



"EXHIBIT A"

Town of Foster

Est. 1781

PLANNING DEPARTMENT

ZONING ORDINANCE AMENDMENT SUMMARY

Sign Regulations

Newest Update:

The most recent draft of Sign Regulations was a version that had been thoroughly vetted against court cases (including the most recent June 2015 Gilbert, Arizona sign code Supreme Court decision) involving content-neutrality and free speech and amended accordingly; the Board voted to send it to the Council back in August.

That version was also sent to Statewide Planning, who had emailed municipalities at the beginning of October to put them on notice of those very court cases and encourage a closer look at their sign ordinances. The state responded with comments just last week, and based on their read of it congratulated Foster on a "content-neutral sign ordinance". They also thought it was "wise" of us to "prohibit signs in the public rights-of-way altogether (unless they are government signs), as well as all off-premises signs for commercial use (such as billboards). It seems safe and even handed". Further, they thought it was "great" that we "have the same rules for ALL temporary signs, regardless of purpose or content".

They had a few comments regarding definitions where it was confusing to a fresh set of eyes, and thus the minor revisions since last it was on a Council agenda are to clarify; the state responded back on those changes that it is now "much more clear", and they would like to share our final product with any communities who reach out on the subject.

There was one final adjustment to the draft based on discussion with Councilman Restivo at the 12/2 Planning Board meeting- mention of Banners was eliminated from the Definitions and from the Sign Table so as not to

confuse with flags and free speech; the separate safety issue with movement is addressed elsewhere in the ordinance anyway.

The Planning Board, as a result, voted 5 – 0 to send this version to the Council as a reflection of a good-faith effort to conform to REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL..

Previous Update on Amendments:

As a reminder, the bones of the regulations came from a different but similar community and which were vetted by the ACLU just last year.

A Supreme Court case was just decided in June of this year, and it held that Gilbert, Arizona’s sign code’s “provisions are content-based regulations of speech that do not survive strict scrutiny”. However, as found on pages 22-23 of the 35-page PDF decision, municipalities can “enact and enforce reasonable sign regulations” as long as they adhere to “rules that would not be content based”, specifically including:

- Size of signs
- Location of signs, and distinguishing between freestanding signs and those attached to buildings
- Lighted and unlighted signs
- Fixed messages on signs versus electronic signs with changing messages
- Placement of signs on public versus private property
- Placement of signs on commercial versus residential property
- On-premises versus off-premises signs
- Total number of signs per mile of roadway
- Time restrictions on signs for a one-time event
- Government signs

So, using the yardstick of content-neutrality, tweaks were made to the proposed Sign Regulations ordinance amendment to remove content-based regulations (or even the possible misinterpretation of using content to regulate a sign), particularly within the Off-Premises sign definitions.

Additional minor changes were made to clarify abandoned signs, incidental signs that are more residential in nature, and eliminating mention of any “immediate” or similar action, as well as a few word substitutions.

The Solicitor, Assistant Solicitor, and Planner have gone over the ordinance for weeks, spending hours on ensuring that, although no ordinance can ever be perfect, the newest draft survives close inspection based on recent court cases and observance of free speech while still committed to the character of Foster.

Original Summary:

The amendment’s intent is to revamp the regulations regarding signs to be more comprehensive and clear; specifically, to:

- Add definitions for all types of signs, including sizing, height, and setbacks
- Clarify how to compute sign display, area, and height
- Add general regulations, including status, building and electric codes, maintenance, landscaping, illumination, alterations, and review
- Insert a table outlining whether each defined use is permitted or prohibited in every zoning district
- Update regulations by zone, including setbacks, height, lighting, and total sign area
- Clarify the distinction between on-premises and off-premises signs, prohibited signs (where, what, how many, materials, etc), and non-conforming signs
- Reference permit applications, violations and violation regulations, and unsafe or unsecure signs that are an immediate threat to persons or property

**STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS
TOWN OF FOSTER**

AN ORDINANCE IN AMENDMENT OF AN ORDINANCE
ENTITLED "TOWN OF FOSTER ZONING ORDINANCES"
ADOPTED JULY 1967 AND LAST AMENDED AUGUST 27, 2015.

It is ordained by the Town Council of the Town of Foster (the "Town") that the Zoning Ordinance adopted July 1967, as last amended on August 27, 2015, (Chapter 38 of the Code of Ordinances of the Town of Foster Rhode Island) is hereby amended by replacing the text of ARTICLE VI. SUPPLEMENTARY REGULATIONS: SECTION 17. SIGN REGULATIONS in its entirety as follows:

A. Definitions

ABANDONED

The business structure associated with the sign has been closed, demolished, or not maintained, for a period exceeding 1 (one) year.

ANIMATED SIGN

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

ANNOUNCEMENT BOARD

A board or wall area on which bulletins, notices, or displays are temporarily posted. Such signs shall not exceed five (5) square feet in area.

