

ZONING ORDINANCE  
OF THE  
CITY OF PROVIDENCE



**CHAPTER 544, approved Sept. 21, 1951**  
**as amended by**

*Chapter 567, approved December 21, 1951*

*Chapter 591, approved March 21, 1952*

*Chapter 597, approved May 2, 1952*

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ISSUED MAY, 1952

Unless otherwise specified, all distances shall be measured horizontally, in any direction. The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

1. *Accessory Building and Use*—A subordinate building located on the same lot with the main building, or a subordinate use of land, either of which is customarily incident to the main building or to the principal use of the land.

Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner as by a roof, such accessory building shall be counted as part of the main building.

2. *Accessory Living Quarters*—Living quarters within an accessory building, for the sole use of persons employed on the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

3. *Apartment Hotel*—A building or portion thereof used for or containing both individual guest rooms or suites of rooms and dwelling units designed for more or less temporary occupancy.

4. *Block Frontage*—All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of dead-end street or City boundary measured along the street line.

5. *Basement*—That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having more than one-half of its height above the average elevation of the finished lot grade adjoining the building.

6. *Board*—Shall mean the Zoning Board of Review of the City of Providence.

7. *Building*—Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.

8. *Building, Detached*—A building having no party wall in common with another building.

9. *Building, Nonconforming*—A legally existing building which fails to comply with the regulations set forth in this Ordinance applicable to the zone in which this building is located.

10. *Building, Semi-detached*—A building having one party wall common with an adjoining building.

11. *Building, Height of*—The vertical distance measured from the adjoining curb grade at a point opposite the center of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

12. *Camp Ground*—Any area or tract of land used to accommodate two or more camping parties, including cabins, tents or other camping outfits.

13. *Cellar*—That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having less than one-half its height above the average elevation of the finished lot grade adjoining the building.

14. *Cemetery*—Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, cre-

matories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

15. *Commission*—The City Plan Commission of the City of Providence.

16. *Council*—The City Council of the City of Providence.

17. *Court*—An open unoccupied space on the same lot with a building or group of buildings and bounded on three or more sides by such building or buildings.

18. *Court, Outer*—A court which opens on any yard on the lot or which extends to any street line of the lot. The width of any outer court is its least horizontal dimensions measured between opposite walls. The length of any outer court is its greatest horizontal dimension measured at right angles to its width.

19. *Court, Inner*—Any court other than an outer court. The width of an inner court is its least horizontal dimension measured between opposite walls. The length of an inner court is its greatest horizontal dimension measured at right angles to its width.

20. *Dwelling*—A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, lodging or boarding houses or tourist homes.

21. *Dwelling, One-Family*—A building used exclusively for occupancy by one family.

22. *Dwelling, Two-Family*—A building used exclusively for occupancy by 2 families living independently of each other.

23. *Dwelling, Multiple*—A building or portion thereof used for occupancy by 3 or more families living independently of each other.

24. *Dwelling, Row*—A building having a party wall on each side in common with an adjoining building.

25. *Dwelling, Unit*—A dwelling or a portion of a dwelling or of an apartment hotel used by one family for cooking, living, and sleeping purposes.

26. *Educational Institution*—Preprimary, primary or grammar, public, parochial or private school; high school, or preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation for admission to college or universities which award B.A. or B.S. degrees; junior college, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders. This definition shall not be deemed to include trade or business school as defined in this section.

27. *Family*—One or more persons living as a single, non-profit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

28. *Garage, Private*—A detached accessory building or portion of a main building, used for the storage of self-propelled vehicles where the capacity does not exceed one vehicle for each 2500 square feet of lot area, but in no case need be less than 2 vehicles.

29. *Garage, Parking*—Any building, except those herein defined as a private garage, used for parking of self-propelled vehicles, and with not more than two pumps for the incidental sale of gasoline. Such buildings may include stores and other commercial establishments providing they conform to all the regulations of the zone in which they are located.

