

ORDINANCE NO. _____
 AN ORDINANCE IN AMENDMENT TO
 THE ZONING CODE OF THE TOWN OF FOSTER

Chapter 38 – ZONING
 ARTICLE III – ZONING DISTRICTS
 Sec 38-132: Official zoning map

Sec 38-132 – Official zoning map shall be removed.

~~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	Geneux	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
South Side of Route 6					
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	Mcentee	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	Tulli	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
North Side of Route 6					
21	001A	Jodoin	AR	Residence	AR
21	0001	Ferry	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
South Side of Route 6					
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

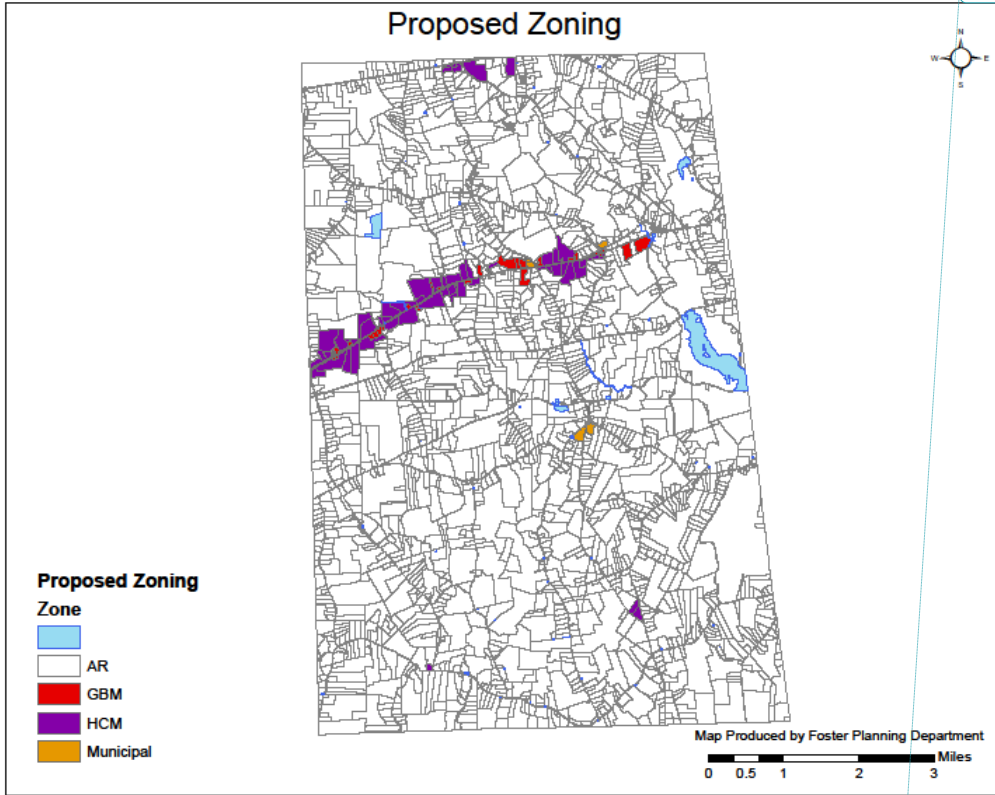
~~No changes were made to Plat 22.~~

Chapter 38 – ZONING
ARTICLE XII – ATTACHMENTS
Attachment 1: Official zoning map

Chapter 38 – Article XII – ATTACHMENTS shall be added. Chapter 38 – Article XII – ATTACHMENTS – Attachment 1: Official zoning map shall be added as follows:

ARTICLE XII. – ATTACHMENTS
Attachment 1: Official zoning map

Field Code Changed



(Ord. of 6-23-1994, art. III, § 8; Ord. of 9-9-2010; [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 III. – ZONING DISTRICTS

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

- Sec. 38-131 – Division of town into; enumeration shall be amended as follows: The removal of the MI district is proposed.

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

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.

(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 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 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.

(6) *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.

(Ord. of 6-23-1994, art. III, § 6; Ord. of 9-9-2010; 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

DIVISION 2. – DESCRIPTION OF USES

Sec. 38-191. – Table of uses.

- Sec. 38-191 – Table of uses shall be amended as follows: The removal of the MI district is proposed.

		Districts					
		AR	NC	GBM	MI	R-SC	M
Agricultural Uses							
1.	Raising animals for home use	X	X	O	X	O	O
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	O	O	X	O	O
	B. Animals exceeding the above, See Article VI, Section 19 for Supplementary Regulations	S	O	O	S	O	O
3.	Raising crops and forest products	X	X	S	X	O	O
4.	Commercial nursery structures	S	X	X	X	O	O
5.	Sale of produce raised on the premises	X	X	X	X	O	O
6.	Poultry farm with capacity for more than 10,000 birds	S	S	O	S	O	O
7.	One 200 sq. ft. wooden building not less than 120 sq. 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.	S	S	S	S	O	S
Residential Uses							
1.	Single-family detached dwelling	X	S	S	O	O	O
2.	Accessory family dwelling unit for the sole use of one or more members of the family of the occupant or	X	O	S	O	O	O

