

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 VII. – LAND DEVELOPMENT PROJECTS

Secs. 38-358-38-385. – Reserved.

- 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.

- 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 is characterized by nodes for commercial establishments to provide town-wide shopping and service needs. These may include retail, service, office and related activities, residential and municipal uses.

- (1) Purpose. The purpose of this section is to provide a procedure 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 single-family 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. Trades and businesses including but not limited to Manufacturing, industrial, storage, retail, warehousing, and distribution centers are encouraged. 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 project and calculation of densities over the entire project 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;
- Promote and facilitate a safe and comfortable-pedestrian scale environment;
- Encourage a mixture of uses and sizes of structures;

- Provide safe and accessible parking areas, allowing for safe pedestrian movement.
- 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 the Foster Land Development and Subdivision Regulations and the Foster Zoning Ordinance.

Where the requirements of any part of this section may conflict with any other section of the Foster Land Development and Subdivision Regulations or the Foster Zoning Ordinance, 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 zoning ordinance with the approval of and subject to possible conditions and restrictions imposed by the planning board or zoning board of review 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. The land development and subdivision regulations of the Town of Foster for major land development and major subdivision, except as detailed in subsection (5) of these standards; and

2. Additional procedures and requirements set forth herein for Highway Commercial developments.

c. Compatibility and interrelation of uses within the highway commercial developments and coordination of traffic, utilities, parking, public wells, storm-water management, security, public 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 mandate that the development be considered in its entirety and approved, if appropriate, as a whole 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 (see article VI of the Foster Land Development and Subdivision Regulations)

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 (6) of these standards.

(3) Single-Family Dwelling Exemption. Notwithstanding the foregoing, exterior alterations, exterior additions and exterior changes (including fences, walls and driveways), if made to a single-family dwelling, shall be exempt from the regulations of this Section.

(4) Submittal Requirements. To assist the Planning Board in its evaluation of an application for environmental impact and design approval hereunder, the Applicant shall submit the materials required under 38-394 at the time of application, except to the extent waived by the Planning Board. Additionally, 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. Stormwater 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 Stormwater 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. 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, freestanding 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.
- e. Stormwater 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. Stormwater shall be removed from all roofs, canopies and paved areas in a manner complying with the stormwater management standards adopted and as amended from time to time by the Rhode Island Department of Environmental Protection.
- 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.
- 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 Protection under ??? 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 as endangered, threatened or of special concern, or to any tree with more than a twenty-four (24) inch trunk diameter one (1) foot above grade. An application for a special permit must include documentation to the Planning Board of having consulted with the Conservation Commission and the ??? 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 ??/, no use shall be allowed which produces vibration at or beyond the boundaries of the premises exceeding two-thirds (2/3) the frequency/amplitude limitations established by the Board of Fire Prevention Regulations at 527 CMR 13.11 (18) 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 or cluster development shall consist of not less than 200,000 square feet of land area which may be developed into a combination of uses on individual lots, a mixed use development or commercial units as set forth in article II; and section 38-131(4); of Foster's Zoning Ordinance.
- b. Once a planned or cluster development has been approved, all land area shown on the plan submitted as part of said planned or cluster 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," "special-use permit," and "prohibited use." The planning board may, at its sole option, impose conditions on any use proposal, and the zoning board of review may, at its sole option, impose conditions on a special-use permit approval.

2. Designation as a special use does not constitute an authorization or an assurance that such use will be permitted without conditions within the planned or cluster development. Rather, each application for a special 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 or zoning board of review from requiring multiple conditions for a proposal or to condition the granting of one or more special uses upon the implementation or completion of one portion of a project, during the master plan, preliminary plan, and/or final plan review stages of the application for a planned or cluster development or during the special-use permit review of the application, as appropriate.

4. Items to be considered when evaluating a special use include, but are not limited to, the following:

- i. The desired use will not be detrimental to the intent of the planned or cluster development or to the surrounding area;

- ii. It will be compatible with existing and proposed uses within the planned or cluster 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 being granted a special use permit by the zoning board of review, the applicant must show how its application complies with article VII "Special-Use Permits and Variances," section 38-324(d)(2) "Standards for relief—Special-use permit" in Foster's Zoning Ordinance.

b. Mixed uses. 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 DEM based on the soils*.

(8) Expansion of existing uses.

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 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 constituting 100 percent or less of the original square foot building footprint shall require a site plan review with the planning board per article IX of Foster's Zoning Ordinance.
- ii. Expansion constituting more than 100 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI 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).

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

- i. Expansion constituting 75 percent or less of the original square foot building footprint shall require a site plan review with the planning board per article IX of Foster's Zoning Ordinance.
- ii. Expansion constituting more than 75 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI 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).

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

- i. Expansion constituting 50 percent or less of the original square foot building footprint shall require a site plan review with the planning board per Article IX of Foster's Zoning Ordinance.
- ii. Expansion constituting more than 50 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI 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).

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 require a site plan review with the planning board per article IX of Foster's Zoning Ordinance.
- ii. Expansion constituting more than 25 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI 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).

(9) Decision. Environmental impact and design 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 stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and 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 stormwater 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 Bylaw, including parking, landscaping, exterior lighting and noise.

(10) Modifications. Once environmental impact and design approval has been granted by the Planning Board, any subsequent changes in which the Building Official 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) Lapse. Environmental impact and design approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within two (2) years following the grant of the environmental impact and design approval. The Planning Board may extend such approval, for good cause, upon the written request of the Applicant.

(Ord. of 8-24-2023)

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. 38-191. – 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	MH	R-SC	M	HC2
Agricultural Uses								
1.	Raising animals for home use	X	X	O	X	Ø	O	X
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	Ø	O	X	Ø	O	X
	B. Animals exceeding the above, See Article VI, Section 19. 38-290 for Supplementary Regulations	S	Ø	O	S	Ø	O	S
3.	Raising crops and forest products	X	X	S	X	Ø	O	X
4.	Commercial nursery structures	S	X	X	X	Ø	O	X

5.	Sale of produce raised on the premises	X	X	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.	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.	S	S	S	S	∅	S	∅
Residential Uses								
1.	Single-family detached dwelling	X	S	S	∅	∅	O	<u>X</u>
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	∅	S	∅	∅	O	<u>X</u>
3.	Residential cluster (reserved)	∅	∅	∅	∅	∅	∅	∅
4.	Residential compound	X	∅	O	∅	∅	O	<u>O</u>
5.	Multi-family dwelling structure	S	S	S	∅	∅	O	<u>S</u>
6.	Community residences, and family daycare homes	X	S	SX	∅	∅	O	<u>X</u>
7.	Lodging, guesthouse, Short term rental structure or bed-and-breakfast	S	X	X	S	∅	O	<u>X</u>
8.	Motel	O	S	X	S	∅	O	<u>X</u>

