

G. Recommendation to Town Council: Proposed zoning ordinance amendments



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 II – ADMINISTRATION

DIVISION 2 – ZONING BOARD OF REVIEW

- Sec 38-63 – Powers and duties shall be amended as follows:

Sec. 38-63. - Powers and duties.

The zoning board of review shall have the following powers ~~and duties set forth as follows:~~

(1) ~~To H~~hear and decide appeals within sixty-five (65) days of the filing of the appeal where it is alleged there is error in any order, requirement, decision or determination made by the zoning ~~official enforcement officer or the administrative officer~~ in the enforcement or interpretation of this chapter or of any ordinance adopted pursuant hereto. In using this power, the board may reverse or affirm in whole or in part or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the zoning ~~official enforcement-officer or the administrative officer~~ from whom the appeal was taken.

(2) ~~To A~~authorize, upon application, in specific cases, special use permits pursuant to article VII of this chapter. In granting a special use permit, the board may impose such additional safeguards and conditions as are deemed necessary in order to conform to these requirements. The disregarding of any such condition or safeguard shall be considered as a violation.

(3) ~~To A~~authorize upon application in specific cases of hardship, ~~a~~ variances in the application of the terms of the zoning ordinance according pursuant to the provisions set forth as follows:

a. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant.

b. The hardship is not the result of any prior action of the applicant and ~~does not result primarily from the desire of the applicant to realize greater financial gain.~~

c. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive plan upon which this chapter is based.

~~d. The relief to be granted is the least relief necessary.~~

ed. The variance shall be according to the other provisions of G.L. 1956, § 45-24-41.

(4) To refer matters to the planning board or to other boards or agencies of the town, including, but not limited to, the technical review committee or conservation commission, as the zoning board of review may deem appropriate, for findings and recommendations.

(5) To provide for the issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals that are necessary are pending. A conditional zoning approval shall be revoked in the instance where any necessary state or federal agency approvals are not received within a specified time period.

(6) To hear and decide other matters, according to the terms of the ordinance or other statutes, and upon which the board may be authorized to pass under the ordinance or other statutes.



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**AN ORDINANCE IN AMENDMENT TO
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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

Chapter 38– ZONING

ARTICLE II – GENERAL REQUIREMENTS

DIVISION 2 – ZONING BOARD OF REVIEW

- Sec 38-64 – Voting shall be amended as follows:

Sec. 38-64. - Voting.

The zoning board of review shall be required to vote as follows:

(1) ~~Five~~ Four (4) active members, which may include alternates, shall be are necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall ~~excuse~~ recuse himself or herself, ~~and~~ shall not sit as an active member, and shall take no part in the conduct of the hearing. ~~Only A maximum of five~~ (5) active members, which may include alternates, shall be are entitled to vote on any issue.

(2) The concurring vote of ~~three of the five~~ a majority of members of the zoning board of review sitting at a hearing ~~shall be is~~ necessary to reverse any order, requirement, decision or determination of ~~the any~~ zoning ~~official~~ administrative or enforcement officer from whom an appeal was taken.

(3) The concurring vote of ~~four of the five~~ a majority of members of the zoning board of review sitting at a hearing ~~shall be is~~ required to decide in favor of an applicant on any matter within the discretion of the board upon which it is required to pass under this chapter, including variances and special ~~use~~ use permits.

(4) ~~No member or alternate may vote on any matter before the board unless they have attended all hearings concerning the matter.~~ All members including alternate members, of any zoning board shall be required to

participate in continuing education courses promulgated pursuant RIGL 45-70 entitled “Continuing education for local planning and zoning boards and historic district commissions.”



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Chapter 38– ZONING

ARTICLE II – GENERAL REQUIREMENTS

DIVISION 2 – ZONING BOARD OF REVIEW

- Sec 38-65 – Application procedure shall be amended as follows:

Sec. 38-65. - Application procedure.

Application procedures for the filing of appeals, request for variances, special use permits, development plan review, ~~site plan review~~ and such other applications as may be specified in this chapter, shall be prepared by the ~~zoning official~~ administrative officer and published.



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Chapter 38– ZONING

ARTICLE II – GENERAL REQUIREMENTS

DIVISION 2 – ZONING BOARD OF REVIEW

- Sec 38-67 – Decisions and records shall be amended as follows:

Sec. 38-67. - Decisions and records.

Following a public hearing, the zoning board of review shall render a decision within ~~30~~ fifteen (15) days. The board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon, and the absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the office of the ~~zoning official~~ town clerk within ~~ten~~ thirty (30) working days from the date when the decision was rendered, and ~~shall be~~ is a public record. The board shall keep written minutes of its

proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating ~~such that~~ fact, and shall keep records of its examinations, findings of fact and other official actions, all of which shall be recorded and filed in the office of the ~~zoning official~~ administrative officer in an expeditious manner upon completion of the proceeding. For any proceeding under this chapter or chapter 32 which requires a public hearing or in which the right of appeal lies to the superior court, the board shall have the minutes taken either by a competent stenographer or recorded by a soundrecording device.

Any decision by the board, including any special conditions attached thereto, shall be mailed within one business day of recording, by any method that provides confirmation of receipt to the applicant, to any objector who has filed a written request for notice with the zoning enforcement officer, and to the zoning enforcement officer. Any decision evidencing the granting of a variance, modification, or special use shall also be recorded in the land evidence records of the city or town and mailed within one business day of recording, by any method that provides confirmation of receipt, to the applicant, to any objector who has filed a written request for notice with the zoning enforcement officer, and to the administrative officer. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the applicant, and to any objector who has filed a written request for notice with the zoning enforcement officer, as well as a copy to the zoning enforcement officer. to the planning board, and to the associate director of the division of planning of the state department of administration. Any decision evidencing the granting of a variance or special use permit shall also be recorded in the land evidence records of the town.