	occupants of the principal residence, but not needing to have a separate means of ingress or egress. (See section 38-282 for further requirements)						
3.	Residential cluster (reserved)						
4.	Residential compound – Reduce frontage and more	X	O	O	⊖	O	O
5.	Multi-family dwelling structure	S	S	S	⊖	O	O
6.	Community residences, and family daycare homes	X	S	S	⊖	O	O
7.	Lodging, guesthouse, or bed-and-breakfast	S	X	X	Ⓢ	O	O
8.	Motel	O	S	X	Ⓢ	O	O
9.	Hotel	O	X	X	Ⓢ	O	O
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 and that exterior advertising shall conform to the provisions of article VI)	X	X	X	✗	O	O
11.	Rest home or convalescent home	S	S	S	⊖	O	O
12.	Senior citizens group dwelling structure(s): Permitted only in the R-SC district for the exclusive use of senior citizens group housing. No other residential, commercial, or industrial use shall be permitted in this district. Refer to section 38-284.	O	O	O	⊖	X	O
Open Recreation Uses							
1.	Public playground or park	X	X	X	✗	O	S
2.	Bathing beach	X	X	X	✗	O	O
3.	Golf course	X	O	O	✗	O	O
4.	Camping area (licensed by town)	S	O	O	Ⓢ	O	O
5.	Rod and gun clubs, rifle or pistol ranges	S	O	O	⊖	O	O
6.	Open rec. events and amusements (license required by town council Ordinance No. 95-12-366)	S	S	S	Ⓢ	S	X
Public and Semi-Public Uses							
1.	School or College	S	X	X	✗	O	O
2.	Religious institution other than church	S	O	O	⊖	O	O
3.	Church	X	X	X	⊖	O	O
4.	Library, museum, etc.	X	X	X	Ⓢ	O	O
5.	Medical clinic	S	S	X	⊖	O	O
6.	Hospital	O	S	O	⊖	O	O
7.	Town or Foster government building	O	S	S	Ⓢ	O	X
8.	State or federal government building of any kind	O	O	S	Ⓢ	O	S
9.	Fire station or ambulance barn	X	X	X	✗	O	X
10.	General purpose hall for recreation, social or other intermittent functions	S	X	X	✗	O	O
11.	Cemetery	S	O	O	⊖	O	O
12.	Day camps (no permanent residency permitted)	S	O	O	⊖	O	O
Office Uses							
1.	Professional office in the home (for use by a resident of the premises)	X	X	X	✗	O	O

2.	Bank or office building	O	X	X	✗	O	O
3.	Real estate office	S	X	X	✗	O	O
4.	Office for wholesale or manufacturing uses	O	S	X	✗	O	O
Restaurants and Entertainment							
1.	Lunchroom or restaurant	S	X	X	✗	O	O
2.	Tavern or night club	O	S	X	✗	O	O
3.	Drive-in food or dairy bar	O	O	S	⊖	O	O
4.	Theater or concert hall	O	S	X	⊖	O	O
5.	Indoor commercial recreation	O	S	X	Ⓢ	O	O
6.	Lunch room or 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	X	✗	O	O
7.	Microbrewery, attached to or maintained as part of a restaurant August meeting	S	S	S	Ⓢ	O	O
Business							
1.	Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops	S1	X	X	Ⓢ	O	O
2.	Antique shop, gift shop, florist shop, pet shop and similar specialty shops	S1	X	X	Ⓢ	O	O
3.	Mortuary or funeral home	O	S	S	Ⓢ	O	O
4.	Radio or television studio or transmission studio	O	X	X	✗	O	O
5.	Drive-in theater	O	O	S	Ⓢ	O	O
6.	Veterinary	X	X	X	✗	O	O
7.	Caterer	O	X	X	✗	O	O
8.	Gasoline filling station (no major repairing)	O	S	S	Ⓢ	O	O
9.	General automotive repair	O	S	S	✗	O	O
10.	Vehicle rental agency	O	O	X	✗	O	O
11.	Building materials and supplies, grain and feed and similar stores	O	X	X	✗	O	O
12.	Grocery, bakery, drug, hardware, variety and similar neighborhood stores	O	X	X	✗	O	O
13.	Fruit and vegetable stand and grocery variety store	S1,2	X	X	✗	O	O
14.	General merchandise, supermarket, department store, furniture store and household goods store (including storage up to 30% of the gross floor area)	O	X	X	✗	O	O
15.	Auto or truck sales in a building (including repairs)	O	O	S	✗	O	O
16.	Auto or truck sales in an open lot	O	O	S	✗	O	O
17.	Retail sales in an open lot	O	S	S	Ⓢ	O	O
18.	Package store (alcoholic beverages)	O	X	X	✗	O	O
19.	Medical Office Building situated on a US Highway (not to exceed 5,000 sq. ft. in area)	S	X	X	⊖	O	O
20.	Communications Towers and Antennas*	S	S	S	Ⓢ	O	S
21.	Firearms shops, ammunition shops, edged weapons shops	O	X	X	Ⓢ	O	O

22.	Restaurant, pharmacy, or finance institution drive-through	O	O	S4	⊖	O	O
Transportation and parking							
1.	Off-street parking facility (accessory to a use permitted in the district)	X	X	X	✗	O	O
2.	Commercial off-street parking facility	O	X	X	✗	O	O
3.	Rail or motor freight terminal	O	O	S	✗	O	O
4.	Rail or bus passenger station	O	S	X	✗	O	O
Wholesale Business and Storage							
1.	Wholesale business and storage of non-flammable and non-explosive material in a building	O	O	X	✗	O	O
2.	Open lot storage of building materials and machinery, etc.	S3	O	O	S3	O	O
3.	Storage of flammable or explosive materials above ground (other than for normal home heating fuel use, not to exceed 1,000 gallons) Amended 9/21/95	O	O	O	S	O	O
4.	Open storage of solid fuel (other than wood), sand and gravel	S3	O	O	S3	O	O
5.	Storage of flammable or explosive materials on-site, above or underground	O	S	S	S	O	O
6.	Retail Outlet for wholesale or storage	O	O	S	✗	O	O
Service Industries							
1.	Auto body or paint shop	O	O	S	S	O	O
2.	Electric Substation	S	X	X	✗	O	O
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	✗	O	O
4.	Any other structure which is part of a public service system	S	S	S	S	O	O
5.	Laundromat	O	S	S	S	O	O
6.	Major solar installation	S	S	S	S	S	S
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 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,	S	X	S	NA	O	O