30. *Garage Repairshop*—A building or portion of a building, in which, repairs, other than major structural repairs are made to vehicles and where mechanical power employed in the operation of any machine or tool does not exceed one horse power and where the total mechanical power provided or employed does not exceed 3 horse power.

31. *Grade, Curb*—The elevation of the top of the face of the curb as fixed by the City government.

32. *Home Occupation*—Any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display, no stock-in-trade nor commodity sold upon the premises and not more than one person nor any mechanical equipment employed. Such uses as barber shop, beauty parlor, tea room, tourist home and animal hospital shall not be deemed to be home occupations.

33. *Hospital*—“Sanitarium”, “sanatorium”, “preventorium”, “clinic”, provided such institution has the required state license and is operated by, or treatment given under direct supervision of, a physician licensed to practice by the State of Rhode Island.

34. *Hotel*—A building or portion thereof used for the more or less temporary occupancy of individuals who are lodged with or without meals and in which provision for cooking is made preponderantly in a central kitchen and not in the individual rooms or suites.

35. *Junk Yard, Including Auto Wrecking*—A lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

36. *Lodging House*—A building with more than two but not more than ten guest rooms where lodging with or without meals is provided for compensation.

37. *Lot*—A parcel of land defined by metes, bounds or boundary lines in a recorded deed, or shown on a recorded plan or plat. In determining lot areas no part thereof within the limits of the street shall be included.

38. *Lot, Corner*—A lot at the junction of and fronting on two or more intersecting streets both of which are 20 feet or more in width.

39. *Lot, Through*—A lot having frontage on two parallel or approximately parallel streets.

40. *Lot Width*—The shortest distance between side lot lines, which distance shall be measured parallel to the front lot line and through any portion of a building erected or to be erected.

41. *Nonconforming Use*—A legally existing use of land or building which fails to comply with the regulations set forth in this Ordinance applicable to the zone in which such use is located.

42. *Parking Area, Public*—An open area, other than a street, used for the temporary parking of more than 4 automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

43. *Sign*—Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface; provided, however, that signs placed or erected by the City or the State for the purpose of showing street names or traffic directions or regulations or for other municipal or governmental purposes shall not be in-

cluded herein nor shall this include signs which are part of the architectural design of the building.

44. *Story*—That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement may be counted as a story but a cellar shall not be so counted.

45. *Street*—A public way established by or maintained under public authority, a private way open for public uses, and a private way plotted or laid out for ultimate public use, whether or not constructed.

46. *Structure*—Anything constructed or erected, which requires location on the ground or attachment to something having a location on the ground.

47. *Tourist Home*—A building in which more than one but not more than five guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.

48. *Trade or Business School*—Secretarial school or college; business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include educational institution as defined in this Section.

49. *Yard*—A space on the same lot with a main building; open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Ordinance.

50. *Yard, Front*—A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

51. *Yard, Rear*—A yard extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

52. *Yard, Side*—A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

## SEC. 22. BUILDINGS AND USES AFFECTED BY ZONING

Buildings housing religious bodies, churches (except rescue or temporary revival missions), convents, hospitals (except hospitals or sanitariums for contagious, mental, drug or liquor addict cases and animal hospitals), libraries, homes for the aged and museums, whenever such libraries, homes for the aged or museums are operated on a non-profit basis, are exempt from the provisions of this Ordinance; otherwise no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations of this Ordinance.

## SEC. 23. CONTINUANCE OF NONCONFORMING USES OR BUILDINGS

### A. Nonconforming Buildings or Structures

1. *Maintenance Permitted*—A nonconforming building or structure may be maintained, except as otherwise provided in this Section.

2. *Repairs and Alterations*—May be made to a nonconforming building or structure, provided that in a building or structure

which is nonconforming as to use regulations no enlargement shall be made.

