

(2) *Submission requirements.*

a. The applicant shall comply with the submission requirements of [chapter 32](#) and the requirements of [section 38-394](#).

b. The applicant shall submit a master plan covering the entire town. The plan shall indicate all existing, proposed, or planned sites of such carrier, including alternative sites from which the needed coverage could also be provided. The plan will also indicate the zoning district, current use, and neighboring uses for all such sites.

c. Towers shall be built so as to facilitate collocation and co-use of antennas. The applicant shall indicate how the site will be designed to collocate future carriers, and how many of such carriers can be technically accommodated. Consideration shall be given to the collocator of multiple antennas on one tower and technologies which allow co-use of a single antenna to maximize the number of carriers on a given structure.

d. The application shall contain a statement that if the site will physically support co-location and the locator is willing to sign a commercially reasonable lease, it shall be allowed to collocate.

e. Tower bases and their accessory structures shall be enclosed by a maintenance-free fence no less than six feet in height or more than eight feet in height from finished grade. Access shall be through a locked gate.

f. Towers shall not be artificially lighted except as required for public safety reasons by the FAA, or by the town. All exterior lighting shall be full cutoff lighting.

g. No signs shall be allowed on any towers except as required for public safety reasons and must be located within eight feet of the ground.

h. The tower owner shall have the tower inspected for structural integrity in accordance with the state building code on an annual basis by a state-registered professional engineer. This inspection report is to be forwarded to the building official.

i. This section shall not apply to any tower or antenna installation which is owned and operated by a federally licensed amateur radio operator, which tower or antenna does not exceed 70 feet in height. The term "federally licensed" means having a valid and active federal amateur radio license in compliance with all applicable federal laws, regulations and ordinances and having provided evidence of such compliance with the town clerk.

3. Location

a. Proposed tower locations shall be situated in such a manner as to minimize visual impacts upon sensitive receivers, including but not limited to: National Register Historic Districts, Scenic Roads and Highways, as listed in The Town of Foster Comprehensive Plan. Viewshed analysis is required to establish the visibility of any tower, alternative tower, or development proposal.

b. Setback requirements for towers from all property lines shall be sufficient such that in the event of any failure of the tower, the tower and all related accessories will fall within the property limits. In no case shall the setbacks be less than one-half foot per one foot of any height. Guy- wire supported structures and their guy supports shall be adequately protected and shall be setback from all property lines the minimum of the zoning district in which they are proposed but no less than fifty (50) feet. The applicant will provide documentation, prepared and certified by a registered professional engineer to justify all setback dimensions.

c. Equipment buildings are considered as accessory buildings and shall comply with the applicable setbacks of the underlying zone.

d. The maximum height for a tower free standing or guyed shall be one hundred ninety (190) feet.

4. Construction Criteria

a. Plantings shall be of such a height and density to provide complete screening at ground level as viewed from the public road and abutting property lines. Existing vegetation shall be preserved to the maximum extent possible and may be used as a supplement towards meeting the screening goal. The owner of the property shall be responsible for all maintenance and shall replace all dead plantings within thirty (30) days.

b. If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment must be of a neutral color identical to, or closely compatible with, the color of the alternative tower structure so as to make the antenna and related equipment as visually unobtrusive as possible.

c. Tower bases and their accessory structures shall be enclosed by a maintenance-free fence no less than six (6) feet in height or more than eight (8) feet in height from finished grade. Access shall be through a locked gate.

d. Towers shall not be artificially lighted except as required for public safety reasons by the FAA, or by the Town. All exterior lighting shall be full cut-off lighting.

e. No signs shall be allowed on any towers except as required for public safety reasons and must be located within eight feet of the ground.

f. The tower owner shall have the tower inspected for structural integrity in accordance with the Rhode Island Building Code on an annual basis by a Rhode Island registered professional engineer. This inspection report is to be forwarded to the Foster Building Official.

g. This section shall not apply to any tower or antenna installation which is owned and operated by a federally licensed amateur radio operator, which tower or antenna does not exceed seventy (70) feet in height. "Federally Licensed" means having a valid and active Federal Amateur Radio License in compliance with all applicable Federal laws, regulations and ordinances and having provided evidence of such compliance with the Town Clerk.

