



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**

- Sec 8-216 - Classes shall be amended as follows:

**Sec. 8-216. - Classes.**

Kennel licenses shall be issued by the town in two classes:

(1) *Class A.* A class A license shall be issued to keepers of thoroughbred dogs kept for breeding or stud purposes ~~and for sale either on the premises or other commercial outlet~~. Note: The raising of animals for sale is permitted in AR, GB and ~~MI~~ HC2 districts ~~only~~ and prohibited in ~~NC and HC M~~ districts. (See section 38-191 et seq.)

(2) *Class B.* Class B licenses shall be issued to keepers of dogs kept for boarding purposes only. Kennel licenses shall be issued only to keepers ~~or owners~~ of dogs to be housed on the same parcel of land where the ~~owner or~~ keeper resides. Class B licenses shall not apply to the following:

(a) Sheltering, feeding, and watering in return for a fee in a residential setting, of no more than four animals not owned by the proprietor.

(b) Any entity that sells a dog.



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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**

- Sec 8-221 - Fees shall be amended as follows:

**Sec. 8-221. - Fees.**

Each applicant for the initial issuance of a kennel license shall pay to the town clerk, upon filing ~~his their~~ application, a license fee of ~~\$25.00~~100.00 for such license if the number of dogs to be kept does not exceed ten or a license fee of \$100.00 if the number of dogs to be kept is equal to or exceeds ten. Each applicant for the initial issuance of a kennel license shall also pay upon filing the sum of ~~\$25.00~~100.00 to defray the costs of giving notice and conducting the hearing as required by the application fee for a formal development plan review (see Sec. 38-394).



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**

- Sec 8-222 - Renewal shall be amended as follows:

**Sec. 8-222. - Renewal.**

Application for the renewal of a kennel license shall be ~~made to heard by~~ the town ~~clerk council~~ during a public hearing on or before April 1 in each year. The application shall be submitted to the town clerk no later than March 1 in each year. Public notice of application for kennel licenses and public hearing thereof shall adhere to the provisions of Sec. 38-38(b) and 32-50(b). Such application shall contain the same information as the application for the initial issuance of a kennel license as set forth in section 8-218. Upon receipt of a proper and timely application, and upon the payment of a license fee of ~~\$25.00~~100.00, if the number of dogs to be kept does not exceed ten and a license fee of ~~\$25.00~~100.00 if the number of dogs to be kept is equal to or exceeds ten, the town ~~clerk council~~ shall issue an annual renewal of the kennel license to the applicant. All fees so collected by the town clerk shall be paid over by ~~him the clerk~~ to the town treasurer. Renewals of kennel licenses shall not require a formal development plan review by the planning board.



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

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

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

**Chapter 12 – BUSINESSES**

**ARTICLE II – LICENSES**

- Sec 12-31 – Renewal or transfer shall be amended as follows:

**Sec. 12-31. ~~–~~ Application, Renewal or transfer.**

After receiving the pertinent approval from the planning board or administrative officer, it shall be a condition for the application, renewal or transfer of any business license (except individual trailer replacement licenses) issued by the town that the applicant or holder of the license show that all taxes due to the town by the applicant or license holder and by the owner of the premises that are licensed or applying to be licensed be paid in full. Further, the applicant or holder of the license shall present to the town council at a public hearing, prior to or on the the date for application, renewal or transfer, a statement from the police department approving of the application, renewal or transfer, a statement from the building official, and a statement from the zoning-~~inspector~~ enforcement officer approving of the application, renewal or transfer and a statement from the appropriate fire company approving of the application, renewal or transfer. In exercising judgment as to whether to approve or disapprove, the police department, building official, ~~and~~ zoning-~~inspector~~ enforcement officer, ~~and~~ fire company and town council should take into consideration the following:

- (1) *Police department.* A background report shall be required for applications only.
- (2) *Fire department.* The applicant must be in compliance with state fire codes. A signed statement shall be filed by the fire company.
- (3) *Building official and zoning-~~enforcement officer~~-~~inspector~~.* The applicant must comply with G.L. 1956, § 23-27.3-124.0 et seq. (unsafe conditions). The applicant must correct any outstanding zoning violations.
- (4) *Tax collector:* The applicant must comply with the town's ordinance regarding payment of taxes for the application, renewal or transfer of licenses.
- (5) *Town council.* The applicant shall appear before the town council at a public hearing to present evidence that the requirements described above have been met. Notice of the public hearing shall comply with the provisions of Sec. 38-38(b)(c).
- (6) *Dumpster.* All businesses shall require a dumpster on the premises. See Sec. 12-48 and Sec. 18-1. The town council may waive the requirement for a dumpster if such requirement would cause undue hardship for the applicant, including initial applicants and applicants for renewal or transfer.