9.	Hotel	O	X	X	S	⊖	O	<u>X</u>
10.	Customary home occupation (performed by the occupant and using no more than 200 sq. ft. of the area of one floor provided such activity shall not be visible from a lot line and that exterior advertising shall conform to the provisions of article VI)	X	X	X	X	⊖	O	<u>X</u>
11.	Rest home or convalescent home	S	S	S	⊖	⊖	O	<u>S</u>
12.	Senior citizens group dwelling structure(s): Permitted only in the R-SC AR and HC2 districts for the exclusive use of senior citizens group housing. No other residential, commercial, or industrial use shall be permitted in this district. Refer to section 38-284.	⊖ <u>X</u>	⊖	O	⊖	X	O	<u>X</u>
Open Recreation Uses								
1.	Public playground or park	X	X	X	X	⊖	S	<u>X</u>
2.	Bathing beach	X	X	X <u>O</u>	X	⊖	O	<u>O</u>
3.	Golf course	X	⊖	O	X	⊖	O	<u>O</u>
4.	Camping area (licensed by town)	S	⊖	O	S	⊖	O	<u>S</u>
5.	Rod and gun clubs, rifle or pistol ranges	S	⊖	O	⊖	⊖	O	<u>X</u>
6.	Open rec. events and amusements (license required by town council Ordinance No. 95-12-366)	S <u>X</u>	S	S <u>X</u>	S	S	X	<u>X</u>
Public and Semi-Public Uses								
1.	School or College	S	X	X	X	⊖	O	<u>X</u>

2.	Religious institution other than church	S	⊖	O	⊖	⊖	O	<u>X</u>
3.	Church	X	✗	X	⊖	⊖	O	<u>O</u>
4.	Library, museum, etc.	X	✗	X	Ⓢ	⊖	O	<u>X</u>
5.	Medical clinic	S	Ⓢ	X	⊖	⊖	O	<u>X</u>
6.	Hospital	O	Ⓢ	O	⊖	⊖	O	<u>Ⓢ</u>
7.	Town of Foster government building	O	Ⓢ	S	Ⓢ	⊖	X	<u>Ⓢ</u>
8.	State or f Federal government building of any kind	O	⊖	S	Ⓢ	⊖	S	<u>Ⓢ</u>
9.	Fire station or ambulance barn	X	✗	X	✗	⊖	X	<u>X</u>
10.	General purpose hall for recreation, social or other intermittent functions	S	✗	X	✗	⊖	O	<u>X</u>
11.	Cemetery	S	⊖	O	⊖	⊖	O	<u>O</u>
12.	Day camps (no permanent residency permitted) 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	✗	⊖	O	<u>X</u>
2.	Bank or office building	O	✗	X	✗	⊖	O	<u>X</u>
3.	Real estate office	S	✗	X	✗	⊖	O	<u>X</u>
4.	Office for wholesale or manufacturing uses	O	Ⓢ	X	✗	⊖	O	<u>X</u>
Restaurants and Entertainment								
1.	Lunchroom or restaurant	S	✗	X	✗	⊖	O	<u>X</u>
2.	Tavern or night club	O	Ⓢ	X	✗	⊖	O	<u>X</u>
3.	Drive-in food or dairy bar	O	⊖	<u>SX</u>	⊖	⊖	O	<u>X</u>

4.	Theater or concert hall	O	S	X	⊖	⊖	O	<u>X</u>
5.	Indoor commercial recreation	O	S	X	S	⊖	O	<u>X</u>
6.	Lunch room or c Cafeteria (accessory to a permitted use and designated to serve the students, employees and patrons of the main use. Located entirely within the main building and with no exterior advertising)	X	X	X	X	⊖	O	<u>X</u>
7.	Microbrewery, attached to or maintained as part of a restaurant	S	S	S	S	⊖	O	<u>O</u>
Business								
1.	Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops	S	X	X	S	⊖	O	<u>X</u>
2.	Antique shop, gift shop, florist shop, pet shop and similar specialty shops	S	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	⊖	S <u>X</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	S <u>X</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	✗	⊖	O	<u>X</u>
13.	Fruit and vegetable stand and grocery variety store (See Sec. 38-276.)	S1,2 <u>X</u>	✗	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	✗	⊖	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	<u>S</u>	<u>SX</u>	<u>S</u>	⊖	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	<u>S</u>	S	<u>S</u>	⊖	S	<u>S</u>
21.	Firearms shops, ammunition shops, edged weapons shops	O	✗	X	<u>S</u>	⊖	O	<u>X</u>
22.	Restaurant, pharmacy, or finance institution drive-through (See Sec. 38-285.)	O	⊖	<u>S4</u>	⊖	⊖	O	<u>S</u>
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 non-explosive material in a building	O	⊖	X	×	⊖	O	<u>X</u>
2.	Open lot storage of building materials and machinery, etc.	S3	⊖	O	S3	⊖	O	<u>S3</u>
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	S	⊖	O	<u>S</u>
4.	Open storage of solid fuel (other than wood), sand and gravel	S3	⊖	O	S3	⊖	O	<u>S3</u>
5.	Storage of flammable or explosive materials on-site, above or underground	O	S	S	S	⊖	O	<u>S</u>
6.	Retail Outlet for wholesale or storage <u>or commercial storage facility</u>	O	⊖	S <u>X</u>	×	⊖	O	<u>X</u>
Service Industries								
1.	Auto body or paint shop	O	⊖	S <u>X</u>	S	⊖	O	<u>X</u>
2.	Electric Substation	S	×	X	×	⊖	O	<u>X</u>
3.	Office or office building, service, building, storage of materials, uses incidental or related to operation of maintenance of all or any part of a public service system, or any structure or uses substantially similar to any of the structures or uses included in this subsection	X	×	X	×	⊖	O	<u>X</u>

4.	Any other structure which is part of a public service system	S	§	S	§	⊖	O	<u>S</u>
5.	Laundromat	O	§	<u>SX</u>	§	⊖	O	<u>X</u>
6.	Major <u>or medium</u> solar installation	S	§	S	§	§	S	<u>S</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	×	S	NA	⊖	O	<u>X</u>
2.	The manufacture, compounding, processing or	O	§	S	×	⊖	O	<u>X</u>

	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							
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	⊖	S	×	⊖	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	⊖	S	×	⊖	0	<u>X</u>
5.	Machinery and machine tool manufacture (requiring drop hammers or punch presses of over 100 tons)	0	⊖	<u>⊖S</u>	S	⊖	0	<u>X</u>
6.	Auto assembly or manufacture	0	⊖	<u>⊖S</u>	×	⊖	0	<u>X</u>
7.	Boat building	0	S	<u>SX</u>	×	⊖	0	<u>X</u>
8.	Commercial boat storage and repair	0	S	<u>SX</u>	×	⊖	0	<u>X</u>
9.	Blacksmith or w Welding shop	0	S	<u>SX</u>	×	⊖	0	<u>X</u>
10.	Scientific or research laboratory	0	⊖	X	×	⊖	0	<u>X</u>

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

	<u>conjunction with primary use if necessary.)</u>							
Medical marijuana related uses								
1.	Compassion Center	O	⊖	X	⊖	⊖	O	<u>X</u>
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>

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.~~

(Ord. of 6-3-1994, § 1; Ord. of 9-21-1995, § 1; Ord. of 3-20-1997; Ord. of 2-19-1998; Ord. of 11-19-1998; Ord. of 3-5-1998; Ord. of 6-21-2001; Ord. of 1-24-2002; Ord. of 9-9-2010; Ord. of 6-25-2015(1); Ord. of 7-23-2015; Ord. of 8-27-2015(1); Ord. of 1-14-2016(4); Ord. of [2-28-2019\(1\)](#); Ord. of 9-7-2022; [Ord. of 8-24-2023](#))