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:

Chapter 38 – ZONING

ARTICLE VIII – LAND DEVELOPMENT PROJECTS

- Sec 38-356: Residential Compounds shall be added as follows:

(a) *Purpose.* The purpose of residential compound development is to provide for the private conservation of underdeveloped or fragile natural resource areas and to provide open space preservation by permitting limited residential building on such tracts of land.

~~(b) *Eligibility.*~~

~~(1) Only property which has been continuously in the same ownership for a period of at least five years shall be eligible for residential compound development. For purposes of this section, continuous ownership shall include the period during which parties own property as joint tenants or as tenants by entirety and the period during which the surviving joint tenant or tenant by the entirety continues to own the property either in his own name or as joint tenant or tenant by the entirety with another; the period during which a decedent has owned the property together with the time when his devisees or heirs at law shall own property after the death of the decedent.~~

~~(2) Frontage for lots created after July 1, 1967, shall be 300 feet or more. Frontage for lots that were preexisting lots of record on July 1, 1967, shall be 50 feet or more.~~

~~(3) No lot that has been divided after March 5, 1998, shall be eligible for a residential compound.~~

~~(e) *General.* Residential compound development shall be reviewed as a minor subdivision in accordance with provisions of [chapter 32](#).~~

~~(d) *Use limitations and dimension requirements.*~~

(1) A compound shall include not more than three single-family dwelling units, ~~having One lot within the compound shall have at least 300 feet of road frontage on a public road or a combination of lots shall have at least 300 feet of frontage in common~~ on a public road, ~~or on public roads, and sharing a A shared~~ driveway shall be held in common. Two additional units that meet the definition of LMI may be added for a total of five units on the same type of lot.

(2) Restrictive covenants shall prohibit further division of land within the compound.

(3) The only permitted use shall be single-family residential and uses customarily accessory to residences.

(4) The minimum lot size for consideration shall be 30 acres.

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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. 38-276 – Lots divided by zoning district boundary.

- ~~Sec. 38-276 – Lots divided by zoning district boundary shall be removed. The section shall be replaced by standards currently listed in the notes of Sec. 38-191.~~

Sec. 38-276. – ~~Lots divided by zoning district boundary.~~ Standards for fruit/vegetable stands.

~~Where a lot is divided by a zoning district boundary, the regulations for either district shall apply (at the option of the owner of the lot) except that no district shall, in effect, be extended more than 50 feet into an adjoining district.~~

~~(Ord. of 6-23-1994, art. VI, § 5)~~

~~Building not to exceed 1,000 square feet. Requires review pursuant to Sec. 38-394.~~

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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. 38-284 – 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 HCM~~ 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 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 be considered a single bedroom unit. Up to ten percent of the living units may be planned for occupancy by handicapped persons.

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

(3) The maximum number of living units within any single development shall be 30.

(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 disposal will be provided for in accordance with section 38 281(78)d.4(3).

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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. – SITE PLAN REVIEW

Sec. 38-391 – Site plan for residential compounds.

- Sec. 38-391 – Site plan for residential compounds shall be amended to clarify how a Residential compound application is reviewed.

~~This section is reserved. Shall be reviewed as a minor subdivision. See Sec. 38-356(c) for review requirements and Sec. 32-161(2) for site plan requirements.~~

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**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 IX. – SITE PLAN REVIEW

Sec. 38-392 – Site plan for cluster development.

- Sec. 38-392 – Site plan for cluster development shall be amended. This section is reserved. Cluster development is introduced in Secs. 38-57 and 38-358.

~~This section is reserved. Permitted in the GB and HC2 districts. See section 38-394.~~

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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 I. – IN GENERAL

Sec. 38-2. - Definitions.