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

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

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

**Chapter 12 – BUSINESSES**

**ARTICLE II – LICENSES**

- Sec 12-34 – 12-65 - Reserved shall be amended to reserve sections 12-49 – 12-65. Business licenses shall be regulated as follows:

**Chapter 12 – BUSINESSES  
ARTICLE II. – LICENSES**

**~~Secs. 12-34 – 12-65. -- Reserved.~~**

**Sec. 12-34 – License for sale of alcohol.**

Initial license fee for sale of alcohol shall be \$500.00 and shall be renewed annually by the town council. The renewal fee shall be \$500.00

**Sec. 12-35 – License for entertainment.**

Initial license fee for entertainment shall be \$300.00 and shall be renewed annually by the town council. The renewal fee shall be \$300.00.

**Sec. 12-36 – License for campground.**

Initial license fee for campground shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00.

**Sec. 12-37 – License for hotel/motel.**

Initial license fee for hotel/motel shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00.

**Sec. 12-38 – License for pawn shop.**

Initial license fee for pawn shop shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00.

**Sec. 12-39 – License for sale of secondhand articles.**

Initial license fee for sale of secondhand articles shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00.

**Sec. 12-40 – License for private detective.**

Initial license fee for private detective shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00.

**Sec. 12-41 – License for theater.**

Initial license fee for theater shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00.

**Sec. 12-42 – License for auto repair.**

Initial license fee for auto repair shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00.

**Sec. 12-43 – License for preparing food (Victualling).**

Initial license fee for preparing food (victualling) shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00.

**Sec. 12-44 – License for automobile junkyard.**

Initial license for automobile junkyard shall be renewed annually by the town council. The renewal fee shall be \$100.00. New junkyards are prohibited.

**Sec. 12-45 – License for flea market.**

Initial license fee for flea market shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00

### **Sec. 12-46 – License for retail/holiday sales.**

Initial license fee for retail/holiday sales shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00.

### **Sec. 12-47 – License for gravel banks, natural material processing, stone crushing and sorting, mining, quarrying.**

Initial license fee for gravel banks, natural material processing, stone crushing and sorting, mining, quarrying shall be \$100.00 and shall be renewed annually by the town council. The renewal fee shall be \$100.00. The initial license may be issued by the town council upon the conditional grant of a special-use permit by the planning board. The planning board's grant of any special-use permit for the above uses shall be conditioned upon subsequent grant of a license by the town council.

Prior to renewal of a license for the above uses, inspection of the premises shall be made by the Zoning Enforcement Officer to determine that the conditions of the special-use permit and of the soil erosion and sediment control plan are being complied with.

Forthwith following the denial of a license renewal under this section or the expiration or withdrawal of a permit or upon voluntary cessation of operations or upon completion of removal in a substantial area, that entire area shall be restored insofar as permitted by RIDEM as follows:

**(1)**

All land shall be so graded that no slope exceeds one foot vertical rise in three feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.

**(2)**

All boulders larger than 1/2 cubic yard shall be removed or buried.

**(3)**

The entire area except exposed ledge rock shall be covered with not less than four inches of good quality loam, which shall be planted with cover vegetation adequate to prevent soil erosion, using either grasses or ground cover, depending upon conditions.

**(4)**

The performance bond shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

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

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

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

**Chapter 12 – BUSINESSES**

**ARTICLE III – FIREARMS DEALERS**

**DIVISION 2 - LICENSE**

- Sec 12-96 – Application fee; renewal fee shall be amended as follows:

**Sec. 12-96. - Application fee; renewal fee.**

The application for a license under this article shall be accompanied by an application fee of ~~\$75.00~~100.00. A fee of \$5.00 shall be paid to the town clerk upon issuance of license by the town council, as prescribed by RIGL 11-47-39(4). The renewal license fee ~~, as prescribed by G.L. 1956, § 11-47-39 et seq.,~~ shall be \$5.00 as prescribed by RIGL 11-47-39(4). A separate license is required for sale of items not associated with firearms.