	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	✗	O	O
3.	The manufacture, compounding or assembly of articles using shell, cellophane, plastic, fur, glass, leather, precious metals or stones, wood, textiles or tobacco and other previously prepared products	O	O	S	✗	O	O
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	O	S	✗	O	O
5.	Machinery and machine tool manufacture (requiring drop hammers or punch presses of over 100 tons)	O	O	O	✗	O	O
6.	Auto assembly or manufacture	O	O	O	✗	O	O
7.	Boat building	O	S	S	✗	O	O
8.	Commercial boat storage and repair	O	S	S	✗	O	O
9.	Blacksmith or welding shop	O	S	S	✗	O	O
10.	Scientific or research laboratory	O	O	X	✗	O	O
11.	Woodworking and cabinetmaking	O	S	X	✗	O	O
12.	Ceramics or pottery manufacture	O	S	X	✗	O	O
13.	Mining, quarrying or loam stripping	S	S	O	✗	O	O
14.	Retail outlet for permitted industrial operation	S	S	X	✗	O	O
15.	Soap manufacture	O	O	O	✗	O	O
16.	Sodium compounds manufacture	O	O	O	✗	O	O
17.	Stone cutting	S	S	X	✗	O	O
18.	Tile or brick manufacture	O	O	O	✗	O	O
19.	Sawmill	O	O	O	✗	O	O
20.	Temporary sawmill (not more than six months operation in any three-year period)	X	X	X	✗	O	O
21.	Reserved						
22.	Chemical manufacture	O	O	O	✗	O	O
23.	Gravel banks	S	O	O	✗	O	S
24.	Natural Material Processing, Stone Crushing and Sorting	S	O	O	✗	O	S
Accessory Uses							
1.	Any use customarily incident to a use permitted in the district and located on same lot	X	X	X	✗	O	O

2.	Any use customarily incident to a use permitted in the district as a special use permit and located on the same lot	S	S	S	S	O	O
Medical marijuana related uses							
1.	Compassion Center	O	O	X	O	O	O
2.	Licensed cultivator	S	O	X	O	O	O
3.	Medical marijuana emporium	O	O	X	O	O	O
4.	Nonresidential cooperative cultivation	O	O	X	O	O	O
5.	Residential cooperative cultivation	S	O	O	O	O	O
6.	Residential caregiver cultivation	X	X	X	X	X	X
7.	Residential personal cultivation	X	X	X	X	X	X

Key:

X - Permitted use

O - Prohibited use

S - Special use permit

~~NA~~ — Not applicable

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 8-24-23.](#))

ORDINANCE NO. _____

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

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

ARTICLE IV. – USES

DIVISION 2 – DESCRIPTION OF USES

Sec. 38-192. – Dimensional Regulations

- Sec. 38-192 – Dimensional Regulations shall be amended as follows: The removal of the MI district is proposed.

Sec. 38-192. - Dimensional regulations.

The following dimensional regulations apply for each of the zoning districts described in article III of this chapter. See article VI of this chapter for additional regulations that apply.

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

	Other Permitted Use	Single-Family Residence Structure
Minimum lot size	200,000 square feet	200,000 square feet
Minimum lot frontage	300 feet	300 feet
Minimum lot width	300 feet	300 feet
Minimum front yard depth	35 feet	50 feet
Minimum side yard depth	50 feet	100 feet
Minimum rear yard depth	100 feet	100 feet
Maximum building coverage	3 percent	3 percent
Maximum building height	35 feet	35 feet

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

	Single-Family Residence Structure	Other Permitted Use
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

~~(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*⁽¹⁾. Dimensional regulations for the R-SC district are as follows:

Only Permitted Use		
Minimum lot area per development ⁽²⁾	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	

⁽¹⁾ Refer to [section 38-284](#) for other requirements.

⁽²⁾ 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	
Minimum front yard depth	35 feet
Minimum side yard depth	50 feet
Minimum rear yard depth	50 feet
Maximum building height	40 feet

(7) *FC farmland/conservation overlay district*. This subsection is reserved.

(8) *Additional dimensional regulations; any permitted use*. 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.

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 shall be amended as follows: The removal of the MI district is proposed.

Sec. 38-272. - Yard exceptions.

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~~-districts an outdoor telephone booth may be located in front yard area, provided it is adjacent to a permitted parking area.

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 as follows: The removal of the MI district is proposed.

Sec. 38-288. - Sign regulations.

(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

	AR	NC	GBM	MI	R-SC
Animated	O	O	O	⊖	O
Announcement board	X	X	X	⊗	X
Billboard	O	O	O	⊖	O
Building marker	X	X	X	⊗	X
Construction sign	X	X	X	⊗	X
Directional sign	X	X	X	⊗	X

Directory sign	O	O	X	⊖	O
Externally illuminated sign	X	X	X	✗	X
Freestanding sign	X	X	X	✗	X
Gas station and service sign	O	X	X	✗	O
Government sign	X	X	X	✗	X
Internally illuminated sign	O	O	O	⊖	O
Incidental sign	X	X	X	✗	X
Incidental sign, residential	X	X	X	✗	X
Institution/organization sign	X	X	X	✗	X
Monument sign	O1	X	X	✗	X
Nameplate	X	X	X	✗	X
Neon sign	O	O	O	⊖	O
Off-premises sign – Commercial use	O	O	O	⊖	O
Off-premises sign – Non-commercial use, temporary	X	X	X	✗	X
Off-premises sign – Non-commercial use, permanent	O	O	O	⊖	O
Projecting sign	O	X	X	✗	O
Real estate sign	X	X	X	✗	X
Subdivision identification sign	X	X	X	✗	X
Temporary sign	X	X	X	✗	X
Wall sign	O	X	X	✗	X
Window sign	O	X	X	✗	X

¹Subdivision identification sign excepted.

(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).

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

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

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

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

(g) *Non-conforming signs.* A sign shall lose its legal non-conforming status when:

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

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

A sign shall not lose its legal nonconforming status when:

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

(h) *Enforcement.*

(1) Permanent signs require a sign permit, excepting residential incidental signs. Applications are available from the building official.

(2) A sign shall be considered in violation of the provisions of this article if:

- 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](#))

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 as follows: The removal of the MI district is proposed.

Sec. 38-292. - Solar installations.

(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.

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~~ 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 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 as follows: The removal of the MI district is proposed.

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

(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 an GBM or NC 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 ~~MI~~ 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](#).

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: The removal of the NC district is proposed.

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

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.

~~(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 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 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.

(6) *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.