- Sec. 38-2 – Definitions shall be amended as follows to meet RIGL:

~~The following Where words, or terms and phrases, when used in this chapter are defined in § 45-22.2-4 or 45-23-32, shall they have the meanings stated in that section. In addition, the following words shall have the following meanings. Additional words and phrases may be used in developing local ordinances under this chapter; however, the words and phrases defined in this section are controlling in all local ordinances created under this chapter; ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~(#) Abutter, means ~~o~~One whose property abuts, that is, adjoins at a border, boundary or point with no intervening land.~~

~~(#) Accessory dwelling unit (ADU). A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities for one or more persons. It may take various forms including, but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.~~

~~(#) Accessory family dwelling unit, means ~~a~~An accessory 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.~~

~~(#) Accessory use, means ~~a~~A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use may be restricted to the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related. Examples: a garage accessory to a house on the residential lot, a repair shop in an auto sales agency and a parking lot serving a drugstore, and a barn accessory to a house.~~

~~(#) Adaptive reuse. "adaptive reuse," as defined in § 42-64.22-2.~~

~~(#) Aggrieved party, means ~~An aggrieved party, for purposes of this chapter, shall be:~~~~

~~(1) Any person, or persons, or entities, who or that can demonstrate that ~~their his, her, or its~~ property will be injured by a decision of any officer or agency responsible for administering this chapter; or~~

~~(2) Anyone requiring notice pursuant to this chapter.~~

~~(#) Agricultural land, means "Agricultural land," as defined in ~~G.L. 1956,~~ § 45-22.2-4.~~

~~(#) Airport hazard area, means "Airport hazard area," as defined in ~~G.L. 1956,~~ § 1-3-2.~~

(#) Applicant, means a/an owner, or authorized agent of the owner, submitting an application or appealing an action of any official, board or agency.

(#) Billboard, means a/any sign or advertising device, freestanding or located on a building or wall, which is not related to a use on the premises.

(#) Buffer, means ~~it~~ and which that is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

(#) Building, means a/any structure used or intended for supporting or sheltering any use or occupancy.

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

(#) Building height, means ~~the vertical distance from grade in conformance with the state building code, to the top of the highest point of the roof or structure. For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:~~

(i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or proposed freeboard, less the average existing grade elevation; or

(ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten (10) years, or as otherwise necessary.

(#) Cluster, means a/ a site-planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally, historically, culturally or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in this chapter and may include, but are not limited to, reduction in lot areas, setback requirements and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development, there is no increase in the number of lots that would be permitted under conventional development except where chapter provisions include incentive bonuses for certain types or conditions of development. ~~(Reserved for future development)~~

(#) Collocation, means ~~it~~ The use of a common tower by two or more license holders or by one license holder for more than one type of communications technology.

(#) Common ownership, means ~~e~~ either:

~~(1)~~ Ownership by one or more individuals or entities in any form of ownership of two ~~(2)~~ or more contiguous lots; or

(2ii) Ownership by an association (such ownership may also include a municipality) of one or more lots under specific development techniques.

~~(#) Communications tower.~~ ~~means a~~ freestanding structure used for the location of one or more communications antenna arrays. It may also include an equipment shelter as an accessory use.

~~(#) Community residence.~~ The definition for community residence was recommended by the Planning Board on 6/7/2023. It will be heard by the Council on 8/10 and voted on at a future meeting.

~~(#) Compassion center.~~ ~~a~~ defined in ~~G.L.~~ § 21-28.6-3, is a not-for-profit entity registered under ~~G.L.~~ § 21-28.6-12 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser.

~~(#) Comprehensive plan.~~ ~~means~~ The comprehensive plan adopted and approved pursuant to ~~G.L. 1956.~~ § 45-22.2-1 et seq. and to which any zoning adopted pursuant to this chapter shall be in compliance.

~~(#) Customary home occupation.~~ ~~means a~~ Any occupation which may normally be carried on in a residence by the occupant without the provision of normal business or industrial equipment and displays except for simple tools and machinery designed for home use. Such a use requires no structural alteration to the residence and does not create a nuisance to neighboring dwellings. Such home occupations may include, but are not limited to, knitting, sewing, cooking, handcrafts, artist, dressmaker, teacher, author, lawyer, architect, accountant, or consultant.

~~(#) Day care.~~ ~~Day-care center.~~ ~~means a~~ Any other day care center which is not a family day-care home.