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

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

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

**Chapter 12 – BUSINESSES**

**ARTICLE IV – HAWKERS, PEDDLERS, DOOR-TO-DOOR SALESPERSONS, AND MOBILE  
FOOD ESTABLISHMENTS**

**DIVISION 2 - LICENSE**

- Sec 12-162 - License issuance; fees; limitations shall be amended as follows:

**Sec. 12-162. - License issuance; fees; limitations.**

(a) No license shall be issued under this article until such time that the town clerk receives all necessary approvals.

(b) Licenses shall be issued by the town clerk under this article upon town council approval:

(1) Hawkers and peddlers. After a hearing and public notice given by publication of the application at least one week prior to the date of the hearing;

(2) Mobile food establishments. After appearing in front of the town council during a regularly scheduled open meeting;

(3) Any preconditions determined by the town council for a license application under this article must be satisfied prior to the license becoming active, and proof of completion of said preconditions must be furnished to the town no later than 14 days prior to the start date listed on the license, unless otherwise stated in the town council's decision. Failure to provide proof of completion of preconditions in the aforementioned timeframe may be cause for the revocation or forfeiture of said license and fees.

(c) No license issued pursuant to this article shall be transferable to any person other than the individual to whom it was issued and named therein to act thereunder; provided, however a licensee may hire a driver and such driver may operate on the license so long as the driver is registered with the town clerk as the driver pertaining to said license.

(d) A separate license shall be required for each vehicle, cart or pushcart. Every licensee shall carry said license while engaged in sales and produce the same upon request by an official of the town or any other person making said request. Failure to do so may be cause for the revocation of such license.

(e) For hawker and peddler applicants, the town clerk shall, in addition to the license specified above, issue an identification badge containing one of the photographs of the authorized individual along with the effective dates on the license and other such information as the town clerk shall deem appropriate. Every licensee shall wear the identification badge issued by the town clerk while engaged in any activity related to this article. Such identification badge shall be worn so that it is clearly visible. Violation of this subsection shall be cause for the revocation of the license issued under this article.

(f) For mobile food establishment applicants and/or organizers of an event and/or temporary mass gathering with two or more mobile food establishments, the town clerk shall issue an event permit and/or a temporary mass gathering permit, as required by the town council, after a hearing and public notice given by publication of the permit application at least three weeks prior to the date of the hearing.

(1) For any event where an event organizer has arranged for the operation of two or more mobile food establishments at a gathering to be located on public or nonresidential property, the organizer shall obtain an event permit prior to the event.

a. A fee for this event permit shall be charged in accordance with the fee schedule prescribed in subsection (g) of this section.

b. Application for events and event permits must be received no later than 14 days prior to the proposed event. If the event organizer has reason to believe the proposed event may fall



within the provisions of a temporary mass gathering, is shall be the sole responsibility of the event organizer to submit this application within the required time period outlined in subsection (f)(2) of this section.

c. Each event permit granted shall be accompanied by a contract between the event organizer and the town, which details the obligations and expectations of said event organizer for said event under this article.

d. If the town council, during a hearing related to the event permit, did not make a determination as to whether the permitted event is subject to a temporary mass gathering permit in addition to an event permit, the town council shall have the authority to require the event organizer to obtain a temporary mass gathering permit in addition to an event permit.

e. All events shall be in accordance with all stipulations of this article and any other land use or zoning ordinances of the town.

f. Mobile food establishment certificates for all mobile food establishments stated to be present at the event, must be submitted to the town prior to the town clerk issuing an event permit. It is the responsibility of the event organizer to ensure that said certificates have been provided to the town in accordance with this subsection.

(2) For any event where an event organizer reasonable anticipates an assembly of 500 or more people at an event that is expected to continue for two or more hours per day, or an event that requires a more extensive review to protect the public health and safety because the event's nature or conditions have the potential of generating environmental or health risks, the event organizer shall obtain a temporary mass gathering permit, in addition to an event permit, prior to the event.

a. This includes, but is not limited to, "special events" as defined in the Food Code Regulations promulgated by the Rhode Island Department of Health, as well as festivals and concerts.

b. This shall not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless said event is open to the public.

c. A fee for this temporary mass gathering permit shall be charged in accordance with subsection (g) of this section.

d. Applications for temporary mass gathering permits must be received a minimum of 30 days prior to the proposed event.

e. All events shall be in accordance with all stipulations of this article and any other land use or zoning ordinances of the town.

f. If the town council, during a hearing related to the event, did not make a determination as to whether the permitted event is subject to a temporary mass gathering permit in addition to an event permit, the town council shall have the authority to require the event organizer to obtain a temporary mass gathering permit in addition to an event permit.

g. Mobile food establishment certificates for all mobile food establishments stated to be present at the event, must be submitted to the town prior to the town clerk issuing a

temporary mass gathering permit. It is the responsibility of the event organizer to ensure that said certificates have been provided to the town in accordance with this subsection.

