

**D. New Business:**



**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. 38-193 – Prohibited uses.**

- Sec. 38-193 – Prohibited uses shall be amended to meet RIGL:

The following uses shall not be permitted within the Town of Foster:

Acetylene gas manufacture

Acid manufacture

Adult uses which are obscene or explicit in nature.

Airport or heliport

Ammonia or bleach manufacture

Any use which is obnoxious by reason of the emission of gasses, odors, noise, dust, vibration or soot or by reason of the danger of fire or explosion

Asphalt manufacture of refining

Atomic energy processes and storage

Automobile, truck, or other vehicle junkyard

Brewery or distillery

Carbon black manufacture

Cement, lime, gypsum, pyroxylin, or plastic manufacture

Chlorine manufacture

Coal distillation and derivation of coal products

Commercial facilities established for the purpose of storage, processing, or disposal of organic and non-organic waste

Commercial laundry (excepting a laundromat as provided for in [section 38-191](#))

Commercial slaughterhouse

Creosote manufacture

Dormitory, except where accessory to a permitted use

Dry cleaning plant

Explosives manufacture

Fertilizer manufacture

Fossil fuel and nuclear power generating station

Glue manufacture

House trailer park or colony

House trailers/mobile homes (except as provided for in [section 38-191](#))

Hydrofracking for the purpose of oil or gas extraction

Iron or steel foundry

Offal or dead animal processing, or treatment and distillation of bones, fats, or feathers

Oilcloth or linoleum manufacture

Paint manufacture

Petroleum refinery

Piggery

Potash manufacture

Racetracks of any description where a fee is charged or donations made (except as allowed under [section 38-191](#))

Rendering or refining of fats, oils, or bones

Rubber manufacture or treatment

Smelter

Storage, processing, or disposal of hazardous waste or material

Tanning or curing of hides

Textile dyeing or finishing

Vehicle washing shop (except where public sewerage disposal is available and/or except where utilizing a water reclaim system)

Wastewater treatment facility or sewage sludge incinerator

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

Any use, not expressly permitted in this article, ~~is prohibited~~ shall be matched to a use listed in Sec. 38-191 by the administrative officer upon application for the use not expressly permitted or at a pre-application meeting.

Upon receipt of an application for a use not expressly permitted or following a pre-application meeting, the administrative officer shall match the use in question to the use most closely related to that use in Sec. 38-191. The administrative officer's interpretation shall immediately be transmitted in writing to the planning board for approval to be reviewed as interpreted by the administrative officer.

The planning board shall report the interpretation of the administrative officer and shall conduct a vote at the next regularly scheduled planning board meeting following the submission of the application for a use not expressly permitted or the pre-application meeting at which such use was discussed. Upon simple majority approval of the planning board, the use in question shall be determined according to the interpretation of the administrative officer or according to the interpretation of the planning board, if the planning board's interpretation differs from that of the administrative officer.

The review of an application for a use not expressly permitted shall be conducted at the next regularly scheduled meeting of the appropriate review board or shall be conducted administratively, whichever is appropriate.

If the use not expressly permitted is interpreted, by the administrative officer or by the planning board as a use listed in Sec. 38-193 an application for such use will be denied.



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. 38-271 – Purpose of article.

- Sec. 38-271 – Purpose of article shall be amended to meet RIGL:

The purpose of the supplementary regulations enumerated in this article is to set specific conditions and dimensional criteria for various uses or areas, where general regulations are not applicable, and to set specific standards for the granting of applications for special-use permits, development plan review, and land development projects.

---



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. 38-290 – Regulations pertaining to animals.**

- Sec. 38-290 – Regulations pertaining to animals shall be amended to meet RIGL.

No special use permit or development plan approval shall be granted unless a waste management and removal plan is ~~first~~ filed before or in conjunction with the development plan and approved by the ~~town~~ planning board.

---



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. 38-293 – Stone wall protection and preservation.**

- Sec. 38-293 – Stone wall protection and preservation shall be amended to meet RIGL.

(a) *Purpose and definition.* The purpose of this section is to encourage and support the protection and preservation of historic stone walls located in the Town of Foster; to establish general provisions for the alteration of such stone walls within the land development and subdivision, variance and special use, and permit application review processes; and to suggest guidelines for the re-building of stone walls or building of new stone walls.

Historic stone walls, defined as a structure of stones gathered and constructed by earlier generations into a purposeful formation and often intended to designate property boundaries or to identify and separate agricultural activities on a farm, were typically constructed before 1950.

Historic stone walls are valued as important parts of Foster's landscape and heritage; as artifacts of the unique agricultural past of the region and the harsh demands of farming in New England; as visual reminders of farms, cattle and wagon lanes, settlement patterns, and land use; and as functioning elements of the landscape and woodland habitat.

Ensuring a balance between preservation of the rural heritage and character of the Town of Foster, as represented by historic stone walls, and respect for private property rights is of utmost importance. It is in the public interest to both minimize any restriction of the rights of property owners while protecting and preserving historic stone walls and encouraging the re-building of stone walls or building of new stone walls.

(b) *General provisions—Historic stone walls.*

(1) The proposed alteration, relocation, excavation, dismantling, or demolition of a historic stone wall (or part thereof) shall be identified on any site plan submission that is required by:

- a. Application to the planning board as part of the minor or major land development and minor or major subdivision review, [land development project, special-use permit or development plan review](#) process.
- b. Application to the zoning board of review [or planning board](#) as part of the variance or special use permit process.
- c. Application to the building official as part of the building permit process.
- d. Application to public works as part of the driveway permit process.

(2) Site plan submission shall include specific information as to the nature of the construction, excavation, or demolition project; the location and general condition of the existing historic stone wall(s) on the property, relative to the project; and the anticipated impact of the project on the historic stone wall(s).

(3) The reviewing entity and applicant shall seek to find an alternate location of the use or project proposed to alter, relocate, excavate, dismantle, or demolish the historic stone wall. If no beneficial alternative is found to be possible, a plan to minimize the disturbance and/or mitigate the impact shall be substituted, such as:

- a. Abbreviating the cut-throughs as much as possible.
- b. Rebuilding, repairing, replacing, or relocating disturbed portions of the wall(s) in a manner that reasonably approximates the material and methods of the originals, using as many of the original stones as possible.
- c. Restoration of the ends of any such walls.

(4) Any public works project initiated by the Town of Foster that is likely to affect abutting historic stone wall(s) not subject to a formal review process as required in subsection (b)(1) of this section shall give prior notice to the property owner.

(c) *Suggested guidelines—Other stone walls.*

(1) Re-build stone walls and/or build new stone walls similar to those constructed by earlier generations, using native field stone and methods that approximate historic stone walls.

(2) Rebuild, rather than dismantle, historic stone walls not subject to a formal review process as required in subsection (b)(1) of this section that are in disrepair with construction materials and methods that approximate the originals or leave them as-is.

(3) Develop plans to minimize the impact on any stone walls during the planning phase of any construction, excavation, or demolition project not subject to a formal review process as required in subsection (b)(1) of this section.



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:

**Chapter 38 - ZONING**

**ARTICLE VII – SPECIAL USE PERMITS AND VARIANCES**

Sec. 38-327. – Specific and objective criteria shall be added to come into compliance with RIGL:

**Sec. 38-327. Specific and objective criteria for categories of special-use permits.**

*Agricultural uses #2(b) Raising animals for sale or for sale of animal products: Animals exceeding 35 on five acres or less: five additional animals for each additional acre over five acres. This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.*

*Agricultural uses #4 Commercial nursery structures. This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.*

Agricultural uses #6 Poultry farm with capacity for more than 10,000 birds. This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally a special-use permit is required to control odor, air, soil or water pollution.

Open recreation uses #4 Camping area (licensed by town). This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

Open recreation uses #5 Rod and gun clubs, rifle or pistol ranges. This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to control noise and vibration.

Public and semi-public uses #1 School or college. This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

Public and semi-public uses #4 Medical clinic. This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

Public and semi-public uses #5 Hospital. This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the HC2 district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

Public and semi-public uses #10 Cemetery. This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

Office uses #3 Real estate office. This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to

protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Business uses #1 Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to control air, soil, or water pollution.

*Business uses #2 Antique shop, gift shop, florist shop, pet shop and similar specialty shops.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Business uses #3 Mortuary or funeral home.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Business uses #8 Gasoline filling station (no major repairing).* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special use permit is required to control air, soil or water pollution.

*Business uses #19 Medical office building situated on a State or US highway.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Business uses #20 Communications towers and antennas.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in all districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Business uses #23 Winery.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to manage traffic and on-site consumption.



*Business uses #24 Farm brewery.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to manage traffic and on-site consumption.

*Business uses #25 Farm distiller.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to manage traffic and on-site consumption.

*Business uses #26 Micro-brewery.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to manage traffic and on-site consumption.

*Business uses #27 Distillery.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to manage traffic and on-site consumption.

*Transportation and parking uses #3 Rail or motor freight terminal.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to control noise and air, soil or water pollution.

*Wholesale business and storage uses #4 Open storage of solid fuel (other than wood).* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR, GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Service industries uses #2 Electric substation.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR, GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to control air, soil or water pollution.