~~(#) Day care.~~ ~~family day-care home.~~ The definition for Day care — Family daycare home was recommended by the Planning Board on 6/7/2023. It will be heard by the Council on 8/10 and voted on at a future meeting.

~~(#) Density, residential.~~ ~~means~~ The number of dwelling units per unit of land.

~~(#) Development.~~ ~~means~~ The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; any change in use or alteration or extension of the use, of land.

~~(#) Development plan review.~~ ~~means~~ The process whereby authorized, local officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of this chapter.

~~(#) District.~~ See "~~Zoning-use district.~~"

~~(#) Drainage system.~~ ~~means a~~ system for the removal of water from land by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development; the means for preserving surface water and groundwaters; and the prevention and/or alleviation of flooding.

~~(#) Dump.~~ ~~means a~~ place or facility for disposing discarded materials, such as trash, garbage or junk, as generated by residential, institutional, commercial, industrial and agricultural sources.

(#) Dwelling unit, ~~means a~~ structure, or portion thereof of a structure, 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.

(#) Equipment shelter, ~~means a~~ an enclosed structure, cabinet, shed or box used in as an accessory to a communications antenna array to house electrical equipment, batteries and emergency electrical generators, directly related to such antenna array. No other uses, including storage, shall be permitted in any equipment shelter.

(#) Extractive industry, ~~means~~ the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

(#) FAA, ~~means~~ the Federal Aviation Administration.

(#) Family member, ~~means a~~ person, or persons, related by blood, marriage, or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household See also Household.

(#) FCC, ~~means~~ the Federal Communications Commission.

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

(#) Floodplains, or flood hazard area, ~~Means a~~ as defined in G.L. 1956, § 45-22.2-4.

(#) Freeboard. A factor of safety expressed in feet above the base flood elevation of a flood hazard area for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

(#) Front yard, ~~means~~ the area between a road line and a line parallel thereto drawn through the nearest point of a structure, extending between side lot lines.

(#) Garbage, ~~means a~~ any animal or vegetable waste.

(#) General business—Mixed-use development, ~~is a~~ a planned, coordinated development of a single tract or tracts of land with one or more buildings for a variety of uses. These may include retail, service, office and related activities, and residential and municipal uses. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with particular attention given to on-site vehicular circulation, parking, utility needs, building design and location, and open space. The project is developed or controlled by a single proprietary entity and has an enforceable master plan and/or covenants, conditions and restrictions. The development may consist of one or more parcels, ~~econdominium~~ various forms of residential ownership, or a combination thereof and may contain public or private roads, or a combination thereof.

(#) Groundwater. “Groundwater” and associated terms, ~~shall mean~~ as defined in G.L. 1956, § 46-13.1-3.

~~(#) Halfway house. means a~~ residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

~~(#) Hardship. See G.L. 1956, § 45-24-41.~~

~~(45) Height, when referring to a tower or other structure, means the distance measured from the ground level to the highest point on the tower or other structure, even if the said highest point is an antenna.~~

~~(#) Historic district or historic site. means a~~s defined in G.L. 1956, § 45-22.2-4.

~~(#) Home occupation. means a~~Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit. ~~Examples include, but are not limited to, small engine repair shop, weaving, book binding and chair caning.~~

~~(#) Household. means~~One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

~~(i)~~ A family, which may also include servants and employees living with the family; or

~~(ii) a~~ person or group of unrelated persons living together, not to exceed five.

~~(#) Incentive zoning. means~~The process whereby the local authority may grant additional development capacity in exchange for developer's provision of a public benefit or amenity as specified in local ordinances.

~~(#) Infrastructure. means~~Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

~~(#) Land-development project. means a~~ project in which one or more lots, tracts, or parcels of land are ~~to be~~ developed or redeveloped as a coordinated site for ~~a complex of one or more~~ uses, units, or structures, including, but not limited to, planned development ~~and~~ or cluster development for residential, commercial, institutional, recreational, open space, ~~and~~ or mixed uses as may be provided for in this chapter.

~~(#) Licensed cultivator. means a~~ person as identified in G.L. § 43-3-6, who has been licensed by the department of business regulation to cultivate marijuana pursuant to G.L. § 21-28.6-16.

