



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 V. – NONCONFORMING USE**

**Sec. 38-237 – Enlargement.**

- Sec. 38-237 – Enlargement shall be amended to remove inaccurate information as it pertains to the provisions of section 38-192.

A preexisting use, which is not a prohibited use under section 38-193, may be enlarged for the same use, provided such enlargement is within the limits of the lot of record the use occupies on July 6, 1967, and subject to the dimensional requirements for front, side, ~~and~~ rear yard depth, ~~and height, and maximum building coverage~~ of section 38-192 for the district of its location. ~~In the case of enlargement of a single-family residence structure, the district dimensional requirements for front, side and rear yard depth may be modified by permitted use by special use permit under section 38-192.~~ A preexisting use, which is a prohibited use under section 38-193, shall not be enlarged, and the extent and intensity of usage of any structure for a prohibited use shall not be increased beyond the extent and intensity of usage on July 6, 1967.



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 V. – NONCONFORMING USE**

**Sec. 38-230 – Nonconforming by use.**

- Sec. 38-230 – Nonconforming by use shall be amended to match the definitions section.

A lawfully established use of land, building or structure ~~which that~~ is not a permitted use in the zoning district in which it is located is nonconforming by use. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter is nonconforming by use.



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 V. – NONCONFORMING USE**

**Sec. 38-234 – Continuation of use.**

- Sec. 38-234 – Continuation of use shall be amended to clarify/meet requirements set forth in RIGL.

Nothing in this chapter shall prevent or be construed to prevent the continuation of a nonconforming use of any building, ~~or~~ structure or use of land for any purpose to which such building, ~~or~~ structure or use of land was lawfully established.

---



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 V. – NONCONFORMING USE**

**Sec. 38-227 – Merger of substandard lot of record.**

- Sec. 38-227 – Merger of substandard lot of record shall be amended to clarify provisions set forth in RIGL.

Merger of substandard lots of record has been required under prior editions of this chapter. Such merger shall continue under this edition for all districts and all contiguous substandard lots of record in the same ownership. Such lots shall continue to be merged for buildable purposes so as to create dimensionally conforming lots or to reduce the extent of nonconformance. Merger in all districts is determined necessary under these standards due to the town's lack of sewers and public water supply and because it is a rural town and must conform with to the comprehensive plan. The merger of lots shall not be required when the substandard lot of record has an area equal to or greater than the area of fifty percent (50%) of the lots within two hundred feet (200 ft) of the subject lot, as confirmed by the zoning enforcement officer.



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

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

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

**ARTICLE I. – IN GENERAL**

Sec. 38-1. - Purpose of chapter.

- Sec. 38-1 – Purpose of chapter shall be amended as follows to meet RIGL:

The zoning districts and regulations set forth in this chapter are made in accordance with the comprehensive community plan, ~~adopted~~ approved as amended on April 23, 1992 October 27, 2022, and for the following purposes:

- (1) ~~Promote~~ eing the public health, safety and general welfare of the town.
- (2) ~~Provide~~ eing for a range of uses and intensities of use appropriate to the character of the town and reflecting current and expected future needs.
- (3) ~~Provide~~ eing for orderly growth and development ~~which that~~ recognizes:
  - ~~a-(i)~~ The goals and patterns of land use contained in the comprehensive community plan of the town adopted pursuant to ~~G.L. 1956,~~ § 45-22.2-1 et seq.
  - ~~b-(ii)~~ The natural characteristics of the land, including its suitability for use based on soil characteristics, topography and susceptibility to surface water or groundwater pollution;
  - ~~e-(iii)~~ The ~~values~~ and dynamic nature of the town's waterbodies including freshwater ponds, streams and freshwater wetlands;
  - ~~d-(iv)~~ The entire town's watershed areas;
  - ~~e-(v)~~ The ~~values~~ of unique natural resources and features;
  - ~~f-(vi)~~ The availability and capacity of existing and planned public and/or private services and facilities;
  - ~~g-(vii)~~ The need to shape and balance urban, ~~suburban~~ and rural development; and

~~h.~~(vii) The use of innovative development regulations and techniques.