(g) Fee schedule:

(1)

	<u>Minimum</u>	<u>Maximum Fee</u>
Hawker	<del>\$10.00</del>	<del>\$50</del> 100.00
Peddler	<del>\$10.00</del>	<del>\$50</del> 100.00
Mobile food establishment	<del>\$25.00</del>	\$50.00* \$25.00**
Event permit	<del>\$75.00</del>	\$300.00
<del>Event permit and m</del> Mass gGathering permit	<del>\$100.00</del>	<del>\$300.00</del> 100.00

\* For single mobile food establishment

\*\* For two or more mobile food establishments

(2) Hawker and peddler fees under this article shall be retained by the town whether such license is granted or denied.

(3) Mobile food establishment applicants licensed under this article shall pay a fee for a municipal mobile food establishment permit in an amount not to exceed \$50.00 at the time of application and said fee shall be retained by the town whether such license is granted or denied.

(4) Mobile food establishment applicants required by the town council to obtain an event permit or an event permit and a temporary mass gathering permit shall furnish proof thereof to the town clerk of said permit, a minimum of 14 days prior to the start date of the event as stated on the municipal mobile food establishment permit. Failure to comply with the aforementioned timeframe may be cause for the revocation or forfeiture of said municipal mobile food establishment permit and fees.

(5) The town council may waive the above fees at the hearing and/or meeting required by this article.

(6) These limitations, and any reduction in the number of authorized licenses thereof, shall not be deemed to affect the right of any current license holder to continue to renew the license annually.

(7) The town clerk shall maintain a list of persons interested in obtaining annual licenses under this article.



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

**AN ORDINANCE IN AMENDMENT TO  
THE SOIL EROSION AND SEDIMENT CONTROL CODE OF THE TOWN OF FOSTER**

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Soil Erosion and Sediment Control Ordinance of the Town be amended as follows:

**ARTICLE III. – PLAN**

**Sec. 26-121. – Site plan review fees**

Sec 26-121 – Site plan review fees shall be amended to state the following:

- **Sec. 26-121. - Site plan review fees.**

(a) ~~Single-family s~~Subdivision site plan review fees shall be according to the number of lots as follows:

One (1) lot .....~~\$100.00~~400.00

Two (2)—~~four~~nine (9) lots .....~~150.00~~ \$150.00 shall be required for each additional lot proposed to be created above one (1) and up to nine (9)

~~Five—nine~~ lots .....~~275.00~~

Ten—~~15~~ lots .....~~400.00~~ or more lots..... \$1,500.00 in the event that ten lots are proposed to be created. \$250.00 shall be required for each additional lot proposed to be created.

~~16—25~~ lots .....~~525.00~~

~~26—50~~ lots .....~~675.00~~

~~51—100~~ lots .....~~825.00~~

~~100+~~ lots .....~~825.00~~

~~Plus \$20.00/lot for each lot over 100~~

(b) Site plan fees for multifamily, commercial, industrial, parking lot, pipeline, utility, land grading, quarrying, mining, landfill and demolition areas shall be according to the acreage as follows:

Up to 30,000 square feet .....\$150.00

30,000 square feet, 1.5 acres .....200.00

Two acres - five acres .....275.00

Six acres—ten acres .....400.00

11 acres—20 acres .....525.00

21 acres—50 acres .....675.00

51 acres—75 acres .....875.00

76+ acres .....875.00

Plus \$20.00/acre for each acre over 75 acres



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

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

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

**Chapter 38– ZONING**

**ARTICLE II – ADMINISTRATION**

**DIVISION 2 – ZONING BOARD OF REVIEW**

- Sec 38-63 – Powers and duties shall be amended as follows:

**Sec. 38-63. - Powers and duties.**

The zoning board of review shall have the following powers ~~and duties set forth as follows:~~

(1) ~~To H~~hear and decide appeals within sixty-five (65) days of the filing of the appeal where it is alleged there is error in any order, requirement, decision or determination made by the zoning ~~official enforcement officer or the administrative officer~~ in the enforcement or interpretation of this chapter or of any ordinance adopted pursuant hereto. In using this power, the board may reverse or affirm in whole or in part or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the zoning ~~official enforcement-officer or the administrative officer~~ from whom the appeal was taken.

