

**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~~ revised as amended on April 23, 1992 October 27, 2022, and for the following purposes:

- (1) Promote~~ing~~ the public health, safety and general welfare of the town.
- (2) Provide~~ing~~ 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~~ing~~ 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~~su~~re 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 (20102022) 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.

(Ord. of 6-23-1994, art. I; Ord. of 8-23-2024)

**State Law reference**— Zoning ordinance to contain a statement of purpose, G.L. 1956, § 45-24-34. 45-24-30. General purposes of zoning ordinances; 45-24-34. General provisions — Purpose and consistency with comprehensive plan.

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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 I. – IN GENERAL**

**Sec. 38-2. - Definitions.**

- Sec. 38-2 – Definitions shall be amended as follows to meet RIGL:

The following Where words, or terms and phrases, when used in this chapter are defined in § 45-22.2-4 or 45-23-32, shall they have the meanings stated in that section. In addition, the following words shall have the following meanings. Additional words and phrases may be used in developing local ordinances under this chapter; however, the words and phrases defined in this section are controlling in all local ordinances created under this chapter; ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Abutter. means aOne whose property abuts, that is, adjoins at a border, boundary or point with no intervening land.

(2) Accessory dwelling unit (ADU). A residential living unit on the same parcel where the primary use is a legally established single-unit or multi-unit dwelling. An ADU provides complete independent living facilities for one or more persons. It 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.

(3) Accessory family dwelling unit. means aAn accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress or egress.

(4) Accessory use. means a use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use may be restricted to the same lot as the principal use. An accessory use shall not be permitted without the principal use to which it is related. Examples: a garage accessory to a house on the residential lot, a repair shop in an auto sales agency and a parking lot serving a drugstore, and a barn accessory to a house.

(5) Aggrieved party. means An aggrieved party, for purposes of this chapter, shall be:

(i) Any person, or persons, or entities, who or that can demonstrate that their-his, her, or its property will be injured by a decision of any officer or agency responsible for administering this chapter; or

(ii) Anyone requiring notice pursuant to this chapter.

(6) Agricultural land. means “Agricultural land,” as defined in G.L. 1956, § 45-22.2-4.

(7) Airport hazard area. means “Airport hazard area,” as defined in G.L. 1956, § 1-3-2.

(8) Applicant, means a/an owner, or authorized agent of the owner, submitting an application or appealing an action of any official, board or agency.

(9) Billboard, means a/any sign or advertising device, freestanding or located on a building or wall, which is not related to a use on the premises.

(10) Buffer, means ~~H~~and ~~which-that~~ is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

(11) Building, means a/any structure used or intended for supporting or sheltering any use or occupancy.

(12) Building envelope, means ~~t~~The three-dimensional space within which a structure is permitted to be built on a lot and ~~which-that~~ is defined by regulations governing building setbacks, maximum height and bulk; by other regulations; ~~and/or~~ or by any combination thereof.

(13) Building height, ~~means the vertical distance from grade in conformance with the state building code, to the top of the highest point of the roof or structure. For a vacant parcel of land, building height shall be measured from the average, existing-grade elevation where the foundation of the structure is proposed. For an existing structure, building height shall be measured from average grade taken from the outermost four (4) corners of the existing foundation. In all cases, building height shall be measured to the top of the highest point of the existing or proposed roof or structure. This distance shall exclude spires, chimneys, flag poles, and the like. For any property or structure located in a special flood hazard area, as shown on the official FEMA Flood Insurance Rate Maps (FIRMs), or depicted on the Rhode Island coastal resources management council (CRMC) suggested design elevation three foot (3') sea level rise (CRMC SDE 3 SLR) map as being inundated during a one-hundred-year (100) storm, the greater of the following amounts, expressed in feet, shall be excluded from the building height calculation:~~

(i) The base flood elevation on the FEMA FIRM plus up to five feet (5') of any utilized or proposed freeboard, less the average existing grade elevation; or

(ii) The suggested design elevation as depicted on the CRMC SDE 3 SLR map during a one-hundred-year (100) storm, less the average existing grade elevation. CRMC shall reevaluate the appropriate suggested design elevation map for the exclusion every ten (10) years, or as otherwise necessary.

(14) Cluster, means a/ site-planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and/or preservation of environmentally, historically, culturally or other sensitive features and/or structures. The techniques used to concentrate buildings shall be specified in this chapter and may include, but are not limited to, reduction in lot areas, setback requirements and/or bulk requirements, with the resultant open land being devoted by deed restrictions for one or more uses. Under cluster development, there is no increase in the number of lots that would be permitted under conventional development except where chapter provisions include incentive bonuses for certain types or conditions of development. ~~(Reserved for future development)~~

(15) Collocation, means ~~t~~The use of a common tower by two or more license holders or by one license holder for more than one type of communications technology.

(16) Common ownership, means ~~e~~either:

(1) Ownership by one or more individuals or entities in any form of ownership of two (2) or more contiguous lots; or

(2ii) Ownership by an association (such ownership may also include a municipality) of one or more lots under specific development techniques.

(17) *Communications tower*, means a freestanding structure used for the location of one or more communications antenna arrays. It may also include an equipment shelter as an accessory use.

(18) *Community residence*, The definition for community residence was recommended by the Planning Board on 6/7/2023. It will be heard by the Council on 8/10 and voted on at a future meeting.

(19) *Compassion center*, aAs defined in G.L. § 21-28.6-3, is a not-for-profit entity registered under G.L. § 21-28.6-12 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies or dispenses marijuana and/or related supplies and educational materials, to patient cardholders and/or their registered caregiver cardholder or authorized purchaser.

(20) *Comprehensive plan*, means the comprehensive plan adopted and approved pursuant to G.L. 1956, § 45-22.2-1 et seq. and to which any zoning adopted pursuant to this chapter shall be in compliance.

(21) *Customary home occupation*, means any occupation which may normally be carried on in a residence by the occupant without the provision of normal business or industrial equipment and displays except for simple tools and machinery designed for home use. Such a use requires no structural alteration to the residence and does not create a nuisance to neighboring dwellings. Such home occupations may include, but are not limited to, knitting, sewing, cooking, handcrafts, artist, dressmaker, teacher, author, lawyer, architect, accountant, or consultant.

(22) *Day care*, ~~Day-care center~~, means any other day care center which is not a family day-care home.

(23) *Day care*, ~~family day-care home~~, The definition for Day care — Family daycare home was recommended by the Planning Board on 6/7/2023. It will be heard by the Council on 8/10 and voted on at a future meeting.

(24) *Density, residential*, means the number of dwelling units per unit of land.

(25) *Development*, means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; any change in use or alteration or extension of the use of land.

(26) *Development plan review*, means the process whereby authorized local officials review the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of this chapter.

(27) *District*. See "~~Zoning~~ use district."

(28) *Drainage system*, means a system for the removal of water from land by drains, grading, or other appropriate means. These techniques may include runoff controls to minimize erosion and sedimentation during and after construction or development; the means for preserving surface water and groundwaters; and the prevention and/or alleviation of flooding.

(29) *Dump*, means a place or facility for disposing discarded materials, such as trash, garbage or junk, as generated by residential, institutional, commercial, industrial and agricultural sources.

(30) *Dwelling unit*, means a structure, or portion thereof of a structure, 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.

(31) *Equipment shelter*, means an enclosed structure, cabinet, shed or box used in as an accessory to a communications antenna array to house electrical equipment, batteries and emergency electrical generators, directly related to such antenna array. No other uses, including storage, shall be permitted in any equipment shelter.

(32) *Extractive industry*, means the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

(33) *FAA*, means the Federal Aviation Administration.

(34) *Family member*, means a person, or persons, related by blood, marriage, or other legal means, including, but not limited to, a child, parent, spouse, mother-in-law, father-in-law, grandparents, grandchildren, domestic partner, sibling, care recipient, or member of the household. See also *Household*.

(35) *FCC*, means the Federal Communications Commission.

(36) *Floating zone*, means an unmapped zoning district adopted within this chapter which that is established on the zoning map only when an application for development, meeting the zone requirements, is approved.

(37) *Floodplains, or flood hazard area*, means as defined in G.L. 1956, § 45-22.2-4.

(38) *Freeboard*. A factor of safety expressed in feet above the base flood elevation of a flood hazard area for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

(39) *Front yard*, means the area between a road line and a line parallel thereto drawn through the nearest point of a structure, extending between side lot lines.

(40) *Garbage*, means any animal or vegetable waste.

(41) *General business—Mixed use development*, is a planned, coordinated development of a single tract or tracts of land with one or more buildings for a variety of uses. These may include retail, service, office and related activities, and residential and municipal uses. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with particular attention given to on-site vehicular circulation, parking, utility needs, building design and location, and open space. The project is developed or controlled by a single proprietary entity and has an enforceable master plan and/or covenants, conditions and restrictions. The development may consist of one or more parcels, condominium, various forms of residential ownership, or a combination thereof and may contain public or private roads, or a combination thereof.

(42) *Groundwater*. "Groundwater" and associated terms, shall mean as defined in G.L. 1956, § 46-13.1-3.

(43) *Halfway house*. ~~means a~~ residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

(44) *Hardship*. See ~~G.L. 1956~~, § 45-24-41.

~~(45) Height, when referring to a tower or other structure, means the distance measured from the ground level to the highest point on the tower or other structure, even if the said highest point is an antenna.~~

(45) *Historic district or historic site*. ~~means a~~s defined in ~~G.L. 1956~~, § 45-22.2-4.

(46) *Home occupation*. ~~means a~~ny activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit. ~~Examples include, but are not limited to, small engine repair shop, weaving, book binding and chair caning.~~

(47) *Household*. ~~means o~~ne or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

(i) A family, which may also include servants and employees living with the family; or

(ii) ~~a~~ person or group of unrelated persons living together, not to exceed five.

(48) *Incentive zoning*. ~~means t~~he process whereby the local authority may grant additional development capacity in exchange for developer's provision of a public benefit or amenity as specified in local ordinances.

(49) *Infrastructure*. ~~means f~~acilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

(50) *Land-development project*. ~~means a~~ project in which one or more lots, tracts, or parcels of land are ~~to be~~ developed or redeveloped as a coordinated site for ~~a complex of one or more~~ uses, units, or structures, including, but not limited to, planned development ~~and~~ or cluster development for residential, commercial, institutional, recreational, open space, ~~and~~ or mixed uses as may be provided for in this chapter.

(51) *Licensed cultivator*. ~~means a~~ person as identified in ~~G.L.~~ § 43-3-6, who has been licensed by the department of business regulation to cultivate marijuana pursuant to ~~G.L.~~ § 21-28.6-16.

(52) *Licensed nonresidential cooperative cultivation*. ~~means t~~wo or more cardholders who cooperatively cultivate marijuana in nonresidential locations subject to the requirements set forth in ~~G.L.~~ § 21-28.6-14.

(53) *Licensed residential cooperative cultivation*. ~~means t~~wo or more cardholders who cooperatively cultivate marijuana in residential locations subject to the requirements set forth in ~~G.L.~~ § 21-28.6-14. This excludes, per department of business regulation, the situations of two or more qualifying patient or primary caregiver cardholder(s) who are primary residents of the same dwelling.

~~(54) Lodging or guest home~~ *Short term rental structure*. ~~means a~~ structure devoted to the leasing of three or more rooms or suites, such suites usually consisting of a single room with common sanitary and dining facilities.

(55) Lot. means eEither:

(4i) The basic development unit for determination of lot area, depth, and other dimensional regulations; or

(2ii) A parcel of land ~~the whose~~ boundaries ~~of which~~ have been established by some legal instrument, such as a recorded deed or recorded map, and ~~which that~~ is recognized as a separate legal entity for purposes of transfer of title.

(56) Lot area. means tThe total area within the boundaries of a lot, excluding any road right-of-way, usually reported in acres or square feet.

(57) Lot area, minimum. The smallest land area established by this chapter upon which a use, building, or structure may be located in a particular zoning district.

(58) Lot building coverage. means tThat portion of the lot that is, or may be, covered by buildings and accessory buildings.

(59) Lot depth. means tThe distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

(60) Lot frontage. means tThat ~~contiguous~~ portion of a lot abutting a road street. Noncontiguous frontage shall not be included when considering whether a lot meets the dimensional requirements of [section 38-192](#).

(61) Lot line. means aA line of record, bounding a lot, ~~which that~~ divides one lot from another lot or from a public or private road street or any other public or private space and shall include:

(4i) Front: means the lot line separating a lot from a ~~road street~~ right-of-way. The front lot line on lots fronting on more than one road shall conform to [section 38-273](#).

(2ii) Rear: means the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, an assumed line at least ten feet ~~(10')~~ in length entirely within the lot, parallel to and at a maximum distance from the front lot line; ~~and~~.

(3iii) Side: means any lot line other than a front or rear lot line. On a corner lot, a side lot line is a road lot line.

(62) Lot of record. means a A parcel of land recorded by deed or recorded plat in the office of the town clerk.

(63) Lot size, minimum. Shall have the same meaning as "minimum lot area" defined herein.

(64) Lot, corner. A lot which fronts upon two (2) roads, those roads intersecting, and not being parallel.

(65) Lot, through. means a A lot which fronts upon two (2) parallel roads streets, or ~~which that~~ fronts upon two (2) ~~roads which streets that~~ do not intersect at the boundaries of the lot. ~~At least one lot frontage shall meet minimum zoning requirements for the district.~~

(66) Lot width. means tThe horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.



(67) Low- or moderate-income (LMI) housing, means aAny housing whether built or operated by any public agency or any nonprofit organization or by any limited equity housing cooperative or any private developer, that is subsidized by a federal, state, or municipal government subsidy under any program to assist the construction or rehabilitation of housing affordable to low- or moderate income households, as defined in the applicable federal or state statute, or local ordinance and that will remain affordable through a land lease and/or deed restriction for ninety-nine (99) years or such other period that is either agreed to by the applicant and town or prescribed by the federal, state, or municipal government subsidy program but that is not less than thirty (30) years from initial occupancy.

(68) Medical marijuana emporium, means aAny establishment, or club, whether for-profit or nonprofit, or any commercial unit or other premises at which the distribution, transfer or use of medical marijuana or medical marijuana products is proposed and/or occurs to, by or among registered patients, registered caregivers, authorized purchaser cardholders. This shall not include a compassion center or licensed cultivator regulated and licensed by the department of business regulation.

(69) Mere inconvenience. See ~~G.L. 1956,~~ § 45-24-41.

(70) Mixed use, means a ~~land use where more than one classification mixture of land uses (residential, commercial, recreational) is permitted within a zoning district and is combined on within~~ a single development, building, or tract, or tracts of land, or within a single structure.

(71) Modification. ~~Permission granted and administered by the zoning enforcement officer of the city or town, and pursuant to the provisions of this chapter to grant a dimensional variance other than lot area requirements from the zoning ordinance to a limited degree as determined by the zoning ordinance of the city or town, but not to exceed twenty-five percent (25%) of each of the applicable dimensional requirements.~~

(72) Multi-family dwelling for LMI housing, means a structure containing up to four units with a maximum of eight bedrooms total for the structure for housing subject to a comprehensive permit pursuant to section 38-281.