(4) Provide~~ing~~ for the control, protection and/or abatement of air, water, groundwater, noise pollution, and soil erosion and sedimentation.

(5) Provide~~ing~~ for the protection of the natural, historic, cultural, and scenic character of the town, or areas therein.

(6) Provide~~ing~~ for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources and open space and recreation resources of the town.

(7) Provide~~ing~~ for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space and other public requirements.

(8) Promote~~ing~~ a balance of housing choices, for all income levels and groups, and to en~~as~~sure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.

~~(9) Providing opportunities for the establishment of low-and moderate-income housing~~

~~(910) Promote~~ing~~ safety from fire, flood and other natural or manmade disasters.~~

~~(1011) Promote~~ing~~ a high level of quality in design in the development of private and public facilities.~~

~~(1112) Promote~~ing~~ implementation of the comprehensive ~~community~~-plan which states that the town will continue to be a rural community retaining its historic hamlets, small farmsteads, scenic roads, wooded ridges and river valley pastures while simultaneously absorbing new growth and development in the planning horizon (~~2010~~2022) through the use of ~~growth management, development standards~~ and through ~~special overlay concentrated~~ zoning districts to protect its farmland and historic, scenic and unique natural resources. The comprehensive plan is adopted pursuant to § 45-22.2-1 et seq.~~

~~(1213) Provide~~ing~~ for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.~~

~~(1314) Provide~~ing~~ for efficient review of development proposals, and to clarify and expedite the zoning approval process.~~

~~(1415) Provide~~ing~~ for procedures for the administration of this chapter, including, but not limited to, variances, special-use permits, and, where adopted, procedures for modifications.~~

(16) Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34; the United States Fair Housing Amendments Act of 1988 (FHAA); the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42; and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 et seq.

---



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 II. – ADMINISTRATION**

**DIVISION 1. - GENERALLY**

**Sec. 38-36. - Enforcement of chapter.**

- Sec. 38-36 – Enforcement of chapter shall be amended as follows to match the amendments to the definition section.

(a) ~~Zoning-official-enforcement officer (ZEO).~~ A ~~zoning-official-enforcement officer~~ shall be appointed by the town council and have the minimum qualifications of familiarity with this chapter and prior experience in the enforcement of zoning regulations. It shall be the duty of the zoning official to enforce the provisions of this chapter and to keep a record of every identifiable complaint of a violation and of any action taken in response. The zoning-enforcement officer may also be the town's building official.

(b) Zoning certificate. No building, structure or sign shall hereafter be erected, enlarged or relocated and no nonstructural use, (except nonstructural uses listed in section 38-191) shall be initiated until the ~~zoning-enforcement official~~ has certified, in writing, that the proposed use, structure or sign conforms to the provisions of this chapter. The ~~zoning-enforcement official~~ may require that copies of the plans, specifications and such other information as he may deem necessary be filed with the application for such certificate. The zoning certificate shall be issued within 15 days upon a written request from any person who is an owner of a parcel of land or a person with a bona fide legal or equitable interest in a parcel of land in the town. If no written response is provided from the ~~zoning-enforcement official~~ within that time, the requesting party shall have the right to appeal to the zoning board of review for the determination. The ~~zoning-enforcement official~~ shall issue the following copies of each certificate: the applicant, zoning board of review, town council, town planner, building official and town clerk. No certificate may be issued by the ~~zoning-enforcement official~~ for any use not specifically permitted in this chapter, except where the ~~zoning-enforcement official~~ receives a statement, in writing, from the zoning board of review indicating the granting of an appeal, special-use permit or variance or a statement, in writing, from the town council indicating an amendment to this ordinance.



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**

Secs. 38-295-38-320. – Reserved.

- Secs. 38-295 – 38-320. – Reserved shall be amended to reserve sections 38-297 – 38-320. Supplementary regulations for Recreational marijuana uses to be added. Supplementary regulations for the proposed, future, Municipal/Historic Overlay District to be added.