(Ord. of 6-23-1994, art. III, § 6; Ord. of 9-9-2010; 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

DIVISION 2. – DESCRIPTION OF USES

Sec. 38-191. – Table of uses.

- Sec. 38-191 – Table of uses shall be amended as follows: The removal of the NC district is proposed.

		Districts					
		AR	NC	GBM	MI	R-SC	M
Agricultural Uses							
1.	Raising animals for home use	X	X	O	X	O	O
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	O	O	X	O	O
	B. Animals exceeding the above, See Article VI, Section 19 for Supplementary Regulations	S	O	O	S	O	O
3.	Raising crops and forest products	X	X	S	X	O	O
4.	Commercial nursery structures	S	X	X	X	O	O
5.	Sale of produce raised on the premises	X	X	X	X	O	O
6.	Poultry farm with capacity for more than 10,000 birds	S	S	O	S	O	O
7.	One 200 sq. ft. wooden building not less than 120 sq. 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.	S	S	S	S	O	S
Residential Uses							
1.	Single-family detached dwelling	X	S	S	O	O	O
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	X	O	S	O	O	O

	to have a separate means of ingress or egress. (See section 38-282 for further requirements)						
3.	Residential cluster (reserved)						
4.	Residential compound – Reduce frontage and more	X	⊖	O	O	O	O
5.	Multi-family dwelling structure	S	Ⓢ	S	O	O	O
6.	Community residences, and family daycare homes	X	Ⓢ	S	O	O	O
7.	Lodging, guesthouse, or bed-and-breakfast	S	✗	X	S	O	O
8.	Motel	O	Ⓢ	X	S	O	O
9.	Hotel	O	✗	X	S	O	O
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 and that exterior advertising shall conform to the provisions of article VI)	X	✗	X	X	O	O
11.	Rest home or convalescent home	S	Ⓢ	S	O	O	O
12.	Senior citizens group dwelling structure(s): Permitted only in the R-SC district for the exclusive use of senior citizens group housing. No other residential, commercial, or industrial use shall be permitted in this district.	O	⊖	O	O	X	O
Open Recreation Uses							
1.	Public playground or park	X	✗	X	X	O	S
2.	Bathing beach	X	✗	X	X	O	O
3.	Golf course	X	⊖	O	X	O	O
4.	Camping area (licensed by town)	S	⊖	O	S	O	O
5.	Rod and gun clubs, rifle or pistol ranges	S	⊖	O	O	O	O
6.	Open rec. events and amusements (license required by town council Ordinance No. 95-12-366)	S	Ⓢ	S	S	S	X
Public and Semi-Public Uses							
1.	School or College	S	✗	X	X	O	O
2.	Religious institution other than church	S	⊖	O	O	O	O
3.	Church	X	✗	X	O	O	O
4.	Library, museum, etc.	X	✗	X	S	O	O
5.	Medical clinic	S	Ⓢ	X	O	O	O
6.	Hospital	O	Ⓢ	O	O	O	O
7.	Town of Foster government building	O	Ⓢ	S	S	O	X
8.	State or federal government building of any kind	O	⊖	S	S	O	S
9.	Fire station or ambulance barn	X	✗	X	X	O	X
10.	General purpose hall for recreation, social or other intermittent functions	S	✗	X	X	O	O
11.	Cemetery	S	⊖	O	O	O	O
12.	Day camps (no permanent residency permitted)	S	⊖	O	O	O	O
Office Uses							
1.	Professional office in the home (for use by a resident of the premises)	X	✗	X	X	O	O
2.	Bank or office building	O	✗	X	X	O	O

3.	Real estate office	S	X	X	X	O	O
4.	Office for wholesale or manufacturing uses	O	S	X	X	O	O
Restaurants and Entertainment							
1.	Lunchroom or restaurant	S	X	X	X	O	O
2.	Tavern or night club	O	S	X	X	O	O
3.	Drive-in food or dairy bar	O	⊖	S	O	O	O
4.	Theater or concert hall	O	S	X	O	O	O
5.	Indoor commercial recreation	O	S	X	S	O	O
6.	Lunch room or 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	X	X	O	O
7.	Microbrewery, attached to or maintained as part of a restaurant August meeting	S	S	S	S	O	O
Business							
1.	Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops	S1	X	X	S	O	O
2.	Antique shop, gift shop, florist shop, pet shop and similar specialty shops	S1	X	X	S	O	O
3.	Mortuary or funeral home	O	S	S	S	O	O
4.	Radio or television studio or transmission studio	O	X	X	X	O	O
5.	Drive-in theater	O	⊖	S	S	O	O
6.	Veterinary	X	X	X	X	O	O
7.	Caterer	O	X	X	X	O	O
8.	Gasoline filling station (no major repairing)	O	S	S	S	O	O
9.	General automotive repair	O	S	S	X	O	O
10.	Vehicle rental agency	O	⊖	X	X	O	O
11.	Building materials and supplies, grain and feed and similar stores	O	X	X	X	O	O
12.	Grocery, bakery, drug, hardware, variety and similar neighborhood stores	O	X	X	X	O	O
13.	Fruit and vegetable stand and grocery variety store	S1,2	X	X	X	O	O
14.	General merchandise, supermarket, department store, furniture store and household goods store (including storage up to 30% of the gross floor area)	O	X	X	X	O	O
15.	Auto or truck sales in a building (including repairs)	O	⊖	S	X	O	O
16.	Auto or truck sales in an open lot	O	⊖	S	X	O	O
17.	Retail sales in an open lot	O	S	S	S	O	O
18.	Package store (alcoholic beverages)	O	X	X	X	O	O
19.	Medical Office Building situated on a US Highway (not to exceed 5,000 sq. ft. in area)	S	X	X	O	O	O
20.	Communications Towers and Antennas*	S	S	S	S	O	S
21.	Firearms shops, ammunition shops, edged weapons shops	O	X	X	S	O	O
22.	Restaurant, pharmacy, or finance institution drive-through	O	⊖	S4	O	O	O