*Service industries uses #4 Any other structure which is part of a public service system.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in

the AR, GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Service industries uses #5 Laundromat.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to control air, soil, or water pollution.

*Industrial uses #1.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to control air, soil or water pollution.

*Industrial uses #13 Mining, quarrying or loam stripping.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR, GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally a special-use permit is required to control noise, air, soil or water pollution, erosion and vibration.

*Industrial uses #14 Retail outlet for permitted industrial operation.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Industrial uses #15 Soap manufacture.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to control air, soil or water pollution.

*Industrial uses #16 Sodium compounds manufacture.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally, a special-use permit is required to control air, soil or water pollution.

*Industrial uses #17 Stone cutting.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR, GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the

proceedings. Additionally a special-use permit is required to control noise, air, soil or water pollution, erosion and vibration.

*Industrial uses #20 Chemical manufacture.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally a special-use permit is required to control air, soil or water pollution.

*Industrial uses #21 Gravel banks.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR, GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally a special-use permit is required to control noise, air, soil or water pollution, erosion and vibration. Special-use permits for gravel banks and other earth removal operations will be issued for one-year periods only. A public hearing shall be required for the initial special-use permit application. The Planning Board may impose new conditions on a special-use permit at the time of renewal.

*Industrial uses #22 Natural material processing, stone crushing and sorting.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR, GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally a special-use permit is required to control noise, air, soil or water pollution, erosion and vibration.

*Accessory uses #2 Any use of land or of a structure, or portion thereof, customarily incidental and subordinate to the principal use of the land or structure which is permitted in the district as a special-use permit and located on the same lot.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in all districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Special-use permits under this category are approved as special conditions on the special-use permit for the primary use.

*Medical marijuana uses #2 Licensed cultivator.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR district to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally a special-use permit is required to control odor and soil or water pollution.

*Medical marijuana uses #5 Residential cooperative cultivation.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the AR and HC2 districts to provide for public safety and to protect neighboring residential properties from any

adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally a special-use permit is required to control odor and soil or water pollution

*Recreational marijuana uses #1 Cannabis or marijuana cultivator.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings. Additionally a special-use permit is required to control odor and soil or water pollution

*Recreational marijuana uses #2 Cannabis establishment or marijuana establishment.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Recreational marijuana uses #3 Cannabis product manufacturer or marijuana product manufacturer.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Recreational marijuana uses #4 Cannabis retailer or marijuana retailer.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.

*Recreational marijuana uses #5 Medical cannabis treatment center or Medical marijuana treatment center.* This use shall meet the standards for granting as listed in Sec. 38-323. A Special-use permit is required in the GB and HC2 districts to provide for public safety and to protect neighboring residential properties from any adverse effects which may be caused by this use. The standards of Sec. 38-324(d)(2) shall be entered into the record of the proceedings.



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:

**Chapter 38 – ZONING**

**ARTICLE VII – SPECIAL USE PERMITS AND VARIANCES**

Sec 38-328: Standards for granting shall be added to regulate new gravel banks in Foster:

**Sec. 38-328. – Earth removal**

A. Purpose. It is the intent of the following regulations and requirements to provide for the public safety; to control noise, air or water pollution, erosion, vibration and landslides; to protect neighboring residential properties from any adverse effects which may be caused by this use; to provide for the restoration of the land for its reuse at the termination of the extractive activity, and to protect the area from becoming an eyesore.

B. Expiration of special-use permit. Special-use permits for gravel banks and other earth removal operations will be issued for one-year periods only. A public hearing shall be required for the initial special-use permit application. The Planning Board may impose new conditions on a special-use permit at the time of renewal.

C. Renewal. Public notice shall be provided pursuant to Sec. 38-38 on an application for renewal of a special-use permit under this section. Prior to renewal, inspection of the premises shall be made by the Zoning Enforcement Officer to determine that the conditions of the special-use permit and the provisions of this section are being complied with.

The Planning Board may impose new conditions on a special-use permit at the time of renewal. The Planning Board may, after hearing and proof of violation of this section, or the conditions of the permit, decline to renew the permit, after which the operation shall be discontinued and the area restored in accordance with the conditions of the permit and/or the provisions contained in Subsection D herein.

D. Restoration. Forthwith following the denial of a permit under this section or the expiration or withdrawal of a permit, or upon voluntary cessation of operations, or upon completion of removal in a substantial area, that entire area shall be restored insofar as permitted by RIDEM as follows:

(1)

All land shall be so graded that no slope exceeds one foot vertical rise in three feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.

(2)

All boulders larger than 1/2 cubic yard shall be removed or buried.

(3)

The entire area except exposed ledge rock shall be covered with not less than four inches of good quality loam, which shall be planted with cover vegetation adequate to prevent soil erosion, using either grasses or ground cover, depending upon conditions.

(4)

The performance bond shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

E. Nonconforming rights. This section shall not apply to a removal operation that was lawfully established prior to the adoption of this section.



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

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

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

**ARTICLE VIII. – LAND DEVELOPMENT PROJECTS**

Sec. 38-357 – Development standards for general business mixed use (GBM) development.

- Sec. 38-357 – Development standards for general business mixed use (GBM) development shall be amended to meet RIGL:

**Sec. 38-357. - Development standards for general business ~~mixed use~~ (GBM) 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 general business ~~mixed use~~ 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 wide variety of trades and businesses. The regulations are intended to be flexible, to allow for innovative design techniques, to accommodate unique land uses, and to encourage creative approaches to development issues.

Foster encourages a coordinated design approach for development within the GBM district with an emphasis on compatibility with the natural environment and surrounding land uses. This

coordinated approach ~~will~~ allow for a sufficient mix of uses and accessory uses to create a self-contained or self-sustained development. It allows for planning of a land development project or development plan review and calculation of densities ~~over the entire project~~ within the surrounding area rather than 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; and
- Provide safe and accessible parking areas, allowing for safe pedestrian movement.

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 general business ~~mixed-use~~ development.

*(2) Applicability and procedure.*

a. General business ~~mixed-use~~ developments are permitted in GBM 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 general business ~~mixed-use~~ 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 subsection (2)(d) of this section:

~~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 general business mixed-use developments.~~

c. Compatibility and interrelation of uses within the general business ~~mixed-use~~ 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- according to the procedures set forth in subsection (2)(d) of this section~~ 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 general business mixed use development u~~Under this section, ~~unless reviewed as a minor land development pursuant to RIGL 45-23-32(20) and Sec. 32-161, an application for a change of use, commercial or mixed use in the GB district shall follow procedures for major land development and major subdivisions (see article VI of the Foster Land Development and Subdivision Regulations) formal or administrative development plan review, according to Sec. 38-191 and either Sec. 38-394 or Sec. 38-395. An application for a residential use exceeding a single family residence shall be reviewed as minor land development unless the application exceeds the standards for minor land development review. In these cases, the application shall be reviewed as a major land development. Subdivisions shall be reviewed as minor or major subdivisions depending on the number of buildable lots created, 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 (5) of these standards.~~

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

~~(4) Additional site plan requirements. In addition to the site plan requirements of the applicable review section as listed in subsection (2)(d) of this section, the following materials shall be included in the application.~~

~~a. Existing and proposed planting, landscaping and screening, which shall show the location, dimension and arrangement of all open spaces and yards, including type and size of planting materials, methods to be employed for screening and proposed grades and a plan for maintenance;~~

~~b. Location, type, size and dimension of existing trees, rock masses and other natural features with designations as to which features will be retained;~~

~~c. Dimension and location of existing and proposed buildings and structures;~~

~~d. Existing topography, including any proposed grade changes;~~

~~e. Parking areas and facilities, traffic circulation, driveways, loading areas, access and egress points;~~

~~f. Storm drainage, including direction of flow and means of ultimate disposal. Storm-water drainage runoff calculations used for the drainage system design shall be prepared by a Registered Professional Engineer and must support the sizing of all drainage structures and pipes and demonstrate compliance with the Storm-water Management, Design, and Installation Rules (250-RICR-150-10-8) adopted and as amended from time to time by the RI Department of Environmental Management;~~

~~g. Provisions for sanitary sewerage and water supply, including fire protection measures;~~



h. Location of all utilities, signage, outdoor storage and trash disposal areas.

i. Location and description of any proposed disturbance to existing vegetation, or alteration of natural or historic features, which are proposed in relation to temporary access, utility installation, or other aspects of construction, including provisions for site restoration.

**(35) Minimum land area.**

a. A planned unit development shall consist of not less than ~~200,000~~ 50,000 square feet of land area which may be developed into mixed use and commercial units as set forth in article II; and section 38-131(3); of Foster's Zoning Ordinance.

b. Once a planned unit development has been approved, all land area shown on the plan submitted as part of said planned unit 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.