### 3. *Additions, Enlargements or Moving*

(a) A building or structure nonconforming as to regulations for use or lot area per dwelling unit shall not be added to or enlarged in any manner unless such building or structure, including such addition and enlargement is made to conform to the use and area per dwelling regulations of the zone in which it is located.

(b) A building or structure nonconforming as to height or yard regulations shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the regulations of the zone in which it is located.

(c) No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.

4. *Signs*—Any sign which lawfully existed and was maintained at the time this Ordinance became effective, may be continued, although such use does not conform with the provisions hereof.

### B. Nonconforming Use of Buildings or Structures

1. *Continuation and Change of Use*—Except as otherwise provided in this Section:

(a) The nonconforming use of a building or structure, lawfully existing at the time this Ordinance became effective, may be continued.

(b) The nonconforming use of a building or structure may be changed only to a use of the same or more restricted classification.

2. *Expansion Prohibited*—A nonconforming use of a building or structure designed for a conforming use shall not be expanded

or extended into any other portion of such conforming building or structure.

### C. Nonconforming Use of Land

1. *Continuation of Use*—The nonconforming use of land (where no building is involved) lawfully existing at the time of this Ordinance became effective may be continued provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.

### D. Nonconformance Due to Reclassifications

The foregoing provisions of this Section shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this Ordinance or any subsequent change in the regulations of this Ordinance.

### E. Special Exceptions

The regulations of this Section pertaining to nonconforming uses and buildings shall not preclude the extension of such nonconforming uses or buildings upon the same lot occupied by such use or building at the time this Ordinance became effective, if first approved by the Board as provided for in Sections 91 and 92.

## SEC. 24. GENERAL USE PROVISIONS

### A. Conformance and Permits Required

No building or structure shall be erected, reconstructed, enlarged or moved for any use other than that which is permitted in the zone in which such building, structure or land is located, nor shall any building, structure or land be used for any other use than is permitted in the zone in which it is located.

### B. Zone Group Classification

Whenever the terms R Zone, C Zone, or M Zone are used, they shall be deemed to refer to all zones containing the same letters in their names; e. g., C Zone shall include C1, C2, C3 and C4 Zones.

#### C. Off-Street Loading

On the same premises with every building, structure, or part thereof, erected hereafter and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, mortuary, laundry, dry cleaning or other uses involving the receipt or distribution by vehicles or material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of the street or alley. Such space, unless otherwise adequately provided for, shall include a 10 foot by 25 foot loading space with a 14 foot height clearance for every 20,000 square feet or fraction thereof in excess of 4,000 square feet of floor area used for above-mentioned purposes, or for every 20,000 square feet or fraction thereof in excess of 4,000 square feet of land used for the above-mentioned purposes. These requirements may, upon appeal, be increased, modified or waived by the Board where the conditions or circumstances justify such action provided it has obtained thereon recommendation from the Traffic Engineer which recommendation shall be advisory only.

#### D. Public Parking Area

Every parcel of land which, after the effective date of this Ordinance, is changed to a public parking area, automobile or trailer sales area, automotive service station or garage shall be developed as follows, subject to the approval of plans thereof by the Traffic Engineer:

(a) Such area, where subject to wheeled traffic, shall be paved with bituminous, concrete or equivalent surfacing and

shall have appropriate bumper or wheel guards where needed.

(b) Where such area adjoins a lot in an R Zone a solid wall, compact evergreen screen or uniformly painted board fence having a height of not less than 4 feet shall be erected and maintained between such area and the property in R Zones.

(c) Any light used to illuminate said parking area shall be so arranged as to reflect the light away from the adjoining premises in an R Zone and from adjoining streets.