~~(#) Licensed nonresidential cooperative cultivation. means~~Two or more cardholders who cooperatively cultivate marijuana in nonresidential locations subject to the requirements set forth in G.L. § 21-28.6-14.

~~(#) Licensed residential cooperative cultivation. means~~Two or more cardholders who cooperatively cultivate marijuana in residential locations subject to the requirements set forth in G.L. § 21-28.6-14. This excludes, per department of business regulation, the situations of two or more qualifying patient or primary caregiver cardholder(s) who are primary residents of the same dwelling.

~~(#) Lodging or guest home~~~~Short term rental structure. means a~~ structure devoted to the leasing of three or more rooms or suites, such suites usually consisting of a single room with common sanitary and dining facilities.

~~(#) Lot. means either:~~

~~(1i) The basic development unit for determination of lot area, depth, and other dimensional regulations; or~~

~~(2ii) A parcel of land ~~the whose~~ boundaries ~~of which~~ have been established by some legal instrument, such as a recorded deed or recorded map, and ~~which that~~ is recognized as a separate legal entity for purposes of transfer of title.~~

~~(#) Lot area. means the total area within the boundaries of a lot, excluding any road right-of-way, usually reported in acres or square feet.~~

~~(#) Lot area, minimum. The smallest land area established by this chapter upon which a use, building, or structure may be located in a particular zoning district.~~

~~(#) Lot building coverage. means that portion of the lot that is, or may be, covered by buildings and accessory buildings.~~

~~(#) Lot depth. means the distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.~~

~~(#) Lot frontage. means that contiguous portion of a lot abutting a road street. Noncontiguous frontage shall not be included when considering whether a lot meets the dimensional requirements of section 38-192.~~

~~(#) Lot line. means a line of record, bounding a lot, which that divides one lot from another lot or from a public or private road street or any other public or private space and shall include:~~

~~(1i) Front: means the lot line separating a lot from a road street right-of-way. The front lot line on lots fronting on more than one road shall conform to section 38-273.~~

~~(2ii) Rear: means the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and:~~

~~(3iii) Side: means any lot line other than a front or rear lot line. On a corner lot, a side lot line is a road lot line.~~

~~(#) Lot of record. means a parcel of land recorded by deed or recorded plat in the office of the town clerk.~~

~~(#) Lot size, minimum. Shall have the same meaning as "minimum lot area" defined herein.~~

~~(#) Lot, corner. A lot which fronts upon two (2) roads, those roads intersecting, and not being parallel.~~

~~(#) Lot, through. means a lot which fronts upon two (2) parallel roads streets, or which that fronts upon two (2) roads which streets that do not intersect at the boundaries of the lot. At least one lot frontage shall meet minimum zoning requirements for the district.~~

~~(#) Lot width. means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.~~

~~(#) Low- or moderate-income (LMI) housing. means a~~Any housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of housing affordable to low- or moderate income households, as defined in the applicable federal or state statute, or local ordinance and that will remain affordable through a land lease and/or deed restriction for ~~ninety-nine (99)~~ years or such other period that is either agreed to by the applicant and town or prescribed by the federal, state, or municipal government subsidy program but that is not less than ~~thirty (30)~~ years from initial occupancy.

~~(#) Medical marijuana emporium. means a~~Any establishment, or club, whether for-profit or nonprofit, or any commercial unit or other premises at which the distribution, transfer or use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among registered patients, registered caregivers, authorized purchaser cardholders. This shall not include a compassion center or licensed cultivator regulated and licensed by the department of business regulation.

~~(#) Mere inconvenience. See G.L. 1956, § 45-24-41.~~

~~(#) Mixed use. means a~~ land use where more than one classification ~~mixture~~ of land uses ~~(residential, commercial, recreational) is permitted within a zoning district and is combined on within~~ a single development, building, or tract, or tracts of land, or within a single structure.

~~(#) Modification. Permission granted and administered by the zoning enforcement officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional variance other than lot area requirements from the zoning ordinance to a limited degree as determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%) of each of the applicable dimensional requirements.~~

~~(#) Multi-family dwelling for LMI housing. means a~~ structure containing up to four units with a maximum of eight bedrooms total for the structure for housing subject to a comprehensive permit pursuant to section 38-281.