**(46) Uses.**

a. *Generally.*

1. Uses are categorized as "permitted use," "~~administrative development plan review~~", "~~land-development project~~", "~~formal development plan review~~" "special use permit," and "prohibited use." The planning board or administrative officer may, at its sole option, impose conditions ~~on any use proposal, on any development plan approval; on any land development project approval; or on any special-use permit or variance requiring approval under chapter 32 or development plan review. 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, development plan review use or a land-development project does not constitute an authorization or an assurance that such use will be permitted without conditions within the planned development. Rather, each application for a special use development plan review use or a land-development project shall be evaluated as to its internal consistency with the intent of the proposed GBM 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 from granting of~~ one or more special uses, development plan review uses or land-development project 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 ~~unit~~ development or during the special use permit review of the application, as appropriate. Unless phasing of construction is permitted as referenced in subsection (2)(c) of this section, the development must be completed as a whole according to the final planning board approval for a planned development.

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

- i. The desired use will not be detrimental to the intent of the planned unit development or to the surrounding area;
- ii. It will be compatible with existing and proposed uses within the planned unit 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, land-development project or development plan review by the zoning board of review or the planning board, the applicant must show how its application complies with article VII "~~Special Use Permits and Variances,~~" of this chapter, section 38-324(d), "Standards for relief—Special use permit" article IX of this chapter, article VIII of this chapter, article V of chapter 32 or article VI of chapter 32 in Foster's zoning or subdivision ordinance, whichever is applicable.

b. *Mixed uses.* Nothing contained in this section shall be construed to prevent or discourage the institution or maintenance of two or more uses on any one lot or within any one building in a general business ~~mixed-use~~ development and a mix of compatible uses are to be encouraged throughout a general business ~~mixed-use~~ development.

~~(5) Expansion of existing uses.~~

a. Expansion of a permitted use within the GBM district is allowed. Expansion of a non-conforming use is prohibited.

b. Expansion of a permitted use within the GBM 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 GBM 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 GBM 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 GBM 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 GBM development standards as detailed in subsections (2) through (4).

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

- o Minimize the volume of cut and fill, the number of removed trees six (6) inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm-water flow increase from the site, soil erosion and threat of air and water pollution;
- o Maximize pedestrian and vehicular safety on the site and egress to and from the site;
- o Minimize obstruction of scenic views from publicly accessible locations;
- o 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;
- o Minimize glare from headlights and lighting intrusion;
- o Minimize unreasonable departure from the character, materials and scale of buildings in the vicinity, as viewed from public ways and places;
- o 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
- o Ensure compliance with the provisions of this ordinance, including parking, landscaping, exterior lighting and noise.

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

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



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

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

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

**ARTICLE VIII. – LAND DEVELOPMENT PROJECTS**

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

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

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

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

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

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

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

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

A coordinated design approach should:

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

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

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

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

(2) *Applicability and procedure.*

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

b. No Highway commercial development shall be undertaken, nor any portion of such development be constructed until a plan for such development has been approved by the planning board in accordance with the procedures established by subsection (2)(d) of this section:

~~1. For residential projects, chapter 32 of this ordinance for major land development and major subdivision or for minor land development and minor subdivision;~~

~~2. For new commercial developments, article IX of this chapter.~~

~~3. For expansion of commercial developments, the procedures detailed in subsection (8) of these standards; and;~~

~~4. Additional procedures and requirements set forth herein for Highway Commercial developments, such as environmental impact and design standards specified in subsection (5).~~

c. Compatibility and interrelation of uses within the highway commercial developments and coordination of traffic, parking, storm-water management, security, onsite wastewater treatment systems, storage, architecture, open space, infrastructure, and other needs, as well as the entire development's impact on the surrounding area and roadways. The development shall be considered according to the procedures set forth ~~for major land development and major subdivision, or minor land development and minor subdivision except as detailed in subsection (8); in subsection (2)(d) of these standards this section~~ and approved, if appropriate, and developed as a whole. Phasing of construction may be permitted, as set forth in the land development and subdivision regulations, or as required by the planning board. Improvement guarantees shall be required as set forth in article VIII of the land development and subdivision regulations.

d. ~~Applicants for a highway commercial development u~~Under this section, ~~unless reviewed as a minor land development pursuant to RIGL 45-23-32(20) and Sec. 32-161, an application for a change of use, commercial or mixed use in the GB district~~ shall follow procedures for ~~major land development and major subdivisions or minor land development and minor subdivision (see article VI of chapter 32 for major and article V of chapter 32 for minor) formal or administrative development plan review, according~~

~~to Sec. 38-191 and either Sec. 38-394 or Sec. 38-395. An application for a residential use exceeding a single family residence shall be reviewed as minor land development unless the application exceeds the standards for minor land development review. In these cases, the application shall be reviewed as a major land development. Subdivisions shall be reviewed as minor or major subdivisions depending on the number of buildable lots created, including pre-application meetings, master plan review, preliminary plan review, and final plan review, and all requirements thereof shall be met, except as detailed in subsection (8) of these standards.~~

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

(4) *Additional site plan requirements.* In addition to the site plan requirements of ~~article VI of chapter 32 the applicable review section as listed in subsection (2)(d) of this section,~~ the following materials shall be included in the application.

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

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

- a. Preservation of Landscape. The landscape shall be preserved in its natural state, insofar as practicable. Tree and soil removal shall be minimized, and any grade changes shall be consistent with the general appearance of neighboring developed areas. Due regard shall be given to the attractive utilization of the natural features of the area, including trees, woods, streams and ponds. All open areas which cannot be preserved in their natural state shall be replanted as far as practicable with as many trees and plantings as previously existed.
- b. Relation of Buildings to Environment. The proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed building. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property, public open space or streets.
- c. Open Space. All open space shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- d. Circulation, Traffic Impact and Alternative Means of Transportation. With respect to vehicular and pedestrian circulation and traffic, including entrances, ramps, walkways, drives and parking, special attention shall be given to location, number and function of access points to the public streets (especially in relation to existing traffic flow, traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, the arrangement, safety and convenience of both vehicle parking areas and the effect thereof upon the use and enjoyment of proposed buildings and structures and the neighboring properties, and the traffic impact of the proposed development on nearby public and private streets.
- e. Storm-water Drainage and Erosion Control. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system, and so as to minimize any adverse impact upon nearby "downstream" properties. Storm-water shall be removed from all roofs, canopies and paved areas in a manner complying with the Storm-water Management, Design, and Installation Rules (250-RICR-150-10-8) adopted and as amended from time to time by the RI Department of Environmental Management.
- f. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. Erosion and sediment controls must be implemented to prevent any negative impacts during construction or other land disturbance activities. Permanent post-development erosion controls must be implemented and maintained where necessary.
- g. Advertising Features. The size, location, design, color texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties and must comply with Sign and Lighting ordinances.
- h. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties. All towers, antennas and poles shall be sited, designed and sized to have minimal visual impact on nearby properties.



- i. Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces shall be designed to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of an accident or attempted criminal act. Traffic to and from any facility shall not cause safety hazards or increased congestion in nearby residential neighborhoods.
- j. Heritage. With respect to the Town's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties. Applicants shall follow the requirements of RIGL 23-18-11 and RIGL 23-18-11.1 where applicable.
- k. Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hardsurface ground coverage or the installation of machinery which emits heat, vapor or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air and water resources or on noise and temperature levels of the immediate environment.
- l. Energy Efficiency. To the maximum extent reasonably practicable, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping and other elements. Efforts shall be made to harmonize energy-related components with the character of the building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.
- m. Detrimental Effects. No proposed facility shall be detrimental to the health, safety or welfare of persons working or living in the neighborhood, or by reason of danger of fire or explosion, environmental pollution, corrosion, toxic or noxious fumes, gas, smoke, soot, dust, odors, noise or vibrations or other hazards.
- n. Nearby Properties. Nearby properties shall be protected against detrimental uses on the site.
- o. Air Quality. Any use whose emissions are such as to cause it to be classified as a major new stationary source of air pollution, as defined by the Environmental Protection Agency (EPA) under the Clean Air Act, and any use required to apply to the Rhode Island Department of Environmental Management under 250-RICR-120-05-0 et. al. or to EPA under Section 112 of the Clean Air Act for permission to emit asbestos, benzene, beryllium, mercury, vinyl chloride, or radionuclides shall be permitted only upon determination by the Planning Board that compliance with the requirements of those agencies is assured, and that health and safety are adequately protected.
- p. Plants and Animals. Location and design shall not cause avoidable damage to wildlife habitats or corridors, or to any plant species listed on the Rhode Island Natural Heritage List established by the Rhode Island Natural History Survey (for plants, animals, natural communities, and natural heritage areas (as provided by Rhode Island Geographic Information Systems)), or to any tree with more than a twenty-four (24) inch trunk diameter one (1) foot above grade. An application for a special use permit or development plan review must include documentation to the planning board of having consulted with Rhode Island Department of Environmental Management and the Rhode Island Natural Heritage Survey regarding these considerations, and that the proposed site either contains no such habitats or materials, or that all feasible efforts to avoid, minimize or compensate for damage have been reflected in the development proposal.