Transportation and parking							
1.	Off-street parking facility (accessory to a use permitted in the district)	X	✗	X	X	O	O
2.	Commercial off-street parking facility	O	✗	X	X	O	O
3.	Rail or motor freight terminal	O	⊖	S	X	O	O
4.	Rail or bus passenger station	O	Ⓢ	X	X	O	O
Wholesale Business and Storage							
1.	Wholesale business and storage of non-flammable and non-explosive material in a building	O	⊖	X	X	O	O
2.	Open lot storage of building materials and machinery, etc.	S3	⊖	O	S3	O	O
3.	Storage of flammable or explosive materials above ground (other than for normal home heating fuel use, not to exceed 1,000 gallons) Amended 9/21/95	O	⊖	O	S	O	O
4.	Open storage of solid fuel (other than wood), sand and gravel	S3	⊖	O	S3	O	O
5.	Storage of flammable or explosive materials on-site, above or underground	O	Ⓢ	S	S	O	O
6.	Retail Outlet for wholesale or storage	O	⊖	S	X	O	O
Service Industries							
1.	Auto body or paint shop	O	⊖	S	S	O	O
2.	Electric Substation	S	✗	X	X	O	O
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	O	O
4.	Any other structure which is part of a public service system	S	Ⓢ	S	S	O	O
5.	Laundromat	O	Ⓢ	S	S	O	O
6.	Major solar installation	S	Ⓢ	S	S	S	S
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 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	S	✗	S	NA	O	O

	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	X	O	O
3.	The manufacture, compounding or assembly of articles using shell, cellophane, plastic, fur, glass, leather, precious metals or stones, wood, textiles or tobacco and other previously prepared products	O	⊖	S	X	O	O
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	X	O	O
5.	Machinery and machine tool manufacture (requiring drop hammers or punch presses of over 100 tons)	O	⊖	O	S	O	O
6.	Auto assembly or manufacture	O	⊖	O	X	O	O
7.	Boat building	O	Ⓢ	S	X	O	O
8.	Commercial boat storage and repair	O	Ⓢ	S	X	O	O
9.	Blacksmith or welding shop	O	Ⓢ	S	X	O	O
10.	Scientific or research laboratory	O	⊖	X	X	O	O
11.	Woodworking and cabinetmaking	O	Ⓢ	X	X	O	O
12.	Ceramics or pottery manufacture	O	Ⓢ	X	X	O	O
13.	Mining, quarrying or loam stripping	S	Ⓢ	O	S	O	O
14.	Retail outlet for permitted industrial operation	S	Ⓢ	X	X	O	O
15.	Soap manufacture	O	⊖	O	S	O	O
16.	Sodium compounds manufacture	O	⊖	O	S	O	O
17.	Stone cutting	S	Ⓢ	X	X	O	O
18.	Tile or brick manufacture	O	⊖	O	S	O	O
19.	Sawmill	O	⊖	O	X	O	O
20.	Temporary sawmill (not more than six months operation in any three-year period)	X	✗	X	X	O	O
21.	Reserved						
22.	Chemical manufacture	O	⊖	O	S	O	O
23.	Gravel banks	S	⊖	O	S	O	S
24.	Natural Material Processing, Stone Crushing and Sorting	S	⊖	O	S	O	S
Accessory Uses							
1.	Any use customarily incident to a use permitted in the district and located on same lot	X	✗	X	X	O	O

2.	Any use customarily incident to a use permitted in the district as a special use permit and located on the same lot	S	S	S	S	O	O
Medical marijuana related uses							
1.	Compassion Center	O	O	X	O	O	O
2.	Licensed cultivator	S	O	X	O	O	O
3.	Medical marijuana emporium	O	O	X	O	O	O
4.	Nonresidential cooperative cultivation	O	O	X	O	O	O
5.	Residential cooperative cultivation	S	O	O	O	O	O
6.	Residential caregiver cultivation	X	X	X	X	X	X
7.	Residential personal cultivation	X	X	X	X	X	X

Key:

X - Permitted use

O - Prohibited use

S - Special use permit

NA - Not applicable

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

DIVISION 2 – DESCRIPTION OF USES

Sec. 38-192. – Dimensional Regulations

- Sec. 38-192 – Dimensional Regulations shall be amended as follows: The removal of the NC district is proposed.

Sec. 38-192. - Dimensional regulations.

The following dimensional regulations apply for each of the zoning districts described in article III of this chapter. See article VI of this chapter for additional regulations that apply.

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

Single-Family Residence Structure	Other Permitted Use	
Minimum lot size	200,000 square feet	200,000 square feet
Minimum lot frontage	300 feet	300 feet
Minimum lot width	300 feet	300 feet
Minimum front yard depth	35 feet	50 feet
Minimum side yard depth	50 feet	100 feet
Minimum rear yard depth	100 feet	100 feet
Maximum building coverage	3 percent	3 percent
Maximum building height	35 feet	35 feet

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

Single-Family Residence Structure	Other Permitted Use	
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

(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*⁽¹⁾. 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	

⁽¹⁾ Refer to [section 38-284](#) for other requirements.

⁽²⁾ 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	
Minimum front yard depth	35 feet
Minimum side yard depth	50 feet
Minimum rear yard depth	50 feet
Maximum building height	40 feet

(7) *FC farmland/conservation overlay district*. This subsection is reserved.

(8) *Additional dimensional regulations; any permitted use*. 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.

(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 VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-272 – Yard Exceptions.

- Sec. 38-272 – Yard Exceptions shall be amended as follows: The removal of the NC district is proposed.

Sec. 38-272. - Yard exceptions.

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 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)

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:

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

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~~ 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 ~~3~~200,000 square feet and shall be increased in proportion to the total number of bedrooms per structure; refer to

subsection (8)c of this section, except in cases where LMI housing is proposed and a density bonus pursuant to subsection (8)d 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.	<i>Maximum number of bedrooms per structure</i>	<i>Minimum lot area per structure (in square feet)</i>	<i>Minimum lot frontage (in feet)</i>
	2 to 4	300,000	400
	5	325,000	400
	6	350,000	400
	7	375,000	425
	8	400,000	450
	<u>9</u>	425,000	475
	10	450,000	500

2. Minimum front yard depth100 feet

3. Minimum rear yard depth100 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 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. Lot frontage as defined in article I of this chapter.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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 8-24-2023](#))

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

Sec. 38-288 – Sign Regulations.