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 Use Permitted Use listed as “X” or “S” in Sec. 38-191 (unless otherwise stated in this ordinance)	<u>Senior citizens group housing</u>
Minimum lot size	200,000 square feet	200,000 square feet	<u>400,000 square feet</u>
Minimum lot frontage <u>area per living unit</u>	<u>NA</u>	<u>NA</u>	<u>40,000 square feet</u>
Minimum lot width <u>frontage</u>	300 feet	300 feet	<u>300 feet</u>

Minimum front yard depth <u>lot</u> <u>width</u>	300 feet	300 feet	<u>300 feet</u>
Minimum side <u>front</u> yard depth	35 feet	50 feet	<u>80 feet</u>
Minimum rearside yard depth	50 feet	100 feet	<u>80 feet</u>
Maximum building coverage <u>Minimum rear</u> <u>yard depth</u>	100 feet	100 feet	<u>80 feet</u>
Maximum building height <u>coverage</u>	3 percent	3 percent	<u>3 percent</u>
<u>Maximum</u> <u>building height</u>	35 feet	35 feet	<u>2 stories or 20 feet</u>
<u>Maximum number</u> <u>of bedrooms per</u> <u>unit</u>	<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:

Single-Family Residence Structure	Other Permitted Use	
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.

(3) *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	80 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

^a Provided that all parking and design requirements are met.

^b One drive-through use shall be permitted within shopping centers having less than 100,000 square feet of gross floor area, provided that common curb cuts for the center are used. The drive-through use shall not have dedicated curb cuts in addition to those utilized in access to the center. The drive-through use shall be limited to a restaurant, pharmacy, or finance institution only. The design of the drive-through use shall provide for safe vehicular and pedestrian circulation and function in a manner that complements the center in which it is located. The use shall not create traffic hazards interior to the site or in the surrounding street network and neighborhood. It shall be properly screened and buffered to minimize impacts on surrounding properties and other uses within the center.

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

(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>50 feet</u>	<u>35 feet</u>	<u>80 feet</u>
<u>Minimum side yard depth</u>	<u>100 feet</u>	<u>50 feet</u>	<u>80 feet</u>
<u>Minimum rear yard depth</u>	<u>100 feet</u>	<u>100 feet</u>	<u>80 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>50 feet</u>
<u>Minimum distance of structure from A/R zoning district</u>	<u>100 feet</u>	<u>As required by lot depths</u>	<u>As required by lot depths</u>
<u>Maximum building coverage (of net buildable area) ^c</u>	<u>25% ^{a, b}</u>	<u>3 percent</u>	<u>3 percent</u>
<u>Maximum impervious surface coverage (of net buildable area) ^c</u>	<u>60% ^{a, b}</u>	<u>25 percent</u>	<u>25 percent</u>

^a Provided that all parking and design requirements are met.

^b One drive-through use shall be permitted within shopping centers having less than 100,000 square feet of gross floor area, provided that common curb cuts for the center are used. The drive-through use shall not have dedicated curb cuts in addition to those utilized in access to the center. The drive-through use shall be limited to a restaurant, pharmacy, or finance institution only. The design of the drive-through use shall provide for safe vehicular and pedestrian circulation and function in a manner that complements the center in which it is located. The use shall not create traffic hazards interior to the site or in the surrounding street network and neighborhood. It shall be properly screened and buffered to minimize impacts on surrounding properties and other uses within the center.

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

(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 district¹. Dimensional regulations for the R-SC district are as follows:

	<u>Only Permitted Use</u>	
<u>Minimum lot area per development</u>	<u>400,000 square feet</u>	<u>Whichever is greater</u>
<u>Minimum lot area per living unit</u>	<u>40,000 square feet</u>	
<u>Minimum lot width</u>	<u>500 feet</u>	
<u>Minimum front yard depth</u>	<u>100 feet</u>	

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.~~

~~*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~~

~~(Ord. of 6-23-1994, art. IV, § 13; Ord. of 9-9-2010; Ord. of 1-14-16(3); Ord. of 8-24-2023)~~

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 sight 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	NC	GBM	MI	R-SC	<u>M</u>	<u>HC2</u>
Animated	O	⊖	O	⊖	⊖	<u>O</u>	<u>O</u>
Announcement board	X	×	X	×	×	<u>X</u>	<u>X</u>
Billboard	O	⊖	O	⊖	⊖	<u>O</u>	<u>O</u>
Building marker	X	×	X	×	×	<u>X</u>	<u>X</u>
Construction sign	X	×	X	×	×	<u>X</u>	<u>X</u>
Directional sign	X	×	X	×	×	<u>X</u>	<u>X</u>
Directory sign	O	⊖	X	⊖	⊖	<u>X</u>	<u>X</u>
Externally illuminated sign	X	×	X	×	×	<u>O</u>	<u>X</u>
Freestanding sign	X <u>O</u>	×	X	×	×	<u>X</u>	<u>X</u>
Gas station and service sign	O	×	X	×	⊖	<u>O</u>	<u>X</u>
Government sign	X	×	X	×	×	<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	O <u>1</u>	×	X	×	×	<u>X</u>	<u>X</u>
<u>Moving Sign</u>	<u>O</u>	<u>=</u>	<u>O</u>	<u>=</u>	<u>=</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>

~~S~~Subdivision identification sign ~~ex~~accepted.

~~All signs located in the M zone shall conform to the standards of the Municipal/Historic overlay district~~

(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).~~

~~(32) 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.~~

~~e. *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.

(Ord. of 6-23-1994, art. VI, § 17; Ord. of 1-14-16(2); [Ord. of 8-24-2023](#))

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. 38-282 – Development standards for accessory family dwelling units and comprehensive permit applications for affordable housing.

- Sec. 38-282 – Development standards for accessory family dwelling units shall be amended to meet requirements set forth in RIGL.

Attached accessory apartments will be allowed for ~~parents and in-law parents or grandparents-relatives~~ of the occupant or occupants of the principal residence as a means of increasing affordable housing. These units may be no more than 600 square feet. As a condition for obtaining a zoning certificate and building permit for a structure with a one-bedroom, family apartment in accordance with section 38-192 under residential uses, the applicant for the permit shall sign a statement agreeing to this restriction, for use by family members only, which agreement shall be recorded in the land evidence records of the town at the expense of the applicant, and which agreement shall run with the land so as to be applicable to and binding upon subsequent owners and shall be enforceable against the applicant, his heirs, devisees, successors and assigns. Accessory family dwelling units pursuant to RIGL 45-24-37(e) shall be a permitted use in all zoning districts of the town except for M – Municipal.

(Ord. of 6-23-1994, art. VI, § 11; Ord. of 8-24-2023)

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, i~~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, ~~those 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.

(Ord. of 6-23-1994, art. VI, § 2; Ord. of 8-27-2015(2); Ord. of 8-24-2023)

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. 38-277 – Sewerage disposal.