(73) Nonconformance, means a building, structure, or parcel of land, or use thereof, lawfully existing at the time of the adoption or amendment of a zoning ordinance and not in conformity with the provisions of ~~such that~~ ordinance or amendment. Nonconformance ~~shall be is~~ of only two (2) types:

(1) Nonconforming by use: a lawfully established use of land, building or structure ~~which that is~~ not a permitted use in that zoning district. A building or structure containing more dwelling units than are permitted by the use regulations of a zoning ordinance ~~shall be is~~ nonconforming~~ty~~ by use; or

(2) Nonconforming by dimension: a building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter. Dimensional regulations include all regulations of this chapter, other than those pertaining to the permitted uses. A building or structure containing more dwelling units than are permitted by the use regulations of this chapter ~~shall be is~~ nonconforming by use; a building or structure containing a permitted number of dwelling units by the use regulations of this chapter, but not meeting the lot area per dwelling unit regulations, ~~shall be is~~ nonconforming by dimension.

(74) Overlay district, means a district established in this chapter that is superimposed on one or more districts or parts of districts. The standards and requirements associated with an overlay district may be more or less restrictive than those in the underlying districts consistent with other applicable state and

~~federal laws and that imposes specified requirements in addition to, but not less than, those otherwise applicable for the underlying zone.~~

~~(75) Performance standards, means a~~ set of criteria or limits relating to elements ~~which that~~ a particular use or process ~~either~~ must ~~either~~ meet or may not exceed.

~~(76) Permitted use, means a~~ use by right ~~which that~~ is specifically authorized in a particular zoning district.

~~(77) Piggery, means a~~ Any lot, structure or farm where garbage collected from off the premises is fed to pigs.

~~(78) Planned development, means a~~ "land-development project" ~~as defined in subsection (38), and~~ developed according to plan as a single entity and containing one or more structures ~~and/or~~ uses with appurtenant common areas.

~~(79) Plant agriculture. The growing of plants for food or fiber, to sell or consume.~~

~~(80) Preapplication conference, means a~~ review meeting of a proposed development held between applicants and reviewing agencies as permitted by law and municipal ordinance, before formal submission of an application for a permit or for development approval.

~~(81) Preexisting towers and antennas, means a~~ Towers and antennas built and/or mounted before March 5, 1998.

~~(82) Professional office, means a~~ An office used primarily for conduct of ~~the following~~ occupations ~~including, but, not limited to~~; licensed medical practitioner, attorney, accountant, architect, surveyor or engineer.

~~(83) Rear yard, means a~~ The area between a rear lot line and a line parallel thereto drawn through the nearest point of a structure, extending between side lot lines.

~~(84) Recreational events and amusements (open), means a~~ Outdoor recreational uses that are temporary and characteristic of the town and cause minimal noise, traffic and inconvenience to neighboring properties. Examples are; horse shows and art shows. Any event following within the scope of ~~G.L. 1956,~~ § 5-22-1 et. seq. shall also receive approval from the town council, subject to any terms and conditions imposed by the council pursuant thereto.

~~(85) Residential caregiver cultivation, is a~~ primary caregiver as defined in ~~G.L.~~ § 21-28.6-3 who elects to grow marijuana at their residence in accordance with the regulations as set forth in ~~G.L.~~ § 21-28.6-4.

~~(86) Residential personal cultivation, means a~~ Marijuana cultivation by a single registered cardholder, as defined in ~~G.L.~~ § 21-28.6-3, within his or her residential dwelling for medical use only, in accordance with the regulations set forth in ~~G.L.~~ § 21-28.6-4.

~~(87) Road, means a~~ public highway of the town or the state, or a road within a subdivision approved by the planning board in accordance with [chapter 32](#), the town subdivision regulations.

~~(88) Road line, means a~~ lot line separating a lot from an adjacent road.

(89) *Setback line or lines*, means ~~a~~A line, or lines, parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

(90) *Side yard*, means ~~t~~The area between a side lot line and a line parallel thereto drawn through the nearest point of a structure, extending from the front yard to the rear yard, or if there is no rear yard, to the rear lot line.

(91) *Site plan*, means ~~t~~The development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

(92) *Special use*, means ~~a~~A regulated use which is permitted pursuant to the special-use permit issued by the authorized governmental entity, pursuant to ~~G.L.~~G.L. 1956, § 45-24-42; formerly referred to as a special exception.

(93) *Structure*, means ~~a~~Anything constructed which requires location on or attachment to the ground; and includes buildings, but does not include paving and planting combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

(94) *Substandard lot of record*, means ~~a~~Any lot lawfully existing at the time of adoption or amendment of this chapter and not in conformance with the dimensional ~~and~~or area provisions of this chapter.

(95) *Use*, means ~~t~~The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

(96) *Variance*, means ~~p~~Permission to depart from the literal requirements of this chapter. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, ~~which that~~ is prohibited by this chapter. There shall be only two (2) categories of variance, a use variance or a dimensional variance.

(1i) *Use variance*, means ~~p~~Permission to depart from the use requirements of this chapter where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this chapter.

(2ii) *Dimensional variance*, means ~~p~~Permission to depart from the dimensional requirements of this chapter, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. ~~However, t~~However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted ~~shall not be~~are not grounds for relief.

(97) *Waters*, means ~~a~~As defined in ~~G.L. 1956,~~G.L. 1956, § 46-12-1(23).

(98) *Wetland, coastal*, means ~~a~~As defined in ~~G.L. 1956,~~G.L. 1956, § 45-22.2-4.

(99) *Wetland, freshwater*, means ~~a~~As defined in ~~G.L. 1956,~~G.L. 1956, § 45-22.2-42-1-20.

(100) *Zoning certificate*, means ~~a~~A document signed by the zoning ~~enforcement~~enforcement official, as required in this chapter, ~~which that~~ acknowledges that a use, structure, building, or lot either complies with, or is legally nonconforming to, the provisions of; the municipal zoning ordinance; or is an authorized variance or modification therefrom.

~~(101) Zoning map. means—~~The map, ~~or maps,~~ ~~which that~~ are a part of this chapter and ~~which that~~ delineate the boundaries of all mapped zoning districts within the physical boundary of the town.

~~(102) Zoning official. The town planner.~~

~~(103) Zoning-enforcement officer. The town’s building official.~~

~~(104) Zoning ordinance. means—~~An ordinance enacted by the legislative body of the town pursuant to ~~G.L. 1956,~~ § 45-24-1 et seq. and in the manner providing for the adoption of ordinances in the town’s ~~legislative or Home Rule Charter,~~ if any, ~~which sets forth that establish~~ regulations and standards relating to the nature and extent of uses of land and structures; ~~;~~ ~~which that~~ is consistent with the comprehensive plan of the town as defined in ~~G.L. 1956,~~ § 45-22.2-1 et seq.; ~~which that~~ includes a zoning map; ~~;~~ and ~~which that~~ complies with the provisions of this chapter.

~~(105) Zoning-use districts. means—~~The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations is for a specified use. ~~The Zoning-use districts include,~~ but are not limited to: agricultural, commercial, industrial, institutional, open space and residential. Each district may include sub-districts. Districts may be combined.

(Ord. of 6-23-1994, art. II; Ord. of 3-5-1998; Ord. of 10-8-2009, Pt. 1(A); Ord. of 9-9-2010; Ord. of ~~2-28-2019(1)~~ ~~Ord. of 8-24-23~~)

**Cross reference—** Definitions ~~generally and rules of construction, § 1-2.~~

**State Law reference—** ~~Similar definitions, G.L. 1956; Definitions, § 45-24-31; definitions to be provided in zoning ordinance, G.L. 1956; General provisions – Definitions, § 45-24-35.~~

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**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.* A zoning official 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.

(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 officialer within that time, the requesting party shall have the right to appeal to the zoning board of review for the determination. The zoning-enforcement officialer shall issue the following copies of each certificate: the applicant, zoning board of review, town council, town planner and town clerk. No certificate may be issued by the zoning-enforcement officialer for any use not specifically permitted in this chapter, except where the zoning-enforcement officialer 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.

(Ord. of 6-23-1994, art. XI, § 1; Ord. of 8-24-2023)

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**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 2. – ZONING BOARD OF REVIEW**  
**Sec. 38-63. – Powers and duties.**

- Sec. 38-63 – Powers and duties shall be amended as follows to match the amendments to the definition section:

The zoning board of review shall have the powers set forth as follows:

(1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning-enforcement officialer in the enforcement of this chapter. 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 from whom the appeal was taken.

(2) Authorize, upon application, 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) Authorize upon application in specific cases of hardship a variance according 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.

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

(Ord. of 6-23-1994, art. XI, § 3C.; Ord. of 8-24-2023)

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**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 III. – ZONING DISTRICTS**

**Sec. 38-131. – Division of town into; enumeration.**

- Sec. 38-131 – Division of town into; enumeration shall be amended as follows to account for the amendments to the zoning map.

For the purposes of this chapter, the town is divided into zoning use districts designated and described as follows:

(1) ~~AR agricultural/residential.~~ This AR agricultural/residential district is characterized by a mixture of low density residential and farming uses with certain light industrial uses requiring special-use permits. This AR district is designed to help preserve the rural character of the town, to regulate the development of the town so that the tax base will be adequate to support necessary public expenditures, to protect land now used for agriculture and forestry from haphazard encroachment and to safeguard the health, safety and welfare of the residents of the district. Additionally, the AR district promotes the establishment of new senior citizen group dwellings. These dwellings are promoted to be located on large parcels of land dispersed throughout the town and particularly suitable for this purpose by reason of land use capability; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to permit the formation of senior citizen living facilities within the town only as the need for such housing can be clearly demonstrated; to permit the formation of single developments geographically spread according to established population centers in the town.

~~(2) NC neighborhood/commercial. This NC neighborhood/commercial district is characterized by establishments providing retail goods, such as groceries and drugs, and furnishing certain personal services. The NC district is designed to provide convenient local shopping services and to promote public safety to both pedestrian and vehicular traffic.~~

~~(3) GBM – General business – Mixed use.~~ This district is characterized by commercial establishments on small lots that serve town-wide shopping and service needs, such as retail businesses, offices, and restaurants. This district may also include compatible residential ~~and municipal~~ uses. It is designed to encourage planned development and/or cluster development resulting in a sustainable and attractive commercial environment for the community.

~~(4) MI manufacturing/industrial. This MI manufacturing/industrial district is characterized by manufacturing and industrial uses, conveniently located to major highways and suitable for industrial development. This MI district is designed to provide sufficient land area to attract industry and afford it room for expansion, to prevent an unsafe mixture of industrial and residential uses and to protect residential and commercial districts.~~

~~(5) R-SC residential/senior citizen. This R-SC residential/senior citizen district is to promote the establishment of new housing developments particularly suited for senior citizens; to promote the use of large parcels of land dispersed throughout the town and particularly suitable for this purpose by reason of land use capability; to facilitate a more economic arrangement of buildings, common facilities, a vehicular circulation and utilities within the boundaries of a senior citizens development; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to permit the formation of such R-SC residential/senior citizens districts within the town only as the need for such housing can be clearly demonstrated; to permit the formation of single developments geographically spread according to established population centers in the town.~~

(63) M municipal. This M municipal district is the town center where the town clerk's office, the town house, the town hall, the police station, the highway department and the other municipal uses are located.

~~(4) HC2 Highway Commercial. This district is characterized by commercial establishments on large lots. The HC2 district promotes uses including but not limited to: manufacturing, industrial, storage, and retail. This district may also include compatible residential and municipal uses. It is designed to encourage planned development and/or cluster development resulting in a sustainable and attractive commercial environment for the community. Additionally, the AR district promotes the establishment of new senior citizen group dwellings. These dwellings are promoted to be located on large parcels of land dispersed throughout the town and particularly suitable for this purpose by reason of land use capability; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to permit the formation of senior citizen living facilities within the town only as the need for such housing can be clearly demonstrated; to permit the formation of single developments geographically spread according to established population centers in the town.~~

(Ord. of 6-23-1994, art. III, § 6; Ord. of 9-9-2010; Ord. of 8-24-2023)

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**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 III. – ZONING DISTRICTS**

**Sec. 38-132. – Official zoning map.**

- ~~Sec. 38-132 – Official zoning map shall be removed. The official zoning map has been amended and is proposed, separately, to be added as an attachment to the zoning ordinance. Secs. 38-133 – 38-165. – Reserved shall be amended to reserve Secs. 38-132-38-165~~

**~~Sec. 38-132. – Official zoning map.~~**

The boundaries of the zoning districts are hereby established as shown on a map, entitled "Town of Foster Zoning Map," filed at the office of the town clerk.

*Zoning Amendments, Addendum to Map, as of Sept. 9, 2010  
Route 6 Zoning Upgrade  
List by Plat and Lot*

Plat	Lot	Owner(s)	Current Zone	Current Use	Proposed
10	0020	NW Health	HC	Vacant Commer.	GBM
10	0021	BW Investments	HC	Mixed Use	GBM
10	0022	Carnevale	HC/AR	Vacant Land	AR
10	022A	Geneveux	HC/AR	Residence	AR
10	0023	Soucie	HC/AR	Residence	AR
10	0024	Colwell	HC	Mixed Use	GBM
10	0025	Paolissi	HC/AR	Vacant	AR
10	025A	Baseline	HC	Commercial	GBM
10	025B	Q Bar	HC/AR	Commercial	GBM
10	0026	Olivo	HC/AR	Residence	AR
10	026A	RP Investments	HC	Commercial	GBM
10	027A	Nary	HC/AR	Residence	AR
10	0028	Lucas	HC/AR	Vacant Land	AR
10	028A	Provost	HC/AR	Residence	AR
10	0031	Rogers	HC/AR	Residence (3)	AR
10	0032	LF Assocs.	HC	Commercial	GBM
10	0033	Smith	HC/AR	Commercial	GBM
10	0034	Eliades	HC/AR	Commercial	GBM
10	0035	Tucker	HC/AR	Commercial	AR
10	0036	Lindsay	HC/AR	Commercial	GBM
10	0037	Rogers	HC/AR	Commercial	GBM
10	037A	Gabriele	HC/AR	Commercial	GBM
10	0038	Oexner	HC/AR	Residence	AR
10	038A	Oexner	HC/AR	Residence	AR
<b>South Side of Route 6</b>					
10	0008	Vento	HC	Other Use	HC
10	0088	Shepperd	HC/AR	Mixed Use	GBM
10	0087	Cedar	HC/AR	Commercial (V)	GBM
10	0086	Alwar	HC	Commercial	GBM
10	0085	Churko	HC	Commercial (V)	GBM
10	0054	Tacelli	HC/AR	Residence	AR
10	0083	Notar/Tacelli	HC/AR	Vacant Land	AR
10	0082	Hayes	HC/AR	Wetlands (V)	AR
10	0081	Butola	HC/AR	Commercial	GBM
10	0079	Brayton	HC/AR	Trailer/Comm	GBM
10	0078	Mosher	HC/AR	Mixed Use	GBM
10	0047	Magee	HC/AR	Residence	AR
10	0046	Amato	HC/AR	Residence	AR