- Sec. 38-288 – Sign Regulations shall be amended as follows: The removal of the NC district is proposed.

Sec. 38-288. - Sign regulations.

(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

	AR	NC	GBM	MI	R-SC
Animated	O	⊖	O	O	O
Announcement board	X	✗	X	X	X
Billboard	O	⊖	O	O	O
Building marker	X	✗	X	X	X
Construction sign	X	✗	X	X	X
Directional sign	X	✗	X	X	X
Directory sign	O	⊖	X	O	O
Externally illuminated sign	X	✗	X	X	X
Freestanding sign	X	✗	X	X	X
Gas station and service sign	O	✗	X	X	O

Government sign	X	✗	X	X	X
Internally illuminated sign	O	⊖	O	O	O
Incidental sign	X	✗	X	X	X
Incidental sign, residential	X	✗	X	X	X
Institution/organization sign	X	✗	X	X	X
Monument sign	O1	✗	X	X	X
Nameplate	X	✗	X	X	X
Neon sign	O	⊖	O	O	O
Off-premises sign – Commercial use	O	⊖	O	O	O
Off-premises sign – Non-commercial use, temporary	X	✗	X	X	X
Off-premises sign – Non-commercial use, permanent	O	⊖	O	O	O
Projecting sign	O	✗	X	X	O
Real estate sign	X	✗	X	X	X
Subdivision identification sign	X	✗	X	X	X
Temporary sign	X	✗	X	X	X
Wall sign	O	✗	X	X	X
Window sign	O	✗	X	X	X

¹ Subdivision identification sign excepted.

(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).

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

furtherance of the above stated goals, off-premises signs are regulated differently from on-premises signs.

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

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

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

(g) *Non-conforming signs.* A sign shall lose its legal non-conforming status when:

- (1) The sign is enlarged or reduced without approvals.
- (2) The sign is relocated without approvals.
- (3) The sign shall not have been repaired or properly maintained within 30 days after written notice to the effect has been given by the building official and/or director of planning, or their designees.
- (4) The sign structure is removed and replaced with another nonconforming sign, regardless of its size.
- (5) The business structure associated with the sign has been abandoned and demolished.

A sign shall not lose its legal nonconforming status when:

- (1) A wall sign is removed for construction, painting and/or restoration of the building, provided that the sign is returned to its location within 30 days of completion of the building work.

(2) The sign is removed to facilitate repair, maintenance and/or repainting and replaced immediately upon completion of such work.

(h) *Enforcement.*

(1) Permanent signs require a sign permit, excepting residential incidental signs. Applications are available from the building official.

(2) A sign shall be considered in violation of the provisions of this article if:

- 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](#))

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 as follows: The removal of the NC district is proposed.

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

(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 owners 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](#))

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 as follows: The removal of the NC district is proposed.

Sec. 38-292. - Solar installations.

(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.

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 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 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 as follows: The removal of the NC district is proposed.

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

(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 ~~an~~ GBM ~~or NC~~ 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 MI 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](#).

ORDINANCE NO. _____

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

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

ARTICLE IV. – USES

DIVISION 2. – DESCRIPTION OF USES

Sec. 38-191. – Table of uses.

- Sec. 38-131 – Division of town into; enumeration shall be amended as follows: The removal of the R-SC district is proposed.

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

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.

(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 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 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.~~

(6) *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.

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

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ARTICLE IV. – USES

DIVISION 2. – DESCRIPTION OF USES

Sec. 38-191. – Table of uses.

- Sec. 38-191 – Table of uses shall be amended as follows: The removal of the R-SC district is proposed.

		Districts					
		AR	NC	GBM	MI	R-SC	M
Agricultural Uses							
1.	Raising animals for home use	X	X	O	X	⊖	O
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	O	O	X	⊖	O
	B. Animals exceeding the above, See Article VI, Section 19 for Supplementary Regulations	S	O	O	S	⊖	O
3.	Raising crops and forest products	X	X	S	X	⊖	O
4.	Commercial nursery structures	S	X	X	X	⊖	O
5.	Sale of produce raised on the premises	X	X	X	X	⊖	O
6.	Poultry farm with capacity for more than 10,000 birds	S	S	O	S	⊖	O
7.	One 200 sq. ft. wooden building not less than 120 sq. 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.	S	S	S	S	⊖	S
Residential Uses							
1.	Single-family detached dwelling	X	S	S	O	⊖	O
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	X	O	S	O	⊖	O

	to have a separate means of ingress or egress. (See section 38-282 for further requirements)						
3.	Residential cluster (reserved)						
4.	Residential compound – Reduce frontage and more	X	O	O	O	⊖	O
5.	Multi-family dwelling structure	S	S	S	O	⊖	O
6.	Community residences, and family daycare homes	X	S	S	O	⊖	O
7.	Lodging, guesthouse, or bed-and-breakfast	S	X	X	S	⊖	O
8.	Motel	O	S	X	S	⊖	O
9.	Hotel	O	X	X	S	⊖	O
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 and that exterior advertising shall conform to the provisions of article VI)	X	X	X	X	⊖	O
11.	Rest home or convalescent home	S	S	S	O	⊖	O
12.	Senior citizens group dwelling structure(s): Permitted only in the R-SC district for the exclusive use of senior citizens group housing. No other residential, commercial, or industrial use shall be permitted in this district.	O	O	O	O	×	O
Open Recreation Uses							
1.	Public playground or park	X	X	X	X	⊖	S
2.	Bathing beach	X	X	X	X	⊖	O
3.	Golf course	X	O	O	X	⊖	O
4.	Camping area (licensed by town)	S	O	O	S	⊖	O
5.	Rod and gun clubs, rifle or pistol ranges	S	O	O	O	⊖	O
6.	Open rec. events and amusements (license required by town council Ordinance No. 95-12-366)	S	S	S	S	⊖	X
Public and Semi-Public Uses							
1.	School or College	S	X	X	X	⊖	O
2.	Religious institution other than church	S	O	O	O	⊖	O
3.	Church	X	X	X	O	⊖	O
4.	Library, museum, etc.	X	X	X	S	⊖	O
5.	Medical clinic	S	S	X	O	⊖	O
6.	Hospital	O	S	O	O	⊖	O
7.	Town of Foster government building	O	S	S	S	⊖	X
8.	State or federal government building of any kind	O	O	S	S	⊖	S
9.	Fire station or ambulance barn	X	X	X	X	⊖	X
10.	General purpose hall for recreation, social or other intermittent functions	S	X	X	X	⊖	O
11.	Cemetery	S	O	O	O	⊖	O
12.	Day camps (no permanent residency permitted)	S	O	O	O	⊖	O
Office Uses							
1.	Professional office in the home (for use by a resident of the premises)	X	X	X	X	⊖	O
2.	Bank or office building	O	X	X	X	⊖	O