- Sec. 38-277 – Sewerage disposal shall be amended to meet requirements set forth in RIGL.

~~(a) A shallow surface leaching field following a septic tank shall be located at least 100 feet from a dug well or from a drilled well. No portion of the leaching field shall be closer than 100 feet to the property line except where the property borders a public road in which case the distance to the road line may be reduced to 60 feet. No individual sewage disposal system shall be located, designed, constructed, maintained, altered, or repaired except in accordance with RIGL Title 23, Chapter 19.5, as amended, and the Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction, and Maintenance of Individual Sewage Disposal Systems, as amended, promulgated by the Rhode Island Department of Environmental Management (collectively, the "ISDS Law and Regulations").~~

~~(b) No facility designed to leach fluid wastes into the soil and no structure shall be located near any water body, stream, brook or river except in compliance with the ISDS Law and Regulations and the Wetlands Law and Regulations (referenced below), as evidenced by such certificates and approvals as may be required by such Laws and Regulations.~~

~~(b) A cesspool or seepage pit shall be located at least 150 feet away from a well and at least 150 feet from the property line except where the property borders a public road in which case the distance from the road line may be reduced to 110 feet.~~

~~(c) Any sewerage disposal system designed to leach or otherwise dispose waste into the soil shall adhere to G.L. 1956, tit., 2, ch. 1, §§ 18 through 28 governing the establishment of jurisdictional areas and associated setback distance to waterbodies.~~

(Ord. of 6-23-1994, art. VI, § 6; Ord. of 3-5-1998; Ord. of 1-14-2016(1); Ord. of 8-24-2023)

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. 38-276 – 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.~~

~~(Ord. of 8-24-2023)~~

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. 38-285 – Standards for commercial and industrial development.

- Sec. 38-285 – Standards for commercial and industrial development shall be removed. The section shall be replaced by standards currently listed in the notes of Sec. 38-191.

Sec. 38-285. –~~Standards for commercial and industrial development.~~

Development standards for drive-through uses

~~This section is reserved.~~

~~(Ord. of 6-23-1994, art. VI, § 14)~~

~~**Cross reference** — Businesses, ch. 12.~~

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.

(Ord. of 8-24-2023)

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 III. – ZONING DISTRICTS

Sec. 38-131. – Division of town into; enumeration.

- Sec. 38-131 – Division of town into; enumeration shall be amended as follows to account for the amendments to the zoning map.

For the purposes of this chapter, the town is divided into zoning use districts designated and described as follows:

(1) ~~AR agricultural/residential.~~ This AR agricultural/residential district is characterized by a mixture of low density residential and farming uses with certain light industrial uses requiring special-use permits. This AR district is designed to help preserve the rural character of the town, to regulate the development of the town so that the tax base will be adequate to support necessary public expenditures, to protect land now used for agriculture and forestry from haphazard encroachment and to safeguard the health, safety and welfare of the residents of the district. Additionally, the AR district promotes the establishment of new senior citizen group dwellings. These dwellings are promoted to be located on large parcels of land dispersed throughout the town and particularly suitable for this purpose by reason of land use capability; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to permit the formation of senior citizen living facilities within the town only as the need for such housing can be clearly demonstrated; to permit the formation of single developments geographically spread according to established population centers in the town.

~~(2) NC neighborhood/commercial. This NC neighborhood/commercial district is characterized by establishments providing retail goods, such as groceries and drugs, and furnishing certain personal services. The NC district is designed to provide convenient local shopping services and to promote public safety to both pedestrian and vehicular traffic.~~

~~(3) GBM – General business – Mixed use.~~ This district is characterized by commercial establishments on small lots that serve town-wide shopping and service needs, such as retail businesses, offices, and restaurants. This district may also include compatible residential ~~and~~

~~municipal~~ uses. It is designed to encourage planned development and/or cluster development resulting in a sustainable and attractive commercial environment for the community.

~~(4) MI manufacturing/industrial. This MI manufacturing/industrial district is characterized by manufacturing and industrial uses, conveniently located to major highways and suitable for industrial development. This MI district is designed to provide sufficient land area to attract industry and afford it room for expansion, to prevent an unsafe mixture of industrial and residential uses and to protect residential and commercial districts.~~

~~(5) R-SC residential/senior citizen. This R-SC residential/senior citizen district is to promote the establishment of new housing developments particularly suited for senior citizens; to promote the use of large parcels of land dispersed throughout the town and particularly suitable for this purpose by reason of land use capability; to facilitate a more economic arrangement of buildings, common facilities, a vehicular circulation and utilities within the boundaries of a senior citizens development; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to permit the formation of such R-SC residential/senior citizens districts within the town only as the need for such housing can be clearly demonstrated; to permit the formation of single developments geographically spread according to established population centers in the town.~~

~~(6) M municipal. This M municipal district is the town center where the town clerk's office, the town house, the town hall, the police station, the highway department and the other municipal uses are located.~~

(4) HC2 Highway Commercial. This district is characterized by commercial establishments on large lots. The HC2 district promotes uses including but not limited to: manufacturing, industrial, storage, and retail. This district may also include compatible residential and municipal uses. It is designed to encourage planned development and/or cluster development resulting in a sustainable and attractive commercial environment for the community. Additionally, the AR district promotes the establishment of new senior citizen group dwellings. These dwellings are promoted to be located on large parcels of land dispersed throughout the town and particularly suitable for this purpose by reason of land use capability; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to permit the formation of senior citizen living facilities within the town only as the need for such housing can be clearly demonstrated; to permit the formation of single developments geographically spread according to established population centers in the town.

(Ord. of 6-23-1994, art. III, § 6; Ord. of 9-9-2010; Ord. of 8-24-2023)

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. 38-272 – Yard Exceptions.

- Sec. 38-272 – Yard Exceptions regulations shall be amended as follows to account for the amendments to the zoning map.

The space in a required front, side or rear yard shall be open and unobstructed with the following exceptions:

- (1) An unenclosed porch may extend up to ten feet into a side or rear yard.
- (2) Ordinary projections of windowsills, cornices and other ornamental features may extend up to five feet into a yard.
- (3) Landscape features such as trees, shrubs and terraces may be placed in any yard area. Fences shall be set a minimum of five feet back from the road line.
- (4) In ~~NC~~, ~~GBM~~ and ~~MI~~ HC2 districts an outdoor telephone booth may be located in front yard area, provided it is adjacent to a permitted parking area.

(Ord. of 6-23-1994, art. VI, § 1; Ord. of 9-9-2010; Ord. of 8-24-2023)

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. 38-292 – Solar installations.

- Sec. 38-292 – Solar installations shall be amended to account for the amendments to the zoning map and to add to the definition of solar installation based on recent upgrades in technology.

(a) *Purpose.* Regulate the development of solar energy systems by providing standards for placement, design, construction, and removal of such systems that address public safety, minimize impacts on scenic, natural and historic resources, and are compatible in the areas in which they are location and are consistent with the Foster comprehensive plan.

(b) *Definitions.*

Brownfield means a property where a known or suspected release of petroleum and/or hazardous material presents a barrier to the sale, reuse or redevelopment of the site, or where uncertainty on the costs of remediation adversely impacts the value of the property.

