

**CHAPTER 2014-28**

No. 321     **AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE  
ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED: "THE CITY  
OF PROVIDENCE ZONING ORDINANCE", APPROVED JUNE 27, 1994,  
AS AMENDED, TO MODIFY SECTION 401 - OUTDOOR USES**

**Approved July 14, 2014**

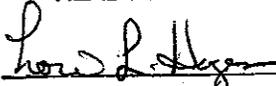
*Be it ordained by the City of Providence:*

SECTION 1: Chapter 27 of the Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, is hereby further amended by changing the following text in Article IV (the text to be removed is crossed out; the new text is underlined):

401.1 - Outdoor Seating: Except in an R-1, R-2, R-3, R-G, and R-M Zone seating for an eating and/or drinking establishment may be provided outside of the establishment. Such seating shall be located on the same lot as the main use or may be located on the adjoining city sidewalk only with the appropriate city permits and/or licenses. The Director of Public Works may approve outdoor seating to encroach into the public right-of-way subject to encroachment regulations adopted by said director. The Director of Public Works may require such seating areas to be delineated through paint or structures to prevent unauthorized encroachments. No additional parking shall be required for such additional seating, provided existing parking is not reduced. Any outdoor seating located within two hundred feet of an R Zone shall cease operation by 11 P.M.

SECTION 2. This Ordinance shall take effect upon passage and publication as prescribed by law.

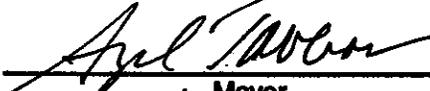
IN CITY COUNCIL  
**JUN 23 2014**  
FIRST READING  
READ AND PASSED

 CLERK  
ACTING

IN CITY  
COUNCIL  
**JUL 02 2014**  
FINAL READING  
READ AND PASSED

 PRESIDENT  
 CLERK  
ACTING

I HEREBY APPROVE

  
Mayor

Date: 7/14/14



**City Plan Commission**  
Angel Taveras, Mayor

May 27, 2014

Councilman Seth Yurdin  
Chair, Committee on Ordinances  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

Attn: Lori Hagen, Second Deputy City Clerk

**Re: Referral 3376-Ordinance to remove limits on outdoor seating**

**Proponent: Brian Principe**

Dear Councilman Yurdin:

The City Plan Commission (CPC) reviewed the proposed zoning change at a regular meeting on May 20, 2014. The CPC voted as described below to make certain findings of fact and to recommend that the petition be approved.

**FINDINGS OF FACT**

This proposal would amend Section 401.1 of the Zoning Ordinance pertaining to outdoor seating. Currently, the amount of outdoor seating is restricted to 25 percent of indoor seating with appropriate licenses and permits. The proposed amendment would remove that restriction and permit some encroachment of seating into the public right of way, subject to conforming to the encroachment regulations adopted by the Director of Public Works.

The amendment notes that outdoor seating areas may be delineated by structures or other measures to prevent unauthorized encroachment. Additional parking will not be required and outdoor seating within 200 feet of an R zone shall cease operation by 11 pm. The CPC found that outdoor seating is not expected to have an adverse impact on general health, safety and welfare with these restrictions in place.

The CPC found that provision of outdoor seating to support businesses at street level is in character with the objectives of the Comprehensive Plan and the purposes of zoning. Objectives BJ-4 and BJ-5 of the Comprehensive Plan support creating a business friendly environment and supporting the growth of neighborhood businesses that enhance the quality of life in City neighborhoods. The CPC found that

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provision of a range of uses and intensities appropriate to the City's character is listed as one of the purposes of zoning.

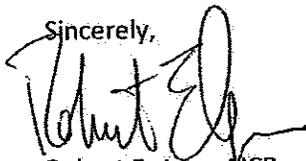
The CPC found that outdoor seating would be a positive addition in commercial zones. The CPC found that negative effects on neighboring property would be minimized as businesses providing outdoor seating are expected to obtain necessary permits and keep sidewalks open to pedestrian movement.

#### RECOMMENDATION

Based on the foregoing discussion, the CPC voted unanimously to make a recommendation that the City Council approve the proposed change to the zoning ordinance subject to the following conditions:

1. Providers of outdoor seating shall indemnify the City for any possible liabilities.
2. Outdoor seating areas shall be clearly delineated from the rest of the sidewalk.

Sincerely,



Robert E. Azar, AICP  
Director of Current Planning

cc: Councilman Brian Principe