#### E. Prohibited Uses

Within the City of Providence, no building or premises shall be used for any of the following uses:

1. Acid manufacture—hydrochloric, nitric, picric or sulphuric acid
2. Cement, lime, gypsum or plaster of paris manufacture
3. Chlorine or similar noxious gases
4. Distillation of bones
5. Drop forge industries manufacturing forgings with power hammers
6. Explosives, manufacture or storage in bulk quantities
7. Fertilizer manufacture
8. Garbage, offal or dead animal reduction or dumping
9. Glue manufacture
10. Hair manufacture
11. Petroleum refining
12. Processing of sauerkraut, vinegar or yeast
13. Rendering or refining of fats or oils
14. Smelting of tin, copper, zinc or iron ore including blast furnace or blooming mill
15. Stock yard or feeding pen
16. Slaughter of animals, not including the killing of fowl,

#### SEC. 25. GENERAL HEIGHT PROVISION

##### A. Height Conformance

Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the height limit established for the zone wherein such building or structure is located.

## SEC. 26. GENERAL AREA PROVISIONS

### A. Area Requirements

Except as hereinafter provided, no building or structure shall be erected on a lot unless such building, structure or enlargement conforms with the area regulations of the zone in which it is located.

1. *Reduction of Lot Area*—No lot area shall be so reduced, diminished and maintained that the yards, other open space or total lot area shall be smaller than prescribed by this Ordinance, nor shall the number of dwelling units or occupancy thereon be increased in any manner except in conformity with the regulations herein established.

2. *Recorded Lots Less Than Minimum Area*—Lots of record at the time of the enactment of this Ordinance, which have less than the minimum area requirements for R Zones may nevertheless be used for the following purposes and subject to the following conditions:

(a) A single family dwelling may be erected on any lot separately owned at the time of the passage of this Ordinance or on any lot shown on any plat duly recorded at the time of the passage of this Ordinance.

(b) In R-2, R-3, and R-4 Zones *respectively*, for any use permitted in these zones, provided that for any building containing more than one dwelling unit the lot must have a width of at least 35 feet and an area of at least 3200 square feet.

These exceptions to minimum area requirements shall not apply where the total width of adjoining lots in the same owner-

ship at the time this Ordinance became effective, and on the same recorded plan, exceeds 120 feet.

3. *Yards Apply to Only One Building*—No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

4. *Only One Main Building on a Lot*—Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one main residential building and its accessory buildings on one lot. Row dwellings or a unit group of dwellings as referred to in Section 27, may be considered as one main residential building.

5. *Corner Setback*—In all zones except the C-3 Zone, in the triangle formed by the lines of streets intersecting at an angle of less than 135 degrees and a line joining points on such lines 15 feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained between heights of 3½ feet and ten feet above the plane through their curb grades.

6. *Front Yards on a Through Lot*—At each end of a through lot there shall be a front yard of the depth required by this Ordinance for the zone in which each street frontage is located; provided, however, that one of such front yards may serve as a required rear yard.

## SEC. 27. SPECIAL EXCEPTIONS

The following special exceptions may be permitted in any zone where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various

elements or objectives of the master plan and if their location is first approved by the Board as provided for in Sections 91 and 92.

1. *Airport or Aircraft Landing Field*
2. *Cemetery*
3. *Local Governmental Enterprise*
4. *Motor Vehicle or Rail Terminal*
5. *Public Service*—Including electric distributing substations, fire and police stations, telephone exchanges and the like.
6. *Educational Institution*—Land, buildings and structures owned or used at the time of the enactment of this Ordinance for the usual purposes and activities of educational institutions as defined in Section 21, including instructional and recreational uses, provision for exhibitions and athletic contests, and provision for living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees, together with land, buildings and structures hereafter acquired for such uses by such educational institutions having a location adjacent to land now so owned or used by such educational institutions shall be deemed to be conforming uses in the zone in which the land is located, provided that no building shall be hereafter erected for such use by any such institution within 30 feet of the boundary line of a lot owned by others in an R Zone.

Adjacent, as used in the above paragraph, shall be deemed to include any property within 300 feet of any part of any property owned or used for educational purposes by such educational institution at the time of the enactment of this Ordinance.