10	0045	Ranta	HC/AR	Residence	AR
10	0044	Meentee	HC/AR	Residence	AR
10	0043	CLM/Realty	HC/AR	Vacant Land	GBM
10	0042	Wolf	AR	Vacant Land	AR
South Side of Route 6					
11	022A1	Moretti	HC/AR	Residence	AR
11	0022	Martucci	HC/AR	Mixed-Use	GBM
11	021B	Albanese	HC/AR	Residence	AR
11	021A	Perry	HC	Residence	AR
11	0020	Gabriele	HC	Commercial	GBM
11	019B	Gabriele	HC	Commercial	GBM
11	0019	Gabriele	HC	Residence	AR
North Side of Route 6					
13	0026	Town	HC/AR	Vacant-Taxes	AR
13	0027	Costantino	HC/AR	Residence	AR
13	0028	Campbell	HC	Commercial	GBM
13	029A	Marandola	HC	Residence (2)	AR
13	0029	Smith	HC	Mixed-Use	GBM
13	0024	Mihalides	HC/AR	Mixed-Use	GBM
13	0025	Der Manquelian	HC/AR	Vacant Land	AR
North Side of Route 6					
14	0001	Zelano	HC/AR	Vacant	AR
14	002A	Nw Health	HC/AR	Commercial	GBM
14	0002	Cournoyer	HC/AR	Residence	AR
14	002B	SBC Tower	HC/AR	Commercial	GBM
14	0003	Bouvier	HC/AR	Residence	AR
14	003A	Paolucci	HC/AR	Vacant	AR
14	0017	Tally	NC/AR	Residence	AR
14	0017	Vaz	NC	Residence	AR
14	0019	St. Paul's Rect.	NC/AR	Church	GBM
14	019C	St. Paul's Church	HC/AR	Church	GBM
14	019A	Prov. Dios	HC/AR	Church	GBM
14	019B	5-F	HC/AR	Commercial	GBM
14	0086	Nickerson	AR	Residence	AR
14	0087	Jones	AR	Residence	AR
14	0088	Hanlon	AR	Residence	AR
14	0089	Kurezap	AR	Residence	AR
14	0090	Kent	AR	Residence	AR
14	090A	Benson	AR	Residence	AR
14	0091	Fulli	AR	Residence	AR
14	0092	Plouffe	AR	Residence	AR
14	0093	Spicer	AR	Residence	AR
South Side of Route 6					
14	0119	Gentile	HC	Residence	AR
14	0118	Pintree Gun	HC	Vacant Land	AR
14	0117	Green Acres	HC	Vacant Land	AR
14	0116	Stockwell	HC	Residence	AR
14	0115	Brayton	HC/AR	Residence	AR
14	0114	Pagio	HC	Residence	AR

14	0113	Richards	HC	Residence	AR
14	0112	Morgan	HC	Residence	AR
14	0111	Reuter	HC	Residence	AR
14	0110	Wahtera	HC/AR	Residence	AR
14	0109	Gerold	HC/AR	Residence	AR
14	0107	Young	HC	Commercial	GBM
14	0106	Lovelace	HC	Residence	AR
14	0105	ACD Develop.	HC/AR	Commercial	GBM
14	105F	Parente	HC/AR	Residence	AR
14	105D	Barken	AR	Residence	AR
14	0104	Goulet	AR	Residence	AR
14	102A	Di Bona	AR	Residence	AR
14	0102	Brayton	AR	Residence	AR
14	0101	Brayton	HC/AR	Mixed-Use	GBM
14	0100	Estman	AR	Commercial	GBM
14	0098	Jade	HC/AR	Commercial	GBM
14	0097	Clark	HC/AR	Commercial	GBM
14	0096	Walsh	HC/AR	Mixed-Use	GBM
14	0096A	Green Acres	HC/AR	Vacant Land	AR
<b>North Side of Route 6</b>					
21	001A	Jodoin	AR	Residence	AR
21	0001	Terry	AR	Residence	AR
21	0029	Priority	NC	Vacant	AR
21	0028	Wright	NC	Commercial	GBM
21	0027	Wright	NC	Comm.— Resid.	GBM
21	0026	Danielson	NC	Commercial	GBM
21	0025	Polouski	NC	Residence	AR
21	0023	Davis	AR	Residence	AR
21	0022	Costello	AR	Residence	AR
21	0021	Holmes	AR	Residence	AR
21	0020	Fracaretta	AR	Residence	AR
21	019A	Kenyon	AR	Residence	AR
21	0017	Whalen	AR	Residence	AR
<b>South Side of Route 6</b>					
21	0035	Petrone	NC/AR	Vacant	AR
21	035B	Vanner	NC/AR	Residence	AR
21	035A	Candelmo	AR	Residence	AR
21	0033	NTK Inter.	NC/AR	Commercial	GBM
21	0032	Carpenter	AR	Residence	AR
21	0031	Prov. Water	NC/AR	Utility/Vacant	GBM
21	0030	Whalen	AR	Vacant	AR

No changes were made to Plat 22.  
(Ord. of 6-23-1994, art. III, § 8; Ord. of 9-9-2010)

- **Secs. 38-133~~2~~—38-165. - 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 IV. – USES**

**Sec. 38-191. – Table of uses.**

- Sec. 38-191 – Table of uses shall be amended as follows to account for the amendments to the zoning map.

The uses in the various zoning districts are as follows:

		Districts						
		AR	<del>NC</del>	<del>GBM</del>	<del>M1</del>	<del>R-SC</del>	M	<u>HC2</u>
<b>Agricultural Uses</b>								
1.	Raising animals for home use	X	<del>X</del>	O	<del>X</del>	<del>Ø</del>	O	<u>X</u>
2.	Raising Animals for sale or for sale of animal products:							
	A. A maximum of 35 animals on five acres or less: five additional animals for each additional acre over five acres	X	<del>Ø</del>	O	<del>X</del>	<del>Ø</del>	O	<u>X</u>
	B. Animals exceeding the above, See <del>Article VI, Section 19.38-290</del> for Supplementary Regulations	S	<del>Ø</del>	O	<del>S</del>	<del>Ø</del>	O	<u>S</u>
3.	Raising crops and forest products	X	<del>X</del>	S	<del>X</del>	<del>Ø</del>	O	<u>X</u>
4.	Commercial nursery structures	S	<del>X</del>	X	<del>X</del>	<del>Ø</del>	O	<u>X</u>
5.	Sale of produce raised on the premises	X	<del>X</del>	X	<del>X</del>	<del>Ø</del>	O	<u>X</u>
6.	Poultry farm with capacity for more than 10,000 birds	S	<del>S</del>	O	<del>S</del>	<del>Ø</del>	O	<u>S</u>
7.	One 200 sq. ft. wooden building not less than 120 sq.	S	<del>S</del>	S	<del>S</del>	<del>Ø</del>	S	<u>S</u>

	ft. wooden building, not for the purpose of housing animals. The use would require a reapplication for a special-use permit every three years and the Building Official shall review the use of the building for compliance purposes.							
Residential Uses								
1.	Single-family detached dwelling	X	S	S	⊖	⊖	O	X
2.	Accessory family dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress or egress. (See section 38-282 for further requirements)	X	⊖	S	⊖	⊖	O	X
<del>3.</del>	<del>Residential cluster (reserved)</del>	=	=	=	=	=	=	=
4.	Residential compound	X	⊖	O	⊖	⊖	O	O
5.	Multi-family dwelling structure	S	S	S	⊖	⊖	O	S
6.	Community residences, and family daycare homes	X	S	SX	⊖	⊖	O	X
7.	<del>Lodging, guesthouse, Short term rental structure</del> or bed-and-breakfast	S	X	X	S	⊖	O	X
8.	Motel	O	S	X	S	⊖	O	X
9.	Hotel	O	X	X	S	⊖	O	X
10.	Customary home occupation (performed by the occupant and using no more than 200 sq. ft. of the area of one floor provided such activity shall not be visible from a lot line	X	X	X	X	⊖	O	X

	and that exterior advertising shall conform to the provisions of article VI)							
11.	Rest home or convalescent home	S	<del>S</del>	S	∅	∅	O	<u>S</u>
12.	Senior citizens group dwelling structure(s): Permitted <del>only</del> in the <del>R-SC AR and HC2</del> districts for the <del>exclusive</del> -use of senior citizens group housing. <del>No other residential, commercial, or industrial use shall be permitted in this district.</del> Refer to section 38-284.	<del>∅</del> <u>X</u>	∅	O	∅	<del>X</del>	O	<u>X</u>
Open Recreation Uses								
1.	Public playground or park	X	<del>X</del>	X	<del>X</del>	∅	S	<u>X</u>
2.	Bathing beach	X	<del>X</del>	<del>X</del> <u>O</u>	<del>X</del>	∅	O	<u>O</u>
3.	Golf course	X	∅	O	<del>X</del>	∅	O	<u>O</u>
4.	Camping area (licensed by town)	S	∅	O	<del>S</del>	∅	O	<u>S</u>
5.	Rod and gun clubs, rifle or pistol ranges	S	∅	O	∅	∅	O	<u>S</u>
6.	Open rec. events and amusements (license required by town council Ordinance No. 95-12-366)	<del>S</del> <u>X</u>	<del>S</del>	<del>S</del> <u>X</u>	<del>S</del>	<del>S</del>	X	<u>X</u>
Public and Semi-Public Uses								
1.	School or College	S	<del>X</del>	X	<del>X</del>	∅	O	<u>X</u>
2.	Religious institution other than church	S	∅	O	∅	∅	O	<u>X</u>
3.	Church	X	<del>X</del>	X	∅	∅	O	<u>O</u>
4.	Library, museum, etc.	X	<del>X</del>	X	<del>S</del>	∅	O	<u>X</u>
5.	Medical clinic	S	<del>S</del>	X	∅	∅	O	<u>X</u>
6.	Hospital	O	<del>S</del>	O	∅	∅	O	<u>S</u>

7.	Town of Foster government building	O	S	S	S	⊖	X	<u>S</u>
8.	State or federal government building of any kind	O	⊖	S	S	⊖	S	<u>S</u>
9.	Fire station or ambulance barn	X	×	X	×	⊖	X	<u>X</u>
10.	General purpose hall for recreation, social or other intermittent functions	S	×	X	×	⊖	O	<u>X</u>
11.	Cemetery	S	⊖	O	⊖	⊖	O	<u>O</u>
<del>12.</del>	<del>Day camps (no permanent residency permitted)</del>	S	⊖	⊖	⊖	⊖	⊖	<u>O</u>
Office Uses								
1.	Professional office in the home (for use by a resident of the premises)	X	×	X	×	⊖	O	<u>X</u>
2.	Bank or office building	O	×	X	×	⊖	O	<u>X</u>
3.	Real estate office	S	×	X	×	⊖	O	<u>X</u>
4.	Office for wholesale or manufacturing uses	O	S	X	×	⊖	O	<u>X</u>
Restaurants and Entertainment								
1.	Lunchroom or restaurant	S	×	X	×	⊖	O	<u>X</u>
2.	Tavern or night club	O	S	X	×	⊖	O	<u>X</u>
3.	Drive-in food or dairy bar	O	⊖	<u>SX</u>	⊖	⊖	O	<u>X</u>
4.	Theater or concert hall	O	S	X	⊖	⊖	O	<u>X</u>
5.	Indoor commercial recreation	O	S	X	S	⊖	O	<u>X</u>
6.	<del>Lunch room or c</del> Cafeteria (accessory to a permitted use and designated to serve the students, employees and patrons of the main use. Located entirely within the main building and with no exterior advertising)	X	×	X	×	⊖	O	<u>X</u>

7.	Microbrewery, attached to or maintained as part of a restaurant	S	<del>S</del>	S	<del>S</del>	<del>⊖</del>	O	<u>O</u>
Business								
1.	Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops	<del>S1</del>	<del>X</del>	X	<del>S</del>	<del>⊖</del>	O	<u>X</u>
2.	Antique shop, gift shop, florist shop, pet shop and similar specialty shops	<del>S1</del>	<del>X</del>	X	<del>S</del>	<del>⊖</del>	O	<u>X</u>
3.	Mortuary or funeral home	O	<del>S</del>	S	<del>S</del>	<del>⊖</del>	O	<u>S</u>
4.	Radio or television studio or transmission studio	O	<del>X</del>	X	<del>X</del>	<del>⊖</del>	O	<u>X</u>
5.	Drive-in theater	O	<del>⊖</del>	<u><del>S</del></u>	<del>S</del>	<del>⊖</del>	O	<u>X</u>
6.	Veterinary	X	<del>X</del>	X	<del>X</del>	<del>⊖</del>	O	<u>X</u>
7.	Caterer	O	<del>X</del>	X	<del>X</del>	<del>⊖</del>	O	<u>X</u>
8.	Gasoline filling station (no major repairing)	O	<del>S</del>	S	<del>S</del>	<del>⊖</del>	O	<u>S</u>
9.	General automotive repair	O	<del>S</del>	<u><del>S</del></u>	<del>X</del>	<del>⊖</del>	O	<u>X</u>
10.	Vehicle rental agency	O	<del>⊖</del>	X	<del>X</del>	<del>⊖</del>	O	<u>X</u>
11.	Building materials and supplies, grain and feed and similar stores	O	<del>X</del>	X	<del>X</del>	<del>⊖</del>	O	<u>X</u>
12.	Grocery, bakery, drug, hardware, variety and similar neighborhood stores	O	<del>X</del>	X	<del>X</del>	<del>⊖</del>	O	<u>X</u>
13.	Fruit and vegetable stand and grocery variety store <a href="#">(See Sec. 38-276.)</a>	<del>S1,2</del> <u>X</u>	<del>X</del>	X	<del>X</del>	<del>⊖</del>	O	<u>X</u>
14.	General merchandise, supermarket, department store, furniture store and household goods store (including storage up to 30% of the gross floor area)	O	<del>X</del>	X	<del>X</del>	<del>⊖</del>	O	<u>X</u>

15.	Auto or truck sales in a building (including repairs)	O	⊖	<u>SX</u>	×	⊖	O	<u>X</u>
16.	Auto or truck sales in an open lot	O	⊖	<u>SX</u>	×	⊖	O	<u>X</u>
17.	Retail sales in an open lot	O	S	<u>SX</u>	S	⊖	O	<u>X</u>
18.	Package store (alcoholic beverages)	O	×	X	×	⊖	O	<u>X</u>
19.	Medical Office Building situated on a US Highway (not to exceed 5,000 sq. ft. in area)	S	×	X	⊖	⊖	O	<u>X</u>
20.	Communications Towers and Antennas*	S	S	S	S	⊖	S	<u>S</u>
21.	Firearms shops, ammunition shops, edged weapons shops	O	×	X	S	⊖	O	<u>X</u>
22.	Restaurant, pharmacy, or finance institution drive-through ( <a href="#">See Sec. 38-285.</a> )	O	⊖	<u>S4</u>	⊖	⊖	O	<u>S</u>
Transportation and parking								
1.	Off-street parking facility (accessory to a use permitted in the district)	X	×	X	×	⊖	O	<u>X</u>
2.	Commercial off-street parking facility	O	×	X	×	⊖	O	<u>X</u>
3.	Rail or motor freight terminal	O	⊖	S	×	⊖	O	<u>S</u>
4.	Rail or bus passenger station	O	S	X	×	⊖	O	<u>X</u>
Wholesale Business and Storage								
1.	Wholesale business and storage of non-flammable and non-explosive material in a building	O	⊖	X	×	⊖	O	<u>X</u>
2.	Open lot storage of building materials and machinery, etc.	S3	⊖	O	<u>S3</u>	⊖	O	<u>S3</u>
3.	Storage of flammable or explosive materials above ground (other than for normal	O	⊖	O	S	⊖	O	<u>S</u>



