



ORDINANCE NO. _____

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

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

**CHAPTER 8 – ANIMALS
ARTICLE IV – KENNELS
DIVISION 2 - LICENSES**

Sec 8-217 – Application for initial issuance shall be amended to specify that an application for initial kennel license requires a development plan review application to be submitted to the Planning Board.

Sec. 8-217. - Application for initial issuance.

Every owner or keeper of dogs qualified to apply for a kennel license shall file with the town clerk an application for the initial issuance of a kennel license. ~~Such application shall be filed at least two weeks prior to the date requested for a hearing. If such application involves keeping or breeding of dogs for a fee or sale, the town clerk shall notify the town planner. The town planner shall notify the applicant that a development plan review or minor land development application shall be made, unless waived (See Sec. 12-31(1)).~~

Following development plan review approval or waiver or minor land development approval, Class A kennel licenses shall be issued by the town clerk. Following development plan review approval or waiver or minor land development approval, Class B kennel licenses shall be issued by the town council. If a development plan review application is denied or a minor land development application is denied, the town clerk or town council shall not issue a kennel license.



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Sec 8-218 – Contents of application shall be amended to meet RIGL 4-13-10. A procedure for issuance of license and penalties for noncompliance is proposed to be added to meet RIGL 4-13-10.

Sec. 8-218. - Contents of application; procedure for issuance of license; penalties for noncompliance.

Such application shall state the name or names of the owner and/or keeper of such kennel, ~~the address of such owner and/or keeper,~~ the proposed location of such kennel, ~~the name and address of the owner of the land of such proposed location,~~ and the number of dogs to be kept; ~~at such kennel~~ and that the dogs are to be kept for breeding and stud purposes only or for boarding purposes; ~~the names of all adjoining owners and all property owners within 500 feet of such proposed location, the number of dogs to be kept at such kennel and that the dogs are to be kept for breeding and stud purposes only or for boarding purposes.~~ For initial Class A licenses, if the planning board or administrative officer has approved or waived a development plan review or minor land development, and the town clerk deems that the kennel and the use and operation of that kennel at that location would not constitute a public nuisance, the town clerk shall issue a kennel license authorizing the owner or keeper to keep the kennel in the definite location to be specified in the license, upon the payment by the applicant of twenty-five dollars (\$25.00) for the license.

For renewals of Class A kennel licenses, if the town clerk deems that the kennel and the use and operation of that kennel at that location would not constitute a public nuisance, the town clerk shall issue a kennel license authorizing the owner or keeper to keep the kennel in the definite location to be specified in the license, upon the payment by the applicant of twenty-five dollars (\$25.00) for the license.

For initial Class B licenses, if the planning board or administrative officer has approved or waived a development plan review or minor land development, and the town council deems that the kennel and the use and operation of that kennel at that location would not constitute a public nuisance, the town council shall issue a kennel license authorizing the owner or keeper to keep the kennel in the definite location to be specified in the license, upon the payment by the applicant of fifty dollars (\$50.00) for the license.

For renewals of Class B kennel licenses, if the town council deems that the kennel and the use and operation of that kennel at that location would not constitute a public nuisance, the town council shall issue a kennel license authorizing the owner or keeper to keep the kennel in the definite location to be specified in the license, upon the payment by the applicant of fifty dollars (\$50.00) for the license.

Every kennel license is for a period not exceeding one year and expires on the first day of April. All moneys received shall be credited to the dog fund of the town. Any person without a kennel license who establishes or keeps a kennel shall be fined not exceeding five dollars (\$5.00) for each day the kennel is kept.



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CHAPTER 8 – ANIMALS

ARTICLE IV – KENNELS
DIVISION 2 - LICENSES

- Sec 8-219 – Notice of hearing shall be removed. No hearing is required under 4-13-10. A hearing is required under Sec. 38-394.