- q. Vibration. Except for blasting and other activities within the jurisdiction of the RI Fire Safety Code Board of Appeal and Review, no use shall be allowed which produces vibration at or beyond the boundaries of the premises exceeding two-thirds (2/3) the blasting and seismograph limitations established by RIGL 23-28.28-9 et. al. for three (3) minutes or more in any hour between 7:00 am and 9:00 pm or for thirty (30) seconds or more in any hour between 9:00 pm and 7:00 am.
- r. Electrical Disturbances. No EMF emission shall be permitted which adversely affects the operation of any equipment on other properties.
- s. Historic and Archaeological Sites. Location and design shall not cause avoidable damage or impairment to the historic or archaeological value of buildings on sites recorded on the Rhode Island Register of Historic Places. An application for a special permit shall submit documentation that either the site does not contain or impact such buildings or sites, or that any potential damage or impairment has been effectively mitigated.
- t. Solid Waste. Each development must document arrangements for satisfactory disposal of tree stumps and debris resulting from construction and must make permanent arrangement for satisfactory on-site storage of refuse pending its removal, such storage to be screened from public view, secure from vermin, birds or other animals, and located to present minimal hazard in the event of fire and minimal threat to water quality in the event of container failure.
- u. Water Quality. Each development must document arrangements for adequate safeguards for protecting the integrity of groundwater quality.

(6) *Minimum land area.*

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

(7) *Uses.*

a. Generally.

1. Uses are categorized as "permitted use", "administrative development plan review", "land-development project", "formal development plan review", "special-use permit" and "prohibited use." The planning board or administrative officer may, at its sole option, impose conditions ~~on any approved use;~~ on any development plan approval; on any land development project approval; on any special-use permit proposal ~~and/~~ or on any variance approval under chapter 32 or development plan review.

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

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

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

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

5. Before being granted a special-use permit, land development project or ~~a~~ development plan review ~~is approved~~ by the zoning board of review or the planning board, the applicant must show how its application complies with article VII of this chapter, article IX Site Plan Review of this chapter, article VIII of this chapter, article V of chapter 32 or article VI of chapter 32 in Foster's zoning or subdivision ordinance, Sec. 38-359 Land Development Projects in this chapter whichever is applicable.

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

~~(8) Expansion of existing uses; changes of use:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~5. Changes of use.~~

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

~~6. Expansion of multifamily residential structure.~~

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

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

~~(98)~~ *Decision.* Development standards for highway commercial approval shall be granted upon the determination of the planning board that the application meets the objectives cited herein. The planning board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm-water drainage consistent with the functional requirements of this chapter and Chapter 32 Subdivision Regulations. New building construction or other site alteration shall be designed after considering the qualities of the

specific location, the proposed land use, the design of building form, grading, egress points and other aspects of the development, so as to:

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

(+9) *Post-Approval Modifications.* Once Development standards for highway commercial approval have been granted by the planning board, any subsequent changes in which the zoning-enforcement officer has determined will substantially affect or alter the visual appearance of the building façade or roof or will substantially affect or alter traffic flow or modify the site plan, a new application shall be submitted pursuant to this Section.

(+10) *Expiration.* The approval of a plan meeting the development standards for highway commercial approval shall expire pursuant to timeframes provided under the type of review which the plan was reviewed.



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. 38-386 – Requirements and purpose of article.**

- Sec. 38-386 – Requirements and purpose of article shall be amended to meet RIGL:

Every applicant for a ~~use variance or a special use permit~~ land development project or development plan review under this chapter and for all commercial and industrial development under the town subdivision regulations must submit a site plan for review. The town planner shall coordinate and manage the site plan review process, evaluate the environmental impact of proposed projects, and otherwise assist the planning board ~~and zoning board of review~~ with respect to site plan review. Site plan review and approval of

subdivisions not involving commercial and industrial development is governed by the town's subdivision regulations. The purpose of the site plan review process is to ensure that the ~~zoning board of review~~ planning board has before it sufficient information to determine whether a ~~variance or special use permit~~ land development project or development plan review will promote the health, safety and general welfare of the community and will conform to the intent and requirements of this chapter.



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:

**Chapter 38 – ZONING**

**ARTICLE IX – SITE PLAN REVIEW**

Sec 38-394: Site plan for commercial and industrial development shall be amended to come into compliance with RIGL:

**ARTICLE IX. – SITE PLAN REVIEW**

Sec. 38-394 – ~~Formal Site Development~~ Plan Review for commercial and industrial development.

(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.* Formal Development Plan Review applications shall be reviewed by the planning board. Except for commercial expansion and/or construction which is reviewed under the provisions of Sec. 32-161(b) and except for any enlargement in size of any building or change in use or actual use of any building including accessory structures which is reviewed by the administrative officer under Sec. 38-395, No zoning certificate or building permit shall be issued for any new commercial building or other new commercial construction in any zone of the town, or for any institutional use in an GBM or NC HC2 zone, until a site plan review of the proposed new construction has been conducted by the planning board. In addition, any use in the GBM, NC or MI 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 Development 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 Formal Development 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~~ Formal site Development Plan 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. The application fee shall be \$100.00. The site plan requirements are the same for both the preliminary and final plan. Only one application fee is required:

- (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. A waste management and removal plan including a dumpster on site in accordance with Sec. 38-298 - "Screening standards".](#)

[\(c\) Applications requesting relief from the zoning ordinance.](#)

[\(i\) Applications under this chapter which require relief which qualifies only as a modification under Sec. 38-321 shall proceed by filing an application under this section and a request for a modification to the zoning-enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of Sec. 38-395. If the modification is denied or an objection is received as set forth in Sec. 38-321, such application shall proceed under unified development plan review pursuant to Sec. 38-325 and Sec. 32-46.](#)

[\(ii\) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special-use permit, shall be reviewed by the planning board under unified development plan review pursuant to Sec. 38-325 and Sec. 32-46, and a request for review shall accompany the preliminary plan application.](#)

(f) Certification. The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days or within fifteen (15) days if no street creation or extension is required, and/or unified development review is not required, according to the provisions of § 45-23-36(b). The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

(eg) Action Review Stages, on Formal commercial and industrial site Development plans Review – not requiring zoning board action. Action on commercial and industrial site Formal DPR plans not requiring zoning board of review action shall be reviewed 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. Formal development plan review consists of two (2) stages of review, preliminary and final. The administrative officer may combine the approval stages, providing requirements for both stages are met by the applicant to the satisfaction of the administrative officer.

(h) Timeframes for decision.

(i) Preliminary plan. Unless the application is reviewed under unified development review, the permitting authority will approve, deny, or approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within any further time that is agreed to by the applicant and the permitting authority.

(ii) Final Plan. For formal development plan approval, the permitting authority shall delegate final plan review and approval to the administrative officer. The officer will report its actions in writing to the permitting authority at its next regular meeting, to be made part of the record. Final plan shall be approved or denied within forty-five (45) days after the certification of completeness, or within a further amount of time that may be consented to by the applicant, in writing.

(i) Failure to act. Failure of the planning board to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.

(j) Vested rights. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording as specified in Sec. 32-48. Validity may be extended for an additional period upon application to the planning board, upon a showing of good cause. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

(k) Modifications and changes to plans.

(1) Minor changes, which shall be limited to changes made in correction of error on the preliminary plan or changes requested by the Planning Board at the stage of preliminary plan review may be approved administratively, by the administrative officer, whereupon final plan approval may be issued. The changes may be authorized without an additional planning board meeting, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or planning board. Denial of the proposed change(s) shall be referred to the planning board for review as a major change.

(2) Major changes shall include any change exceeding a minor change or any change to the final plan not recommended by the planning board at the preliminary plan stage. Major changes apply to plans approved at any stage. Major changes may be approved only by the Planning Board and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing.

(3) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines that there has been a major change to the approved plans.

(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. These standards shall apply to both the preliminary and final plan.

(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 or 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. All exterior 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.

(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.

(~~em~~) *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~~100.00 application fee.

(n) Appeal. A decision under this section shall be considered an appealable decision pursuant to § 45-23-71.

(o) Extension or enlargement. The planning board may not extend or enlarge a Formal Development Plan approval except by granting a new Formal development plan approval.

(p) Special conditions. In granting a preliminary plan, or in making any determination upon which it is required to pass after public hearing under this chapter, the board may apply such special conditions that may, in the opinion of the board, be required to promote the intent and purposes of this chapter. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, shall be incorporated into the decision, and may include, but are not limited to, provisions for:

(1) Minimizing adverse impact of the development upon other land, including the type, intensity, design and performance of activities;

(2) Controlling the sequence of development, including when it must be commenced and completed;

(3) Controlling the duration of use or development and the time within which any temporary structure must be removed;

(4) Ensuring satisfactory installation and maintenance of required public improvements;

(5) Designating the exact location and nature of development; and

(6) Establishing detailed records by submission of drawings, maps, plats or specifications.

(q) Uses in HC2 District. Any use reviewed as a formal development plan which is located in the HC2 district shall be subject to all applicable subsections listed under Sec. 38-358, including, but not limited to Sec 38-358(5) Environmental Impact and Design Standards.