	home heating fuel use, not to exceed 1,000 gallons) Amended 9/21/95							
4.	Open storage of solid fuel (other than wood), sand and gravel	S3	⊖	O	<del>S3</del>	⊖	O	<u>S3</u>
5.	Storage of flammable or explosive materials on-site, above or underground	O	⊖	S	⊖	⊖	O	<u>S</u>
6.	Retail Outlet for wholesale or storage <u>or commercial storage facility</u>	O	⊖	<u>SX</u>	X	⊖	O	<u>X</u>
Service Industries								
1.	Auto body or paint shop	O	⊖	<u>SX</u>	⊖	⊖	O	<u>X</u>
2.	Electric Substation	S	X	X	X	⊖	O	<u>X</u>
3.	Office or office building, service, building, storage of materials, uses incidental or related to operation of maintenance of all or any part of a public service system, or any structure or uses substantially similar to any of the structures or uses included in this subsection	X	X	X	X	⊖	O	<u>X</u>
4.	Any other structure which is part of a public service system	S	⊖	S	⊖	⊖	O	<u>S</u>
5.	Laundromat	O	⊖	<u>SX</u>	⊖	⊖	O	<u>X</u>
6.	Major <u>or medium</u> solar installation	S	⊖	S	⊖	⊖	S	<u>S</u>
Industrial Use								
1.	The following uses in a single story building of not more than 1,000 sq. ft. in area, occupying the same lot as the residence of the owner and set back at least 100 ft. from	S	X	S	NA	⊖	O	<u>X</u>

	the public highway, at least 100 ft. from side lot lines and at least 100 ft. from rear lot lines: Scientific or research laboratory, manufacture of musical or precision instruments, natural soaps and cosmetics, manufacture of toys and novelties, light metal fab-shop, blacksmith or welding shop, manufacture of electric or electronic devices and appliances, ceramics or pottery manufacture, manufacture of boats, fine arts and handcraft studios, woodworking and cabinetmaking, furniture repair, conservation arts studios, provided that such uses do not create smoke, gas odors, sound, vibration, soot, or hazardous waste to a degree obnoxious or offensive to person residing or conducting business in the neighborhood.							
2.	The manufacture, compounding, processing or packaging of bakery goods, candy, cosmetics, drugs, food products (excluding meat, fish, yeast, vinegar and the rendering of fats and oils) and other similar operations	O	S	S	X	⊖	O	X
3.	The manufacture, compounding or assembly of articles using shell, cellophane, plastic, fur, glass, leather, precious metals or stones, wood, textiles or	O	⊖	S	X	⊖	O	X

	tobacco and other previously prepared products							
4.	The manufacture and assembly from prepared materials of musical instruments, precision instruments, clocks, toys, novelties, appliances, electronic devices, metal products, machine tools and machinery (not requiring the use of drop hammers and punch presses of over 100 tons) and other similar products	O	⊖	S	×	⊖	O	<u>X</u>
5.	Machinery and machine tool manufacture (requiring drop hammers or punch presses of over 100 tons)	O	⊖	<u>⊖S</u>	S	⊖	O	<u>X</u>
6.	Auto assembly or manufacture	O	⊖	<u>⊖S</u>	×	⊖	O	<u>X</u>
7.	Boat building	O	S	<u>SX</u>	×	⊖	O	<u>X</u>
8.	Commercial boat storage and repair	O	S	<u>SX</u>	×	⊖	O	<u>X</u>
9.	<del>Blacksmith</del> or <u>w</u> Welding shop	O	S	<u>SX</u>	×	⊖	O	<u>X</u>
10.	Scientific or research laboratory	O	⊖	X	×	⊖	O	<u>X</u>
11.	Woodworking and cabinetmaking	O	S	X	×	⊖	O	<u>X</u>
12.	Ceramics or pottery manufacture	O	S	X	×	⊖	O	<u>X</u>
13.	Mining, quarrying or loam stripping	S	S	O	S	⊖	O	<u>S</u>
14.	Retail outlet for permitted industrial operation	S	S	X	×	⊖	O	<u>X</u>
15.	Soap manufacture	O	⊖	<u>⊖S</u>	S	⊖	O	<u>X</u>

16.	Sodium compounds manufacture	O	⊖	⊖ <u>S</u>	⊖	⊖	O	<u>S</u>
17.	Stone cutting	S	⊖	X	⊖	⊖	O	<u>X</u>
18.	Tile or brick manufacture	O	⊖	⊖ <u>S</u>	⊖	⊖	O	<u>X</u>
19.	Sawmill	O	⊖	⊖ <u>S</u>	⊖	⊖	O	<u>X</u>
20.	Temporary sawmill (not more than six months operation in any three-year period)	X	X	X	X	⊖	⊖	
21.	Reserved	=	=	=	=	=	=	=
22.	Chemical manufacture	O	⊖	O	⊖	⊖	O	<u>S</u>
23.	Gravel banks	S	⊖	O	⊖	⊖	S	<u>S</u>
24.	Natural Material Processing, Stone Crushing and Sorting	S	⊖	O	⊖	⊖	S	<u>S</u>
Accessory Uses								
1.	Any use customarily incident to a use permitted in the district and located on same lot (to be reviewed in conjunction with primary use if necessary.)	X	⊖	X	⊖	⊖	O	<u>X</u>
2.	Any use customarily incident to a use permitted in the district as a special-use permit and located on the same lot (to be reviewed in conjunction with primary use if necessary.)	S	⊖	S	⊖	⊖	O	<u>S</u>
Medical marijuana related uses								
1.	Compassion Center	O	⊖	X	⊖	⊖	O	<u>X</u>
2.	Licensed cultivator	S	⊖	X	⊖	⊖	O	<u>X</u>
3.	Medical marijuana emporium	O	⊖	X	⊖	⊖	O	<u>X</u>
4.	Nonresidential cooperative cultivation	O	⊖	X	⊖	⊖	O	<u>X</u>

5.	Residential cooperative cultivation	S	⊖	O	⊖	⊖	O	<u>S</u>
6.	Residential caregiver cultivation	X	×	X	×	×	X	<u>X</u>
7.	Residential personal cultivation	X	×	X	×	×	X	<u>X</u>

Key:

X - Permitted use

O - Prohibited use

S – Special-use permit

~~NA – Not applicable~~

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

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

Notes:

~~1. Must occupy the same lot as the residence of the owner.~~

~~2. Building not to exceed 1,000 square feet.~~

3. Must be screened by an opaque fence or hedge no less than six feet in height. This requirement does not apply to such uses by the state or town government.

~~4. Drive through uses, where permitted, shall meet the following development standards:~~

~~a. There shall be adequate off-street parking and loading spaces to serve the proposed use. There must be sufficient on-site stacking areas to accommodate at least ten queued vehicles, entering the site waiting to park or approach the order window/order box, and at least three queued vehicles exiting the site.~~

~~b. Any accessory drive through window(s) shall be properly located within the parking and circulation plan to avoid any effect on traffic, and in no case shall a drive through window be located on any building façade which faces a public street.~~

~~c. Vehicular entrances and exits shall be controlled by curbing.~~

~~d. All other dimensional and parking requirements for the site and the use shall be met.~~

(Ord. of 6-3-1994, § 1; Ord. of 9-21-1995, § 1; Ord. of 3-20-1997; Ord. of 2-19-1998; Ord. of 11-19-1998; Ord. of 3-5-1998; Ord. of 6-21-2001; Ord. of 1-24-2002; Ord. of 9-9-2010; Ord. of 6-25-2015(1); Ord. of 7-23-2015; Ord. of 8-27-2015(1); Ord. of 1-14-2016(4); Ord. of [2-28-2019\(1\)](#); Ord. of 9-7-2022; [Ord. of 8-24-2023](#))

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

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

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

ARTICLE IV. – USES

Sec. 38-192. – Dimensional regulations.

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

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

	Single-Family Residence Structure	Other Permitted Use listed as “X” or “S” in Sec. 38-191 (unless otherwise stated in this ordinance)	Senior citizens group housing
Minimum lot size	200,000 square feet	200,000 square feet	<del>350,000 square feet</del>
Minimum lot frontage area per living unit	<del>NA</del>	<del>NA</del>	<del>35,000 square feet</del>
Minimum lot width frontage	300 feet	300 feet	<del>300 feet</del>
Minimum front yard depth/lot width	<del>300 200</del> feet	<del>300 200</del> feet	<del>300 feet</del>
Minimum side front yard depth	35 feet	50 feet	<del>80 feet</del>
Minimum rear side yard depth	50 feet	100 feet	<del>80 feet</del>
Maximum building coverage Minimum rear yard depth	100 feet	100 feet	<del>80 feet</del>

Maximum building height coverage	3 percent	3 percent	<u>3 percent</u>
Maximum building height	35 feet	35 feet	<u>2 stories or 20 feet</u>
Maximum number of bedrooms per unit	<u>NA</u>	<u>NA</u>	<u>2 bedrooms per 1 unit</u>

(2) *NC neighborhood/commercial district.* Dimensional regulations in the NC district are as follows:

		Other Permitted Use
Single-Family Residence Structure		
Minimum lot size	200,000 square feet	—
Minimum lot frontage	300 feet	300 feet
Minimum lot width	300 feet	225 feet
Minimum front yard depth	35 feet	80 feet
Minimum side yard depth	50 feet	100 feet
Minimum rear yard depth	100 feet	80 feet
Maximum building coverage	3 percent	25 percent or 6,000 square feet, whichever is less
Maximum building height	35 feet	35 feet
Minimum distance of structure from a residence district boundary	—	50 feet
Minimum buffer strip*	—	30 feet

\*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.

(3) *General business mixed-use district.* Dimensional regulations for the GBM 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	80 feet
Maximum building height	35 feet
Minimum buffer strip (side and rear yards)	30 feet
Minimum distance of structure from A/R zoning district	50 feet
Maximum building coverage (of net buildable area) c	25% ^a,b
Maximum impervious surface coverage (of net buildable area) c	60% ^a,b

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

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

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

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

	<u>Commercial uses (unless otherwise stated in this ordinance)</u>	<u>Single-Family Residence Structure</u>	<u>Senior citizens group housing</u>
<u>Minimum lot size</u>	<u>200,000 square feet</u>	<u>200,000 square feet</u>	<u>350,000 square feet</u>
<u>Minimum lot area per living unit</u>	<u>NA</u>	<u>NA</u>	<u>35,000 square feet</u>
<u>Minimum lot frontage</u>	<u>300 feet</u>	<u>300 feet</u>	<u>300 feet</u>
<u>Minimum lot width</u>	<u>300 feet</u>	<u>300 feet</u>	<u>300 feet</u>
<u>Minimum front yard depth</u>	<u>50 feet</u>	<u>35 feet</u>	<u>80 feet</u>
<u>Minimum side yard depth</u>	<u>100 feet</u>	<u>50 feet</u>	<u>80 feet</u>
<u>Minimum rear yard depth</u>	<u>100 feet</u>	<u>100 feet</u>	<u>80 feet</u>
<u>Maximum building coverage</u>	<u>25 percent or 50,000 square feet, whichever is less</u>	<u>3 percent</u>	<u>3 percent</u>
<u>Maximum building height</u>	<u>35 feet</u>	<u>35 feet</u>	<u>2 stories or 20 feet</u>
<u>Maximum number of bedrooms per unit</u>			<u>2 bedrooms per 1 unit</u>
<u>Minimum buffer strip (side and rear yards)</u>	<u>30 feet</u>	<u>30 feet</u>	
<u>Minimum distance of structure from A/R zoning district</u>	<u>100 feet</u>	<u>As required by lot depths</u>	<u>As required by lot depths</u>
<u>Maximum building coverage (of net buildable area) <sup>c</sup></u>	<u>25% <sup>a, b</sup></u>	<u>3 percent</u>	<u>3 percent</u>
<u>Maximum impervious surface coverage (of net buildable area) <sup>c</sup></u>	<u>60% <sup>a, b</sup></u>	<u>25 percent</u>	<u>25 percent</u>

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



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

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

*(4) MI manufacturing/industrial district.* Dimensional regulations for the MI district are as follows:

Any Permitted Use	
Minimum front yard depth	100 feet
Minimum side yard depth	25 feet
Minimum rear yard depth	25 feet
Minimum distance of structure from a residence district boundary	100 feet
Maximum building coverage	25 percent or 50,000 square feet, whichever is less
Maximum building height	35 feet

*(5) R-SC residential/senior citizens district.* Dimensional regulations for the R-SC district are as follows:

	Only Permitted Use	
Minimum lot area per development	400,000 square feet	Whichever is greater
Minimum lot area per living unit	40,000 square feet	
Minimum lot width	500 feet	
Minimum front yard depth	100 feet	
Minimum rear yard depth	100 feet	
Maximum building coverage	3 percent of net area	
Maximum building height	2 stories or 20 feet	

*\*\*Refer to section 38-284 for other requirements.*

*\*\*Specified lot area excludes ponds, streams and other wetland areas.*

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

Any Permitted Use
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Minimum front yard depth	35 feet
Minimum side yard depth	50 feet
Minimum rear yard depth	50 feet
Maximum building height	40 feet

~~(75) FC farmland/conservation Reserved - Municipal/Historic overlay district.~~ This subsection is reserved.

~~(86) Additional dimensional regulations; any uses permitted by special-use permit. Any existing use listed in section 38-191 which is located in an NC, GBM or MI district shall conform to the dimensional regulations of the AR district.~~ 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.~~

~~\*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~~

~~(Ord. of 6-23-1994, art. IV, § 13; Ord. of 9-9-2010; Ord. of 1-14-16(3); Ord. of 8-24-2023)~~

**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. 38-226 – Substandard lot of record.**

- ~~Sec. 38-226 – Substandard lot of record shall be amended to meet requirements set forth in RIGL.~~

(a) No lot area shall be so reduced that yards, total area and lot width shall be less than prescribed for the district in which the lot is located. No yard or open space provided around any building for the purpose of complying with the provision of this chapter shall again be used as a yard or open space for any other building.

(b) Where no adjacent land is in the same ownership so as to form a larger land parcel, a lot smaller than the minimum dimensions and area required by this chapter which was a lot of record on the effective date of the ordinance from which this chapter derives may be used for a permitted use, provided that such lot shall have a minimum area of 10,000 square feet, a minimum frontage of 100 square feet, and a minimum width of 100 feet. Unless reduced by the provisions of this section, All other dimensional requirements of the district as written in 38-21 shall be complied with by existing conditions or by granted request for relief from the literal requirements of this zoning ordinance.

~~except that~~ Side and rear depth requirements shall be reduced by the associated percentage that the lot is less than 150 feet wide or less than 200 feet deep.

(c) ~~Where a lot has inadequate frontage, an easement is required to be recorded in land evidence prior to the issuance of a zoning certificate or building permit. The easement shall not be located on more than three (3) lots under different ownership. Nothing stated herein shall be construed to reduce the authority of the zoning-enforcement officer to issue conditions on said recorded easement.~~

(d) No building permit shall be issued on such a lot without certification in writing from the zoning-enforcement officer ~~town's building official~~ that said lot is a substandard lot of record. In the event that a variance or special-use permit is necessary, the official shall certify that the lot is a substandard lot of record and needs the relief relating to "side and rear requirements," as prescribed in the previous paragraph, as part of application to the zoning board of review.

(Ord. of 6-23-1994, art. V, § 1; Ord. of 6-25-2015(2); Ord. of 8-24-2023)

State Law reference— General provisions - Substandard lots of record; ~~G.L. 1956,~~ § 45-24-38.

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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-provided for~~ under prior editions of this chapter. Such merger shall continue to have provisions under this edition for all districts and all contiguous substandard lots of record in the same ownership. Such lots shall continue to be permitted to be merged 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.

(Ord. of 6-23-1994, art. V, § 2; Ord. of 8-24-2023)

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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.

(Ord. of 6-23-1994, art. V, § 4; Ord. of 3-5-1998; Ord. of 8-24-2023)

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**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. 38-231 – Nonconforming by dimension.

- Sec. 38-231 – Nonconforming by dimension shall be amended to match the definitions section.