#### 7. *Group Housing*

- (a) Land Deemed One Lot—Any parcel of land including any

interior streets and recreation areas which are occupied by a group of dwellings designed as a unit may be deemed to be one lot.

(b) Application of Regulations—Where group housing consists of two or more buildings to be constructed on a plat of ground of at least 40,000 square feet not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this Ordinance to the individual building units in such group housing, the application of such requirements to such group housing may be varied in a manner that will be in harmony with the character of the neighborhood, and that will insure a standard of open space no lower than permitted by this Ordinance and a lot area per family not more than 20% less than so required by this Ordinance in the zone in which the proposed group housing is to be located.

All special exceptions, as defined in this and following Sections, which existed at the time this Ordinance became effective, shall be regarded as conforming uses.

## ARTICLE III ZONES

### SEC. 31. ESTABLISHMENT OF ZONES

For the purpose of this Ordinance, the City of Providence is hereby divided into 10 zones designated as follows:

- R-1 One-Family Zone
- R-2 Two-Family Zone
- R-3 General Residence Zone
- R-4 Multiple Dwelling Zone
- C-1 Limited Commercial Zone
- C-2 General Commercial Zone

- C-3 Downtown Commercial Zone
- C-4 Heavy Commercial Zone
- M-1 General Industrial Zone
- M-2 Heavy Industrial Zone

The above zones and the boundaries of such zones are hereby established as shown on the map entitled "Providence Zoning Map" dated April 5, 1951, which accompanies this Ordinance and is on file in the office of the City Clerk. Said map and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

#### SEC. 32. ZONE BOUNDARIES

Unless otherwise indicated the zone boundary lines are the center lines of streets, parkways, waterways, or railroad rights-of-way or such lines extended. Other lines within blocks less than 200 feet wide are median lines between their sides. Other lines within blocks 200 feet or more wide, are 100 feet distant from the less restricted side of the blocks.

Where the boundary line of a zone divides a lot having frontage on a street in the less restricted zone, the provisions of this Ordinance covering the less restricted portion of such lot may extend to the entire lot, but in no case for a distance of more than 30 feet. Where the boundary line of a zone divides a lot having frontage only on a street in a more restricted zone, the provisions of this Ordinance covering the more restricted portion of such lot shall extend to the entire lot.

Where the street layout actually on the ground varies from the layout as shown on the zoning map, the Inspector of Buildings shall interpret said map according to the reasonable intent of this Ordinance.

### ARTICLE IV RESIDENTIAL ZONE REGULATIONS

#### SEC. 41. R-1 ONE-FAMILY ZONE

The following regulations and the regulations contained in Article II shall apply in the R-1 One-Family Zone:

##### A. Permitted Uses

1. *One-Family Detached Dwelling.*
2. *Park, Playground or Community Center*—Owned and operated by a government agency or by a charitable or non-profit agency provided that the same shall not be used for private profit.
3. *Crop or Tree Farming*—And truck gardening, including the sale of products or commodities raised on the premises provided that no retail stand or other commercial structure shall be located thereon.

4. *Parking Space*—On lots used for residential purposes where the capacity does not exceed (a) one more than the number of families housed on the lot, or (b) one vehicle for each 2500 square feet of lot area, whichever is the greater.

5. *Public Parking Area*—When located and developed as required in Section 24 and where the area adjoins a commercial or industrial zone, as an accessory use to a commercial or industrial building, provided such transitional use does not extend more than 100 feet from the boundary of the less restricted zone, or where such parking space is accessory to an auditorium, church, educational institution, stadium or other place of assembly.

6. *The Following Special Exceptions*—If their location is first approved by the Board as provided for in Sections 91 and 92.

(a) Alteration of a building existing in an R-1 Zone at the time this Ordinance became effective, to accommodate a total number of families not to exceed one family for each 5000 square feet of the area of the lot, providing that the building shall not be increased in height or area.