Ground-mounted solar installation means a solar installation that is structurally appended to the ground and is not supported to a structure or building.

Major solar installation means a solar installation designed primarily to sell electricity to a utility supplier, or a solar installation exceeding 1,750 square feet or greater. Solar installations larger than 40 acres are prohibited.

Medium solar installation means a solar installation designed to only service the property which the solar installation is located and is larger than 1,750 square feet and under 40,000 square feet. If the solar installation is 40,000 square feet, it will be considered a major solar installation.

Minor solar installation means a solar installation designed to primarily service the property on which the solar installation is located with a 1,750 square foot area or less.

Roof-mounted solar installation means a solar installation that is structurally appended to the roof of a building or structure.

Solar installation means a power system used to supply power by converting sunlight into electricity by means of photovoltaics, the harnessing of solar energy to generate thermal energy, ~~or~~ the use of concentrated sunlight to drive a traditional steam turbine, or by means of battery energy storage systems/methods associated with battery energy storage systems.

Solar land coverage means the total footprint of land occupied by all components of a solar installation but not limited to solar panels, mounting equipment, ancillary components, inter-row and panel/collector spacing, access, and all other area within the required perimeter security fencing.

Terrain masking means using the physical features of land such as hills, and/or berms to obscure year-round line-of-sight of the entire solar installation.

(c) *Minor solar installation.* A minor solar installation is permitted in all zones, provided such solar installation:

- (1) Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height;
- (2) Ground-mounted shall not exceed 12 feet in height; roof-mounted solar installations shall not exceed the maximum height for the applicable zoning district, shall not conflict in shape and proportion with the existing roof, nor extend the footprint of the structure;
- (3) Shall require a building permit after submission and approval of layout and design; and
- (4) Shall be in compliance with state building and state electrical codes.

(d) *Medium solar installation.* A medium solar installation requires, in all zones, a site plan approval from the planning board and a special-use permit from the zoning board of review, pursuant to ~~G.L. 1956,~~ § 45-23-61. The accompanying site plan review shall adhere to the development standards set forth in this section and the requirements of [section 38-394](#) shall not be applicable. A medium solar installation shall require a building permit prior to construction and adhere to the following:

- (1) Setbacks.
 - a. Solar installation setbacks shall be situated in a way that will completely obscure the development in all seasons from the road and all abutting properties using either terrain masking, undisturbed vegetation, and/or landscaped vegetation.
 - b. Medium solar installations shall at the minimum maintain a 200-foot setback from all adjacent property lines and roadways unless there is a finding by the zoning board of review that a 100-foot setback from all adjacent property lines and roadways or terrain masking has adequately obscured the installation from view from all adjacent properties and roadways. Landscaping in the landscaping plan may include this 200-foot setback.
- (2) Height.

- a. Ground-mounted solar installations shall not exceed 12 feet in height.
- b. Roof-mounted solar installations shall not exceed the maximum height for the applicable zoning district.

(3) All installations shall be in compliance with the state building code and the state electrical code, and shall be subject to periodic inspections by the Foster building official. All relevant installation components must have an UL listing or equivalent.

(4) Security fencing.

- a. Any fencing around the installation shall be black, green, brown, or another natural color that blends into the vegetative surroundings.
- b. Barbed wire is prohibited.

(5) Lighting. All lighting shall be directed downward, and incorporate full cutoff fixtures to reduce light pollution, utilizing fixtures meeting the criteria of the ISA International Dark Sky Association, and shielded from directing light on abutting properties.

(e) *Major solar installation.* A major solar installation requires, in all zones, major land development approval from the planning board and a special-use permit from the zoning board of review, pursuant to ~~G.L. 1956~~, § 45-23-61. The accompanying site plan review shall adhere to the development standards set forth in this section and the requirements of [section 38-394](#) shall not be applicable. A major solar installation shall require a building permit prior to construction and adhere to the following:

(1) Design standards.

- a. Solar installation applications shall include: The proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components to be used, an operation and maintenance plan, an emergency response and training plan, a decommission plan, utility approval, proof of liability insurance, and the contact information for the project owner, the project operator and contractors.
- b. Additional documents may be required by the planning board or by the zoning board of review.
- c. The planning board may waive requirements of the land development review process upon written request of the applicant at pre-application.
- d. Solar panels and any of its casings and wiring shall not produce glare.

(2) Land evidence records/recording requirements.

- a. Any memorandum of lease, easement, or utility/distribution agreements and any amendments, modifications, and/or extensions to the same shall be submitted with the installation application and shall be recorded in the land evidence records in the Town of Foster after planning board and zoning board of review approvals.

b. If a surety bond is posted to secure the decommissioning cost of the solar installation, pursuant to subsection (13), abandonment or decommissioning, herein a lien for the cost of decommissioning the solar installation shall be recorded in the land evidence records against the parcel until such time at the solar installation is decommissioned.

(3) Setbacks.

a. Solar installation setbacks shall be situated in a way that will completely obscure the development in all seasons from the road and all abutting properties using either terrain masking, undisturbed vegetation, and/or landscaped vegetation. The landscaped plan shall be approved by the planning board as referred to in subsection (5) herein, landscaping plan.

b. Major solar installations shall at the minimum maintain a 200-foot setback from all adjacent property lines and roadways unless there is a finding by the zoning board of review that a 100-foot setback from all adjacent property lines and roadways or terrain masking has adequately obscured the installation from view from all adjacent properties and roadways. Landscaping in the landscaping plan may include this 200-foot setback.

(4) Height.

a. Ground-mounted solar installations shall not exceed 12 feet in height.

b. Roof-mounted solar installations shall not exceed the maximum height for the applicable zoning district.

(5) Landscaping plan.

a. Any landscaped vegetated buffer shall have staggered row plantings for viewshed masking from all adjacent properties and roadways, using a mix of at least eight-foot evergreens with complete understory vegetation coverage such as rhododendrons and other deer-resistant native plants.

b. As part of the major land development process, a landscaping plan shall be prepared by a Rhode Island licensed landscaping architect and approved by the planning board. Native pollinator-friendly seed mixes and native plants shall be used to the maximum extent possible. Said plan shall also specify the management of understory and naturally occurring vegetation, including a method that will not use chemicals or herbicides or harm water quality on- or off-site.

c. A performance bond to cover the installation cost and maintenance expenses of the approved landscaping plan shall be required for a period of at least five years after installation. The posting of said performance bond shall be required for the issuance of any building permit.

d. Independent third-party cost estimates by a Rhode Island licensed landscaping architect shall be submitted as part of the major land development process and the landscaping plan at the expense of applicant.

e. The landscaping plan should show minimal re-grading, and limit removal of existing materials including topsoil.

(6) Minimize clearing. Clearing shall be limited to only those area(s) that are necessary for the construction, operation and maintenance of the facility. Vegetative cover shall be maintained to prevent soil erosion.

(7) All installations shall be in compliance with the state building code and the state electrical code and shall be subject to periodic inspections by the Foster building official. All relevant installation components must have an UL listing or equivalent.

(8) All electrical connection and distribution lines within the installation shall be underground or located entirely within a structure. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility with approval by the planning/zoning board.