A ~~lawfully established~~ building, structure, or parcel of land not in compliance with the dimensional regulations of this chapter is nonconforming by dimension. Dimensional regulations include all regulations of this chapter, other than those pertaining to the permitted uses. A ~~lawfully established building, or structure, parcel of land, containing a permitted number or use thereof~~ dwelling units by, ~~not in compliance with the parking use regulations of this chapter, but not meeting the lot area per dwelling unit regulations is also nonconforming by dimension. A lawfully existing or lawfully established lot that is not in compliance with the dimensional regulations of this chapter including, but not limited to, those regulations for minimum lot size, lot width and lot frontage (also known as a substandard lot of record), is also nonconforming by dimension.~~

(Ord. of 6-23-1994, art. V, § 5; Ord. of 3-5-1998; Ord. of 8-24-2023)

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**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.

(Ord. of 6-23-1994, art. V, § 8; Ord. of 3-5-1998; Ord. of 8-24-2023)

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**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 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.

(Ord. of 6-23-1994, art. V, § 11; Ord. of 3-5-1998; Ord. of 8-24-2023)

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**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. 38-272 – Yard Exceptions.**

- Sec. 38-272 – Yard Exceptions regulations shall be amended as follows to account for the amendments to the zoning map.

The space in a required front, side or rear yard shall be open and unobstructed with the following exceptions:

- (1) An unenclosed porch may extend up to ten feet into a side or rear yard.
- (2) Ordinary projections of windowsills, cornices and other ornamental features may extend up to five feet into a yard.

- (3) Landscape features such as trees, shrubs and terraces may be placed in any yard area. Fences shall be set a minimum of five feet back from the road line.
- (4) In ~~NC~~, ~~GBM~~ and ~~MI HC2~~ districts an outdoor telephone booth may be located in front yard area, provided it is adjacent to a permitted parking area.

(Ord. of 6-23-1994, art. VI, § 1; Ord. of 9-9-2010; Ord. of 8-24-2023)

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**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. 38-273 – Corner lots.**

- Sec. 38-273 – Corner and through lots shall be amended to clarify/meet requirements set forth in RIGL.

• **Sec. 38-273. - Corner and through lots.**

(a) Corner lots. For the purpose of complying with section 38-192, the minimum lot frontage on both roads shall comply with the minimum lot width for the district of location. All other dimensional regulations of article IV shall apply. ~~except that, in~~ In the case of a corner lot with two yards not fronting on a road but adjacent to ~~the front yards fronting on a road, these two yards having the most frontage~~ shall be the front side-yards. The yard having less frontage than the front yard shall and comply with be the side yard. The longest lot line not fronting on a road shall be the rear yard. The shortest lot line not fronting on a road shall be the other side yard. depths for the district of location. On any corner lot, no driveway or access way shall be constructed within seventy-five feet of the intersection of two road lines.

(b) Through lots. For the purpose of complying with section 38-192, on a through lot, at least one lot frontage shall meet minimum zoning requirements for the district. The street address as listed in the tax collector's database specifies the location of the front lot line. The location of the rear lot line is that which separates the lot from the road not listed as the address of the lot in the tax collector's database.

(Ord. of 6-23-1994, art. VI, § 2; Ord. of 8-27-2015(2); Ord. of 8-24-2023)

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**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)

Building not to exceed 1,000 square feet. Requires review pursuant to Sec. 38-394.

(Ord. of 8-24-2023)

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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. 38-277 – Sewerage disposal.

- Sec. 38-277 – Sewerage disposal shall be amended to meet requirements set forth in RIGL.

(a) A shallow surface leaching field following a septic tank shall be located at least 100 feet from a dug well or from a drilled well. No portion of the leaching field shall be closer than 100 feet to the property line except where the property borders a public road in which case the distance to the road line may be reduced to 60 feet. No individual sewage disposal system shall be located, designed, constructed, maintained, altered, or repaired except in accordance with RIGL Title 23, Chapter 19.5, as amended, and the Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction, and Maintenance of Individual Sewage Disposal Systems, as amended, promulgated by the Rhode Island Department of Environmental Management (collectively, the "ISDS Law and Regulations").

(b) No facility designed to leach fluid wastes into the soil and no structure shall be located near any water body, stream, brook or river except in compliance with the ISDS Law and Regulations and the Wetlands Law and Regulations (referenced below), as evidenced by such certificates and approvals as may be required by such Laws and Regulations.

(b) A cesspool or seepage pit shall be located at least 150 feet away from a well and at least 150 feet from the property line except where the property borders a public road in which case the distance from the road line may be reduced to 110 feet.

~~(e) Any sewerage disposal system designed to leach or otherwise dispose waste into the soil shall adhere to G.L. 1956, tit., 2, ch. 1, §§ 18 through 28 governing the establishment of jurisdictional areas and associated setback distance to waterbodies.~~

(Ord. of 6-23-1994, art. VI, § 6; Ord. of 3-5-1998; Ord. of 1-14-2016(1); Ord. of 8-24-2023)

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**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. 38-279 – Number of residential structures per lot**

- Sec. 38-279 – Number of residential structures per lot shall be amended to meet requirements set forth in RIGL.

No more than one main residential structure shall be permitted on a lot except as may be permitted under the provisions of section 38-192; section 38-282; and RIGL § 45-24-37 et. al.

(Ord. of 6-23-1994, art. VI, § 8; Ord. of 8-24-2023)

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**ORDINANCE NO. \_\_\_\_\_**  
**AN ORDINANCE IN AMENDMENT TO**  
**THE ZONING CODE OF THE TOWN OF FOSTER**

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

**ARTICLE VI. – SUPPLEMENTARY REGULATIONS**

**Sec. 38-281 – Development standards for multifamily dwellings and comprehensive permit applications for affordable housing.**

- Sec. 38-281 – Development standards for multifamily dwellings and comprehensive permit applications for affordable housing shall be amended as follows:

Multifamily dwellings are permitted by obtaining a special-use permit 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.

(1) The minimum lot area for each multifamily use dwelling structure shall be ~~≥~~200,000 square feet and shall be increased in proportion to the total number of bedrooms per structure; 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)~~c~~(4) is applied.

(2) 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 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 review, the planning board shall publish a report of its findings and recommendations pertaining to the conformity of the proposed development with the comprehensive plan 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 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 land.* The applicant shall apply to the Foster Zoning Board of Review for a special-use permit. The secretary of the zoning board of review shall forward the applicant's plans to the Foster Planning Board for review and opinion prior to the conclusion of the public hearing for the special-use permit.

b. *Special-use permit requiring subdivision of land.* A request for a special-use permit requiring subdivision approval shall first be submitted 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.

c. *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 the land development and subdivision review regulations.

(8) *Standards for development.*

a. *Permitted uses.* Only multifamily structure(s) and their accessory uses will 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,

professional office and neither storage nor 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.

c. *Dimensional regulations.* Each lot shall meet the following lot area and front, side and rear yard dimensions:

1.

<del>1.</del>	<del>Maximum n</del> Number of bedrooms per structure	Minimum lot area per structure (in square feet)	Minimum lot frontage (in feet)
<del>=</del>	2 to 4	<del>3</del> 200,000	<del>4</del> 00- <del>3</del> 00
<del>=</del>	5	<del>3</del> 225,000	<del>4</del> 300
<del>=</del>	6	<del>3</del> 250,000	<del>4</del> 300
<del>=</del>	7	<del>3</del> 275,000	<del>4</del> 325
<del>=</del>	8	<del>4</del> 300,000	<del>4</del> 350
<del>=</del>	<u>9</u>	<del>4</del> 325,000	<del>4</del> 375
<del>=</del>	10	<del>4</del> 350,000	<del>5</del> 400

2. Minimum front yard depth .....~~100~~ 80 feet

3. Minimum rear yard depth .....~~100~~ 80 feet

4. 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 if~~ approved by RI DEM based on the soils.

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

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

~~2~~1. Lot frontage as defined in article I of this chapter.

~~3~~2. 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 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:

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.

(Ord. of 6-23-1994, art. VI, § 10; Ord. of 10-3-2009; Ord. of 9-9-2010; [Ord. of 8-24-23](#))

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**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. 38-282 – Development standards for accessory family dwelling units and comprehensive permit applications for affordable housing.**

- Sec. 38-282 – Development standards for accessory family dwelling units shall be amended to meet requirements set forth in RIGL.

Attached accessory apartments will be allowed for ~~parents and in-law parents or grandparents-relatives~~ of the occupant or occupants of the principal residence as a means of increasing affordable housing. These units may be no more than 600 square feet. As a condition for obtaining a zoning certificate and building permit for a structure with a one-bedroom, family apartment in accordance with section 38-192 under residential uses, the applicant for the permit shall sign a statement agreeing to this restriction, for use by family members only, which agreement shall be recorded in the land evidence records of the town at the expense of the applicant, and which agreement shall run with the land so as to be applicable to and binding upon subsequent owners and shall be enforceable against the applicant, his heirs, devisees, successors and assigns. Accessory family dwelling units pursuant to RIGL 45-24-37(e) shall be a permitted use in all zoning districts of the town except for M – Municipal.

(Ord. of 6-23-1994, art. VI, § 11; [Ord. of 8-24-2023](#))

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

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

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

**ARTICLE VI. – SUPPLEMENTARY REGULATIONS**

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

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

(a) *Purpose.* The purpose of this section is to promote the establishment of new housing developments, particularly suited for senior citizens, within an ~~designated R-SC AR or HCM~~ district; to promote the use of land to facilitate a more economic arrangement of buildings, common facilities, vehicular circulation and utilities; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to allow for some flexibility in design and location of multiple structures on the same lot and to ensure a quality of construction and maintenance of the development commensurate with existing single-family dwellings within the community.

(b) *Variances.* In accordance with the purpose stated in subsection (a) of this section, the town recognizes that senior citizens, as a special class of residents, have particular needs and different life styles such that a housing development proposed exclusively for this purpose may be entitled to stronger consideration regarding several variations from the multifamily dwelling requirements.

(c) *Senior citizen or elderly person defined.* Senior citizen or elderly person shall mean herein a person 62 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 be considered a single bedroom unit. Up to ten percent of the living units may be planned for occupancy by handicapped persons.
- (2) No fewer than three, nor more than ten, living units shall be planned within a single structure.
- (3) The maximum number of living units within any single development shall be 30.
- (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(5).

(Ord. of 6-23-1994, art. VI, § 13; [Ord. of 8-24-2023](#))

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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. 38-285 – Standards for commercial and industrial development.

- ~~Sec. 38-285 – Standards for commercial and industrial development shall be removed. The section shall be replaced by standards currently listed in the notes of Sec. 38-191.~~

~~Sec. 38-285. – Standards for commercial and industrial development.~~

~~**Development standards for drive-through uses**~~

~~This section is reserved.~~

~~(Ord. of 6-23-1994, art. VI, § 14)~~

~~Cross reference – Businesses, ch. 12.~~

Drive-through uses, where permitted, shall meet the following development standards:

a. There shall be adequate off-street parking and loading spaces to serve the proposed use. There must be sufficient on-site stacking areas to accommodate at least ten queued vehicles, entering the site waiting to park or approach the order window/order box, and at least three queued vehicles exiting the site.

b. Any accessory drive-through window(s) shall be properly located within the parking and circulation plan to avoid any effect on traffic, and in no case shall a drive-through window be located on any building façade which faces a public street.

c. Vehicular entrances and exits shall be controlled by curbing.

d. All other dimensional and parking requirements for the site and the use shall be met.

(Ord. of 8-24-2023)

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**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. 38-286 – Off-street parking requirements.**

- Sec. 38-286 – Off-street parking requirements shall be amended as follows to match amendments to the definition section and to add a licensing requirement.

(a) Any structure or use erected or developed after July 6, 1967, must provide off-street parking facilities in accordance with the following regulations:

- (1) Dwellings and motels, one car for each dwelling unit;
- (2) Hotels and ~~lodging houses~~short term rental structures, one car space for every two suites or rooms;
- (3) Office uses, one car space for every 250 square feet of floor area;
- (4) Retail and service businesses, one car space for every 200 square feet of gross building area, with a minimum of four spaces per building;
- (5) Parking space width, nine feet;
- (6) Restaurants, theaters, churches and other places of assembly, one car space for every five persons of capacity;
- (7) Industrial and wholesale uses, two car spaces for every three employees; and

(8) All other uses, parking as may be required by commercial site review, [section 38-394](#).

(b) Plans and specifications for the required parking facility and its access drives shall be submitted at the time of application for the zoning certificate for the main use. In allocating space for off-street parking facilities, each car space shall have a minimum width of nine feet and minimum length of 18 feet and shall be served by suitable aisles to permit access to all car spaces. In no case shall the gross area of the facility be less than 270 square feet per car space.

(c) Off-street parking lots of more than two motor vehicles capacity shall conform to the following standards of construction:

(1) The area shall have a dust free, hard surface and shall be provided with bumper guards where needed.

(2) Where such area adjoins or lies within an AR agricultural/residential district, or adjoins a residential use in any other district, an opaque fence not less than four feet nor more than six feet in height, or a compact evergreen screen not less than four feet in height shall be erected and maintained between such area and the adjoining AR district or residential use.

(3) Lighting fixtures used to illuminate the parking area shall reflect away from adjoining property and away from adjacent traffic arteries.

(d) In any AR district, the parking or storage of commercial vehicles of over 1.5 tons capacity and of commercial or house trailers (not including camping trailers) shall not be permitted except by license issued by the town clerk, where such parking or storage is directly related to and is accessory to a permitted use or a legal preexisting use.

(Ord. of 6-23-1994, art. VI, § 15; [Or. Of 8-24-2023](#))

**Cross reference**— Traffic, [ch. 36](#).

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**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. 38-288 – Sign regulations**

- Sec. 38-288 – Sign regulations shall be amended to account for amendments to the zoning map.

(a) *Definitions.*

*Abandoned* means the business structure associated with the sign has been closed, demolished, or not maintained, for a period exceeding one year.

*Animated sign* means 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* means a board or wall area on which bulletins, notices, or displays are temporarily posted. Such signs shall not exceed five square feet in area.

*Billboard* means any off-premises sign exceeding 15 square feet in area.

*Building marker* means 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 square feet in area.

*Construction sign* means 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 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* means 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 square feet in area including any attached corporate logos or other symbols. Such signs shall be limited to three feet in height from the top of the sign to grade. A name or logo on these signs shall not comprise greater than 20 percent of the total sign area.

*Directory sign* means 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 15 feet in height or 60 square feet in sign area.

*Externally illuminated sign* means 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* means 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 40 square feet. Where more than one business is located on a lot, up to three freestanding signs shall be permitted, provided that the total square footage of visible sign area does not exceed 40 square feet. A minimum sign clearance of eight 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 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 and service station sign* means 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 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 square foot in area, affixed to the building or window.

(4) Other signs as permitted by this section.

*Government signs* mean 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* means 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* means 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 square feet in area and shall not count toward the maximum visible sign area.

*Incidental sign, residential* means 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 square feet in area and shall not count toward the maximum visible sign area.

*Institution/organization sign* means a wall sign or freestanding sign whose sign display is not to exceed 12 square feet and is used on premises for church, hospital, library, museum, art gallery, historic preservation, or similar organization.

*Legal nonconforming sign* means:

(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* means roadway frontage on a local access road.

*Monument sign* means any sign whose base is in contact with or within one 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 50 square feet and shall be set back a minimum of ten feet from all property lines. Maximum sign height shall be eight 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* means any sign moved by mechanical or natural means, such as wind.

*Nameplate* means 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 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* means 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 section.

*Non-conforming sign* means any sign that does not conform to the requirements of this chapter.

*Off-premises sign* means 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.

(1) *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.