Formatted: Normal, Space Before: Auto, After: Auto



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:

Chapter 38 – ZONING

ARTICLE IX – SITE PLAN REVIEW

Sec 38-395: Administrative development plan review for commercial and industrial development shall be added to come into compliance with RIGL:

ARTICLE IX. – SITE PLAN REVIEW

**Sec. 38-395. Administrative Development Plan Review**

(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. Administrative Development Plan Review applications shall be reviewed by the administrative officer. Except for commercial expansion and/or construction which is reviewed under the provisions of Sec. 32-161(b) and except for any enlargement in size of any building or change in use or actual use of any building including accessory structures which is reviewed by the planning board under Sec. 38-394, no zoning certificate or building permit shall be issued for any enlargement in size of any building or change in use or actual use of any building including accessory structures until a site plan review of the proposed enlargement or change of use has been conducted by the administrative officer. Development 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 Administrative Development Plan Review process, the design of proposed buildings may be reviewed to determine compatibility with the site and with the Town's comprehensive plan.

(c) Meeting with town planner. Prior to submission of the formal plan, an applicant for Administrative Development Plan 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. One copy 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 administrative officer. The application fee shall be \$100.00.

(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. A waste management and removal plan including a dumpster on site in accordance with Sec. 38-298 - "Screening standards".

(e) Applications requesting relief from the zoning ordinance.

(i) Applications under this chapter which require relief which qualifies only as a modification under Sec. 38-321 shall proceed by filing an application under this section and a request for a modification to the zoning-enforcement officer. If such modification is granted the application shall then proceed to be reviewed by the administrative officer pursuant to the applicable requirements of this section. If the modification is denied or an objection is received as set forth in Sec. 38-321, such application shall proceed under unified development plan review pursuant to Sec. 38-325 and Sec. 32-46 and shall be elevated to Formal Development Plan Review.

(ii) Applications under this section which require relief from the literal provisions of the zoning ordinance in the form of a variance or special-use permit, shall be reviewed by the planning board under unified development plan review pursuant to Sec. 38-325 and Sec. 32-46, and shall be considered Formal Development Plan Review applications, not to be reviewed under this section.

(f) Certification. The application shall be certified, in writing, complete or incomplete by the administrative officer within twenty-five (25) days or within fifteen (15) days if no street creation or extension is required, and/or unified development review is not required, according to the provisions of § 45-23-36(b). The running of the time period set forth in this section will be deemed stopped upon the issuance of a written certificate of incompleteness of the application by the administrative officer and will recommence upon the resubmission of a corrected application by the applicant. However, in no event will the administrative officer be required to certify a corrected

submission as complete or incomplete less than ten (10) days after its resubmission. If the administrative officer certifies the application as incomplete, the officer shall set forth in writing with specificity the missing or incomplete items.

(g) Review stages – Administrative Development Plan review. Administrative development plan review consists of one stage of review. The review shall be limited to the site plan requirements listed in subsection (d) of this section and the performance standards listed in subsection () of this section. The administrative officer shall only be authorized to grant waivers from these two subsections if the requirements listed in either of these subsections are deemed by the Technical Review Committee to not be relevant to the application.

(h) Timeframes for decision. An application shall be approved, denied, or approved with conditions within twenty-five (25) days of the certificate of completeness or within any further time that is agreed to in writing by the applicant and administrative officer.

(i) Failure to act. Failure of the administrative officer to act within the period prescribed constitutes approval of the preliminary plan and a certificate of the administrative officer as to the failure to act within the required time and the resulting approval shall be issued on request of the application.

(j) Vested rights. Approval of development plan review shall expire two (2) years from the date of approval unless, within that period, a plat or plan, in conformity with approval, and as defined in this act, is submitted for signature and recording as specified in Sec. 32-48. Validity may be extended for an additional period upon application to the administrative officer, upon a showing of good cause. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

(k) Modifications and changes to plans.

(1) Minor changes, which shall be limited to changes made in correction of error on the Administrative development plan or changes requested by the administrative officer or, if referred to by the administrative officer, the technical review committee or planning board on the Administrative Development plan may be approved administratively, by the administrative officer, whereupon final plan approval may be issued. The changes may be authorized without a planning board meeting, at the discretion of the administrative officer. All changes shall be made part of the permanent record of the project application. This provision does not prohibit the administrative officer from requesting recommendation from either the technical review committee or planning board. Denial of the proposed change(s) shall be referred to the planning board for review as a major change. A major change may only be approved by the planning board.

(2) Major changes shall include any change exceeding a minor change to an Administrative Development Plan. Major changes may be approved only by the Planning Board and must follow the same review and hearing process required for approval of preliminary plans, which shall include a public hearing. A major change does not elevate an Administrative Development Plan Application to Formal Development Plan status.

(3) The administrative officer shall notify the applicant in writing within fourteen (14) days of submission of the final plan application if the administrative officer determines that there has been a major change to the approved plans.

(1) 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. These standards shall apply to both the preliminary and final plan.

(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 or 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. All exterior 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.

(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.

(m) 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 \$100.00 application fee.

(n) Appeal. A decision under this section shall be considered an appealable decision pursuant to § 45-23-71.

(o) Extension or enlargement. The administrative officer may not extend or enlarge an Administrative Development Plan approval except by granting a new Administrative development plan approval.

(p) Special conditions. In granting an administrative development plan, the administrative officer may apply such special conditions that may, in the opinion of the board, be required to promote the intent and purposes of this chapter. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, shall be incorporated into the decision, and may include, but are not limited to, provisions for:

(1) Minimizing adverse impact of the development upon other land, including the type, intensity, design and performance of activities;

(2) Controlling the sequence of development, including when it must be commenced and completed;

(3) Controlling the duration of use or development and the time within which any temporary structure must be removed;

(4) Ensuring satisfactory installation and maintenance of required public improvements;

(5) Designating the exact location and nature of development; and

(6) Establishing detailed records by submission of drawings, maps, plats or specifications.

Formatted: Normal, Space Before: Auto, After: Auto

(q) Uses in HC2 District. Any use reviewed as an administrative development plan which is located in the HC2 district shall be subject to all applicable subsections listed under Sec. 38-358, including, but not limited to Sec 38-358(5) Environmental Impact and Design Standards. In such instances, the administrative officer shall obtain an advisory recommendation from the technical review committee.

**E. Old Business:**



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	GB	M	HC2
Agricultural Uses					
1.	Raising animals for home use	Y	N	N	Y
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 <a href="#">See Sec. 38-290 for Supplementary Regulations</a>	Y <a href="#">(FDPR)</a>	N	N	Y <a href="#">(FDPR)</a>
	B. Animals exceeding the above, See Sec. 38-290 for Supplementary Regulations	S	N	N	S
3.	Raising crops and forest products	Y	<a href="#">SADPR</a>	N	Y
4.	Commercial nursery structures	S	Y	N	Y
5.	Sale of produce raised on the premises	Y	Y	N	Y
6.	Poultry farm with capacity for more than 10,000 birds <a href="#">See Sec. 38-290 for Supplementary Regulations</a>	S	N	N	S
Residential Uses					
1.	Single-family detached dwelling	Y	<a href="#">SY</a>	N	Y
2.	Accessory <del>family</del> dwelling unit <del>(ADU) 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.</del> (See section 38-282 for further requirements)	Y	<a href="#">SY</a>	N	Y
3.	Residential compound	Y	N	N	N
4.	Multi-family dwelling structure <a href="#">[See Sec. 38-281]</a>	<a href="#">SLAND</a>	<a href="#">SLAND</a>	N	<a href="#">SLAND</a>

5.	Community residences, and family daycare homes	Y	Y	N	Y
6.	Short term rental structure or bed-and-breakfast <u>(for tourist or transient use as defined in Sec. 38-2)</u>	<u>§ FDPR</u>	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
7.	Motel	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
8.	Hotel	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
9.	Customary home occupation (performed by the occupant <del>and using no more than 200 sq. ft. of the area of one floor</del> provided such activity shall not be visible from a lot line and that exterior advertising shall conform to the provisions of <del>article V</del> <u>Sec. 38-288</u> )	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	N	Y <u>(ADPR)</u>
10.	Rest home or convalescent home	<u>§ LAND</u>	<u>§ LAND</u>	N	<u>§ LAND</u>
11.	Senior citizens group dwelling structure(s): Permitted in the AR and HC2 districts for the use of senior citizen group housing. Refer to section 38-284.	<u>§ LAND</u>	N	N	Y <u>(LAND)</u>
Open Recreation Uses					
1.	Public playground or park	Y <u>(FDPR)</u>	Y <u>(FDPR)</u>	<u>§ FDPR</u>	Y <u>(FDPR)</u>
2.	Bathing beach	Y <u>(FDPR)</u>	N	N	N
3.	Golf course	Y <u>(FDPR)</u>	N	N	N
4.	Camping area (licensed by town)	S	N	N	S
5.	Rod and gun clubs, rifle or pistol ranges	S	N	N	Y <u>(FDPR)</u>
6.	Open rec. events and amusements (license	Y	Y	Y	Y



	required by town council Ordinance No. 95-12-366)				
Public and Semi-Public Uses					
1.	School or College	S	Y (FDPR)	N	Y (FDPR)
2.	Religious institution	X	X	N	X
3.	Library, museum, etc.	Y (FDPR)	Y (FDPR)	<del>N</del> Y (FDPR)	Y (FDPR)
4.	Medical clinic	S	Y (FDPR)	N	Y (FDPR)
5.	Hospital	N	N	N	S
6.	Town of Foster government building	N	§ FDPR	Y (FDPR)	§ FDPR
7.	Federal government building of any kind	N	§ FDPR	§ FDPR	§ FDPR
8.	Fire station or ambulance barn	Y (FDPR)	Y (FDPR)	Y (FDPR)	Y (FDPR)
9.	General purpose hall for recreation, social or other intermittent functions	§ FDPR	Y (FDPR)	N	Y (FDPR)
10.	Cemetery	S	N	N	N
11.	State government building of any kind	Y (FDPR)	N	N	Y (FDPR)
Office Uses					
1.	Professional office in the home (for use by a resident of the premises)	Y (ADPR)	Y (ADPR)	N	Y (ADPR)
2.	Bank or office building	N	Y (FDPR)	N	Y (FDPR)
3.	Real estate office	S	Y (FDPR)	N	Y (FDPR)
4.	Office for wholesale or manufacturing uses	N	Y (FDPR)	N	Y (FDPR)
Restaurants and Entertainment					
1.	Lunchroom or restaurant	§ FDPR	Y (FDPR)	N	Y (FDPR)
2.	Tavern or night club	N	Y (FDPR)	N	Y (FDPR)