(9) Security fencing.

a. A fence shall surround the perimeter of the installation of no less than six feet in height and shall be black, green, brown, or another natural color that blends into the vegetative surroundings.

b. Barbed wire is prohibited.

c. The fence shall be at least four inches off the ground to allow small animals to pass underneath and be low enough to prohibit children from being stuck or going underneath the fence.

d. New fences shall be flagged to protect both the fencing and wildlife for at least six months.

(10) Emergency access. Reasonable accessibility for emergency service vehicles shall be required along with a training plan for emergency responders.

(11) Signage. No signs are allowed on the security perimeter fencing except to display the installation name, address and emergency contact information, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four square feet in area.

(12) Lighting. All lighting shall be directed downward, and incorporate full cutoff fixtures to reduce light pollution, utilizing fixtures meeting the criteria of the ISA International Dark Sky Association, and shielded from directing light on abutting properties.

(13) Abandonment or decommissioning.

a. It is the responsibility of the parcel owner to remove all obsolete or unused systems within six months of cessation of operations. Reusable components are to be recycled whenever feasible.

b. Within six months after the removal of the solar installation system, the owner shall either plant a native species tree seedling for each solar panel removed or have a planning board approved development plan.

c. A cash or surety bond to cover the cost of removal shall be required and shall be posted prior to the issuance of any building permits. The decommissioning bond shall not include offsets for recycling and/or sale of decommissioned parts. The decommissioning bond shall include the cost of purchase and planting tree seedlings for each solar panel in the installation. An independent third-party cost estimate shall be submitted as part of the major land development process at the expense of applicant. A revaluation of decommissioning costs will take place after ten years with approval of the planning board. If an increase is needed, additional cash or surety will be required at that time.

d. If the decommission bond is posted via a surety bond, in the event ownership of the parcel and/or the solar installation is transferred or sold, it shall be the responsibility of the parcel owner to ensure that the posted decommissioning surety bond remains in full force and effect or that a new surety bond is issued in its place. In order to guarantee the continued viability of the surety bond, the parcel owner shall consent to the town's recording of a lien against the parcel for the decommissioning cost.

(14) Operation and maintenance plan. Solar installations shall submit an operation and maintenance plan that details how the installation will be operated and maintained in good condition, at a minimum, shall address:

a. Site access maintenance.

b. Vegetation management to maintain the required vegetated buffer and appropriate pollinator-friendly vegetative ground cover.

c. Equipment and fence maintenance.

d. Any other maintenance that may be needed to address town requirements imposed due to unique site conditions.

e. Stormwater management and maintenance plan will be required.

f. Not using dust suppressants on solar panels.

(15) Environmental concerns.

a. Any applicant proposing a solar energy system that includes clearing more than 40,000 square feet of forested area shall assess the impacts of the forest loss and how the impacts can be mitigated. At a minimum, the following issues must be addressed: Water quality, habitat, carbon sequestration and storage and adjacent properties.

b. Any clearing or site work on a property occurring within two years of the date of an application for a major solar installation shall be considered part of the major solar installation for the purposes of the foregoing analysis and findings.

(16) Solar land coverage.

a. In the AR, ~~NC~~, ~~GBM~~, and ~~MI HC2~~ districts, the solar land coverage plus any additional or existing structures on the lot shall not exceed 40 percent of the land suitable for development of the lot unless the solar installation is being installed on a brownfield, in which instances there shall be no restrictions on solar land coverage.

b. There are no restrictions on solar land coverage in the M district and the planning board shall have the authority to require mitigations to maintain aesthetic appeal.

(f) *Incentives.* Pursuant to ~~G.L. 1956~~, § 44-3-21, a property meeting the following criteria shall be exempt from tangible taxation, and such exemption shall be applied for, verified by, and filed with the town's tax assessor:

(1) The additional cost or value of any solar installation which is being utilized as a primary or auxiliary power system for the sole purpose of supplying the energy needs of the property on which it is located.

(Ord. of 7-23-2015, art. VI, § 23; Ord. of [10-8-2020\(1\)](#); ~~Ord. of 8-24-2023~~)

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 IX. – SITE PLAN REVIEW

Sec. 38-394 – Site plan for commercial and industrial development.

- Sec. 38-394 – Site plan for commercial and industrial development shall be amended to account for amendments to the zoning map.

(a) *Purpose.* The purpose of this section is to ensure the orderly development and integration of commercial, industrial and institutional projects into the community; provide for erosion control and stormwater management; prevent surface water and groundwater pollution; minimize traffic hazards; mitigate nuisances caused by noise, dust or lights; and protect and enhance the ecology and physical appearance of the community.

(b) *Review of plan required.* No zoning certificate or building permit shall be issued for any commercial building or other commercial construction in any zone of the town, or for any institutional use in a ~~an~~ ~~GBM~~ or ~~NC HC2~~ zone, until a site plan review of the proposed construction has been conducted by the planning board. In addition, any use in the ~~GBM~~, ~~NC~~ or ~~MI HC2~~ zone which requires a special-use permit shall be subject to a site review by the planning board before a public hearing is held by the zoning board of review. It shall also be required for any enlargement in size of any building or change in use or actual use of any building including accessory structures. Site plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the actual use thereof. As part of the site plan review process, the design of proposed buildings may be

reviewed to determine compatibility with the site and with ~~section 5.1 of~~ the town's comprehensive plan.

(c) *Meeting with town planner.* Prior to submission of the formal plan, an applicant for a commercial site review shall make an appointment to meet with the town planner to confirm the need for such review, and for informal discussion of the project and site review application requirements and procedure.

(d) *Site plan requirements.* All site plans shall be prepared by a registered architect or engineer. Six copies of the site plan, drawn at a scale no smaller than one inch equals 40 feet, shall be submitted showing the following information unless waived by the planning board:

(1) Name of the proposed development and names and addresses of the developer and property owners, name of the registered architect or engineer designing the plan and his stamp of registration.

(2) Locus map at a scale of one inch equals 1,000 feet.

(3) Date, north arrow, graphic scale, contours at two-foot intervals and where slopes are three percent or less at one-foot contour intervals.

(4) Boundary line, dimensions, zoning classification and area of lot or tract; abutting property owners within 400 feet; and lot and plat numbers.

(5) Location and general exterior dimensions of existing structures and signs.

(6) Existing and proposed sewers, water mains, culverts and other underground appurtenances within and adjacent to the lot or tract, pipe sizes, grades, manholes and locations.

(7) Distance on all sides between buildings and property lines as measured on the site.

(8) Building use including number of employees and/or number of units; e.g., beds, offices and/or employees.

(9) Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays and angle of parking.

(10) Location, arrangement and dimensions of off-street loading spaces.

(11) Location and dimensions of vehicular drives; entrances and exits; acceleration and deceleration lanes; and location and dimension of pedestrian entrances, exits, walks and walkways.

(12) Location, widths and names of all existing or prior platted roads, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and municipal boundary lines, within 400 feet of the development.

(13) Method of solid waste disposal and screening of refuse areas.

(14) Location, type, intensity of illumination and height of all outdoor lighting fixtures.

(15) Location and exterior dimensions of proposed principal and accessory buildings and signs.