(2) ~~To A~~authorize, upon application, in specific cases, special use permits pursuant to article VII of this chapter. In granting a special use permit, the board may impose such additional safeguards and conditions as are deemed necessary in order to conform to these requirements. The disregarding of any such condition or safeguard shall be considered as a violation.

(3) ~~To A~~authorize upon application in specific cases of hardship, ~~a~~ variances in the application of the terms of the zoning ordinance according pursuant to the provisions set forth as follows:

- a. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to a physical or economic disability of the applicant.

b. The hardship is not the result of any prior action of the applicant and ~~; does not result primarily from the desire of the applicant to realize greater financial gain.~~

c. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive plan upon which this chapter is based.

~~d. The relief to be granted is the least relief necessary.~~

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

(4) To refer matters to the planning board or to other boards or agencies of the town, including, but not limited to, the technical review committee or conservation commission, as the zoning board of review may deem appropriate, for findings and recommendations.

(5) To provide for the issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals that are necessary are pending. A conditional zoning approval shall be revoked in the instance where any necessary state or federal agency approvals are not received within a specified time period.

(6) To hear and decide other matters, according to the terms of the ordinance or other statutes, and upon which the board may be authorized to pass under the ordinance or other statutes.



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

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

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

**Chapter 38– ZONING**

**ARTICLE II – GENERAL REQUIREMENTS**

**DIVISION 2 – ZONING BOARD OF REVIEW**

- Sec 38-64 – Voting shall be amended as follows:

**Sec. 38-64. - Voting.**

The zoning board of review shall be required to vote as follows:

(1) ~~Five~~ Four (4) active members, which may include alternates, shall be ~~are~~ necessary to conduct a hearing. As soon as a conflict occurs for a member, that member shall ~~excuse~~ recuse himself or herself, ~~and~~ shall not sit as an active member, and shall take no part in the conduct of the hearing. ~~Only~~ A maximum of five (5) active members, which may include alternates, shall be ~~are~~ entitled to vote on any issue.

(2) The concurring vote of ~~three of the five~~ a majority of members of the zoning board of review sitting at a hearing ~~shall be~~ is necessary to reverse any order, requirement, decision or determination of ~~the any zoning official administrative or enforcement officer~~ from whom an appeal was taken.

(3) The concurring vote of ~~four of the five~~ a majority of members of the zoning board of review sitting at a hearing ~~shall be~~ is required to decide in favor of an applicant on any matter within the discretion of the board upon which it is required to pass under this chapter, including variances and special ~~use~~ permits.

(4) ~~No member or alternate may vote on any matter before the board unless they have attended all hearings concerning the matter. All members including alternate members, of any zoning board shall be required to participate in continuing education courses promulgated pursuant RIGL 45-70 entitled "Continuing education for local planning and zoning boards and historic district commissions."~~



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

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

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

**Chapter 38– ZONING**

**ARTICLE II – GENERAL REQUIREMENTS**

**DIVISION 2 – ZONING BOARD OF REVIEW**

- Sec 38-65 – Application procedure shall be amended as follows:

**Sec. 38-65. - Application procedure.**

Application procedures for the filing of appeals, request for variances, special use permits, development plan review, ~~site plan review~~ and such other applications as may be specified in this chapter, shall be prepared by the ~~zoning official~~ administrative officer and published.



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

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

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

**Chapter 38– ZONING**

**ARTICLE II – GENERAL REQUIREMENTS  
DIVISION 2 – ZONING BOARD OF REVIEW**

- Sec 38-67 – Decisions and records shall be amended as follows:

**Sec. 38-67. - Decisions and records.**

Following a public hearing, the zoning board of review shall render a decision within ~~30~~ fifteen (15) days. The board shall include in its decision all findings of fact and conditions, showing the vote of each member participating thereon, and the absence of a member or his or her failure to vote. Decisions shall be recorded and filed in the office of the ~~zoning official town clerk~~ within ~~ten thirty (30) working~~ days from the date when the decision was rendered, and ~~shall be is~~ a public record. The board shall keep written minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating ~~such that~~ fact, and shall keep records of its examinations, findings of fact and other official actions, all of which shall be recorded and filed in the office of the ~~zoning official~~ administrative officer in an expeditious manner upon completion of the proceeding. For any proceeding in which the right of appeal lies to the superior court, the zoning board of review shall have the minutes taken either by a competent stenographer or recorded by a soundrecording device.