(b) Club or lodge (non-profit).

(c) Golf course (except driving tees or ranges and similar uses operated for commercial purposes), tennis courts and similar recreational uses, all of a non-commercial nature.

(d) Removal for sale of sod, loam, sand, gravel or quarried stone, provided that when such removal is incidental to and in connection with the construction of a building on the premises for which a building permit has been issued, no permit from the Board shall be required.

(e) Modification in an R-Zone of the lot area requirements of this Ordinance as the Board may deem necessary to secure an appropriate residential development of a lot between 2 lots where there are residential buildings that do not conform to the use provisions and regulations of this Ordinance.

7. *Uses Customarily Incident*—To any of the above uses including home occupation, or in a dwelling or apartment occupied as a private residence, 2 rooms may be rented or table board furnished provided that more than 50% of the habitable rooms are occupied by the family occupying the dwelling unit and provided further no more than two persons may occupy any one of said rooms, or the office of a lawyer, physician or other person authorized by law to practice a profession, provided that:

(a) Such office is situated in the same dwelling unit as the home of the occupant.

(b) The residential character of such dwelling is not changed.

(c) There shall be not more than one assistant employed.

8. *Accessory Building*—Including a private garage, accessory living quarters, guest house, or a recreation room provided that:

(a) No guest house is located on a lot having an area of less than 15,000 square feet.

(b) No accessory living quarters are located on any lot having an area of less than 8,000 square feet. Accessory living quarters, guest house, recreation room and a private garage or any

combination of such uses may be included in a building of one or two stories in height provided that the portion of such building designed for accessory living quarters, guest house or recreation room exceeding 10 feet in height is located not nearer than 10 feet to any lot line.

(c) Where the rear yard abuts upon a street no accessory building shall be erected within 18 feet of such street.

9. *Name Plate or Signs*—One name plate for each dwelling unit, excluding illuminated signs of the flashing or animated type, not exceeding 1½ square feet in area, indicating the name of the occupant or any permitted occupation; unlighted signs not exceeding a total area of 12 square feet, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall be located not less than 15 feet from the front or side lot line except where affixed to the wall of the building and not extending over the sidewalk.

10. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—2 stories not to exceed 30 feet.

2. *Exceptions*—To height regulations are provided for in section 72.

C. Area

1. *Lot Area*—Every lot shall have a minimum width of 60 feet and a minimum area of 6000 square feet except that:

(a) A lot of less than 12,000 square feet and more than 9,999 square feet may be divided into lots containing not less than 5,000 square feet each and having a width of not less than 50 feet each, and one dwelling unit may be erected on each lot.

(b) If a lot contains more than 12,000 square feet and if after division into as many 6,000 square foot lots as possible, there

remains a lot of 5,000 square feet or more, one dwelling unit may be erected on such remaining lot provided the same has a width of 50 feet.

2. *Front Yard*—There shall be a front yard of not less than 15 per cent of the average depth of the lot, but such front yard need not exceed 20 feet.

3. *Side Yard*—Each lot, except as otherwise specified, shall have two side yards each having a width of not less than 6 feet and the aggregate width of both side yards on any lot shall be not less than 30 percent of the width of the lot.

4. *Rear Yard*—There shall be a rear yard of not less than 25 percent of the depth of the lot, but such rear yard need not exceed 25 feet.

5. *Lot Coverage*—Not more than 30 percent of the area of a lot may be covered by buildings or structures, provided that such lot coverage need not be reduced to less than 800 square feet.

6. *Exceptions*—To yard regulations are provided for in Section 73.

#### SEC. 42. R-2 TWO FAMILY ZONE

The following regulations and the regulations contained in Article II shall apply in the R-2 Two-Family Zone:

##### A. Permitted Uses

1. *Any Use Permitted in the R-1 One-Family Zone*—Provided that all R-1 uses shall be subject to the same limitations and controls as to use as specifically set forth in the R-1 zone, Section 41.