~~(#) Nonconformance. means a~~ building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with the provisions of ~~such that~~ ordinance or amendment. Nonconformance ~~shall be is of~~ only two ~~(2)~~ types:

~~(1i)~~ Nonconforming by use: a lawfully established use of land, building or structure ~~which that is~~ not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance ~~shall be is~~ nonconforming~~ty~~ by use; or

~~(2ii)~~ Nonconforming by dimension: a building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter. Dimensional regulations include all regulations of this chapter, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter ~~shall be is~~ nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of this chapter, but not meeting the lot area per dwelling unit regulations, ~~shall be is~~ nonconforming by dimension.

~~(#) Overlay district. means a~~ district established in this chapter that is superimposed on one or more districts or parts of districts. ~~The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts consistent with other applicable state and~~

~~federal laws and that imposes specified requirements in addition to, but not less than, those otherwise applicable for the underlying zone.~~

~~(#) Performance standards, means a~~ set of criteria or limits relating to elements ~~which that~~ a particular use or process ~~either~~ must ~~either~~ meet or may not exceed.

~~(#) Permitted use, means a~~ use by right ~~which that~~ is specifically authorized in a particular zoning district.

~~(#) Piggery, means a~~ Any lot, structure or farm where garbage collected from off the premises is fed to pigs.

~~(#) Planned development, means a~~ "land-development project" ~~as defined in subsection (38), and~~ developed according to plan as a single entity and containing one or more structures ~~and/or~~ uses with appurtenant common areas.

~~(#) Plant agriculture. The growing of plants for food or fiber, to sell or consume.~~

~~(#) Preapplication conference, means a~~ review meeting of a proposed development held between applicants and reviewing agencies as permitted by law and municipal ordinance, before formal submission of an application for a permit or for development approval.

~~(#) Preexisting towers and antennas, means t~~ Towers and antennas built and/or mounted before March 5, 1998.

~~(#) Professional office, means a~~ An office used primarily for conduct of ~~the following~~ occupations ~~including, but, not limited to~~: licensed medical practitioner, attorney, accountant, architect, surveyor or engineer.

~~(#) Rear yard, means t~~ The area between a rear lot line and a line parallel thereto drawn through the nearest point of a structure, extending between side lot lines.

~~(#) Recreational events and amusements (open), means e~~ Outdoor recreational uses that are temporary and characteristic of the town and cause minimal noise, traffic and inconvenience to neighboring properties. Examples are; horse shows and art shows. Any event following within the scope of ~~G.L. 1956,~~ § 5-22-1 et. seq. shall also receive approval from the town council, subject to any terms and conditions imposed by the council pursuant thereto.

~~(#) Residential caregiver cultivation, is a~~ primary caregiver as defined in ~~G.L.~~ § 21-28.6-3 who elects to grow marijuana at their residence in accordance with the regulations as set forth in ~~G.L.~~ § 21-28.6-4.

~~(#) Residential personal cultivation, means m~~ Marijuana cultivation by a single registered cardholder, as defined in ~~G.L.~~ § 21-28.6-3, within his or her residential dwelling for medical use only, in accordance with the regulations set forth in ~~G.L.~~ § 21-28.6-4.

~~(#) Road, means a~~ public highway of the town or the state, or a road within a subdivision approved by the planning board in accordance with ~~chapter 32,~~ the town subdivision regulations.

~~(#) Road line, means a~~ lot line separating a lot from an adjacent road.

~~(#) Setback line or lines, means a~~ line, ~~or lines,~~ parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

(#) *Side yard*, ~~means~~ ~~+~~ The area between a side lot line and a line parallel thereto drawn through the nearest point of a structure, extending from the front yard to the rear yard, or if there is no rear yard, to the rear lot line.

(#) *Site plan*, ~~means~~ ~~+~~ The development plan for one or more lots on which is shown the existing and/or ~~the~~ proposed conditions of the lot.

