

H. Old Business – Ch. 38 – Zoning(Discussion/Action)



ORDINANCE NO. _____

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

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

ARTICLE I. – IN GENERAL –

Sec. 38-3. – Penalty for violation of chapter.

Sec. 38-3 – Penalty for violation of chapter shall be amended to increase the fee for violation as follows:

Sec. 38-3. - Penalty for violation of chapter.

Any person who violates any of the provisions of this chapter or any safeguard of condition attached to the granting of a special use permit or variance may, after being given notice in writing of such violation by the zoning ~~official~~ **enforcement officer**, be fined not more than \$100.00 for each offense **for the first fourteen (14) days**; and each day of the existence of any such violation shall be deemed a separate offense. **After fourteen (14) days have expired since the initial notice was given in writing of a violation by the zoning enforcement officer, if the existence of the matter causing repeated violation is still in place, the person in violation shall be fined not more than \$500.00 for each offense; and each day of the existence of any such violation shall be deemed a separate offense.** sSuch fine to inure to the town. Immediately upon the request of the zoning ~~official~~ **enforcement officer**, the town solicitor shall institute appropriate action in the supreme or superior court to restrain the violation of, or to compel compliance with, the provisions of this chapter.



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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. 38-300 – Development standards for in-patient rehabilitation facility.

- Sec. 38-300 – Development standards for in-patient rehabilitation facility shall be added as follows to create appropriate development standards which differ from those of senior citizens group dwellings.

(a) Purpose. The purpose of this section is to promote the establishment of new assisted living developments, particularly suited for citizens requiring care at an in-patient rehabilitation facility, within an AR or HC2 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) In-patient rehabilitation facility defined. A skilled nursing facility or long-term care facility.

(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 regulations and standards. Additional 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 may be a single bedroom unit or a two-bedroom unit. Up to ~~ten~~ twenty-five percent (25%) of the living units may be planned as ADA adaptable units.

(2) No fewer than two (2), nor more than ten (10), living units shall be planned within a single structure.

(3) The maximum number of living units within any single development shall be ten (10) on a 200,000 square foot lot. The maximum number of living units within a single development shall be thirty (30) on a 400,000 square foot lot. The maximum number of living units within a single development shall be increased at the ratio of one (1) unit per 25,000 square feet on lots exceeding 400,000 square feet.

(4) A private nonpublic road for the main circulation within the development shall be permitted provided it is designed and constructed in accordance with current subdivision regulation requirements governing reserved right-of-way width, width of improved roadway, storm drainage and other features.

(5) The entire development including the structures and land shall remain solely owned, meaning one person, firm, corporation or partnership.

(6) Permitted uses for senior citizens group housing may include such accessory use, attached or detached, structures directly in support of the community living concept such as a community hall, but limited to use by the residents of the development and occasional guests.

(7) Water supply and sewerage requirements for each structure shall be planned in accordance with section 38-277.

(8) The requirements for off-street parking, cited in section 38-286, may be reduced to require one car space per dwelling unit, provided additional infrequent and temporary parking can be accommodated by the roadway.

(9) Site plan/building design. A site plan for a proposed senior citizens group housing development shall be prepared in accordance with section 38-393. The applicant shall submit a preliminary and final site plan to the planning board as part of the review process required in section 38-393.

(10) A buffer strip will be maintained in accordance with section 38-281(78)d(3).

(11) Provisions for waste disposal will be provided for in accordance with section 38-281(8)d.4(5).

(12) Density bonuses. Density bonuses for senior citizen dwelling facilities including LMI housing are permitted for maximum building coverage. See Sec. 32-316 and Sec. 38-359.

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

(14) 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.

(15) Multiple structures. Where a senior citizens group home or similar development consists of multiple structures, each structure shall be spaced a minimum of 100 feet apart.

(16) Permitted uses. Senior citizens group dwelling(s) and several accessory uses may be permitted. "Accessory uses" may include an accessory dwelling unit indoor and outdoor parking facilities, restaurant uses, community center uses, office uses and home occupations.