(2) *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* means 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* means any sign affixed to a building or wall in such a manner that it extends more than ten 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 inches and its furthest edge projecting no greater than 48 inches from the wall. The projecting sign shall have a maximum sign area of ten square feet and its lowest edge shall be a minimum of eight feet from the ground.

*Real estate sign* means 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 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 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* means 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* means 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* means 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* means any sign attached parallel to, but within ten 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 per business. The maximum width of the sign display shall not exceed 70 percent 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* means 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 percent 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 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~~

M = Municipal

HC2 = Highway Commercial (2)

	AR	<del>NC</del>	<del>GBM</del>	<del>MI</del>	<del>R-SC</del>	<u>M</u>	<u>HC2</u>
Animated	O	<del>O</del>	O	<del>O</del>	<del>O</del>	<u>O</u>	<u>O</u>
Announcement board	X	<del>X</del>	X	<del>X</del>	<del>X</del>	<u>X</u>	<u>X</u>
Billboard	O	<del>O</del>	O	<del>O</del>	<del>O</del>	<u>O</u>	<u>O</u>
Building marker	X	<del>X</del>	X	<del>X</del>	<del>X</del>	<u>X</u>	<u>X</u>

Construction sign	X	X	X	X	X	X	X
Directional sign	X	X	X	X	X	X	X
Directory sign	O	⊖	X	⊖	⊖	X	X
Externally illuminated sign	X	X	X	X	X	O	X
Freestanding sign	X	X	X	X	X	X	X
Gas station and service sign	O	X	X	X	⊖	O	X
Government sign	X	X	X	X	X	X	X
Internally illuminated sign	O	⊖	⊖	⊖	⊖	O	X
Incidental sign	X	X	X	X	X	X	X
Incidental sign, residential	X	X	X	X	X	O	X
Institution/organization sign	X	X	X	X	X	X	X
Monument sign	O	X	X	X	X	X	X
Nameplate	X	X	X	X	X	X	X
Neon sign	O	⊖	⊖	⊖	⊖	O	X
Off-premises sign – Commercial use	O	⊖	O	⊖	⊖	O	O
Off-premises sign – Non-commercial use, temporary	X	X	X	X	X	X	X
Off-premises sign – Non-commercial use, permanent	O	⊖	O	⊖	⊖	O	O
Projecting sign	O	X	X	X	⊖	O	X
Real estate sign	X	X	X	X	X	O	X
Subdivision identification sign	X	X	X	X	X	X	X
Temporary sign	X	X	X	X	X	X	X
Wall sign	O	X	X	X	X	X	X
Window sign	O	X	X	X	X	X	X

~~S~~Subdivision identification sign ~~ex~~accepted.

~~A~~All signs located in the M zone shall conform to the standards of the Municipal/Historic overlay district

(e) Regulations by zone.

(1) *Agricultural/residential (AR)*.

- a. *Setbacks*: No sign shall be placed within five feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater).
- b. *Height*: No sign shall be greater than five feet in height.
- c. *Lighting*: No external illumination of a permitted sign shall be greater than 75 watts/1,500 lumens.
- d. *Total sign area*: No sign shall exceed 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)*.~~

- ~~a. *Setbacks*: No sign shall be placed within five 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 30 feet of an AR zone boundary.~~
- ~~b. *Height*: No sign shall be greater than 15 feet in height.~~
- ~~c. *Lighting*: No external illumination of a permitted sign shall be greater than 200 watts/4,000 lumens.~~
- ~~d. *Total sign area*: No sign shall exceed 60 square feet in area, or the size restriction specified by sign type definition (whichever is less).~~

~~(3) *General business mixed use (GBM)*.~~

- ~~a. *Setbacks*: No sign shall be placed within five 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 30 feet of an AR zone boundary.~~
- ~~b. *Height*: No sign shall be greater than 20 feet in height.~~
- ~~c. *Lighting*: No external illumination of a permitted sign shall be greater than 250 watts/5,000 lumens.~~
- ~~d. *Total sign area*: No sign shall exceed 100 square feet in area, or the size restriction specified by sign type definition (whichever is less).~~

~~(4) *Residential senior citizens (R-SC)*.~~

- ~~a. *Setbacks*: No sign shall be placed within five 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 30 feet of an AR zone boundary.~~
- ~~b. *Height*: No sign shall be greater than ten feet in height.~~

c. *Lighting:* No external illumination of a permitted sign shall be greater than 100 watts/2,000 lumens.

d. *Total sign area:* No sign shall exceed 20 square feet in area, or the size restriction specified by sign type definition (whichever is less).

(3) *Municipal.*

a. *Setbacks:* No sign shall be placed within five feet of a lot line or roadway, or the setback specified by the sign type definition (whichever is greater).

b. *Height:* No sign shall be greater than five feet in height.

c. *Lighting:* No external illumination of a permitted sign shall be greater than 75 watts/1,500 lumens.

d. No sign shall exceed 20 square feet in area, or the size restriction specified by sign type definition (whichever is less).

(4) *Highway commercial (2) (HC2).*

a. *Setbacks:* No sign shall be placed within five 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 30 feet of an AR zone boundary.

b. *Height:* No sign shall be greater than 20 feet in height.

c. *Lighting:* No external illumination of a permitted sign shall be greater than 250 watts/5,000 lumens.

d. *Total sign area:* No sign shall exceed 100 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-premises 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:



- a. It is prohibited.
- b. It loses its non-conforming status.
- c. It is considered abandoned.
- d. It is considered unsafe or unsecure.
  - 1. The zoning enforcement officer will follow violation procedure as outlined in [section 38-3](#).
  - 2. Notwithstanding the provisions of subsection 1 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.

(Ord. of 6-23-1994, art. VI, § 17; Ord. of 1-14-16(2); [Ord. of 8-24-2023](#))

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**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.

(Ord. of 11-19-1998; Ord. of 1-24-2002; [Ord. of 8-24-2023](#))

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**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. 38-292 – Solar installations.**

- Sec. 38-292 – Solar installations shall be amended to account for the amendments to the zoning map and to add to the definition of solar installation based on recent upgrades in technology.

(a) *Purpose.* Regulate the development of solar energy systems by providing standards for placement, design, construction, and removal of such systems that address public safety, minimize impacts on scenic, natural and historic resources, and are compatible in the areas in which they are location and are consistent with the Foster comprehensive plan.

(b) *Definitions.*

*Brownfield* means a property where a known or suspected release of petroleum and/or hazardous material presents a barrier to the sale, reuse or redevelopment of the site, or where uncertainty on the costs of remediation adversely impacts the value of the property.

*Ground-mounted solar installation* means a solar installation that is structurally appended to the ground and is not supported to a structure or building.

*Major solar installation* means a solar installation designed primarily to sell electricity to a utility supplier, or a solar installation exceeding 1,750 square feet or greater. Solar installations larger than 40 acres are prohibited.

*Medium solar installation* means a solar installation designed to only service the property which the solar installation is located and is larger than 1,750 square feet and under 40,000 square feet. If the solar installation is 40,000 square feet, it will be considered a major solar installation.

*Minor solar installation* means a solar installation designed to primarily service the property on which the solar installation is located with a 1,750 square foot area or less.

*Roof-mounted solar installation* means a solar installation that is structurally appended to the roof of a building or structure.

*Solar installation* means a power system used to supply power by converting sunlight into electricity by means of photovoltaics, the harnessing of solar energy to generate thermal energy, ~~or~~ the use of concentrated sunlight to drive a traditional steam turbine, or by means of battery energy storage systems/methods associated with battery energy storage systems.

*Solar land coverage* means the total footprint of land occupied by all components of a solar installation but not limited to solar panels, mounting equipment, ancillary components, inter-row and panel/collector spacing, access, and all other area within the required perimeter security fencing.

*Terrain masking* means using the physical features of land such as hills, and/or berms to obscure year-round line-of-sight of the entire solar installation.

(c) *Minor solar installation.* A minor solar installation is permitted in all zones, provided such solar installation:

- (1) Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height;
- (2) Ground-mounted shall not exceed 12 feet in height; roof-mounted solar installations shall not exceed the maximum height for the applicable zoning district, shall not conflict in shape and proportion with the existing roof, nor extend the footprint of the structure;
- (3) Shall require a building permit after submission and approval of layout and design; and
- (4) Shall be in compliance with state building and state electrical codes.

(d) *Medium solar installation.* A medium solar installation requires, in all zones, a site plan approval from the planning board and a special-use permit from the zoning board of review, pursuant to ~~G.L. 1956,~~ § 45-23-61. The accompanying site plan review shall adhere to the development standards set forth in this section and the requirements of [section 38-394](#) shall not be

applicable. A medium solar installation shall require a building permit prior to construction and adhere to the following:

(1) Setbacks.

a. Solar installation setbacks shall be situated in a way that will completely obscure the development in all seasons from the road and all abutting properties using either terrain masking, undisturbed vegetation, and/or landscaped vegetation.

b. Medium solar installations shall at the minimum maintain a 200-foot setback from all adjacent property lines and roadways unless there is a finding by the zoning board of review that a 100-foot setback from all adjacent property lines and roadways or terrain masking has adequately obscured the installation from view from all adjacent properties and roadways. Landscaping in the landscaping plan may include this 200-foot setback.

(2) Height.

a. Ground-mounted solar installations shall not exceed 12 feet in height.

b. Roof-mounted solar installations shall not exceed the maximum height for the applicable zoning district.

(3) All installations shall be in compliance with the state building code and the state electrical code, and shall be subject to periodic inspections by the Foster building official. All relevant installation components must have an UL listing or equivalent.

(4) Security fencing.

a. Any fencing around the installation shall be black, green, brown, or another natural color that blends into the vegetative surroundings.

b. Barbed wire is prohibited.

(5) Lighting. All lighting shall be directed downward, and incorporate full cutoff fixtures to reduce light pollution, utilizing fixtures meeting the criteria of the ISA International Dark Sky Association, and shielded from directing light on abutting properties.

(e) *Major solar installation.* A major solar installation requires, in all zones, major land development approval from the planning board and a special-use permit from the zoning board of review, pursuant to ~~G.L. 1956, § 45-23-61~~. The accompanying site plan review shall adhere to the development standards set forth in this section and the requirements of [section 38-394](#) shall not be applicable. A major solar installation shall require a building permit prior to construction and adhere to the following:

(1) Design standards.

a. Solar installation applications shall include: The proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components to be used, an operation and maintenance plan, an emergency response and training plan, a decommission plan, utility approval, proof of liability

insurance, and the contact information for the project owner, the project operator and contractors.

b. Additional documents may be required by the planning board or by the zoning board of review.

c. The planning board may waive requirements of the land development review process upon written request of the applicant at pre-application.

d. Solar panels and any of its casings and wiring shall not produce glare.

(2) Land evidence records/recording requirements.

a. Any memorandum of lease, easement, or utility/distribution agreements and any amendments, modifications, and/or extensions to the same shall be submitted with the installation application and shall be recorded in the land evidence records in the Town of Foster after planning board and zoning board of review approvals.

b. If a surety bond is posted to secure the decommissioning cost of the solar installation, pursuant to subsection (13), abandonment or decommissioning, herein a lien for the cost of decommissioning the solar installation shall be recorded in the land evidence records against the parcel until such time at the solar installation is decommissioned.

(3) Setbacks.

a. Solar installation setbacks shall be situated in a way that will completely obscure the development in all seasons from the road and all abutting properties using either terrain masking, undisturbed vegetation, and/or landscaped vegetation. The landscaped plan shall be approved by the planning board as referred to in subsection (5) herein, landscaping plan.

b. Major solar installations shall at the minimum maintain a 200-foot setback from all adjacent property lines and roadways unless there is a finding by the zoning board of review that a 100-foot setback from all adjacent property lines and roadways or terrain masking has adequately obscured the installation from view from all adjacent properties and roadways. Landscaping in the landscaping plan may include this 200-foot setback.

(4) Height.

a. Ground-mounted solar installations shall not exceed 12 feet in height.

b. Roof-mounted solar installations shall not exceed the maximum height for the applicable zoning district.

(5) Landscaping plan.

a. Any landscaped vegetated buffer shall have staggered row plantings for viewshed masking from all adjacent properties and roadways, using a mix of at

least eight-foot evergreens with complete understory vegetation coverage such as rhododendrons and other deer-resistant native plants.

b. As part of the major land development process, a landscaping plan shall be prepared by a Rhode Island licensed landscaping architect and approved by the planning board. Native pollinator-friendly seed mixes and native plants shall be used to the maximum extent possible. Said plan shall also specify the management of understory and naturally occurring vegetation, including a method that will not use chemicals or herbicides or harm water quality on- or off-site.

c. A performance bond to cover the installation cost and maintenance expenses of the approved landscaping plan shall be required for a period of at least five years after installation. The posting of said performance bond shall be required for the issuance of any building permit.

d. Independent third-party cost estimates by a Rhode Island licensed landscaping architect shall be submitted as part of the major land development process and the landscaping plan at the expense of applicant.

e. The landscaping plan should show minimal re-grading, and limit removal of existing materials including topsoil.

(6) Minimize clearing. Clearing shall be limited to only those area(s) that are necessary for the construction, operation and maintenance of the facility. Vegetative cover shall be maintained to prevent soil erosion.

(7) All installations shall be in compliance with the state building code and the state electrical code and shall be subject to periodic inspections by the Foster building official. All relevant installation components must have an UL listing or equivalent.

(8) All electrical connection and distribution lines within the installation shall be underground or located entirely within a structure. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility with approval by the planning/zoning board.

(9) Security fencing.

a. A fence shall surround the perimeter of the installation of no less than six feet in height and shall be black, green, brown, or another natural color that blends into the vegetative surroundings.

b. Barbed wire is prohibited.

c. The fence shall be at least four inches off the ground to allow small animals to pass underneath and be low enough to prohibit children from being stuck or going underneath the fence.

d. New fences shall be flagged to protect both the fencing and wildlife for at least six months.

(10) Emergency access. Reasonable accessibility for emergency service vehicles shall be required along with a training plan for emergency responders.

(11) Signage. No signs are allowed on the security perimeter fencing except to display the installation name, address and emergency contact information, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four square feet in area.

(12) Lighting. All lighting shall be directed downward, and incorporate full cutoff fixtures to reduce light pollution, utilizing fixtures meeting the criteria of the ISA International Dark Sky Association, and shielded from directing light on abutting properties.

(13) Abandonment or decommissioning.

a. It is the responsibility of the parcel owner to remove all obsolete or unused systems within six months of cessation of operations. Reusable components are to be recycled whenever feasible.

b. Within six months after the removal of the solar installation system, the owner shall either plant a native species tree seedling for each solar panel removed or have a planning board approved development plan.

c. A cash or surety bond to cover the cost of removal shall be required and shall be posted prior to the issuance of any building permits. The decommissioning bond shall not include offsets for recycling and/or sale of decommissioned parts. The decommissioning bond shall include the cost of purchase and planting tree seedlings for each solar panel in the installation. An independent third-party cost estimate shall be submitted as part of the major land development process at the expense of applicant. A revaluation of decommissioning costs will take place after ten years with approval of the planning board. If an increase is needed, additional cash or surety will be required at that time.

d. If the decommission bond is posted via a surety bond, in the event ownership of the parcel and/or the solar installation is transferred or sold, it shall be the responsibility of the parcel owner to ensure that the posted decommissioning surety bond remains in full force and effect or that a new surety bond is issued in its place. In order to guarantee the continued viability of the surety bond, the parcel owner shall consent to the town's recording of a lien against the parcel for the decommissioning cost.