(#) *Special use*, ~~means~~ ~~a~~ regulated use which is permitted pursuant to the special-~~use~~ permit issued by the authorized governmental entity, pursuant to ~~G.L.~~ 1956, § 45-24-42; formerly referred to as a special exception.

~~(#) *Structure*, ~~means~~ ~~a~~ Anything constructed which requires location on or attachment to the ground; and includes buildings, but does not include paving and planting combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.~~

(#) *Substandard lot of record*, ~~means~~ ~~a~~ Any lot lawfully existing at the time of adoption or amendment of this chapter and not in conformance with the dimensional ~~and~~ or area provisions of this chapter.

(#) *Use*, ~~means~~ ~~+~~ The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

(#) *Variance*, ~~means~~ ~~p~~ Permission to depart from the literal requirements of this chapter. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, ~~which that~~ is prohibited by this chapter. There shall be only two (2) categories of variance, a use variance or a dimensional variance.

(4i) *Use variance*, ~~means~~ ~~p~~ Permission to depart from the use requirements of this chapter where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.

(2ii) *Dimensional variance*, ~~means~~ ~~p~~ Permission to depart from the dimensional requirements of this chapter, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. ~~However,~~ ~~+~~ the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted ~~shall not be~~ ~~are not~~ grounds for relief.

(#) *Waters*, ~~means~~ ~~a~~ As defined in ~~G.L.~~ 1956, § 46-12-1 (23).

(#) *Wetland, coastal*, ~~means~~ ~~a~~ As defined in ~~G.L.~~ 1956, § 45-22.2-4.

(#) *Wetland, freshwater*, ~~means~~ ~~a~~ As defined in ~~G.L.~~ 1956, § 45-22.2-42-1-20.

(#) *Zoning certificate*, ~~means~~ ~~a~~ A document signed by the zoning-~~enforcement~~ ~~officialer~~, as required in this chapter, ~~which that~~ acknowledges that a use, structure, building, or lot either complies with, or is legally nonconforming to, the provisions of; the municipal zoning ordinance; or is an authorized variance or modification therefrom.

(#) *Zoning map*, ~~means~~ ~~+~~ The map, or maps, ~~which that~~ are a part of this chapter and ~~which that~~ delineate the boundaries of all mapped zoning districts within the physical boundary of the town.

~~(#) Zoning official. The town planner.~~

~~(#) Zoning-enforcement officer. The town's building official.~~

~~(#) Zoning ordinance. means a~~An ordinance enacted by the legislative body of the town pursuant to ~~G.L. 1956,~~ § 45-24-1 et seq. and in the manner providing for the adoption of ordinances in the town's ~~legislative or Home Rule Charter,~~ if any, ~~which sets forth that establish~~ regulations and standards relating to the nature and extent of uses of land and structures; ~~which that~~ is consistent with the comprehensive plan of the town as defined in ~~G.L. 1956,~~ § 45-22.2-1 et seq.; ~~which that~~ includes a zoning map; ~~and which that~~ complies with the provisions of this chapter.

~~(#) Zoning-use districts. means~~The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations is for a specified use. ~~The Zoning-use~~ districts include, but are not limited to: agricultural, commercial, industrial, institutional, open space and residential. Each district may include sub-districts. Districts may be combined.

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. 38-286 – 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 review, [section 38-394](#).

(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.

(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.

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. 38-273 – Corner lots.

- Sec. 38-273 – Corner and through lots shall be amended to clarify/meet requirements set forth in RIGL.

- **Sec. 38-273. - Corner and through lots.**

(a) Corner lots. For the purpose of complying with section 38-192, the minimum lot frontage on both roads shall comply with the minimum lot width for the district of location. All other dimensional regulations of article IV shall apply. ~~except that, in~~ In the case of a corner lot with two yards not fronting on a road but adjacent to ~~the front yards fronting on a road, these two yards having the most frontage shall be the front side yards. The yard having less frontage than the front yard shall and comply with be the~~ one side yard. ~~The longest lot line not fronting on a road shall be the rear yard. The shortest lot line not fronting on a road shall be the other side yard. depths for the~~

~~district of location.~~ On any corner lot, no driveway or access way shall be constructed within seventy-five feet of the intersection of two road lines.