Any decision by the board, including any special conditions attached thereto, shall be mailed within one business day of recording, by any method that provides confirmation of receipt to the applicant, to any objector who has filed a written request for notice with the zoning enforcement officer, and to the zoning enforcement officer. Any decision evidencing the granting of a variance, modification, or special use shall also be recorded in the land evidence records of the city or town and mailed within one business day of recording, by any method that provides confirmation of receipt, to the applicant, to any objector who has filed a written request for notice with the zoning enforcement officer, and to the administrative officer. A copy of the recorded decision shall be mailed within one business day of recording, by any method that provides confirmation of receipt, to the applicant, and to any objector who has filed a written request for notice with the zoning enforcement officer, as well as a copy to the zoning enforcement officer. to the planning board, and to the associate director of the division of planning of the state department of administration. Any decision evidencing the granting of a variance or special use permit shall also be recorded in the land evidence records of the town.



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

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

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

**Chapter 38– ZONING**

**ARTICLE V – NONCONFORMING USE**

**Sec. 38-232. - Existence by variance or special ~~use~~ permit.**

A nonconforming building, structure, sign or parcel of land or the use thereof, which exists by virtue of variance or a special use permit (or a special exception) granted by the zoning board of review or the planning board, shall not be considered nonconforming for the purposes of this article, and shall not acquire the rights of this article. Rather, such building, structure, sign, parcel of land or use thereof shall be considered a use by variance or a use by special use permit and any moving, addition, enlargement, expansion, intensification or change of such building, structure, sign, parcel of land or use thereof, to any use other than a permitted use or other than in complete conformance with this chapter, shall require a further variance or special use permit from the board.



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

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

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

**Chapter 38 – ZONING**

**ARTICLE VIII – LAND DEVELOPMENT PROJECTS**

Secs. 38-359 – Land Development Projects shall be added to come into compliance with RIGL:

**Sec. 38-359 Land Development Projects**

(a) Applications. Applications for uses permitted as a land development project in Sec. 38-191 and applications which are filed under the provisions of article V or article VI of chapter 32 shall be reviewed in accordance with the procedures established by RIGL 45-23, including those for appeal and judicial review, and with any ordinances or regulations adopted pursuant to the procedures, whether or not the land development project constitutes a “subdivision”, as defined in RIGL 45-23. A project meeting the criteria for a minor land development as listed in RIGL 45-23-32(19)(i) shall be reviewed as a minor land development project. Pursuant to RIGL 45-23-32(19)(ii), a project which exceeds the criteria for a minor land development project as listed in RIGL 45-23-32(19)(i) shall be reviewed as major land development project.

All land development projects exceeding a single family residence that is not filed as a comprehensive permit application, and/or projects for a complex of uses, units, or structures shall be reviewed under the regulations of this section. Comprehensive permit applications shall be reviewed under article X of chapter 32. Density bonuses associated with comprehensive permit applications are found in subsection (e) of this section.

(b) Commencement of work, authority to grant zoning incentives. No land development project shall be initiated until a plan of the project has been submitted to the planning board or administrative officer and approval has been granted by the planning board or administrative officer. In reviewing, hearing, and deciding upon a land development project, the planning board or administrative officer is empowered to allow zoning incentives within the project as are described in this section and is empowered to apply any special conditions and stipulations to the approval that may, in the opinion of the planning board or



administrative officer, be required to maintain harmony with neighboring uses and promote the objectives and purposes of the comprehensive plan and zoning ordinance.

(c) Applications subject to regulations of this section. Unless otherwise specified in this chapter, review of developments of multifamily residential structures and/or projects for a complex of uses, units, or structures shall be reviewed under the regulations of this section.

(d) Regulations.

1. Permitted uses within a land development exceeding a single-family residence. Permitted uses within a land development exceeding a single family residence that is not filed as a comprehensive permit application shall be as follows:

a. Multi-family structure(s), multi-lot subdivisions, and/or projects for a complex of uses, units, or structures, uses of land specified in Sec. 38-191 and several accessory uses may be permitted. "Accessory uses" may include indoor and outdoor parking facilities and most ordinary residential uses, office uses, restaurant and entertainment uses, commercial uses, wholesale business and storage, industrial uses, home occupations and, professional offices.

2. Number of commercial uses – mixed use. There shall not be more than three (3) commercial uses in any mixed use development.

3. Roads. After August 1, 2024 all roads created or extended by subdivision or land development shall be privately created, owned and maintained. See Article VII and IX of Chapter 32.