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ARTICLE VI. – SUPPLEMENTARY REGULATIONS

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

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

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

- (1) Dwellings and motels, one car for each dwelling unit;
- (2) Hotels and ~~lodging houses~~short term rental structures, one car space for every two suites or rooms;
- (3) Office uses, one car space for every 250 square feet of floor area;
- (4) Retail and service businesses, one car space for every 200 square feet of gross building area, with a minimum of four spaces per building;
- (5) Parking space width, nine feet;
- (6) Restaurants, theaters, churches and other places of assembly, one car space for every five persons of capacity;
- (7) Industrial and wholesale uses, two car spaces for every three employees; and
- (8) All other uses, parking as may be required by commercial site review, [section 38-394](#).

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

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

- (1) The area shall have a dust free, hard surface and shall be provided with bumper guards where needed.
- (2) Where such area adjoins or lies within an AR agricultural/residential district, or adjoins a residential use in any other district, an opaque fence not less than four feet nor more than six feet in height, or a compact evergreen screen not less than four feet in height shall be erected and maintained between such area and the adjoining AR district or residential use.
- (3) Lighting fixtures used to illuminate the parking area shall reflect away from adjoining property and away from adjacent traffic arteries.

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



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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. 38-299. – Septic system (OWTS) inspection.**

Sec. 38-299 – Septic system inspection shall be amended to increase the fee for violation as follows:

Sec. 38-299. – Septic system (OWTS) inspection.

Upon recording of a new deed, except for deeds recorded only involving reconfiguration of lot lines or creation of new lots not to be developed, proof of OWTS inspection, if an OWTS exists on the property, shall be presented to the building official.

I. New Business: Zoning



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Chapter 38 – ZONING

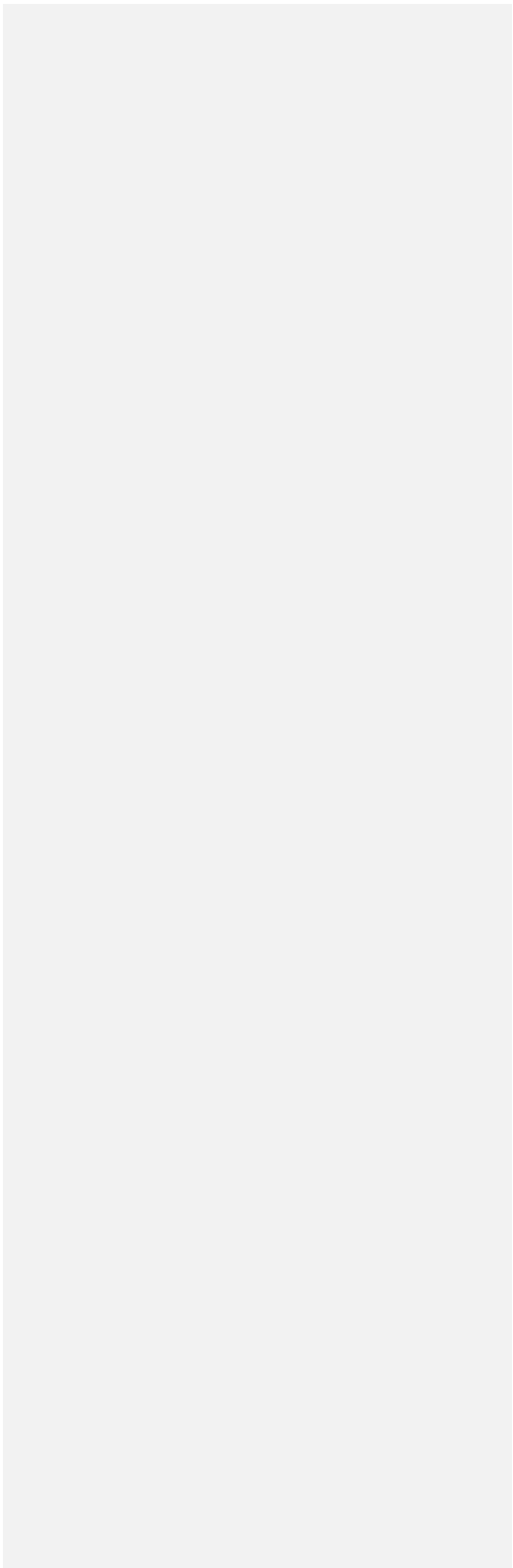
ARTICLE XII – ATTACHMENTS

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 amended as follows:

ARTICLE XII. – ATTACHMENTS

Attachment 1: Official zoning map



Field Code Changed