**Sec. 38-295. – Recreational marijuana uses.**

This section is reserved.

---

**Sec. 38-296. – Development regulations - Municipal/Historic overlay district**

This section is reserved.

---



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

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

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

**ARTICLE VI. – SUPPLEMENTARY REGULATIONS**

Sec. 38-291 – Regulations pertaining to communications towers and antennas.

- Sec. 38-291 – Regulations pertaining to communications towers and antennas shall be amended to account for amendments to the zoning map

(a) *Purpose.* The purpose of this section is to provide guidelines for the siting of towers and antennae that are consistent with the rural character and land uses of the town. The goals of this section are to:

- (1) Establish the location of towers and minimize the total number of towers throughout the community, while providing seamless coverage.
- (2) Maximize location of antennae on existing structures, and require the joint use (collocation) of new and existing towers in order to minimize or mitigate any adverse impact on the town.
- (3) Facilitate the use of public property and structures for the siting of towers and antennas.

(4) Establish that towers located in the agricultural-residential, ~~neighborhood-commercial,~~ ~~residential-senior-citizen~~ and municipal zones will be alternative tower structures that are complimentary to the existing character of the surrounding environment, if possible.

(b) *Applicability.* No communications antenna array or communications tower shall be erected, constructed, altered, or maintained on any lot within the town after the November 19, 1998, without complying with the terms of this section. No communications antenna array or communications tower shall be erected, constructed, altered or maintained on any parcel designated as permanent open space held in trust by the town or by the Town of Foster Land Trust.

(c) *Development standards.* The following development standards for communications towers and antennas shall apply, but not limit the authority of the zoning board of review under [section 38-63](#).

(1) *General.* Towers and antennas shall be subject to review as a major land development plan and is to include a commercial and industrial development site review by the planning board as provided in [section 38-394](#).

a. Town-owned sites or facilities that are located in the prospective development area which could potentially accommodate the proposed antennas and tower shall be considered first and given priority for locations of said antennas and/or tower.

b. In the event town-owned sites or facilities are not available, the applicant shall make a reasonable effort to utilize existing structures or alternative tower structures for location of antennas. Should an existing structure not be utilized, evidence as to why shall be submitted.

c. All towers, antennas, equipment shelters and any other communications equipment which have not been used for a period of one year shall be considered abandoned and shall be dismantled and removed at the owner's expense. The owner of such tower, antennas, equipment shelter and any other communications equipment shall remove the same within 90 days of the sending of notice from the building official. If such tower, antenna, equipment shelter and any other communications equipment is not removed within said 90 days, the town may take any necessary action to remove said tower, antenna, equipment shelter and any other communications equipment at the owner's expense.

(2) *Submission requirements.*

a. The applicant shall comply with the submission requirements of [chapter 32](#) and the requirements of [section 38-394](#).

b. The applicant shall submit a master plan covering the entire town. The plan shall indicate all existing, proposed, or planned sites of such carrier, including alternative sites from which the needed coverage could also be provided. The plan will also indicate the zoning district, current use, and neighboring uses for all such sites.

c. Towers shall be built so as to facilitate collocation and co-use of antennas. The applicant shall indicate how the site will be designed to collocate future carriers, and how many of such carriers can be technically accommodated. Consideration shall be given to the collocator of multiple antennas on one tower and technologies

which allow co-use of a single antenna to maximize the number of carriers on a given structure.

d. The application shall contain a statement that if the site will physically support co-location and the locator is willing to sign a commercially reasonable lease, it shall be allowed to collocate.

e. Tower bases and their accessory structures shall be enclosed by a maintenance-free fence no less than six feet in height or more than eight feet in height from finished grade. Access shall be through a locked gate.

f. Towers shall not be artificially lighted except as required for public safety reasons by the FAA, or by the town. All exterior lighting shall be full cutoff lighting.

g. No signs shall be allowed on any towers except as required for public safety reasons and must be located within eight feet of the ground.

h. The tower owner shall have the tower inspected for structural integrity in accordance with the state building code on an annual basis by a state-registered professional engineer. This inspection report is to be forwarded to the building official.

i. This section shall not apply to any tower or antenna installation which is owned and operated by a federally licensed amateur radio operator, which tower or antenna does not exceed 70 feet in height. The term "federally licensed" means having a valid and active federal amateur radio license in compliance with all applicable federal laws, regulations and ordinances and having provided evidence of such compliance with the town clerk.