3.	Real estate office	S	X	X	X	⊖	O
4.	Office for wholesale or manufacturing uses	O	S	X	X	⊖	O
Restaurants and Entertainment							
1.	Lunchroom or restaurant	S	X	X	X	⊖	O
2.	Tavern or night club	O	S	X	X	⊖	O
3.	Drive-in food or dairy bar	O	O	S	O	⊖	O
4.	Theater or concert hall	O	S	X	O	⊖	O
5.	Indoor commercial recreation	O	S	X	S	⊖	O
6.	Lunch room or 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	X	X	⊖	O
7.	Microbrewery, attached to or maintained as part of a restaurant August meeting	S	S	S	S	⊖	O
Business							
1.	Barber, beautician, shoe repair, tailor, laundry pickup and similar service shops	S1	X	X	S	⊖	O
2.	Antique shop, gift shop, florist shop, pet shop and similar specialty shops	S1	X	X	S	⊖	O
3.	Mortuary or funeral home	O	S	S	S	⊖	O
4.	Radio or television studio or transmission studio	O	X	X	X	⊖	O
5.	Drive-in theater	O	O	S	S	⊖	O
6.	Veterinary	X	X	X	X	⊖	O
7.	Caterer	O	X	X	X	⊖	O
8.	Gasoline filling station (no major repairing)	O	S	S	S	⊖	O
9.	General automotive repair	O	S	S	X	⊖	O
10.	Vehicle rental agency	O	O	X	X	⊖	O
11.	Building materials and supplies, grain and feed and similar stores	O	X	X	X	⊖	O
12.	Grocery, bakery, drug, hardware, variety and similar neighborhood stores	O	X	X	X	⊖	O
13.	Fruit and vegetable stand and grocery variety store	S1,2	X	X	X	⊖	O
14.	General merchandise, supermarket, department store, furniture store and household goods store (including storage up to 30% of the gross floor area)	O	X	X	X	⊖	O
15.	Auto or truck sales in a building (including repairs)	O	O	S	X	⊖	O
16.	Auto or truck sales in an open lot	O	O	S	X	⊖	O
17.	Retail sales in an open lot	O	S	S	S	⊖	O
18.	Package store (alcoholic beverages)	O	X	X	X	⊖	O
19.	Medical Office Building situated on a US Highway (not to exceed 5,000 sq. ft. in area)	S	X	X	O	⊖	O
20.	Communications Towers and Antennas*	S	S	S	S	⊖	S
21.	Firearms shops, ammunition shops, edged weapons shops	O	X	X	S	⊖	O
22.	Restaurant, pharmacy, or finance institution drive-through	O	O	S4	O	⊖	O

Transportation and parking							
1.	Off-street parking facility (accessory to a use permitted in the district)	X	X	X	X	⊖	O
2.	Commercial off-street parking facility	O	X	X	X	⊖	O
3.	Rail or motor freight terminal	O	O	S	X	⊖	O
4.	Rail or bus passenger station	O	S	X	X	⊖	O
Wholesale Business and Storage							
1.	Wholesale business and storage of non-flammable and non-explosive material in a building	O	O	X	X	⊖	O
2.	Open lot storage of building materials and machinery, etc.	S3	O	O	S3	⊖	O
3.	Storage of flammable or explosive materials above ground (other than for normal home heating fuel use, not to exceed 1,000 gallons) Amended 9/21/95	O	O	O	S	⊖	O
4.	Open storage of solid fuel (other than wood), sand and gravel	S3	O	O	S3	⊖	O
5.	Storage of flammable or explosive materials on-site, above or underground	O	S	S	S	⊖	O
6.	Retail Outlet for wholesale or storage	O	O	S	X	⊖	O
Service Industries							
1.	Auto body or paint shop	O	O	S	S	⊖	O
2.	Electric Substation	S	X	X	X	⊖	O
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
4.	Any other structure which is part of a public service system	S	S	S	S	⊖	O
5.	Laundromat	O	S	S	S	⊖	O
6.	Major solar installation	S	S	S	S	S	S
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 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	S	X	S	NA	⊖	O