3.	Drive-in food or dairy bar	N	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>
4.	Theater or concert hall	N	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>
5.	Indoor commercial recreation	N	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>
6.	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)	Y	Y <a href="#">(ADPR)</a>	N	Y <a href="#">(ADPR)</a>
Business					
1.	Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops	S	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>
2.	Antique shop, gift shop, florist shop, pet shop and similar specialty shops	S	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>
3.	Mortuary or funeral home	N	S	N	S
4.	Radio or television studio or transmission studio	N	Y <a href="#">(ADPR)</a>	N	Y <a href="#">(ADPR)</a>
5.	Drive-in theater	N	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>
6.	Veterinary	Y	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>
7.	Caterer	N	Y <a href="#">(ADPR)</a>	N	Y <a href="#">(ADPR)</a>
8.	Gasoline filling station (no major repairing)	N	S	N	S
9.	General automotive repair	N	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>
10.	Vehicle rental agency	N	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>
11.	Building materials and supplies, grain and feed and similar stores	N	Y <a href="#">(FDPR)</a>	N	Y <a href="#">(FDPR)</a>

12.	Grocery, bakery, drug, hardware, variety and similar neighborhood stores	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
13.	Fruit and vegetable stand (See Sec. 38-276.)	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	N	Y <u>(ADPR)</u>
14.	General merchandise, supermarket, department store, furniture store and household goods store (including storage up to 30% of the gross floor area)	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
15.	Auto or truck sales in a building (including repairs)	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
16.	Auto or truck sales in an open lot	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
17.	Retail sales in an open lot	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
18.	Package store (alcoholic beverages)	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
19.	Medical Office Building situated on a State or US Highway	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
20.	Communications Towers and Antennas* <u>(See Sec. 38-291)</u>	S <u>subject to LAND; subject to FDPR</u>	S <u>subject to LAND; subject to FDPR</u>	S <u>subject to LAND; subject to FDPR</u>	S <u>subject to LAND; subject to FDPR</u>
21.	Firearms shops, ammunition shops, edged weapons shops	N	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
22.	Restaurant, pharmacy, or finance institution drive-through (See Sec. 38-285.)	N	<del>S</del> <u>FDPR</u>	N	<del>S</del> <u>FDPR</u>
23.	Winery	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
24.	Farm Brewery	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
25.	Farm Distiller	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>
26.	Micro-Brewery	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>

27.	Distillery	S	Y (FDPR)	N	Y (FDPR)
<u>28.</u>	<u>Kennel (requires DPR approval prior to Town Council approval) See Sec. 38-290 for Supplementary Regulations</u>	Y (FDPR)	Y (FDPR)	N	Y (FDPR)
Transportation and parking					
1.	Off-street parking facility (accessory to a use permitted in the district)	Y (ADPR)	Y (ADPR)	N	Y (ADPR)
2.	Commercial off-street parking facility	N	Y (FDPR)	N	Y (FDPR)
3.	Rail or motor freight terminal	N	S	N	S
4.	Rail or bus passenger station	Y (ADPR)	Y (ADPR)	N	Y (ADPR)
Wholesale Business and Storage					
1.	Wholesale business and storage of non-flammable and non-explosive material in a building	N	Y (FDPR)	N	Y (FDPR)
2.	Open lot storage of building materials and machinery, etc. (See Sec. 38-298 for screening standards)	<del>S</del> ADPR	<del>S</del> ADPR	N	<del>S</del> ADPR
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	N	N	N	<del>S</del> FDPR
4.	Open storage of solid fuel (other than wood), <del>sand and gravel</del> (See Sec. 38-298 for screening standards)	S	<del>S</del>	N	<del>S</del>
5.	Storage of flammable or explosive materials on-site, above or underground	N	<del>S</del> FDPR	N	<del>S</del> FDPR

6.	Retail Outlet for wholesale or storage or commercial storage facility	N	<del>Y</del> <u>FDPR</u>	N	<del>Y</del> <u>FDPR</u>
Service Industries					
1.	Auto body or paint shop	N	Y <u>FDPR</u>	N	Y <u>FDPR</u>
2.	Electric Substation	S	<del>Y</del> <u>S</u>	N	<del>Y</del> <u>S</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	Y <u>FDPR</u>	Y <u>FDPR</u>	N	Y <u>FDPR</u>
4.	Any other structure which is part of a public service system	S	S	N	S
5.	Laundromat	N	<del>Y</del> <u>S</u>	N	<del>Y</del> <u>S</u>
6.	Major or medium solar installation	<del>S</del> <u>LAND</u>	<del>S</del> <u>LAND</u>	<del>S</del> <u>LAND</u>	<del>S</del> <u>LAND</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	S	Y <u>(FDPR)</u>	N	Y <u>(FDPR)</u>

	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.				
2.	The manufacture, compounding, processing or packaging of bakery goods, candy, cosmetics, drugs, food products (excluding meat, fish, yeast, vinegar and the rendering of fats and oils) and other similar operations	N	Y (FDPR)	N	Y (FDPR)
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	N	Y (FDPR)	N	Y (FDPR)
4.	The manufacture and assembly from prepared materials of musical instruments, precision instruments, clocks, toys,	N	Y (FDPR)	N	Y (FDPR)

	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				
5.	Machinery and machine tool manufacture (requiring drop hammers or punch presses of over 100 tons)	N	<del>S</del> Y (FDPR)	N	Y (FDPR)
6.	Auto assembly or manufacture	N	Y (FDPR)	N	Y (FDPR)
7.	Boat building	N	Y (FDPR)	N	Y (FDPR)
8.	Commercial boat storage and repair	N	Y (FDPR)	N	Y (FDPR)
9.	Welding shop	N	Y (FDPR)	N	Y (FDPR)
10.	Scientific or research laboratory	N	Y (FDPR)	N	Y (FDPR)
11.	Woodworking and cabinetmaking	N	Y (FDPR)	N	Y (FDPR)
12.	Ceramics or pottery manufacture	N	Y (FDPR)	N	Y (FDPR)
13.	Mining, quarrying or loam stripping	S	S	N	S
14.	Retail outlet for permitted industrial operation	S	Y (FDPR)	N	Y (FDPR)
15.	Soap manufacture	N	S	N	<del>Y</del> S
16.	Sodium compounds manufacture	N	S	N	<del>Y</del> S
17.	Stone cutting	S	<del>Y</del> S	N	<del>Y</del> S
18.	Tile or brick manufacture	N	<del>S</del> Y (FDPR)	N	Y (FDPR)
19.	Sawmill	Y (FDPR)	<del>S</del> FDPR	N	Y (FDPR)

<del>20.</del>	<del>Temporary sawmill (not more than six months operation in any three year period)</del>	<del>Y</del>	<del>Y</del>	<del>N</del>	<del>Y</del>
<del>21.</del>	<del>Reserved</del>				
<del>2220.</del>	Chemical manufacture	N	S	N	S
<del>2321.</del>	Gravel banks ( <u>See Sec. 38-298 for screening standards</u> ). ( <u>See Sec. 38-328 for renewal requirements</u> )	S	S	<del>S</del> N	S
<del>2422.</del>	Natural Material Processing, Stone Crushing and Sorting	S	S	<del>S</del> N	S
Accessory Uses					
1.	Any use customarily incident to a use permitted in the district and located on same lot	Y	Y	N	Y
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 conjunction with primary use if necessary.)	S	S	<del>N</del> S	S
Medical marijuana uses					
1.	Compassion Center	N	Y (FDPR)	N	Y (FDPR)
2.	Licensed cultivator	S	Y (FDPR)	N	Y (FDPR)
3.	Medical marijuana emporium	N	Y (FDPR)	N	Y (FDPR)
4.	Nonresidential cooperative cultivation	N	Y (FDPR)	N	Y (FDPR)
5.	Residential cooperative cultivation	S	N	N	S
6.	Residential caregiver cultivation	Y (ADPR)	Y (ADPR)	Y (ADPR)	Y (ADPR)