### 3. Location

a. Proposed tower locations shall be situated in such a manner as to minimize visual impacts upon sensitive receivers, including but not limited to: National Register Historic Districts, Scenic Roads and Highways, as listed in The Town of Foster Comprehensive Plan. Viewshed analysis is required to establish the visibility of any tower, alternative tower, or development proposal.

b. Setback requirements for towers from all property lines shall be sufficient such that in the event of any failure of the tower, the tower and all related accessories will fall within the property limits. In no case shall the setbacks be less than one-half foot per one foot of any height. Guy- wire supported structures and their guy supports shall be adequately protected and shall be setback from all property lines the minimum of the zoning district in which they are proposed but no less than fifty (50) feet. The applicant will provide documentation, prepared and certified by a registered professional engineer to justify all setback dimensions.

c. Equipment buildings are considered as accessory buildings and shall comply with the applicable setbacks of the underlying zone.

d. The maximum height for a tower free standing or guyed shall be one hundred ninety (190) feet.

### 4. Construction Criteria



a. Plantings shall be of such a height and density to provide complete screening at ground level as viewed from the public road and abutting property lines. Existing vegetation shall be preserved to the maximum extent possible and may be used as a supplement towards meeting the screening goal. The owner of the property shall be responsible for all maintenance and shall replace all dead plantings within thirty (30) days.

b. If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment must be of a neutral color identical to, or closely compatible with, the color of the alternative tower structure so as to make the antenna and related equipment as visually unobtrusive as possible.

c. Tower bases and their accessory structures shall be enclosed by a maintenance-free fence no less than six (6) feet in height or more than eight (8) feet in height from finished grade. Access shall be through a locked gate.

d. Towers shall not be artificially lighted except as required for public safety reasons by the FAA, or by the Town. All exterior lighting shall be full cut-off lighting.

e. No signs shall be allowed on any towers except as required for public safety reasons and must be located within eight feet of the ground.

f. The tower owner shall have the tower inspected for structural integrity in accordance with the Rhode Island Building Code on an annual basis by a Rhode Island registered professional engineer. This inspection report is to be forwarded to the Foster Building Official.

g. This section shall not apply to any tower or antenna installation which is owned and operated by a federally licensed amateur radio operator, which tower or antenna does not exceed seventy (70) feet in height. "Federally Licensed" means having a valid and active Federal Amateur Radio License in compliance with all applicable Federal laws, regulations and ordinances and having provided evidence of such compliance with the Town Clerk.



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 VIII – LAND DEVELOPMENT PROJECTS**

- Sec 38-356: Residential Compounds shall be added as follows:

(a) *Purpose.* The purpose of residential compound development is to provide for the private conservation of underdeveloped or fragile natural resource areas and to provide open space preservation by permitting limited residential building on such tracts of land.

~~(b) Eligibility.~~

~~(1) Only property which has been continuously in the same ownership for a period of at least five years shall be eligible for residential compound development. For purposes of this section, continuous ownership shall include the period during which parties own property as joint tenants or as tenants by entirety and the period during which the surviving joint tenant or tenant by the entirety continues to own the property either in his own name or as joint tenant or tenant by the entirety with another; the period during which a decedent has owned the property together with the time when his devisees or heirs at law shall own property after the death of the decedent.~~

~~(2) Frontage for lots created after July 1, 1967, shall be 300 feet or more. Frontage for lots that were preexisting lots of record on July 1, 1967, shall be 50 feet or more.~~

~~(3) No lot that has been divided after March 5, 1998, shall be eligible for a residential compound.~~

~~(eb) General.~~ Residential compound development shall be reviewed as a minor subdivision in accordance with provisions of [chapter 32](#).