	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
3.	The manufacture, compounding or assembly of articles using shell, cellophane, plastic, fur, glass, leather, precious metals or stones, wood, textiles or tobacco and other previously prepared products	O	O	S	X	⊖	O
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	O	S	X	⊖	O
5.	Machinery and machine tool manufacture (requiring drop hammers or punch presses of over 100 tons)	O	O	O	S	⊖	O
6.	Auto assembly or manufacture	O	O	O	X	⊖	O
7.	Boat building	O	S	S	X	⊖	O
8.	Commercial boat storage and repair	O	S	S	X	⊖	O
9.	Blacksmith or welding shop	O	S	S	X	⊖	O
10.	Scientific or research laboratory	O	O	X	X	⊖	O
11.	Woodworking and cabinetmaking	O	S	X	X	⊖	O
12.	Ceramics or pottery manufacture	O	S	X	X	⊖	O
13.	Mining, quarrying or loam stripping	S	S	O	S	⊖	O
14.	Retail outlet for permitted industrial operation	S	S	X	X	⊖	O
15.	Soap manufacture	O	O	O	S	⊖	O
16.	Sodium compounds manufacture	O	O	O	S	⊖	O
17.	Stone cutting	S	S	X	X	⊖	O
18.	Tile or brick manufacture	O	O	O	S	⊖	O
19.	Sawmill	O	O	O	X	⊖	O
20.	Temporary sawmill (not more than six months operation in any three-year period)	X	X	X	X	⊖	O
21.	Reserved						
22.	Chemical manufacture	O	O	O	S	⊖	O
23.	Gravel banks	S	O	O	S	⊖	S
24.	Natural Material Processing, Stone Crushing and Sorting	S	O	O	S	⊖	S
Accessory Uses							
1.	Any use customarily incident to a use permitted in the district and located on same lot	X	X	X	X	⊖	O

2.	Any use customarily incident to a use permitted in the district as a special use permit and located on the same lot	S	S	S	S	⊖	O
Medical marijuana related uses							
1.	Compassion Center	O	O	X	O	⊖	O
2.	Licensed cultivator	S	O	X	O	⊖	O
3.	Medical marijuana emporium	O	O	X	O	⊖	O
4.	Nonresidential cooperative cultivation	O	O	X	O	⊖	O
5.	Residential cooperative cultivation	S	O	O	O	⊖	O
6.	Residential caregiver cultivation	X	X	X	X	✗	X
7.	Residential personal cultivation	X	X	X	X	✗	X

Key:

X - Permitted use

O - Prohibited use

S - Special use permit

NA - Not applicable

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

DIVISION 2 – DESCRIPTION OF USES

Sec. 38-192. – Dimensional Regulations

- Sec. 38-192 – Dimensional Regulations shall be amended as follows: The removal of the MI district is proposed.

Sec. 38-192. - Dimensional regulations.

The following dimensional regulations apply for each of the zoning districts described in article III of this chapter. See article VI of this chapter for additional regulations that apply.

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

Single-Family Residence Structure	Other Permitted Use	
Minimum lot size	200,000 square feet	200,000 square feet
Minimum lot frontage	300 feet	300 feet
Minimum lot width	300 feet	300 feet
Minimum front yard depth	35 feet	50 feet
Minimum side yard depth	50 feet	100 feet
Minimum rear yard depth	100 feet	100 feet
Maximum building coverage	3 percent	3 percent
Maximum building height	35 feet	35 feet

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

	Single-Family Residence Structure	Other Permitted Use
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

(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	
Minimum front yard depth	35 feet
Minimum side yard depth	50 feet
Minimum rear yard depth	50 feet
Maximum building height	40 feet

(7) *FC farmland/conservation overlay district*. This subsection is reserved.

(8) *Additional dimensional regulations; any permitted use*. 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.

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 as follows:

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

(a) *Purpose.* The purpose of this section is to promote the establishment of new housing developments, particularly suited for senior citizens, within an ~~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\(7\)d](#).

(11) Provisions for rubbish disposal will be provided for in accordance with [section 38-281\(7\)d.4](#).

(Ord. of 6-23-1994, art. VI, § 13; [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

Sec. 38-288 – Sign Regulations.

- Sec. 38-288 – Sign Regulations shall be amended as follows: The removal of the R-SC district is proposed.

Sec. 38-288. - Sign regulations.

(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~~

	AR	NC	GBM	MI	R-SC
Animated	O	O	O	O	⊖
Announcement board	X	X	X	X	⊗
Billboard	O	O	O	O	⊖
Building marker	X	X	X	X	⊗
Construction sign	X	X	X	X	⊗
Directional sign	X	X	X	X	⊗
Directory sign	O	O	X	O	⊖
Externally illuminated sign	X	X	X	X	⊗
Freestanding sign	X	X	X	X	⊗
Gas station and service sign	O	X	X	X	⊖
Government sign	X	X	X	X	⊗
Internally illuminated sign	O	O	O	O	⊖
Incidental sign	X	X	X	X	⊗

Incidental sign, residential	X	X	X	X	✗
Institution/organization sign	X	X	X	X	✗
Monument sign	O1	X	X	X	✗
Nameplate	X	X	X	X	✗
Neon sign	O	O	O	O	⊖
Off-premises sign – Commercial use	O	O	O	O	⊖
Off-premises sign – Non-commercial use, temporary	X	X	X	X	✗
Off-premises sign – Non-commercial use, permanent	O	O	O	O	⊖
Projecting sign	O	X	X	X	⊖
Real estate sign	X	X	X	X	✗
Subdivision identification sign	X	X	X	X	✗
Temporary sign	X	X	X	X	✗
Wall sign	O	X	X	X	✗
Window sign	O	X	X	X	✗

¹ Subdivision identification sign excepted.

(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).~~

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

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

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

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

(g) *Non-conforming signs.* A sign shall lose its legal non-conforming status when:

- (1) The sign is enlarged or reduced without approvals.
- (2) The sign is relocated without approvals.
- (3) The sign shall not have been repaired or properly maintained within 30 days after written notice to the effect has been given by the building official and/or director of planning, or their designees.
- (4) The sign structure is removed and replaced with another nonconforming sign, regardless of its size.
- (5) The business structure associated with the sign has been abandoned and demolished.

A sign shall not lose its legal nonconforming status when:

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

(h) *Enforcement.*

(1) Permanent signs require a sign permit, excepting residential incidental signs. Applications are available from the building official.

(2) A sign shall be considered in violation of the provisions of this article if:

- 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](#))

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 as follows: The removal of the NC district is proposed.

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

(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 owners 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 collocater 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)

MI and NC zoning districts proposed to be replaced with HCM district. HCM district edits To be added when final draft is completed by Planning Department.

R-SC zoning district proposed to be added to AR uses. To be added when final draft is completed by Planning Department.

- The table of uses may undergo 4 minor amendments at the 7/13 Town Council meeting. Any amendments will be reflected in an update following this meeting.