(e) Density Bonuses.

1. Senior Citizen group dwellings – building coverage. For senior citizen group dwellings located on properties not connected to either public water or sewer or both, but which provide competent evidence as to the availability of water to service the development and/or a permit for on-site wastewater treatment facilities to service the dwelling units from the applicable state agency, the maximum building coverage shall be increased to 25 percent of the lot size in any district which permits senior citizen group dwellings if any unit in the development is an “affordable housing” unit as defined in RIGL 42-128-8.1, or, in the case of a comprehensive permit application, the maximum building coverage shall be afforded the density bonus per acre listed in Sec. 32-316 (2)(3)(4) as is applicable.

2. Comprehensive permit density bonuses. Multi-unit residential or mixed use structures shall be allowed a density bonus of up to a maximum of eight (8) bedrooms per acre for LMI housing as approved by RI DEM based on the soils. See Sec. 32-316 (2)(3)(4).

3. Comprehensive permit zoning incentives. See Sec. 32-316(5)(6)(7) for parking, bedrooms and floor area zoning incentives.

4. Residential compound density bonus. For residential compounds, a compound shall include not more than three single-family dwelling units having frontage in common on a public or private road or roads and sharing a driveway held in common. Two additional units that meet the definition of LMI may be added for a total of five units within the compound.

(f) *Special conditions.* The planning board or administrative officer shall be empowered to apply any special conditions and stipulations to the approval that may, in the opinion of the planning board or administrative officer, be required to maintain harmony with neighboring uses and promote the objectives and purposes of this chapter or chapter 32. Failure to abide by any special conditions attached to a grant shall constitute a zoning violation. Such special conditions shall be based on competent credible evidence on the record, shall be incorporated into the decision, and may include, but are not limited to, provisions for:

(1) Minimizing adverse impact of the development upon other land, including the type, intensity, design and performance of activities;

(2) Controlling the sequence of development, including when it must be commenced and completed;

(3) Controlling the duration of use or development and the time within which any temporary structure must be removed;

(4) Ensuring satisfactory installation and maintenance of required public improvements;

(5) Designating the exact location and nature of development; and

(6) Establishing detailed records by submission of drawings, maps, plats or specifications.

(g) *Uses in HC2 District.* Any use reviewed as a land development project which is located in the HC2 district shall be subject to all applicable subsections under Sec. 38-358, including, but not limited to Sec 38-358(5) Environmental Impact and Design Standards.

(h) *Extension or enlargement.* The planning board may not extend or enlarge a land development project approval except by granting a new land development project approval.

(i) *Dedication of open space for public or common use.* See Sec. 32-110 for requirements regarding dedication of land for public purposes.

(j) *Options for open space for public or common use.* Where a fee-in-lieu of land dedication pursuant to Sec. 32-110(e) is not paid, open space within a land development project for public or common use shall:

1. Be conveyed to the city or town and accepted by it for park, open space, agricultural, or other specified use or uses, or

2. Be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection, or

3. Be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the development, or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units.

(k) *Land dedicated for public or common use not dedicated to the Town.* Where a fee-in-lieu of land dedication pursuant to Sec. 32-110(e) is not paid and where land is not conveyed to the town:

1. A restriction, in perpetuity, enforceable by the town or by any owner of property in the land development project in which the land is located shall be recorded providing that the land is kept

in the authorized condition(s) and not built upon or developed for accessory uses such as parking or roadway; and

2. The developmental rights and other conservation easements on the land may be held, in perpetuity, by a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection.

3. All open space land provided by a land development project shall be subject to a community approved management plan that will specify the permitted uses for the open space.

(l) Applications requesting relief from the zoning ordinance. Applications requesting relief from the zoning ordinance in the form of a special-use permit or a variance shall be reviewed by the planning board, pursuant to Sec. 32-46 and Sec. 38-325.

(m) Vested rights – Substantial completion. Construction shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.