(16) Finished grades, slopes, banks and ditches.

(17) Landscaping retained and created showing botanical name, location and approximate size of plantings and screen plantings.

(18) Location, height and materials of walls and fences.

(19) An architectural rendering of plans or building elevations indicating exterior building design.

(20) Total floor area and ground coverage of each proposed building and structure and percentage of lot covered by each building or structure.

(21) The stages, if any, to be followed in the construction of the development, if it is to be developed in sections.

(22) Accompanying information shall include:

a. Soil erosion and stormwater runoff control plans in accordance with the erosion and sediment control regulations of [chapter 26](#).

b. A report by the state department of environmental management as to the suitability of the soil and design of individual sewage disposal.

c. Location and extent of any wetlands and approval of state agencies for alteration of, or construction within, wetland areas, determination of special flood hazard requirements.

d. Summary of existing and proposed easements, restrictions and covenants placed on the property.

(e) *Action on commercial and industrial site plans not requiring zoning board action.* Action on commercial and industrial site plans not requiring zoning board of review action shall be as follows:

(1) Within 45 days of the receipt of a complete site plan for a commercial or industrial use, the planning board will schedule a public hearing. At least seven days prior to the hearing, the planning board shall give written notice of the time and place of such hearing, by certified mail, to the applicant and to persons owning land abutting the site. The board shall also publish, in a newspaper of general circulation in the town, a notice of such hearing.

(2) The planning board shall review the site plan for compliance with all articles of this chapter. The applicant shall be advised of any required changes and/or additions to comply with the requirements of this section. The planning board will approve, subject to modifications, or disapprove the site plan. Within 30 days after the date of the close of the public hearing, including the adjourned date thereof, the board shall notify the applicant in writing of its decision stating its reasons if the plan is disapproved.

(f) *Performance standards.* The following criteria are to be used by the planning board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved, unless, in the judgment of the planning board, the applicant is not able to meet one or more of the following standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

(1) *Landscape.* The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of the soil and retaining existing vegetation during and after construction. After construction is completed, landscaping shall be installed according to the landscaping design shown on the site plan that will define, soften or screen the appearance of the off-road parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the design of buildings or site, and to minimize the encroachment of the proposed use on neighboring land uses.

(2) *Visual relationship of buildings.* Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of buildings and such natural features such as slope, soil type and drainageways.

(3) *Vehicular access.* The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers and control of access points, including site distances, turning lanes and traffic signalization when required by existing and projected flow on the municipal road systems. Provisions shall be made providing and maintaining safe and convenient emergency vehicle access to all buildings and structures on the site at all times. The development shall not impose unreasonable burdens on the circulation system of the town. Town roads inadequate to handle the volume of traffic generated by the development shall be improved by the applicant to provide safe passage. The developer may be required to provide a traffic impact report prepared by a certified traffic engineer if there are unusual safety concerns such as inadequate sight distance or a history of traffic accidents in the area proposed for development.

(4) *Parking and circulation.* The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas and arrangement and use of parking areas.

(5) *Stormwater runoff and erosion control.* Adequate provisions shall be made for stormwater runoff so that removal of surface water shall not adversely affect neighboring properties, downstream water quality, soil erosion or the storm drainage system. Whenever possible, onsite absorption of runoff waters shall be utilized to minimize discharges from the site. Provisions will be made to control erosion during and after construction. Reference is made to the state erosion and sediment control handbook.

(6) *Existing utilities.* The development shall not impose unreasonable burdens on sewers, sanitary and storm drains, water lines or other public utilities.

(7) *Advertising features.* The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures shall be compatible with the design of the proposed buildings and structures and surrounding properties and conform with article VI of this chapter.

(8) *Special features of the development.* Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utilities, buildings and similar structures shall have sufficient setbacks and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

(9) *Exterior lighting.* All exterior lighting shall be designed to minimize impact on neighboring properties.

(10) *Municipal services.* The development will not have an unreasonable impact on the municipal road system, fire department, police department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

(11) *Water pollution.* In making this determination, it shall at least include the elevation of the land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal and other DEM approved discharge; the slope of the land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for surface runoff; and the applicable federal, state and local laws, ordinances, codes and regulations.

(12) *Air pollution.* The use of the site shall not reduce the ambient air quality. In making this determination, the applicant shall consult federal and state authorities to determine air quality laws and regulations.

(13) *Water supply.* Sufficient water must be available for reasonably foreseeable needs of the development and not cause any unreasonable burden on the existing water supply if this supply is utilized.

(14) *Sewage disposal.* Adequate sewage waste disposal must be provided.

(15) *Unique areas.* There must not be any undue adverse affect on the scenic or natural beauty of the areas, aesthetics, historic sites, or rare and irreplaceable natural areas.

(16) *Capacity.* The applicant has adequate financial and technical capacity to meet the above standards.

(17) *Waterbodies.* Whenever the proposed development is situated, in whole or in part, within 300 feet of any pond, lake, river or other freshwater wetland, it will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water. There will be no disturbance of soil within 100 feet of the outer edge of a wetland.

(g) *General provisions.* General provisions concerning site plans for commercial and industrial development are as follows:

(1) The board may waive, by majority vote, site plan approval requirements or any specific provisions thereof for any change in use, and construction of an addition or accessory building to any other principal building, provided that the use is subordinate and customarily incidental to the principal use and provided that:

- a. Such building area does not exceed 25 percent of the existing buildings or 1,500 square feet, whichever is less.
- b. Such building does not exceed one story.
- c. Such building conforms to all requirements of the district in which it is located or any other requirements in this chapter.
- d. No site improvements are intended, required or will result from such building including, but not limited to, the development of additional parking spaces.
- e. The change of actual use does not affect existing circulation, drainage, landscaping, buffering, lighting or other considerations of site plan review.

(2) The planning board may require the filing of a performance bond or the execution of a conditional agreement with the municipality by the applicant.

(3) All construction performed under the authorization of a building permit issued for development within the scope of this chapter shall be in conformance with the approved site plan.

(4) Change of approved site plan. If the applicant wants to make an amendment to an approved site plan, a written request shall be submitted to the planning board. If, in the opinion of the planning board, a requested change is sufficiently substantial, the planning board shall require the submission of any amended site plan. The procedure for the consideration of such written request or of such amended site plan shall be the same as that for consideration of a site plan under subsections (c), (d) and (e) of this section.

(5) Site plan procedure. Each applicant for site plan approval shall file with the town clerk six copies of the proposed site plan, 24 inches by 36 inches in size at a scale no smaller than one inch equals 40 feet; the required application form; and a \$75.00 application fee.

(Ord. of 6-23-1994, art. IX, § 9; Ord. of 9-9-2010; [Ord. of 8-24-2023](#))

Cross reference— Businesses, [ch. 12](#).

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 ~~≥~~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)~~d~~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.

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

~~21.~~ Lot frontage as defined in article I of this chapter.

~~32.~~ The total number of bedrooms per structure is related to the design daily sewage flow (~~two person occupancy per bedroom~~) in accordance with state DEM regulations currently in effect.

~~43.~~ A buffer strip is a strip 50 feet in width or depth alongside and rear lot lines that shall be maintained as a landscape buffer strip.