~~Sec. 8-219.-- Notice of hearing.~~

~~Upon receipt of such application, the town clerk shall cause notice of such application for the initial issuance of a kennel license to be published in the Providence Journal or Evening Bulletin at least once during the week prior to the week in which the hearing will be held. Notice shall also be given by the town clerk by registered or certified mail to all owners of adjoining property and all property owners within 500 feet of the proposed location, to be mailed at least one week prior to the hearing on the application. Such notice shall state the name and address of the applicant, the type of license requested and the location for which the license is requested. Such notice shall also state that all persons are entitled to be heard before the granting of such license and shall state the time and place of hearing.~~



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- Sec 8-220 – Hearing shall be removed. No hearing is required under 4-13-10. A hearing is required under Sec. 38-394.

~~Sec. 8-220.-- Hearing.~~

~~Hearings on applications for the initial issuance of kennel licenses shall be held at regularly scheduled town council meetings unless otherwise ordered by the town council. At such hearing, all persons for or against the granting of such license shall be heard. Hearings shall be open to the public. The town council shall make its decision and grant or deny such license within ten days after the date of hearing.~~



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CHAPTER 8 – ANIMALS
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- Sec 8-224 – Revocation shall be amended to give revocation powers to the town clerk.

Sec. 8-224. - Revocation.

Class A ~~K~~ kennel licenses may be revoked by the town ~~council~~ clerk if the kennel and the use and operation thereof at its location constitutes a public nuisance or if the license is in violation of any of the provisions of this article. Notice of proposed revocation shall be given to the licensee by registered or certified mail addressed to the licensee at the ~~address~~ location contained in the application for a kennel license and deposited in the mail, ~~at least two weeks prior to the date set for hearing. The town council may also give such further notice as it may deem necessary. Hearings shall be open to the public and all interested persons shall be heard.~~ Class B kennel licenses may be revoked by the town council if the kennel and the use and operation thereof at its location constitutes a public nuisance or if the license is in violation of any of the provisions of this article. Notice of proposed revocation shall be given to the licensee by registered or certified mail addressed to the licensee at the location contained in the application for a kennel license and deposited in the mail.



ORDINANCE NO. _____

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

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

ARTICLE II. – ADMINISTRATION
DIVISION 1. - GENERALLY

Sec. 38-36. - Enforcement of chapter.

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

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

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



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**AN ORDINANCE IN AMENDMENT TO
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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

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

- Sec. 38-285 – Development standards for drive-thru uses shall be amended to allow drive-thru windows facing a public street.

Sec. 38-285. – Development standards for drive-through uses

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.



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

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-290 – Regulations pertaining to animals.

- Sec. 38-290 – Regulations pertaining to animals shall be amended to meet RIGL:

No special use permitFor animals exceeding 35 on five acres or less: five additional animals for each additional acre over five acres (Sec.38-191 – Agricultural use (2)(b)), a waste management and removal plan shall be submitted to the building official.

No land development approval or waiver for a kennel shall be granted or issued unless a waste management and removal plan is ~~first~~ filed before or in conjunction with the land development submission and approved by the ~~town~~ planning board or administrative officer. No renewal of a kennel license shall be granted unless a waste management and removal plan is filed before or in conjunction with the application for renewal and approved by the town clerk or town council, whichever is applicable.



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

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

Chapter 38 – Zoning

ARTICLE VI – SUPPLEMENTARY REGULATIONS

Sec. 38-301. – Construction Timetable - Extension.

Sec. 38-301* shall be added to allow for reasonable exceptions to the timeframes related to commencement and completion of projects and improvements associated with variances and special-use permits that are set forth in various sections of chapter 38 pursuant to RIGL 45-24-44(d).

Sec. 38-301. – Construction timetable - Extension.

All timeframes that are set forth by vested rights provisions and that are related to commencement and completion of any project that has been approved under this chapter, also known as the construction timetable, may be extended for a longer period, for cause shown, if requested by the applicant in writing, and approved by the permitting authority that issued the approval.