~~(dc) Use limitations and dimension requirements.~~

~~(1) A compound shall include not more than three single-family dwelling units, having One or more lots within the compound shall have at least 50 feet of road frontage if that lot or those lots was or were a preexisting lot(s) of record on July 1, 1967. If a lot or lots was or were created after July 1, 1967, 300 feet of road frontage on a public or private road or roads shall be required. frontage in common on a public road and sharing a A shared driveway shall be held in common. Two additional units that meet the definition of LMI may be added for a total of five units on the same type of lot within the compound.~~

(2) Restrictive covenants shall prohibit further division of land within the compound.

(3) The only permitted use shall be single-family residential and uses customarily accessory to residences.

(4) The minimum lot size for consideration shall be 30 acres.



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

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

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

**ARTICLE VI. – SUPPLEMENTARY REGULATIONS**  
**Sec. 38-276 – Lots divided by zoning district boundary.**

- Sec. 38-276 – Lots divided by zoning district boundary shall be removed. The section shall be replaced by standards currently listed in the notes of Sec. 38-191.

**Sec. 38-276. – ~~Lots divided by zoning district boundary.~~ Standards for fruit/vegetable stands.**

Where a lot is divided by a zoning district boundary, the regulations for either district shall apply (at the option of the owner of the lot) except that no district shall, in effect, be extended more than 50 feet into an adjoining district.

(Ord. of 6-23-1994, art. VI, § 5)

1. Must occupy the same lot as the residence of the owner.
2. Building not to exceed 1,000 square feet. Requires review pursuant to Sec. 38-395.



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. 38-391 – Site plan for residential compounds.

- Sec. 38-391 – Site plan for residential compounds shall be amended to clarify how a Residential compound application is reviewed.

This section is reserved. Shall be reviewed as a minor subdivision. See Sec. 38-356(c) for review requirements and Sec. 32-161(2) for site plan requirements.



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. 38-390 – Site plan for accessory ~~nonfamily~~ dwelling units.**

- Sec. 38-390 – Site plan for accessory dwelling units shall be amended to clarify the site plan requirements for such use.

This section is reserved. A site plan for accessory dwelling units shall be submitted according to the standards required for a residential building permit. Review shall be conducted by the building official following the issuance of a zoning certificate by the zoning-enforcement officer. OWTS systems shall be upgraded to meet the requirements for bedrooms if necessary based on a system suitability determination (SSD). An accessory dwelling unit may take various forms including but not limited to: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled primary dwelling.

Accessory dwelling units shall be permitted pursuant to Sec. 38-282, RIGL 45-24-31 and 45-24-73(a).



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**

**DIVISION 2. – DESCRIPTION OF USES**

**Sec. 38-191. – Table of uses.**

- Sec. 38-191 of the Foster Code of Ordinances in Chapter 38: Zoning is hereby amended as follows:

	<i>Wholesale Business and Storage</i>	AR	NC	GBM	MI	R-SC	M
1.	Wholesale business and storage of non-flammable and non-explosive material in a building	O	O	X	X	O	O
2.	Open lot storage of building materials and machinery, etc.	S <sup>3</sup>	O	O	S <sup>3</sup>	O	O

Formatted Table

3.	Storage of flammable or explosive materials above ground (other than for normal home heating fuel use, not to exceed 1,000 gallons) Amended 9/21/95	O	O	O	S	O	O
4.	Open storage of solid fuel (other than wood), sand and gravel	S <sup>3</sup>	O	O	S <sup>3</sup>	O	O
5.	Storage of flammable or explosive materials on-site, above or underground	O	S	S	S	O	O
6.	Retail Outlet for wholesale or storage	O	O	S	X	O	O
7.	<u>Enclosed storage of equipment and materials used for purposes including, but not limited to, landscaping, agriculture, construction, and woodworking. Keeping of animals strictly prohibited by this use.</u>	X	X	X	X	X	X