2. *Parking Space*—On lots used for R-2 residential purposes where the capacity does not exceed (a) one more than the number of families housed on the lot or (b) one vehicle for each 2500 square feet of lot area, whichever is the greater. On vacant lots below the minimum area for residential purposes as speci-

fied in Section 26, a garage may be erected only in the rear half of said lot, so as to provide storage not to exceed one car for each 1000 square feet of lot area, but in no case shall the capacity exceed 2 motor vehicles.

3. *Row Dwellings*—Not to contain more than 4 dwelling units.

##### 4. *Two-Family Dwelling*

5. *Exceptions*—To use regulations are provided for in Section 71.

##### B. Height

1. *Maximum Height*—2 stories not to exceed 30 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

##### C. Area

1. *Lot Area Per Dwelling Unit*—The minimum lot area per dwelling unit shall be 2500 square feet.

2. *Lot Area*—Every lot shall have a minimum width of 50 feet and a minimum area of 5,000 square feet.

3. *Front Yard*—Same as in R-1 Zone, Section 41.

4. *Side Yards*—Same as in R-1 Zone, Section 41.

5. *Rear Yard*—Same as in R-1 Zone, Section 41.

6. *Lot Coverage*—Not more than 40 percent of the area of a lot may be covered by buildings or structures provided that such lot coverage need not be reduced to less than 800 square feet.

7. *Exceptions*—To yard regulations are provided for in Section 73.

#### SEC. 43. R-3 GENERAL RESIDENCE ZONE

The following regulations and the regulations contained in Article II shall apply in the R-3 General Residence Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-2 Two-Family Zone*—Provided that all R-2 uses shall be subject to the same limitations and controls as to use as specifically set forth in the R-2 Zone, Section 42A.

2. *Multiple Dwelling*

3. *The Following Special Exceptions*—If their location is first approved by the Board as provided for in Sections 91 and 92.

(a) Lodging House or Tourist Home

(b) Hotel with not more than 15 guest rooms

(c) Doctor's or District Nursing Office.

(d) Fraternity or Sorority House—Owned by students or alumni.

4. *Name Plate or Signs*—One identification sign not exceeding 12 square feet in area for multiple dwellings, provided that such sign shall be located not less than 15 feet from the front or side lot line except where it is affixed to the wall of the building and does not extend over the sidewalk.

5. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—2 stories not to exceed 40 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Lot Area per Dwelling Unit*—The minimum lot area per dwelling unit shall be 2000 square feet.

2. *Lot Area*—Every lot shall have a minimum width of 50 feet and a minimum area of 5000 square feet.

3. *Front Yard*—Same as required in R-1 Zone, Section 41.

4. *Side Yards*—Same as required in R-1 Zone, Section 41.

5. *Rear Yard*—Same as required in R-1 Zone, Section 41.

6. *Lot Coverage*—Same as required in R-2 Zone, Section 42.

7. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 44. R-4 MULTIPLE DWELLING ZONE

The following regulations and the regulations contained in Article II shall apply in the R-4 Multiple Dwelling Zone:

A. Permitted Uses

1. *Any Use Permitted in the R-3 General Residence Zone*—Provided that all R-3 uses shall be subject to the same limitations and controls as to use as specifically set forth in the R-3 Zone, Section 43A.

2. *Apartment Hotel or Hotel*—In which incidental business may be conducted only as a service for persons living therein, provided there is no entrance to such place of business except from the inside of the building.

3. *Fraternity or Sorority House*—Owned by students or alumni.

4. *Lodging House or Tourist Home*

5. *Nursing or Rest Home*

6. *Exceptions*—To use regulations are provided for in Section 71.

B. Height

1. *Maximum Height*—6 stories not to exceed 75 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Lot Area per Dwelling Unit*—The minimum lot area per dwelling unit shall be 1200 square feet.

2. *Lot Area*—Same as in R-3 Zone, Section 43.