~~54.~~ No principal building shall exceed 35 feet in height or two stories. No accessory building or other permitted structure shall exceed 20 feet in height.

~~65.~~ Each building shall be provided with an enclosed fireproof waste pen of sufficient size to accommodate all trash and waste stored on the premises. The waste pen and utility area shall be properly screened 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.

(Ord. of 6-23-1994, art. VI, § 10; Ord. of 10-3-2009; Ord. of 9-9-2010; Ord. of 8-24-23)

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. 38-291 – 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.

(Ord. of 11-19-1998; Ord. of 1-24-2002; Ord. of 8-24-2023)

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 X. – ADOPTION OR AMENDMENT

Sec. 38-430 – Planning board report.

- Sec. 38-430 – Planning Board report shall be amended to allow for the absence of change as a condition warranting amendment to this chapter and to be allowed as a description of conditions warranting an amendment to this chapter in the required report.

Following its review, the planning board shall prepare a written report and recommendation for the town council. The report shall include a discussion of the factors of this article and the reasons supporting the recommendation. The report shall include:

- (1) A statement on the general consistency of the proposal with the town's comprehensive plan, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and
- (2) A demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in article I of this chapter.

If the planning board recommends that the town council adopt the amendment, the report shall also describe any **changed** conditions which warrant the amendment. The failure of the planning board to submit a report to the town council shall be deemed to constitute a recommendation for adoption of the proposed amendment.

(Ord. of 6-23-1994, art. X, § 5; Ord. of 8-24-2023)

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. 38-284 – 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).

(Ord. of 6-23-1994, art. VI, § 13; Ord. of 8-24-2023)

ORDINANCE NO. _____

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

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

ARTICLE I. – IN GENERAL

Sec. 38-2. - Definitions.

- Sec. 38-2 – Definitions shall be amended 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:~~

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

(2) 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.

(3) Accessory family dwelling unit. means aAn 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.

(4) Accessory use. means aA 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.~~

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

(1i) Any person, or persons, or ~~entity~~ies, 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

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

(6) Agricultural land. means “Agricultural land,” as defined in ~~G.L. 1956,~~ § 45-22.2-4.

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

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

(9) 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.

(10) Buffer. ~~means a~~ Land ~~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.

(11) Building. ~~means a~~ Any structure used or intended for supporting or sheltering any use or occupancy.

(12) Building envelope. ~~means t~~ 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.

(13) 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 excludes 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.

(14) 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)~~

(15) Collocation. ~~means t~~ 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.

(16) Common ownership. ~~means e~~ Either:

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

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

(17) *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.

(18) *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.

(19) *Compassion center*. ~~a~~As 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.

(20) *Comprehensive plan*. ~~means t~~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.

(21) *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.

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

(23) *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.

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

(25) *Development*. ~~means t~~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.

(26) *Development plan review*. ~~means t~~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.

(27) *District*. See "~~Zoning~~-~~use district~~."

(28) *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.

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

(30) *Dwelling unit*, ~~means a~~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.

(31) *Equipment shelter*, ~~means a~~A 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.

(32) *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.

(33) *FAA*, ~~means~~The Federal Aviation Administration.

(34) *Family member*, ~~means a~~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.

(35) *FCC*, ~~means~~The Federal Communications Commission.

(36) *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.

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

(38) *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.

(39) *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.

(40) *Garbage*, ~~means a~~Any animal or vegetable waste.

(41) *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, ~~condominium~~ various forms of residential ownership, or a combination thereof and may contain public or private roads, or a combination thereof.

~~(42) Groundwater. "Groundwater" and associated terms, shall mean~~ as defined in ~~G.L. 1956,~~ § 46-13.1-3.

~~(43) 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.

~~(44) 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.~~

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

~~(46) 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.~~

~~(47) Household. means o~~ 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.

~~(48) Incentive zoning. means t~~ 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.

~~(49) Infrastructure. means f~~ Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

~~(50) 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.

~~(51) 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.

~~(52) Licensed nonresidential cooperative cultivation. means t~~ Two or more cardholders who cooperatively cultivate marijuana in nonresidential locations subject to the requirements set forth in ~~G.L.~~ § 21-28.6-14.

~~(53) Licensed residential cooperative cultivation. means t~~ 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.

~~(54) Lodging or guest home~~ Short term rental structure. ~~means a~~ 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.

~~(55) Lot.~~ ~~means e~~ 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.

~~(56) Lot area.~~ ~~means t~~ The total area within the boundaries of a lot, excluding any road right-of-way, usually reported in acres or square feet.

~~(57) 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.

~~(58) Lot building coverage.~~ ~~means t~~ That portion of the lot that is, or may be, covered by buildings and accessory buildings.

~~(59) Lot depth.~~ ~~means t~~ 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.

~~(60) Lot frontage.~~ ~~means t~~ 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](#).

~~(61) Lot line.~~ ~~means a~~ 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.

~~(62) Lot of record.~~ ~~means a~~ A parcel of land recorded by deed or recorded plat in the office of the town clerk.

~~(63) Lot size, minimum.~~ Shall have the same meaning as "minimum lot area" defined herein.

~~(64) Lot, corner.~~ A lot which fronts upon two (2) roads, those roads intersecting, and not being parallel.

~~(65) Lot, through.~~ ~~means a~~ 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.~~

(66) *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.

(67) *Low- or moderate-income (LMI) housing*. ~~means a~~ 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.

(68) *Medical marijuana emporium*. ~~means a~~ 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.

(69) *Mere inconvenience*. See G.L. 1956, § 45-24-41.

(70) *Mixed use*. ~~means a~~ 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.~~

(71) *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.

(72) *Multi-family dwelling for LMI housing*. ~~means a~~ 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.

(73) *Nonconformance*. ~~means a~~ 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:

(~~1~~i) 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

(~~2~~ii) 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.

(74) *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.

(75) *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.

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

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

(78) *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.

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

(80) *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.

(81) *Preexisting towers and antennas*. ~~means~~ towers and antennas built and/or mounted before March 5, 1998.

(82) *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.

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

(84) *Recreational events and amusements (open)*. ~~means~~ oOutdoor 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.

(85) *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.

(86) *Residential personal cultivation*. ~~means~~ mMarijuana 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.

(87) *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.

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

(89) 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.

(90) Side yard. ~~means t~~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.

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

(92) 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.

(93) 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.

(94) 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.

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

(96) 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.

(1i) 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, tthe 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.

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

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

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

(100) Zoning certificate. ~~means a~~ document signed by the zoning ~~enforcement~~ official, 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.

(101) 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.

(102) Zoning official. The town planner.

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

(104) 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.

(105) 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.~~

(Ord. of 6-23-1994, art. II; Ord. of 3-5-1998; Ord. of 10-8-2009, Pt. 1(A); Ord. of 9-9-2010; Ord. of [2-28-2019\(1\) Ord. of 8-24-23](#))

Cross reference— Definitions generally and rules of construction, [§ 1-2.](#)

State Law reference— ~~Similar definitions, G.L. 1956, Definitions.~~ § 45-24-31; ~~definitions to be provided in zoning ordinance, G.L. 1956, General provisions – Definitions.~~ § 45-24-35.