BILLBOARD

Any off-premises sign exceeding fifteen (15) square feet in area.

BUILDING MARKER

Any sign indicating the name of a building and/or date and/or incidental information about its history or construction. Such markers shall not exceed four (4) square feet in area.

CONSTRUCTION SIGN

Any sign which purpose is to display the name of the contractor and/or subcontractors employed on a work site, and/or the consultants and/or financial institutions participating in the project. Such signs shall be either freestanding or attached to the structure and shall not exceed sixteen (16) square feet in area.

Such signs are meant to enhance public health and safety during construction and so shall be removed upon completion of construction. Such signs shall not be erected until building permits for the relevant project are pulled. This definition does not include signs located on the premises of the general offices of a contractor.

DIRECTIONAL SIGN

Any sign which purpose is to direct vehicles and/or pedestrians onto, around, and off of a premises. Such signs shall be limited to four (4) square feet in area including any attached corporate logos or other symbols. Such signs shall be limited to three (3) feet in height from the top of the sign to grade. A name or logo on these signs shall not comprise greater than 20% of the total sign area.

DIRECTORY SIGN

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

EXTERNALLY ILLUMINATED SIGN

Any sign which light source is located outside of the sign and is of a continuous white light in nature. This includes but is not limited to spotlights and stationary floods.

FREESTANDING SIGN

Any sign supported by a structural device or devices that is placed on, or anchored into, the ground and that is independent from any building. One freestanding sign shall be permitted per lot with a maximum visible sign area of forty (40) square feet. Where more than one business is located on a lot, up to three (3) freestanding signs shall be permitted, provided that the total square footage of visible sign area does not exceed forty (40) square feet. A minimum sign clearance of eight (8) feet is required between the grade and the base of the lowest part of the sign to ensure adequate site clearance for pedestrians and vehicles. Maximum sign height shall be 15 feet and all such signs shall be set back a minimum of ten (10) feet from all lot lines. The area immediately underneath and around the base of the sign shall be landscaped per the landscaping requirements of this chapter.

GAS & SERVICE STATION SIGN

Signs necessary to the operation of filling and service stations limited to the following:

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

GOVERNMENT SIGNS

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

INTERNALLY ILLUMINATED SIGN

Any sign, exclusive of neon signs, whose light source is located behind and/or within the sign itself or behind and/or within any individual element(s) of a sign.

INCIDENTAL SIGN

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "loading zone", "open", "telephone", and other similar directives. Such signs shall not exceed six (6) square feet in area and shall not count toward the maximum visible sign area.

INCIDENTAL SIGN, RESIDENTIAL

A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no trespassing", "beware of dogs", and the like. Such signs shall not exceed six (6) square feet in area and shall not count toward the maximum visible sign area.

INSTITUTION/ORGANIZATION SIGN

A wall sign or freestanding sign whose sign display is not to exceed twelve (12) square feet and is used on premises for church, hospital, library, museum, art gallery, historic preservation, or similar organization.

LEGAL NONCONFORMING SIGN

1. A sign which was erected legally prior to the enactment of this article;
2. A sign which does not conform to the Sign Regulation requirements, for which zoning relief has been granted through the Zoning Board of Review.

LOT FRONTAGE

Roadway frontage on a local access road.

MONUMENT SIGN

Any sign whose base is in contact with or within one (1) foot of the ground. Where permitted, only one monument sign shall be allowed per lot in lieu of a freestanding sign and shall have a maximum sign area of fifty (50) square feet and shall be set back a minimum of ten (10) feet from all property lines. Maximum sign height shall be eight (8) feet. The area immediately underneath and around the base of the sign shall be landscaped per the landscaping requirements found in this chapter.

MOVING SIGN

Any sign moved by mechanical or natural means, such as wind.

NAMEPLATE

Material on which a name and/or professional designation is inscribed or painted. Professional nameplates shall indicate a name and/or professional designation and/or affiliation and shall not exceed one (1) square foot per professional occupant. Residential nameplates shall display the name and address of resident and shall not exceed one square foot in area. All such nameplates shall be affixed either to a door, an adjacent wall of the premises, or a lamp post/mail box.

NEON SIGN

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

NON-CONFORMING SIGN

Any sign that does not conform to the requirements of this chapter.

OFF-PREMISES SIGN

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

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

Off-Premises Sign, Non-Commercial Use (Article IV. Zone Regulations: Description of Uses): Any sign not related or associated with the non-commercial use of the property on which the sign is located. These signs that also meet the definition of a Temporary Sign shall be permitted in all zoning districts and may be of any type and size of sign allowed therein and shall be

subject to the same requirements, restrictions, and set back limitations applicable to other sign types in those zones. These signs that do not meet the definition of a Temporary Sign are not allowed.