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**AN ORDINANCE IN AMENDMENT TO
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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

Chapter 38– ZONING

ARTICLE V – NONCONFORMING USE

Sec. 38-232. - Existence by variance or special-use permit.

A nonconforming building, structure, sign or parcel of land or the use thereof, which exists by virtue of variance or a special use permit (or a special exception) granted by the zoning board of review or the planning board, shall not be considered nonconforming for the purposes of this article, and shall not acquire the rights of this article. Rather, such building, structure, sign, parcel of land or use thereof shall be considered a use by variance or a use by special use permit and any moving, addition, enlargement, expansion, intensification or change of such building, structure, sign, parcel of land or use thereof, to any use other than a permitted use or other than in complete conformance with this chapter, shall require a further variance or special use permit from the 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:

Chapter 38– ZONING

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

Sec. 38-387. ~~– Pre~~submission~~application~~ conference meeting.

Before submitting a site plan, an applicant for ~~site plan development plan~~ review or a land development project shall may meet with the ~~town planner administrative officer and/or zoning enforcement officer~~ to discuss the proposed project and to establish what documents and information the applicant must submit. The required contents of the site plan will depend on the scope and complexity of the proposed project. The ~~town planner administrative officer~~ will indicate the required contents on a site plan development plan review or land development project application checklist.

If requested by the applicant or municipality, the zoning board of review or the planning board may conduct a preapplication conference at an open meeting.



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

Chapter 38– ZONING

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

Sec. 38-388. - Contents of site plan.

A site plan shall be drawn to scale by a registered architect or engineer, and may require multiple drawings, including maps, plans, elevations, sections and narrative documents. Site plans shall include as much ~~of the following~~ information as the planning board deems necessary to evaluate the proposed project. The project will not be scheduled for review, nor will it have ~~vesting~~ vested rights pursuant to this article ~~XI of this chapter~~ unless the planning board is satisfied as to the content of the site plan submission according to the appropriate checklist as determined by the ~~town planner~~ administrative officer.



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

Chapter 38– ZONING

ARTICLE XI – VESTED RIGHTS

Sec. 38-467. - Development not requiring planning board or zoning board approval.

Where no planning board approval or zoning board approval is required, an applicant is vested when the building ~~inspector~~ official certifies that the application (for a building permit) is complete. The applicant is vested under this chapter and regulations in effect at the time of certification, not on the date of the application.

H. Chapter 38 – Zoning: Ordinances for discussion



ORDINANCE NO. _____

**AN ORDINANCE IN AMENDMENT TO
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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE IV. – USES

Sec. 38-192. – Dimensional regulations.

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

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

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

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

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

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

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

	Commercial uses <u>and residential uses exceeding single-family residence structures</u> (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</u>

			<u>ten (10) and thirty (30) units as permitted by RIDEM. The maximum number of units within a single development shall be increased at the ratio of one (1) unit per 25,000 square feet on lots exceeding 400,000 square feet.</u>
Minimum lot area per living unit	NA	NA	40,000 <u>13,333</u> square feet
Minimum lot frontage	300 feet	300 feet	300 feet
Minimum lot width	300 feet	300 feet	300 feet
Minimum front yard depth	35 feet	35 feet	35 feet
Minimum side yard depth	50 feet	50 feet	50 feet
Minimum rear yard depth	50 feet	50 feet	50 feet
Maximum building coverage	25 percent or 50,000 square feet, whichever is less	3 percent	3 percent
Maximum building height	35 feet	35 feet	2 stories or 20 feet
Number of units per structure	NA	NA	3 <u>2-10</u> units per structure
<u>Maximum number of bedrooms per unit</u>	<u>NA</u>	<u>NA</u>	<u>2 bedrooms per 1 unit</u>
Minimum buffer strip (side and rear yards)	30 feet	30 feet	30 feet
Minimum distance of structure from A/R zoning district	50 feet	As required by setbacks	As required by setbacks
Maximum impervious surface coverage (of net buildable area) ^c	60% ^{a, b}	25 percent	25 percent
Maximum building coverage (of net buildable area) ^c	25% ^{a, b}	3 percent	3 percent

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

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

network and neighborhood. It shall be properly screened and buffered to minimize impacts on surrounding properties and other uses within the center.

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

(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



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

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

ARTICLE 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 m~~ 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.

±	Maximum n <u>Number of bedrooms per structure dwelling units</u>	Minimum lot area per structure (in square feet)	Minimum lot frontage (in feet)
=	2 to <u>4</u>	3200,000	300
=	5 - <u>8</u>	325,000 <u>300,000</u>	300
=	6 - <u>12</u>	350,000 <u>400,000</u>	300
=	7 - <u>16</u>	375,000 <u>600,000</u>	325 <u>300</u>
=	8 - <u>20</u>	400,000 <u>800,000</u>	350 <u>300</u>
=	9 - <u>21-24</u>	425,000 <u>1,000,000</u>	375 <u>300</u>
=	10 - <u>25 and above</u>	450,000 <u>1,200,000</u>	400 <u>300</u>

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

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

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

45. 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.

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



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

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-284 – Development standards for senior citizens group housing.

- Sec. 38-284 – Development standards for senior citizens group housing shall be amended to account for the amendments to the zoning map and to correct citations referring to Sec. 38-281.

(a) *Purpose.* The purpose of this section is to promote the establishment of new housing developments, particularly suited for senior citizens, within an designated R-SC AR or 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.
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#. 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.
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#. 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).
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#. 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.