"Exhibit B" TCM 4-28-2016

Town of Foster

Est. 1781

PLANNING DEPARTMENT

ZONING ORDINANCE AMENDMENT SUMMARY

GBM
Development Standards

There is now a section on Expansion of Existing Uses in order to be clear that expansion of an existing and permitted development or use in a GBM zone needs to either go through the Site Plan Review process or follow the Major Land Development/Subdivisions procedures; this section has been revised to better accommodate and be flexible for the smaller businesses along Route 6 per the 1/14/16 discussion during the advertised Town Council Public Hearing.

GBM as "General Business Mixed Use" is now consistently stated throughout, and specific reference to appropriate Article numbers are clear. Appropriate reference to the Planning Board or Zoning Board has been added.

Reference to architectural compatibility within the development and with surrounding land uses has been inserted in a few places, as well as emphasis on creative use of pervious surfaces.

It should be noted that reference to Article IX as the site plan review reference is even more apt than originally thought, as Section 8 Subsection B details "No zoning certificate or building permit shall be issued for any commercial building or other commercial construction in any zone of the Town, or for any institutional use in a GBM or NC Zone, until a site plan review of the proposed construction has been conducted by the Planning Board… Site plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the actual use thereof."

Further, architectural compatibility is called out within that Section 8 Subsection B: "As part of the site plan review process, the design of proposed buildings may be reviewed to determine compatibility with the site…"

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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 MARCH 10, 2016.

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 March 10, 2016, (Chapter 38 of the Code of Ordinances of the Town of Foster Rhode Island) is hereby amended by specifically amending the text of ARTICLE VIII. LAND DEVELOPMENT PROJECTS: SECTION 3. DEVELOPMENT STANDARDS FOR GENERAL BUSINESS MIXED USE DEVELOPMENT as follows:

Article VIII. Land Development Projects

Section 3. Development Standards for General Business Mixed Used (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.

A. 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 project and calculation of densities over the entire project rather than 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.

~~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.~~ 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.

B. APPLICABILITY AND PROCEDURE

1) 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.

2) No General Business~~/~~Mixed Use Development~~s~~ shall be undertaken~~, nor shall any lots therein be sold,~~ 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:

a) The Land Development and Subdivision Regulations of the Town of Foster for Major Land Development and Major Subdivision, except as detailed in Section E of these Standards; and

b) Additional procedures and requirements set forth herein for General Business~~/~~Mixed Use Developments

3) 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 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 S~~s~~ubdivision R~~r~~egulations, or as required by the Planning Board. Improvement guarantees shall be required as set forth in Section VIII of the Land Development and S~~s~~ubdivision R~~r~~egulations.

4) Applicants for a General Business~~/~~Mixed Use Development under this section shall follow procedures for Major Land Development and Major Subdivisions (See Section ~~6~~VI of the Foster Land Development and Subdivision Regulations) including P~~p~~re-A~~a~~pplication meetings, M~~m~~aster P~~p~~lan review, P~~p~~reliminary P~~p~~lan review, and F~~f~~inal P~~p~~lan review, and all requirements thereof shall be met, except as detailed in Section E of these Standards.

C. MINIMUM LAND AREA

1) A planned unit development shall consist of not less than 200,-000 square feet of land area which may be developed into mixed use and commercial units as set forth in

Article II; Article III – Subsection 3; Article IV; and Article VIII – Subsection 3 of Foster's Zoning Ordinance.

2) 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 ordinance~~,~~ or impair the previously approved plan.

D. USES

1) GENERALLY:

a) Uses are categorized as "P~~p~~ermitted Use", "S~~s~~pecial U~~u~~se Permit", and "P~~p~~rohibited Use". The Planning Board may, at its sole option, impose conditions on any use proposal, and the Zoning Board of Review may, at its sole option, impose conditions on a Special Use Permit approval.

b) Designation as a special 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 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 ~~by the Planning Board~~ as the findings of fact indicate appropriate.

c) Nothing herein contained shall preclude the Planning Board or Zoning Board of Review from ~~granting~~requiring multiple conditions for a proposal or to condition the granting of one or more special uses upon the implementation or completion of one portion of a project, during the M~~m~~aster P~~p~~lan, 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.

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

1. The desired use will not be detrimental to the intent of the planned unit development or to the surrounding area;
2. It will be compatible with existing and proposed uses within the planned unit development, as well as neighboring land uses;
3. It will not create a nuisance or a hazard in the neighborhood;
4. Adequate protection is afforded to the surrounding propert~~y~~ies by the use of open space and plantings, or by decorative fencing;
5. Safe vehicular access and adequate parking are provided~~;~~, and use of pervious surfaces is encouraged;
6. Control of noise, smoke, odors, lighting, and any other objectionable feature is provided;
7. Solar rights of the abutters are provided for;
8. Architectural compatibility within the development and with the surrounding area is illustrated;
9. The proposed conditional use will be in conformance with the purpose~~s~~ and intent of the C~~c~~omprehensive P~~p~~lan and the Z~~z~~oning O~~o~~rdinance of the Town of Foster;
10. The health, safety, and welfare of the community are protected;
11. 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;
12. ~~The Planning Board may, at its sole option, waive~~ C~~c~~ertain parking requirements may be waived, provided that adequate and safe parking is still provided;
13. 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.

~~f~~e) Before being granted a S~~s~~pecial U~~u~~se P~~p~~ermit by the Zoning Board of Review, the applicant must show how its application complies with Article VII "Special Use Permits and Variances", Section 2(B) "Standards for Relief – Special Use Permit" in Foster's Zoning Ordinance.

2) MIXED USES:

Nothing contained in this ordinance 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.

E. EXPANSION OF EXISTING USES

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

2) Expansion of a permitted use within the GBM district shall fall under one of the following tiers:

a) Original square foot building footprint of 2,500 square feet or less

1. Expansion constituting 100% 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.

2. Expansion constituting more than 100% 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 Sections B through D.

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

1. Expansion constituting 75% 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.

2. Expansion constituting more than 75% 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 Sections B through D.

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

1. Expansion constituting 50% 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.

2. Expansion constituting more than 50% 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 Sections B through D.

d) Original square foot building footprint of greater than 10,000 square feet

1. Expansion constituting 25% 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.

2. Expansion constituting more than 25% 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 Sections B through D.