~~(b) Through lots. For the purpose of complying with section 38-192, on a through lot, at least one lot frontage shall meet minimum zoning requirements for the district. The street address as listed in the tax collector's database specifies the location of the front lot line. The location of the rear lot line is that which separates the lot from the road not listed as the address of the lot in the tax collector's database.~~

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. 38-281 – 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 are permitted by obtaining a special-use permit 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.

(1) The minimum lot area for each multifamily use dwelling structure shall be ~~3~~200,000 square feet and shall be increased in proportion to the total number of bedrooms per structure; 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)~~c~~(4) is applied.

(2) 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 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 review, the planning board shall publish a report of its findings and recommendations pertaining to the conformity of the proposed development with the comprehensive plan 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 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 land.* The applicant shall apply to the Foster Zoning Board of Review for a special-use permit. The secretary of the zoning board of review shall forward the applicant's plans to the Foster Planning Board for review and opinion prior to the conclusion of the public hearing for the special-use permit.

b. *Special-use permit requiring subdivision of land.* A request for a special-use permit requiring subdivision approval shall first be submitted 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.

c. *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 the land development and subdivision review regulations.

(8) *Standards for development.*

a. *Permitted uses.* Only multifamily structure(s) and their accessory uses will 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, professional office and neither storage nor 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.

c. *Dimensional regulations.* Each lot shall meet the following lot area and front, side and rear yard dimensions:

1.

4.	Maximum n Number of bedrooms per structure	Minimum lot area per structure (in square feet)	Minimum lot frontage (in feet)
2	2 to 4	300,000	300
2	5	325,000	300
2	6	350,000	300
2	7	375,000	325
2	8	400,000	350
2	9	425,000	375
2	10	450,000	400

2. Minimum front yard depth100 feet

3. Minimum rear yard depth100 feet

4. Density bonus—Multi-unit structures may be allowed a density bonus of up to a maximum of eight bedrooms per acre for LMI housing ~~as if~~ approved by RI DEM based on the soils.

d. *Additional requirements.* Additional requirements are as follows:

~~1.~~ ~~The specified lot area excludes ponds, streams and other freshwater wetland areas.~~

~~2~~1. Lot frontage as defined in article I of this chapter.

~~3~~2. 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.

~~4~~3. 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.

~~5~~4. No principal building shall exceed 35 feet in height or two stories. No accessory building or other permitted structure shall exceed 20 feet in height.

~~6~~5. 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 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:

- 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.

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. 38-390 – Site plan for accessory nonfamily dwelling units.

- Sec. 38-390 – Site plan for accessory nonfamily dwelling units shall be amended to clarify the site plan requirements for such use.

~~This section is reserved. A site plan for accessory nonfamily dwelling units shall be submitted according to the standards required for a residential building permit. OWTS systems shall be upgraded to meet the requirements for bedrooms if necessary.~~

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

DIVISION 2. – DESCRIPTION OF USES

Sec. 38-191. – Table of uses.

- Sec. 38-191 of the Foster Code of Ordinances in Chapter 38: Zoning is hereby amended as follows:

<i>Wholesale Business and Storage</i>	AR	NC	GBM	MI	R-SC	M
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1.	Wholesale business and storage of non-flammable and non-explosive material in a building	O	O	X	X	O	O
2.	Open lot storage of building materials and machinery, etc.	S ³	O	O	S ³	O	O
3.	Storage of flammable or explosive materials above ground (other than for normal home heating fuel use, not to exceed 1,000 gallons) Amended 9/21/95	O	O	O	S	O	O
4.	Open storage of solid fuel (other than wood), sand and gravel	S ³	O	O	S ³	O	O
5.	Storage of flammable or explosive materials on-site, above or underground	O	S	S	S	O	O
6.	Retail Outlet for wholesale or storage	O	O	S	X	O	O
7.	<u>Enclosed storage of equipment and materials used for purposes including, but not limited to, landscaping, agriculture (feed and grain), construction, and woodworking. Keeping of animals strictly prohibited by this use. Structure not to exceed 900 sq. ft.</u>	<u>X</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>	<u>O</u>