(n) Additional site plan requirements.

a. Existing and proposed planting, landscaping and screening, which shall show the location, dimension and arrangement of all open spaces and yards, including type and size of planting materials, methods to be employed for screening and proposed grades and a plan for maintenance;

b. Location, type, size and dimension of existing trees, rock masses and other natural features with designations as to which features will be retained;

c. Dimension and location of existing and proposed buildings and structures;

d. Existing topography, including any proposed grade changes;

e. Parking areas and facilities, traffic circulation, driveways, loading areas, access and egress points;

f. Storm drainage, including direction of flow and means of ultimate disposal. Storm-water drainage runoff calculations used for the drainage system design shall be prepared by a Registered Professional Engineer and must support the sizing of all drainage structures and pipes and demonstrate compliance with the Storm-water Management, Design, and Installation Rules (250-RICR-150-10-8) adopted and as amended from time to time by the RI Department of Environmental Management;

g. Provisions for sanitary sewerage and water supply, including fire protection measures;

h. Location of all utilities, signage, outdoor storage and trash disposal areas.

i. Location and description of any proposed disturbance to existing vegetation, or alteration of natural or historic features, which are proposed in relation to temporary access, utility installation, or other aspects of construction, including provisions for site restoration.

(o) Additional items to consider.

Items to be considered when evaluating a land development project include, but are not limited to, the following:

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

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

- iii. It will not create a nuisance or a hazard in the neighborhood;
- iv. Adequate protection is afforded to the surrounding properties by the use of open space and plantings, or by decorative fencing;
- v. Safe vehicular access and adequate parking are provided, and use of pervious surfaces is encouraged;
- vi. Control of noise, smoke, odors, lighting, and any other objectionable feature is provided;
- vii. Solar rights of the abutters are provided for;
- viii. Architectural compatibility within the development and with the surrounding area is illustrated;
- ix. The proposed conditional use will be in conformance with the purpose and intent of the comprehensive plan and the zoning ordinance of the Town of Foster;
- x. The health, safety, and welfare of the community are protected;
- xi. Shared parking/curb cuts or joint use is encouraged, and for some uses may be required, where it is likely that occupants of a vehicle would visit more than one use within a development before departing;
- xii. Certain parking requirements may be waived, provided that adequate and safe parking is still provided;
- xiii. Applicant shall demonstrate how the development will utilize shared parking and shall show all calculations for such parking on the proposed site plan as required under the Foster Zoning Ordinance for such parking.

(p) Commencement of construction/project. Construction/project shall start within twelve (12) months of the date of recording. Construction shall be completed within sixty (60) months of the date of recording.



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

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

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

**Chapter 38– ZONING**

**ARTICLE IX – ~~SITE DEVELOPMENT~~ PLAN REVIEW AND REVIEW OF SITE PLANS**

**Sec. 38-387. ~~–~~ Presubmission application conference.**

Before submitting a site plan, an applicant for site-plan development plan review, a use variance, a dimensional variance, a special-use permit or a land development project shall may meet with the ~~town planner~~ administrative officer and/or zoning enforcement officer to discuss the proposed project and to establish what documents and information the applicant must submit.

A preapplication conference is intended to allow the administrative officer and/or planning board and/or zoning board of review to:

(a) Acquaint the applicant with the comprehensive plan and any specific plans that apply to the parcel, as well as the zoning and other ordinances that affect the proposed development;

(b) Suggest improvements to the proposed design on the basis of a review of the sketch plan;

(c) Advise the applicant to consult appropriate authorities on the character and placement of public utility services; and

(d) Help the applicant to understand the steps to be taken to receive approval.

The required contents of the site plan will depend on the scope and complexity of the proposed project. The ~~town planner~~ administrative officer will indicate the required contents on a site plan development plan review or land development project application checklist.

If requested by the applicant or municipality, the zoning board of review or the planning board may conduct a preapplication conference at an open meeting.



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

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

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

Chapter 38– ZONING

ARTICLE IX –~~SITE-DEVELOPMENT~~ PLAN REVIEW AND REVIEW OF SITE PLANS

**Sec. 38-388. - Contents of site plan.**

A site plan shall be drawn to scale by a registered architect or engineer, and may require multiple drawings, including maps, plans, elevations, sections and narrative documents. Site plans shall include as much ~~of the following~~ information as the planning board deems necessary to evaluate the proposed project. The project will not be scheduled for review, nor will it have ~~vesting~~ vested rights pursuant to this article ~~XI of this chapter~~ unless the planning board is satisfied as to the content of the site plan submission according to the appropriate checklist as determined by the ~~town planner~~ administrative officer.

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

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

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

**Chapter 38– ZONING**

**ARTICLE XI – VESTED RIGHTS**

**Sec. 38-467. - Development not requiring planning board or zoning board approval.**

Where no planning board approval or zoning board approval is required, an applicant is vested when the building ~~inspector~~ official certifies that the application (for a building permit) is complete. The applicant is vested under this chapter and regulations in effect at the time of certification, not on the date of the application.

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