7.	Residential personal cultivation	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>	Y <u>(ADPR)</u>
Recreational Marijuana uses					
1.	Cannabis or marijuana cultivator	N	S	N	S
2.	Cannabis establishment or marijuana establishment	N	S	N	S
3.	Cannabis product manufacturer or marijuana product manufacturer	N	S	N	S
4.	Cannabis retailer or marijuana retailer	N	S	N	S
5.	Medical cannabis treatment center or Medical marijuana treatment center	N	S	N	S

Key:

Y - Permitted use

N - Prohibited use

ADPR – Administrative development plan review

FDPR – Formal development plan review

LAND – Land development project

S – Special-use permit

\*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 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.~~

---



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:

**Chapter 38 – ZONING**

**ARTICLE VII – SPECIAL USE PERMITS AND VARIANCES**

Sec 38-323: Standards for granting shall be amended to meet RIGL:

**Sec. 38-323. - Standards for granting special-use permits.**

(a) Applications for special-use permits shall be reviewed by the zoning board of review unless an application is reviewed under unified development review. In these instances, Applications for special-use permits shall be reviewed by the planning board pursuant to Sec. 38-325 and 32-46. The review authority may shall not grant a special use permit unless it finds the following:

- (1) The use will comply with all applicable requirements and development and performance standards set forth in articles VI and IX of this chapter.
- (2) The use will be in harmony with the general purpose and intent of this chapter ~~and the comprehensive plan of the town.~~
- (3) The granting of the special use permit will substantially serve the public convenience and welfare.
- (4) The use will not result in or create conditions inimical to the public health, safety, morals and general welfare.
- (5) It will not substantially or permanently injure the appropriate use of surrounding property.
- (6) In addition to the above, the zoning board of review shall consider:
  - a. Access to air, light, views and solar access;
  - b. Public access to waterbodies, rivers and streams; and
  - c. The conservation of energy and energy efficiency.

(b) The zoning board of review or planning board may not extend or enlarge a special use permit except by granting a new special use permit except in review of a special-use permit application for an accessory use.

(c) Pursuant to Sec. 38-236 a nonconforming use may be changed to a different nonconforming use by special use permit. If so changed, the alteration shall more closely adhere to the intent and purpose of this chapter.

---



**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:

**Chapter 38 – ZONING**

**ARTICLE VII – SPECIAL USE PERMITS AND VARIANCES**

Secs. 38-326. – Special-use permit in conjunction with a variance shall be added to come into compliance with RIGL:

**Sec. 38-326 – Special-use permit and dimensional variance.**

A special use permit may be granted in conjunction with a dimensional variance according to the following procedures:

1. *Submission.* The applicant shall submit an application for a special-use permit and a separate application for relief from the literal provisions of the zoning ordinance.
2. *Receipt.* Upon receipt of the two completed applications, the planning board shall combine the review of both applications.
3. *Public notice.* Public notice shall be given pursuant to Sec. 38-38.
4. *Review.* The combined hearing and review shall be held during the next regularly scheduled planning board meeting.

A special-use permit may also be granted following approval of a dimensional variance. The procedure for the granting of a special-use permit shall be the same as listed in Sec. 38-321.

---

**G. Discussion (F. Discussion found in Subdivision Ordinances packet.)**



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

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

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

**ARTICLE IV. – USES**

**Sec. 38-192. – Dimensional regulations.**

- Sec. 38-192 – Dimensional regulations shall be amended as follows to account for the amendments to the zoning map.

(1) *AR agricultural/residential district.* Dimensional regulations for the AR district are as follows:

	Single-Family Residence Structure	Other Permitted Use	Senior citizens group housing
Minimum lot size	200,000 square feet	200,000 square feet	<u>200,000 square feet for ten (10) units or fewer as permitted by RIDEM. 400,000 square feet for developments between ten (10) and thirty (30) units as permitted by RIDEM. The maximum number of units within a single development shall be increased at the ratio of one (1) unit per 25,000 square feet on lots exceeding 400,000 square feet.</u>
Minimum lot area per living unit	NA	NA	<del>40,000</del> 13,333 square feet
Minimum lot frontage	300 feet	300 feet	300 feet
Minimum lot width	300 feet	300 feet	300 feet
Minimum front yard depth	35 feet	35 feet	35 feet
Minimum side yard depth	50 feet	50 feet	50 feet

Minimum rear yard depth	50 feet	50 feet	50 feet
Maximum building coverage	3 percent	3 percent	3 percent
Maximum building height	35 feet	35 feet	2 stories or 20 feet
<u>Number of units per structure</u>	<u>NA</u>	<u>NA</u>	<u>2-10 units per structure</u>
Maximum number of bedrooms per unit	NA	NA	2 bedrooms per 1 unit

(2) *General business district*. Dimensional regulations for the GB 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	50 feet
Maximum building height	35 feet
Minimum buffer strip (side and rear yards)	30 feet
Minimum distance of structure from A/R zoning district	50 feet
Maximum building coverage (of net buildable area) c	25% ^a,b
Maximum impervious surface coverage (of net buildable area) c	60% ^a,b

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

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

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

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

	Commercial uses (unless otherwise stated in this ordinance)	Single-Family Residence Structure	Senior citizens group housing
Minimum lot size	200,000 square feet	200,000 square feet	<u>200,000 square feet for ten (10) units or fewer as permitted by RIDEM. 400,000 square feet for developments between ten (10) and thirty (30) units as permitted by RIDEM. The maximum number of units within a single development shall be increased at the ratio of one (1) unit per 25,000 square feet on lots exceeding 400,000 square feet.</u>
Minimum lot area per living unit	NA	NA	<del>40,000</del> <u>13,333</u> square feet
Minimum lot frontage	300 feet	300 feet	300 feet
Minimum lot width	300 feet	300 feet	300 feet
Minimum front yard depth	35 feet	35 feet	35 feet
Minimum side yard depth	50 feet	50 feet	50 feet
Minimum rear yard depth	50 feet	50 feet	50 feet
Maximum building coverage	25 percent or 50,000 square feet, whichever is less	3 percent	3 percent
Maximum building height	35 feet	35 feet	2 stories or 20 feet
Number of units per structure	NA	NA	<del>3</del> <u>2</u> -10 units per structure
<u>Maximum number of bedrooms per unit</u>	<u>NA</u>	<u>NA</u>	<u>2 bedrooms per 1 unit</u>
Minimum buffer strip (side and rear yards)	30 feet	30 feet	30 feet
Minimum distance of structure from A/R zoning district	50 feet	As required by setbacks	As required by setbacks
Maximum impervious surface coverage <u>(of net buildable area)*</u>	60% <sup>a,b</sup>	25 percent	25 percent

\*Provided that all parking and design requirements are met.

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.

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

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

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

(5) *Reserved - Municipal/Historic overlay district.* This subsection is reserved.

(6) *Additional dimensional regulations; uses permitted by special-use permit.* Any use listed in section 38-191 requiring a special-use permit in the AR district shall conform at least to the dimensional regulations for other permitted use of the AR district, and to such further dimensional requirements as may be imposed for that use in this article or by the zoning board of review in granting the special-use permit.

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

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

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

NA = Not applicable



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 means a structure designed for two (2) or more separate dwelling units. Each dwelling or living unit shall be designed and constructed with a maximum of one (1) bedroom. More than one multifamily dwelling structure may be permitted on the same lot. In these cases, the structures shall be placed a minimum of 100 feet apart on the lot. Multifamily dwellings are permitted by obtaining a special use permit major or minor land development or subdivision approval whichever is applicable or a comprehensive permit pursuant to G.L. 1956, ch. §45-53 in the AR, NC HC2 and GBM districts. All such multifamily uses must meet the requirements as set forth in this section, article V or VI of chapter 32, whichever article is applicable and Sec. 38-359.

(1) The minimum lot area for each four (4) multifamily-use dwelling structure-units shall be 3200,000 square feet. and shall be increased in proportion to the total number of bedrooms per structure. Each unit above a multiple of four, up to twelve (12) shall require a minimum lot area of an additional 100,000 square feet of lot area. Thirteen (13) to sixteen (16) units shall require a minimum lot size of 600,000 square feet. Each unit above a multiple of four, being greater than sixteen (16) shall require an additional 200,000 square feet of lot area. Refer to subsection (8)c(1) of this section, except in cases where LMI housing is proposed and a density bonus pursuant to subsection (8)d(5) and Sec. 32-316 is applied.

(2) A Dwelling unit is a structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation and containing a separate means of ingress and egress.

(3) Each multifamily structure shall be provided with the necessary water supply and separate sewerage for sanitary and laundry facilities, all contained on the lot. All such systems shall be in conformance with the RI Department of Environmental Management Regulations currently in effect and all town regulations and standards. Where town, state and/or other standards are in conflict, the higher standards shall prevail.

(4) The development shall constitute an environment of sustained desirability in conformance with the policies and goals of the comprehensive community plan.