PRINCIPAL BUILDING

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

PROJECTING SIGN

Any sign affixed to a building or wall in such a manner that it extends more than ten (10) inches beyond the surface of such building or wall. Such signs shall be permitted in lieu of freestanding signs or monument signs. Only one projecting sign shall be permitted per business and shall be perpendicular to the wall to which it is attached, its nearest edge being no less than three (3) inches and its furthest edge projecting no greater than forty eight (48) inches from the wall. The projecting sign shall have a maximum sign area of ten (10) square feet and its lowest edge shall be a minimum of eight (8) feet from the ground.

REAL ESTATE SIGN

Any sign advertising the real estate upon which the sign is located as being for rent, lease, or sale. Residential real estate signs shall be permitted for individual residential properties and for residential subdivisions, and shall not exceed twenty (20) square feet in area. Only one residential real estate sign per lot and/or subdivision shall be permitted. Commercial and industrial real estate signs shall be permitted for industrial and commercial properties and shall not exceed sixty (60) square feet in area. All residential, commercial, and industrial real estate signs shall be removed within two weeks of the sale or lease of the associated property, unit, or entire subdivision.

SIGN

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

SUBDIVISION IDENTIFICATION SIGN

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

TEMPORARY SIGN

Any sign not permanently installed or any sign only intended for use for a limited period of time. Such signs shall be permitted in all zoning districts and may be of

any type and size of sign allowed therein and shall be subject to the same requirements, restrictions, and set back limitations applicable to other sign types in those zones. Temporary signs are prohibited from all public rights of way, municipal buildings, and Town-owned property, and shall not be affixed to any traffic signs, utility poles, nor to any trees located in public rights of way or on Town property. Such signs shall not remain in place for more than 120 days.

TOWN

Refers to all governmental entities of the Town of Foster.

WALL SIGN

Any sign attached parallel to, but within ten (10) inches of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure which is supported by such wall or building, and which displays only one sign surface and is supported by such wall or building. One such sign shall be permitted per business per building face with a maximum of three (3) per business. The maximum width of the sign display shall not exceed 70% of the linear frontage associated with the business unit. This provision shall only apply to those businesses located within the main structure(s) and shall not apply to any other freestanding structures (i.e. pad sites, kiosks, outbuildings, etc). All wall signs must be directly associated with the business, entity, or enterprise located within the building or structure to which they are attached, painted, or erected as described above. Any wall signs that are not directly associated with said business, entity, or enterprise are strictly prohibited.

WINDOW SIGN

Any sign that is placed inside a window or upon the window panes or glass (exclusive of merchandise display). Permanent window signs may be applied to, painted on, or attached to the inside of each window associated with a business. The area of such window signs shall be counted toward the maximum visible sign area. All window signs shall not exceed 25% of the total window area.

B. Computations

The following principles shall control the computation of sign area and sign height.

1. Sign display: The sign display is a portion of the permitted sign area. The area of a sign display shall be computed by means of the smallest square or rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display.
2. Sign area, single-faced signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed as the area of sign display together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

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

C. General Regulations

1. Changes to nonconforming signs: Enlargement or relocation of legal non-conforming signs requires additional approval from the Zoning Board of Review.
2. Rhode Island Building Code: Within all zones and districts, all signs shall comply with applicable provision(s) of the Rhode Island State Building Code and the National Electric Code.
3. Sign maintenance: Within all zones and districts, all signs shall be maintained in good structural condition in conformance with this article (unless otherwise allowed through the Zoning Board of Review) at all times.
4. Landscaping requirements: For the purposes of this article, "landscaping" shall include any combination of living plants such as grass, ground cover, shrubs, vines, or hedges and nonliving landscape materials such as rocks, pebbles, sand mulch, or decorative paving material. In the case of freestanding or monument signs, the requirement shall be that the area immediately underneath the sign and the entirety of an area extending two (2) feet radially from the sign base or supports shall be landscaped. Landscape materials may not obstruct the view of the sign message.
5. Illumination: Externally lit signs are allowed in all zones, provided they are oriented such that the light is directed away from any adjacent properties and traffic arteries and is of a continuous white nature.
6. Alterations: Any legally existing sign (including legal non-conforming sign) may be altered either to update the sign content or to reflect new information, provided that the alteration does not result in any change in the sign's extent, location, or illumination.