(14) Operation and maintenance plan. Solar installations shall submit an operation and maintenance plan that details how the installation will be operated and maintained in good condition, at a minimum, shall address:

a. Site access maintenance.

b. Vegetation management to maintain the required vegetated buffer and appropriate pollinator-friendly vegetative ground cover.

c. Equipment and fence maintenance.



d. Any other maintenance that may be needed to address town requirements imposed due to unique site conditions.

e. Stormwater management and maintenance plan will be required.

f. Not using dust suppressants on solar panels.

(15) Environmental concerns.

a. Any applicant proposing a solar energy system that includes clearing more than 40,000 square feet of forested area shall assess the impacts of the forest loss and how the impacts can be mitigated. At a minimum, the following issues must be addressed: Water quality, habitat, carbon sequestration and storage and adjacent properties.

b. Any clearing or site work on a property occurring within two years of the date of an application for a major solar installation shall be considered part of the major solar installation for the purposes of the foregoing analysis and findings.

(16) Solar land coverage.

a. In the AR, ~~NC-GBM~~, and ~~MI HC2~~ districts, the solar land coverage plus any additional or existing structures on the lot shall not exceed 40 percent of the land suitable for development of the lot unless the solar installation is being installed on a brownfield, in which instances there shall be no restrictions on solar land coverage.

b. There are no restrictions on solar land coverage in the M district and the planning board shall have the authority to require mitigations to maintain aesthetic appeal.

(f) *Incentives*. Pursuant to ~~G.L. 1956~~, § 44-3-21, a property meeting the following criteria shall be exempt from tangible taxation, and such exemption shall be applied for, verified by, and filed with the town's tax assessor:

(1) The additional cost or value of any solar installation which is being utilized as a primary or auxiliary power system for the sole purpose of supplying the energy needs of the property on which it is located.

(Ord. of 7-23-2015, art. VI, § 23; Ord. of [10-8-2020\(1\)](#); ~~Ord. of 8-24-2023~~ )

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.

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

This section is reserved.

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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 VII. – LAND DEVELOPMENT PROJECTS**

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

- Sec. 38-357 – Development standards for general business mixed use shall be amended due to the updated definition of “Mixed use” in RIGL. Amendment also introduces a land development project technique covered in RIGL.

This designation is characterized by nodes for commercial establishments to provide town-wide shopping and service needs. These may include retail, service, office and related activities, residential and municipal uses.

(1) *Purpose.* The purpose of this section is to provide a procedure for the evaluation and approval of new integrated general business ~~mixed use~~ developments. The regulations are intended to promote developments which are compatible with surrounding areas and which incorporate buffers or transition areas to reduce potential negative impacts on agricultural or single-family residential areas. The regulations are intended to encourage a mixture of compatible uses to create a sustainable and attractive environment for a ~~wide~~ variety of ~~trades and retail~~ 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 in addition to~~ on an individual lot-by-lot basis.

A coordinated design approach should:

- Break up the apparent mass and scale of large structures, and large paved parking areas, in order to ensure that such development is compatible with and does not detract from Foster's character, scale, and sense of place;
- Help integrate multi-use development with its surroundings;
- Promote and facilitate a safe and comfortable-pedestrian scale environment;
- Encourage a mixture of uses and sizes of structures; and
- Provide safe and accessible parking areas, allowing for safe pedestrian movement.

It is anticipated that public officials will have considerable involvement in determining the nature of the development through the development plan review process, which will include consideration and application of aspects of both the Foster Land Development and Subdivision Regulations and the Foster Zoning Ordinance.

Where the requirements of any part of this section may conflict with any other section of the Foster Land Development and Subdivision Regulations or the Foster Zoning Ordinance, this section shall prevail as to, or for, the general business ~~mixed-use~~ development.

*(2) Applicability and procedure.*

- a. General business ~~mixed-use~~ developments are permitted in GBM zones as set forth in article III and article IV of this zoning ordinance with the approval of and subject to possible conditions and restrictions imposed by the planning board or zoning board of review pursuant to this section.
- b. No general business ~~mixed-use~~ development shall be undertaken nor any portion of such development be constructed until a plan for such development has been approved by the planning board in accordance with the procedures established by:
  1. The land development and subdivision regulations of the Town of Foster for major land development and major subdivision, except as detailed in subsection (5) of these standards; and
  2. Additional procedures and requirements set forth herein for general business ~~mixed-use~~ developments.
- c. Compatibility and interrelation of uses within the general business ~~mixed-use~~ developments and coordination of traffic, utilities, parking, public wells, storm-water management, security, public onsite wastewater treatment systems, storage, architecture, open space, infrastructure, and other needs, as well as the entire development's impact on the surrounding area and roadways mandate that the development be considered in its entirety and approved, if appropriate, as a whole and developed as a whole. Phasing of construction may be permitted, as set forth in the land development and subdivision regulations, or as required by the planning board. Improvement guarantees shall be required as set forth in article VIII of the land development and subdivision regulations.
- d. Applicants for a general business ~~mixed-use~~ development under this section shall follow procedures for major land development and major subdivisions (see article VI of the Foster Land Development and Subdivision Regulations) including pre-application meetings, master plan review,

preliminary plan review, and final plan review, and all requirements thereof shall be met, except as detailed in subsection (5) of these standards.

(3) *Minimum land area.*

a. A planned ~~unit~~ development or cluster development shall consist of not less than 2100,000 square feet of land area which may be developed into a combination of uses on individual lots, a mixed use development and or commercial units as set forth in article II; and section 38-131(32); of Foster's Zoning Ordinance.

b. Once a planned ~~unit or cluster~~ development has been approved, all land area shown on the plan submitted as part of said planned ~~unit or cluster~~ development application, including those areas designated as reserved for future development, shall be dedicated to the development and may not be withdrawn from said development plan or devoted to any other use without the express written consent of the planning board. The board may allow subsequent withdrawal of land from a development, after an appropriate hearing, when such withdrawal will not violate the purpose and intent of this chapter or impair the previously approved plan.

(4) *Uses.*

a. *Generally.*

1. Uses are categorized as "permitted use," "special-use permit," and "prohibited 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.

2. Designation as a special use does not constitute an authorization or an assurance that such use will be permitted without conditions within the planned or cluster 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 as the findings of fact indicate appropriate.

3. Nothing herein contained shall preclude the planning board or zoning board of review from requiring multiple conditions for a proposal or to condition the granting of one or more special uses upon the implementation or completion of one portion of a project, during the master plan, preliminary plan, and/or final plan review stages of the application for a planned ~~unit or cluster~~ development or during the special-use permit review of the application, as appropriate.

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

i. The desired use will not be detrimental to the intent of the planned ~~unit or cluster~~ development or to the surrounding area;

ii. It will be compatible with existing and proposed uses within the planned ~~unit or cluster~~ development, as well as neighboring land uses;

iii. It will not create a nuisance or a hazard in the neighborhood;

- iv. Adequate protection is afforded to the surrounding properties by the use of open space and plantings, or by decorative fencing;
- v. Safe vehicular access and adequate parking are provided, and use of pervious surfaces is encouraged;
- vi. Control of noise, smoke, odors, lighting, and any other objectionable feature is provided;
- vii. Solar rights of the abutters are provided for;
- viii. Architectural compatibility within the development and with the surrounding area is illustrated;
- ix. The proposed conditional use will be in conformance with the purpose and intent of the comprehensive plan and the zoning ordinance of the Town of Foster;
- x. The health, safety, and welfare of the community are protected;
- xi. Shared parking/curb cuts or joint use is encouraged, and for some uses may be required, where it is likely that occupants of a vehicle would visit more than one use within a development before departing;
- xii. Certain parking requirements may be waived, provided that adequate and safe parking is still provided;
- xiii. Applicant shall demonstrate how the development will utilize shared parking, and shall show all calculations for such parking on the proposed site plan as required under the Foster Zoning Ordinance for such parking.

5. Before being granted a special-use permit by the zoning board of review, the applicant must show how its application complies with article VII "Special-Use Permits and Variances," section 38-324(d)(2) "Standards for relief—Special-use permit" in Foster's Zoning Ordinance.

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

(5) *Expansion of existing uses.*

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

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

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

i. Expansion constituting 100 percent or less of the original square foot building footprint shall require a site plan review with the planning board per article IX of Foster's Zoning Ordinance.

ii. Expansion constituting more than 100 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable GBM development standards as detailed in subsections (2) through (4).

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

i. Expansion constituting 75 percent or less of the original square foot building footprint shall require a site plan review with the planning board per article IX of Foster's Zoning Ordinance.

ii. Expansion constituting more than 75 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable GBM development standards as detailed in subsections (2) through (4).

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

i. Expansion constituting 50 percent or less of the original square foot building footprint shall require a site plan review with the planning board per Article IX of Foster's Zoning Ordinance.

ii. Expansion constituting more than 50 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable GBM development standards as detailed in subsections (2) through (4).

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

i. Expansion constituting 25 percent or less of the original square foot building footprint shall require a site plan review with the planning board per article IX of Foster's Zoning Ordinance.

ii. Expansion constituting more than 25 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable GBM development standards as detailed in subsections (2) through (4).

(Ord. of 9-9-2010, art. VIII, § 3; Ord. of 4-28-2016; [Ord. of 8-24-2023](#))

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**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 VII. – LAND DEVELOPMENT PROJECTS**

Secs. 38-358-38-385. – Reserved.

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

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

This designation is characterized by nodes for commercial establishments to provide town-wide shopping and service needs. These may include retail, service, office and related activities, residential and municipal uses.

(1) Purpose. The purpose of this section is to provide a procedure for the evaluation and approval of new integrated Highway Commercial developments. The regulations are intended to promote developments which are compatible with surrounding areas and which incorporate buffers or transition areas to reduce potential negative impacts on agricultural or single-family residential areas. The regulations are intended to encourage a mixture of compatible uses to create a sustainable and attractive environment for a variety of trades and businesses. Trades and businesses including but not limited to Manufacturing, industrial, storage, retail, warehousing, and distribution centers are encouraged. The regulations are intended to be flexible, to allow for innovative design techniques, to accommodate unique land uses, and to encourage creative approaches to development issues.

Foster encourages a coordinated design approach for development within the HC2 district with an emphasis on compatibility with the natural environment and surrounding land uses. This coordinated approach will 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 in addition to on an individual lot-by-lot basis.

A coordinated design approach should:

- Break up the apparent mass and scale of large structures, and large paved parking areas, in order to ensure that such development is compatible with and does not detract from Foster's character, scale, and sense of place;
- Help integrate multi-use development with its surroundings;
- Promote and facilitate a safe and comfortable-pedestrian scale environment;
- Encourage a mixture of uses and sizes of structures; and
- Provide safe and accessible parking areas, allowing for safe pedestrian movement.

It is anticipated that public officials will have considerable involvement in determining the nature of the development through the development plan review process, which will include consideration

and application of aspects of both the Foster Land Development and Subdivision Regulations and the Foster Zoning Ordinance.

Where the requirements of any part of this section may conflict with any other section of the Foster Land Development and Subdivision Regulations or the Foster Zoning Ordinance, this section shall prevail as to, or for, the highway commercial development.

(2) Applicability and procedure.

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

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

1. The land development and subdivision regulations of the Town of Foster for major land development and major subdivision, except as detailed in subsection (5) of these standards; and

2. Additional procedures and requirements set forth herein for Highway commercial developments.

c. Compatibility and interrelation of uses within the highway commercial 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 subdivision regulations, or as required by the planning board. Improvement guarantees shall be required as set forth in article VIII of the land development and subdivision regulations.

d. Applicants for a highway commercial development under this section shall follow procedures for major land development and major subdivisions (see article VI of the Foster Land Development and Subdivision Regulations) including pre-application meetings, master plan review, preliminary plan review, and final plan review, and all requirements thereof shall be met, except as detailed in subsection (5) of these standards.

(3) Minimum land area.

a. A planned or cluster development shall consist of not less than 200,000 square feet of land area which may be developed into a combination of uses on individual lots, a mixed use development or commercial units as set forth in article II; and section 38-131(4); of Foster's Zoning Ordinance.

b. Once a planned or cluster development has been approved, all land area shown on the plan submitted as part of said planned or cluster development application, including those areas designated as reserved for future development, shall be dedicated to the development and may not be withdrawn from said development plan or devoted to any other use without the express written consent of the planning board. The board may allow subsequent withdrawal of land from a



development, after an appropriate hearing, when such withdrawal will not violate the purpose and intent of this chapter or impair the previously approved plan.

(4) Uses.

a. Generally.

1. Uses are categorized as "permitted use," "special-use permit," and "prohibited 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.

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

3. Nothing herein contained shall preclude the planning board or zoning board of review from 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 master plan, preliminary plan, and/or final plan review stages of the application for a planned or cluster development or during the special-use permit review of the application, as appropriate.

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

i. The desired use will not be detrimental to the intent of the planned or cluster development or to the surrounding area;

ii. It will be compatible with existing and proposed uses within the planned or cluster development, as well as neighboring land uses;

iii. It will not create a nuisance or a hazard in the neighborhood;

iv. Adequate protection is afforded to the surrounding properties by the use of open space and plantings, or by decorative fencing;

v. Safe vehicular access and adequate parking are provided, and use of pervious surfaces is encouraged;

vi. Control of noise, smoke, odors, lighting, and any other objectionable feature is provided;

vii. Solar rights of the abutters are provided for;

viii. Architectural compatibility within the development and with the surrounding area is illustrated;

ix. The proposed conditional use will be in conformance with the purpose and intent of the comprehensive plan and the zoning ordinance of the Town of Foster;

x. The health, safety, and welfare of the community are protected;

xi. Shared parking/curb cuts or joint use is encouraged, and for some uses may be required, where it is likely that occupants of a vehicle would visit more than one use within a development before departing;

xii. Certain parking requirements may be waived, provided that adequate and safe parking is still provided;

xiii. Applicant shall demonstrate how the development will utilize shared parking, and shall show all calculations for such parking on the proposed site plan as required under the Foster Zoning Ordinance for such parking.

5. Before being granted a special use permit by the zoning board of review, the applicant must show how its application complies with article VII "Special-Use Permits and Variances," section 38-324(d)(2) "Standards for relief—Special-use permit" in Foster's Zoning Ordinance.

b. Mixed uses. A mix of compatible uses are to be encouraged throughout a highway commercial development. The institution or maintenance of two or more uses on any one lot or within any one building is permitted as approved by DEM based on the soils\*.

(5) Expansion of existing uses.

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

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

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

i. Expansion constituting 100 percent or less of the original square foot building footprint shall require a site plan review with the planning board per article IX of Foster's Zoning Ordinance.

ii. Expansion constituting more than 100 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable HC2 development standards as detailed in subsections (2) through (4).

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

i. Expansion constituting 75 percent or less of the original square foot building footprint shall require a site plan review with the planning board per article IX of Foster's Zoning Ordinance.

ii. Expansion constituting more than 75 percent of the original square foot building footprint shall follow procedures for major land development and major subdivisions per article VI of Foster's Land Development and Subdivision Regulations and shall be subject to the applicable HC2 development standards as detailed in subsections (2) through (4).

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

i. Expansion constituting 50 percent or less of the original square foot building footprint shall require a site plan review with the planning board per Article IX of Foster's Zoning Ordinance.

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

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

i. Expansion constituting 25 percent or less of the original square foot building footprint shall require a site plan review with the planning board per article IX of Foster's Zoning Ordinance.

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

(Ord. of 8-24-2023)

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

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

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

**ARTICLE IX. – SITE PLAN REVIEW**

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

- Sec. 38-386 – Requirements and purpose of article shall be amended to clarify what applications require a site plan to be submitted for review.