(5) Before a special-use permit-land development or subdivision for a multifamily structure or multifamily development shall be granted, the site plan, together with supporting documents, shall be reviewed by the Foster Planning Board, after which rreview, the planning board shall publish a



report of its findings and recommendations pertaining to the conformity of the proposed development with the comprehensive plan of an application for a multifamily development shall be for the purpose of determining if the proposed development meets the requirements of Sec. 38-359 and Article V or VI of chapter 32, whichever article is applicable and the requirements of this section. Copies of this report shall be sent to the zoning board of review and to the office of the town clerk, who shall maintain copies for public inspection upon request. The zoning board of review shall grant no special use permit for multifamily developments without first receiving the aforementioned opinion of the town planning board. The building official shall grant no building permit or certificate of occupancy except for construction and occupancy in strict compliance with conditions set by the zoning planning board of review. Such building permits must be requested within six months of the date of approval.

(6) In cases where a comprehensive permit is requested by an applicant for LMI housing, the planning board shall serve as the "local board of review" pursuant to G.L. 1956, ch. § 45-53 and shall follow procedures provided thereto and in the land development and subdivision review regulations.

(7) *Procedures for applicant.*

a. *Special use permit not requiring subdivision of Minor land development project or minor subdivision.* The applicant shall apply to the Foster Zoning Board of Review for a special use permit submit at least the preliminary plan and if desired, the preliminary and final plans for combine review. The secretary of the zoning board of review administrative officer shall forward the applicant's plans to the Foster Planning Board for review and decision pursuant to Sec. 32-161 and opinion prior to the conclusion of the public hearing for the special use permit.

b. *Major Land development project.* The applicant shall submit at least the master plan and if desired, the master and preliminary plan for combined review. The administrative officer shall forward the applicant's plans to the Planning Board for review and decision on the master or the master and preliminary plans pursuant to Article VI of this chapter.

1. *Final plan.* The applicant shall submit the final plan. The administrative officer shall forward the applicant's plans to the Planning Board for review and decision on the review and decision on the final plan pursuant to Article VI of this chapter.

2. *All multifamily and comprehensive permit applications shall adhere to the requirements of a land development project as specified in Sec. 38-359.*

bc. *Special use permit requiring Major subdivision of land.* A request for a special use permit requiring subdivision approval shall first be The applicant shall submitted The applicant shall submit at least the master plan and if desired, the master and preliminary plan for combined review. The administrative officer shall forward the applicant's plans to the Planning Board for review and decision on the master or the master and preliminary plans pursuant to Article VI of this chapter, to the Foster Planning Board under the Foster Subdivision Regulations. Upon receipt of "preliminary approval" by the planning board for the subdivision, the applicant shall then apply to the zoning board of review for a special use permit.

1. *Final plan.* The applicant shall submit the final plan. The administrative officer shall forward the applicant's plans to the Planning Board for review and decision on the review and decision on the final plan pursuant to Article VI of this chapter.

2. All multifamily and comprehensive permit applications shall adhere to the requirements of a land development project as specified in Sec. 38-359.

~~ed.~~ *Comprehensive permit.* Any applicant proposing to build LMI housing may submit to the planning board a single application for a comprehensive permit to build that housing ~~in lieu of separate applications to the zoning board.~~ This procedure is only available for proposals in which at least 25 percent of the housing is LMI housing. The application and review process for a comprehensive permit are contained in Article X of the land development and subdivision review regulations. The planning board and/or administrative officer has the authority to decide on adjustments and requests for relief from the literal requirements of the zoning ordinance on comprehensive permit applications.

(8) *Standards for development.*

a. *Permitted uses.* ~~Only a~~ Multifamily structure(s) and ~~their several~~ accessory uses ~~will may~~ be permitted. "Accessory uses" may include indoor and outdoor parking facilities and most ordinary residential uses, ~~but shall not include,~~ office uses, restaurant and entertainment uses, commercial uses, wholesale business and storage, ~~industrial uses,~~ home occupations ~~and,~~ professional offices. ~~and neither storage or overnight parking of commercial vehicles which have a capacity of over one and one-half tons.~~

b. *Maximum lot coverage.* The total ground area, occupied by the buildings, together with all accessory building(s), shall not exceed 20 percent of the total area of the lot except where provided by density bonus for LMI housing.

c. *Dimensional regulations.* Each lot shall meet the following lot area and ~~front, side and rear yard~~ dimensions. Two (2) or more dwelling units may be contained within one structure or within multiple structures. Where multiple structures are on the same lot, the structures shall be placed a minimum of 100 feet apart:

1.

<u>1.</u>	<u>Maximum Number of bedrooms per structure dwelling units</u>	Minimum lot area per structure (in square feet)	Minimum lot frontage (in feet)
--	<u>2 to 4</u>	<del>3</del> 200,000	300
--	<u>5 - 8</u>	<del>325,000</del> <u>300,000</u>	300
--	<u>6 - 12</u>	<del>350,000</del> <u>400,000</u>	300
--	<u>7-13 - 16</u>	<del>375,000</del> <u>600,000</u>	<del>325</del> 300

--	<u>817 – 20</u>	<u>400,000 800,000</u>	<u>350300</u>
--	<u>9 21-24</u>	<u>425,000 1,000,000</u>	<u>375300</u>
--	<u>10 25 and above</u>	<u>450,000 1,200,000</u>	<u>400300</u>

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

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

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

45. 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 approved by RI DEM based on the soils. See Sec. 32-316.

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

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

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

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

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

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

65. Each building shall be provided with an enclosed fireproof waste pen of sufficient size to accommodate all trash and waste stored on the premises. The waste pen and utility area shall be properly screened and buffered from all buildings and property lines. No trash shall be disposed of on the premises.

76. Minimum off-street parking shall be provided and maintained as follows unless otherwise provided as an LMI density bonus:

i. Two car spaces per dwelling unit (300 square feet per space including access, egress and general circulation).

ii. No parking shall be permitted within 75 feet of any boundary line or within the required minimum front yard.

iii. Off-street parking spaces and service drives shall be located within the boundaries of the lot being developed as a multifamily development, and provided in accordance with section 38-286.

(9) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.



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 6255 years of age or older, or a handicapped person.

(d) *Review of site plan.* The planning board shall review the site plan of the proposed development to determine its conformance with the requirements of this section. Within 45 days of receipt of the applicant's final site plan and supporting documents, the planning board shall submit a written report to the zoning official stating its findings and any special requirements for approval, with a copy to the town council. No zoning certificate shall be issued without written recommendation by the planning board.

(e) *Additional R-SC regulations and standards.* Additional ~~R-SC~~-district regulations, standards for development and special provisions are as follows:

(1) Each living unit shall be designed for occupancy by no more than two persons and ~~shall~~ may be considered a single bedroom unit or a two-bedroom unit. Up to ~~ten~~ twenty-five percent (25%) of the living units may be planned ~~for occupancy by handicapped persons as~~ ADA adaptable units.

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

(3) The maximum number of living units within ~~any~~ single development shall be ten (10) on a 200,000 square foot lot. The maximum number of living units within a single development shall be thirty (30) on a 400,000 square foot lot. The maximum number of living units within a single development shall be increased at the ratio of one (1) unit per 25,000 square feet on lots exceeding 400,000 square feet.

(4) A private nonpublic road for the main circulation within the development shall be permitted provided it is designed and constructed in accordance with current subdivision regulation requirements governing reserved right-of-way width, width of improved roadway, storm drainage and other features.

(5) The entire development including the structures and land shall remain solely owned, meaning one person, firm, corporation or partnership.

(6) Permitted uses for senior citizens group housing may include such accessory use, attached or detached, structures directly in support of the community living concept such as a community hall, but limited to use by the residents of the development and occasional guests.

(7) Water supply and sewerage requirements for each structure shall be planned in accordance with section 38-277.

(8) The requirements for off-street parking, cited in section 38-286, may be reduced to require one car space per dwelling unit, provided additional infrequent and temporary parking can be accommodated by the roadway.

(9) Site plan/building design. A site plan for a proposed senior citizens group housing development shall be prepared in accordance with section 38-393. The applicant shall submit a preliminary and final site plan to the planning board as part of the review process required in section 38-393.

(10) A buffer strip will be maintained in accordance with section 38-281~~(78)~~d(3).

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

(12) Density bonuses. Density bonuses for senior citizen dwelling facilities including LMI housing are permitted for maximum building coverage. See Sec. 32-316 and Sec. 38-359.

(13) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

(14) Multiple structures. Where a senior citizens group home or similar development consists of multiple structures, each structure shall be spaced a minimum of 100 feet apart.

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

---

#. Sec. 38-286 – Off-street parking requirements

- Discussion of amendment to add a licensing requirement.

---

#. Sec. 38-299 Septic system ordinance

- Discussion of how to create an ordinance requiring more frequent septic testing than required under state law by area and soil classification.

---

#. AR-2 District

- Discussion of a future amendment to create a residential zoning district requiring 200 feet of frontage and 150,000 square foot minimum lot sizes. Lot sizes meet the recommendations of the Scituate Reservoir Watershed Management Plan (1990).

---

#. Farmland/Conservation Overlay District

- Discussion of a future amendment to establish an area and policies for the currently reserved Farmland/Conservation overlay district. Preliminary concepts for area include the Scituate Reservoir Watershed. Preliminary concepts for permitted uses within the overlay include matching soil classifications with appropriate land uses and placing full development prohibition on Class D soil types.