D. Sign Table

X= Permitted

O= Prohibited

AR= Agricultural/Residential

NC= Neighborhood Commercial

GBM= General Business Mixed Use

MI= Manufacturing/Industrial

R-SC= Residential-Senior Citizens

	AR	NC	GBM	MI	R-SC
Animated	O	O	O	O	O
Announcement Board	X	X	X	X	X
Billboard	O	O	O	O	O
Building Marker	X	X	X	X	X
Construction Sign	X	X	X	X	X
Directional Sign	X	X	X	X	X
Directory Sign	O	O	X	O	O
Externally Illuminated Sign	X	X	X	X	X
Freestanding Sign	X	X	X	X	X
Gas & Service Station Sign	O	X	X	X	O
Government Sign	X	X	X	X	X
Internally Illuminated Sign	O	O	O	O	O
Incidental Sign	X	X	X	X	X
Incidental Sign, Residential	X	X	X	X	X
Institution/Organization Sign	X	X	X	X	X
Monument Sign	O ¹	X	X	X	X
Moving Sign	O	O	O	O	O
Nameplate	X	X	X	X	X
Neon Sign	O	O	O	O	O
Off Premises Sign- Commercial Use	O	O	O	O	O
Off Premises Sign- Non Commercial Use, Temporary	X	X	X	X	X
Off Premises Sign- Non Commercial Use, Permanent	O	O	O	O	O
Projecting Sign	O	X	X	X	O
Real Estate Sign	X	X	X	X	X
Subdivision Identification Sign	X	X	X	X	X
Temporary Sign	X	X	X	X	X
Wall Sign	O	X	X	X	X
Window Sign	O	X	X	X	X

¹ Subdivision Identification Sign excepted

E. Regulations by Zone

1. Agricultural/Residential (AR)

- i. Setbacks: No sign shall be placed within five (5) feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater).
- ii. Height: No sign shall be greater than five (5) feet in height.
- iii. Lighting: No external illumination of a permitted sign shall be greater than 75 watts / 1,500 lumens.
- iv. Total Sign Area: No sign shall exceed twenty (20) square feet in area, or the size restriction specified by sign type definition (whichever is less).

2. Neighborhood Commercial (NC) and Manufacturing/Industrial (MI)

- i. Setbacks: No sign shall be placed within five (5) feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater). No sign shall be sited within thirty (30) feet of an AR zone boundary.
- ii. Height: No sign shall be greater than fifteen (15) feet in height.
- iii. Lighting: No external illumination of a permitted sign shall be greater than 200 watts / 4,000 lumens.
- iv. Total Sign Area: No sign shall exceed sixty (60) square feet in area, or the size restriction specified by sign type definition (whichever is less).

3. General Business Mixed Use (GBM)

- i. Setbacks: No sign shall be placed within five (5) feet of a lot line or roadway, or the setback specified by the sign type definition

(whichever is greater). No sign shall be sited within thirty (30) feet of an AR zone boundary.

- ii. Height: No sign shall be greater than twenty (20) feet in height.
- iii. Lighting: No external illumination of a permitted sign shall be greater than 250 watts / 5,000 lumens.
- iv. Total Sign Area: No sign shall exceed one hundred (100) square feet in area, or the size restriction specified by sign type definition (whichever is less).

4. Residential-Senior Citizens (R-SC)

- i. Setbacks: No sign shall be placed within five (5) feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater). No sign shall be sited within thirty (30) feet of an AR zone boundary.
- ii. Height: No sign shall be greater than ten (10) feet in height.
- iii. Lighting: No external illumination of a permitted sign shall be greater than 100 watts / 2,000 lumens.
- iv. Total Sign Area: No sign shall exceed twenty (20) square feet in area, or the size restriction specified by sign type definition (whichever is less).

F. Prohibitions

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

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

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

Additional signs prohibited:

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

G. Non-Conforming Signs

A sign shall lose its legal non-conforming status when:

1. The sign is enlarged or reduced without approvals.
2. The sign is relocated without approvals.
3. The sign shall not have been repaired or properly maintained within 30 days after written notice to the effect has been given by the Building Official and/or Director of Planning, or their designees.
4. The sign structure is removed and replaced with another nonconforming sign, regardless of its size.

5. The business structure associated with the sign has been abandoned and demolished.

A sign shall not lose its legal nonconforming status when:

1. A wall sign is removed for construction, painting and/or restoration of the building, provided that the sign is returned to its location within 30 days of completion of the building work.
2. The sign is removed to facilitate repair, maintenance and/or repainting and replaced immediately upon completion of such work.

H. Enforcement

1. Permanent signs require a sign permit, excepting residential incidental signs. Applications are available from the Building Official.
2. A sign shall be considered in violation of the provisions of this article if:
 - i. It is prohibited.
 - ii. It loses its non-conforming status.
 - iii. It is considered abandoned.
 - iv. It is considered unsafe or unsecure.
 - a. The Zoning Enforcement Officer will follow violation procedure as outlined in Article XI: Subsection G.
 - b. Notwithstanding the provisions of subsection (a.) above, a sign may be removed if reasonable efforts to contact the owner have been unsuccessful and the sign constitutes an immediate threat to safety of persons or property as determined by the Zoning Enforcement Officer or a designee.