Every applicant for a use variance or a special-use permit under this chapter, ~~and for all every applicant for~~ commercial and industrial development under Sec. 38-394, and every applicant for subdivision under the town subdivision regulations must submit a site plan for review. The town planner shall coordinate and manage the site plan review process, evaluate the environmental impact of proposed projects, and otherwise assist the planning board and zoning board of review with respect to site plan review. Site plan review and approval of subdivisions is governed by the town's subdivision regulations. The purpose of the site plan

review process is to ensure that the zoning board of review has before it sufficient information to determine whether a variance or special-use permit will promote the health, safety and general welfare of the community and will conform to the intent and requirements of this chapter.

(Ord. of 6-23-1994, art. IX, § 1; [Ord. of 8-24-2023](#))

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**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.~~

(Ord. of 6-23-1994, art. IX, § 6)

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**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. 38-392 – Site plan for cluster development.**

- Sec. 38-392 – Site plan for cluster development shall be amended. This section is reserved. Cluster development is introduced in Secs. 38-57 and 38-358.

~~This section is reserved. Permitted in the GB and HC2 districts. See section 38-394.~~

(Ord. of 6-23-1994, art. IX, § 7; [Ord. of 8-24-2023](#))

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**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. 38-394 – Site plan for commercial and industrial development.

- Sec. 38-394 – Site plan for commercial and industrial development shall be amended to account for amendments to the zoning map.

(a) *Purpose.* The purpose of this section is to ensure the orderly development and integration of commercial, industrial and institutional projects into the community; provide for erosion control and stormwater management; prevent surface water and groundwater pollution; minimize traffic hazards; mitigate nuisances caused by noise, dust or lights; and protect and enhance the ecology and physical appearance of the community.

(b) *Review of plan required.* 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 HC2~~ zone, until a site plan review of the proposed construction has been conducted by the planning board. In addition, any use in the ~~GBM, NC or MH-NC2~~ zone which requires a special-use permit shall be subject to a site review by the planning board before a public hearing is held by the zoning board of review. It shall also be required for any enlargement in size of any building or change in use or actual use of any building including accessory structures. Site plan review is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the floor area of any building or structure and does not change the actual use thereof. As part of the site plan review process, the design of proposed buildings may be reviewed to determine compatibility with the site and with ~~section 5.1 of~~ the town's comprehensive plan.

(c) *Meeting with town planner.* Prior to submission of the formal plan, an applicant for a commercial site review shall make an appointment to meet with the town planner to confirm the need for such review, and for informal discussion of the project and site review application requirements and procedure.

(d) *Site plan requirements.* All site plans shall be prepared by a registered architect or engineer. Six copies of the site plan, drawn at a scale no smaller than one inch equals 40 feet, shall be submitted showing the following information unless waived by the planning board:

- (1) Name of the proposed development and names and addresses of the developer and property owners, name of the registered architect or engineer designing the plan and his stamp of registration.
- (2) Locus map at a scale of one inch equals 1,000 feet.
- (3) Date, north arrow, graphic scale, contours at two-foot intervals and where slopes are three percent or less at one-foot contour intervals.
- (4) Boundary line, dimensions, zoning classification and area of lot or tract; abutting property owners within 400 feet; and lot and plat numbers.
- (5) Location and general exterior dimensions of existing structures and signs.
- (6) Existing and proposed sewers, water mains, culverts and other underground appurtenances within and adjacent to the lot or tract, pipe sizes, grades, manholes and locations.

- (7) Distance on all sides between buildings and property lines as measured on the site.
- (8) Building use including number of employees and/or number of units; e.g., beds, offices and/or employees.
- (9) Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays and angle of parking.
- (10) Location, arrangement and dimensions of off-street loading spaces.
- (11) Location and dimensions of vehicular drives; entrances and exits; acceleration and deceleration lanes; and location and dimension of pedestrian entrances, exits, walks and walkways.
- (12) Location, widths and names of all existing or prior platted roads, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, houses or permanent easements, and section and municipal boundary lines, within 400 feet of the development.
- (13) Method of solid waste disposal and screening of refuse areas.
- (14) Location, type, intensity of illumination and height of all outdoor lighting fixtures.
- (15) Location and exterior dimensions of proposed principal and accessory buildings and signs.
- (16) Finished grades, slopes, banks and ditches.
- (17) Landscaping retained and created showing botanical name, location and approximate size of plantings and screen plantings.
- (18) Location, height and materials of walls and fences.
- (19) An architectural rendering of plans or building elevations indicating exterior building design.
- (20) Total floor area and ground coverage of each proposed building and structure and percentage of lot covered by each building or structure.
- (21) The stages, if any, to be followed in the construction of the development, if it is to be developed in sections.
- (22) Accompanying information shall include:
  - a. Soil erosion and stormwater runoff control plans in accordance with the erosion and sediment control regulations of [chapter 26](#).
  - b. A report by the state department of environmental management as to the suitability of the soil and design of individual sewage disposal.

c. Location and extent of any wetlands and approval of state agencies for alteration of, or construction within, wetland areas, determination of special flood hazard requirements.

d. Summary of existing and proposed easements, restrictions and covenants placed on the property.

(e) *Action on commercial and industrial site plans not requiring zoning board action.* Action on commercial and industrial site plans not requiring zoning board of review action shall be as follows:

(1) Within 45 days of the receipt of a complete site plan for a commercial or industrial use, the planning board will schedule a public hearing. At least seven days prior to the hearing, the planning board shall give written notice of the time and place of such hearing, by certified mail, to the applicant and to persons owning land abutting the site. The board shall also publish, in a newspaper of general circulation in the town, a notice of such hearing.

(2) The planning board shall review the site plan for compliance with all articles of this chapter. The applicant shall be advised of any required changes and/or additions to comply with the requirements of this section. The planning board will approve, subject to modifications, or disapprove the site plan. Within 30 days after the date of the close of the public hearing, including the adjourned date thereof, the board shall notify the applicant in writing of its decision stating its reasons if the plan is disapproved.

(f) *Performance standards.* The following criteria are to be used by the planning board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved, unless, in the judgment of the planning board, the applicant is not able to meet one or more of the following standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

(1) *Landscape.* The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of the soil and retaining existing vegetation during and after construction. After construction is completed, landscaping shall be installed according to the landscaping design shown on the site plan that will define, soften or screen the appearance of the off-road parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the design or buildings or site, and to minimize the encroachment of the proposed use on neighboring land uses.

(2) *Visual relationship of buildings.* Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity which have a visual relationship to the proposed buildings. Special attention shall be paid to the bulk, location and height of buildings and such natural features such as slope, soil type and drainageways.

(3) *Vehicular access.* The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers and control of access points, including site distances, turning lanes and traffic signalization when required by existing and projected flow on the municipal road systems. Provisions shall be made providing and maintaining safe and convenient emergency vehicle access to all buildings and structures on the site at all times. The development shall not impose unreasonable burdens on the circulation system of the town. Town roads inadequate to handle the volume of traffic generated by the development shall be improved by the applicant to provide safe passage. The developer may be required to provide a traffic impact report prepared by a

certified traffic engineer if there are unusual safety concerns such as inadequate sight distance or a history of traffic accidents in the area proposed for development.

(4) *Parking and circulation.* The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas and arrangement and use of parking areas.

(5) *Stormwater runoff and erosion control.* Adequate provisions shall be made for stormwater runoff so that removal of surface water shall not adversely affect neighboring properties, downstream water quality, soil erosion or the storm drainage system. Whenever possible, onsite absorption of runoff waters shall be utilized to minimize discharges from the site. Provisions will be made to control erosion during and after construction. Reference is made to the state erosion and sediment control handbook.

(6) *Existing utilities.* The development shall not impose unreasonable burdens on sewers, sanitary and storm drains, water lines or other public utilities.

(7) *Advertising features.* The size, location, design, lighting and materials of all exterior signs and outdoor advertising structures shall be compatible with the design of the proposed buildings and structures and surrounding properties and conform with article VI of this chapter.

(8) *Special features of the development.* Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utilities, buildings and similar structures shall have sufficient setbacks and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

(9) *Exterior lighting.* All exterior lighting shall be designed to minimize impact on neighboring properties.

(10) *Municipal services.* The development will not have an unreasonable impact on the municipal road system, fire department, police department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

(11) *Water pollution.* In making this determination, it shall at least include the elevation of the land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal and other DEM approved discharge; the slope of the land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for surface runoff; and the applicable federal, state and local laws, ordinances, codes and regulations.

(12) *Air pollution.* The use of the site shall not reduce the ambient air quality. In making this determination, the applicant shall consult federal and state authorities to determine air quality laws and regulations.

(13) *Water supply.* Sufficient water must be available for reasonably foreseeable needs of the development and not cause any unreasonable burden on the existing water supply if this supply is utilized.



(14) *Sewage disposal.* Adequate sewage waste disposal must be provided.

(15) *Unique areas.* There must not be any undue adverse affect on the scenic or natural beauty of the areas, aesthetics, historic sites, or rare and irreplaceable natural areas.

(16) *Capacity.* The applicant has adequate financial and technical capacity to meet the above standards.

(17) *Waterbodies.* Whenever the proposed development is situated, in whole or in part, within 300 feet of any pond, lake, river or other freshwater wetland, it will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water. There will be no disturbance of soil within 100 feet of the outer edge of a wetland.

(g) *General provisions.* General provisions concerning site plans for commercial and industrial development are as follows:

(1) The board may waive, by majority vote, site plan approval requirements or any specific provisions thereof for any change in use, and construction of an addition or accessory building to any other principal building, provided that the use is subordinate and customarily incidental to the principal use and provided that:

a. Such building area does not exceed 25 percent of the existing buildings or 1,500 square feet, whichever is less.

b. Such building does not exceed one story.

c. Such building conforms to all requirements of the district in which it is located or any other requirements in this chapter.

d. No site improvements are intended, required or will result from such building including, but not limited to, the development of additional parking spaces.

e. The change of actual use does not affect existing circulation, drainage, landscaping, buffering, lighting or other considerations of site plan review.

(2) The planning board may require the filing of a performance bond or the execution of a conditional agreement with the municipality by the applicant.

(3) All construction performed under the authorization of a building permit issued for development within the scope of this chapter shall be in conformance with the approved site plan.

(4) Change of approved site plan. If the applicant wants to make an amendment to an approved site plan, a written request shall be submitted to the planning board. If, in the opinion of the planning board, a requested change is sufficiently substantial, the planning board shall require the submission of any amended site plan. The procedure for the consideration of such written request or of such amended site plan shall be the same as that for consideration of a site plan under subsections (c), (d) and (e) of this section.

(5) Site plan procedure. Each applicant for site plan approval shall file with the town clerk six copies of the proposed site plan, 24 inches by 36 inches in size at a scale no smaller than one inch equals 40 feet; the required application form; and a \$75.00 application fee.

(Ord. of 6-23-1994, art. IX, § 9; Ord. of 9-9-2010; [Ord. of 8-24-2023](#))

Cross reference— Businesses, [ch. 12](#).

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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 X. – ADOPTION OR AMENDMENT**

**Sec. 38-430 – Planning board report.**

- Sec. 38-430 – Planning Board report shall be amended to allow for the absence of change as a condition warranting amendment to this chapter and to be allowed as a description of conditions warranting an amendment to this chapter in the required report.

Following its review, the planning board shall prepare a written report and recommendation for the town council. The report shall include a discussion of the factors of this article and the reasons supporting the recommendation. The report shall include:

- (1) A statement on the general consistency of the proposal with the town's comprehensive plan, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and
- (2) A demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in article I of this chapter.

If the planning board recommends that the town council adopt the amendment, the report shall also describe any **changed**-conditions which warrant the amendment. The failure of the planning board to submit a report to the town council shall be deemed to constitute a recommendation for adoption of the proposed amendment.

(Ord. of 6-23-1994, art. X, § 5; [Ord. of 8-24-2023](#))

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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 XII. – ATTACHMENTS**

**Attachment 1: Official zoning map.**

- Attachment 1: Official Zoning map shall be added. The official zoning map being added as an attachment replaces its location in Sec. 38-132. The map has been significantly amended.

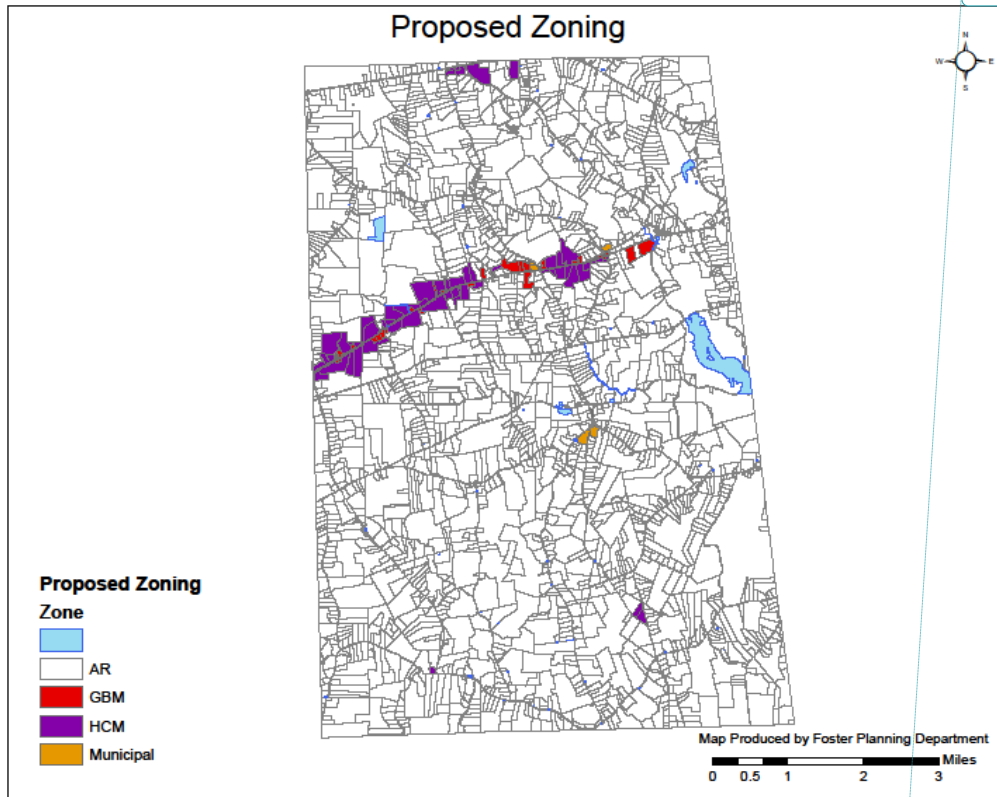
**ARTICLE XII. – ATTACHMENTS**

*Footnotes:*

*--- (9) ---*

*State Law reference— Contents of zoning ordinances, § 45-24-32(8).*

**Attachment 1: Official zoning map.**



(Ord. of 8-24-2023)

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 XIII. – SEVERABILITY**

**ARTICLE XIII. – Severability.**

- Article XIII – Severability shall be added as follows to meet RIGL:

**Article XIII. – Severability**

**Footnotes:**

**--- (10) ---**

**State Law reference— Severability, §45-24-72.**

**Cross reference: Severability of parts of Code. Sec. 1-6.**

**If any provision of this chapter or any rule, regulation, or determination made under this chapter, or the application to any person, agency, or circumstance, is held invalid by a court of competent jurisdiction, the remainder of the chapter, rule, regulation, or determination and the application of the provisions to other persons, agencies, or circumstances shall not be affected thereby. The invalidity of any section or sections of this chapter shall not affect the validity of the remainder of the chapter.**

**(Ord. of 8-24-2023)**

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