3. *Front Yard*—There shall be a front yard of not less than 4 percent of the depth of the lot for each story or 12 feet in height, but such front yard need not exceed 30 feet.

4. *Side Yards*—Same as in R-1 Zone, except that for buildings more than 2 stories or 30 feet in height each side yard shall be increased one foot in width for each additional 3 feet in height.

5. *Rear Yard*—There shall be a rear yard of not less than 25 percent of the depth of the lot, but such rear yard need not exceed 35 feet.

#### 6. *Courts*

(a) An inner court shall not have any horizontal dimension, measured at right angles to any wall in which are located windows, except windows which open from a public hallway, which is less than the height of the building above the floor level of the story containing such window. No other dimension of such court shall be less than  $\frac{1}{2}$  the height of the building above the floor level of the lowest story served by the court. The length of any inner court shall not exceed twice its width.

(b) Each outer court on which windows open, except windows which open from a public hallway, shall have a width equal to not less than the height of the building above the floor level of the story containing such window, but no court shall have a width of less than 20 feet; and each court shall have a depth of not more than  $1\frac{1}{2}$  times the actual width; provided, however, that any such court with a depth of not more than 6 feet need not have a width exceeding 20 feet.

7. *Lot Coverage*—Not more than 40 percent of the area of an interior lot and not more than 45 percent of the area of a corner lot may be covered by buildings or structures, provided that such lot coverage need not be reduced to less than 800 square feet.

8. *Exceptions*—To yard regulations are provided for in Section 73.

## ARTICLE V COMMERCIAL ZONE REGULATIONS

### SEC. 51. C-1 LIMITED COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-1 Limited Commercial Zone:

#### A. Permitted Uses

1. *Any Use Permitted in the R-3 General Residence Zone*—Provided that all R-3 uses shall be subject to the same limitations and controls as to use and area as specifically set forth in Sections 43A and 43C.

2. *Any Use Permitted in the R-4 Multiple Dwelling Zone*—Provided that all R-4 uses shall be subject to the same limitations and controls as to use and area as specifically set forth in Sections 44A and 44C, and provided they are conducted more than 100 feet from a lot in an R-1 or R-2 Zone.

3. *The Following Uses*—Provided they are conducted wholly within a building, except for off-street loading of delivery vehicles which are incidental thereto as required in Section 24:

- (a) Bakery
- (b) Barber shop or beauty parlor
- (c) Book or stationery store
- (d) Clothes cleaning agency or pressing establishment
- (e) Club, lodge (non-profit) or fraternal association
- (f) Confectionery store
- (g) Custom dressmaking or millinery shop
- (h) Drug store
- (i) Dry goods or notion store
- (j) Florist or gift shop
- (k) Grocery, fruit, or vegetable store
- (l) Hardware or electric appliance store
- (m) Jewelry store
- (n) Laundry agency
- (o) Meat market or delicatessen

- (p) Music store or newsstand
- (q) Office, business or professional
- (r) Package liquor store
- (s) Photographer
- (t) Restaurant, tea room or cafe (excluding dancing or entertainment)
- (u) Shoe store or shoe repair shop
- (v) Tailor, clothing or wearing apparel store
- (w) Variety store
- (x) Local governmental enterprises

The above specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively.

All products shall be sold at retail on the premises and not more than four persons shall be engaged exclusively in the process of production.

4. *The Following Special Exception*—If its location is first approved by the Board as provided for in Sections 91 and 92.

- (a) Retail ice storage house of not more than 5 tons capacity.

5. *Sign*—Any exterior sign displayed shall pertain only to a use conducted within the building, and shall not extend above the roof level except in case of one-story buildings.

(a) *Wall signs* shall not extend or project beyond any street line more than 12 inches or exceed four (4) square feet in area for every foot occupied by the front of the building displaying such sign.

(b) *Projecting signs* not exceeding ten (10) feet in height shall not extend or project beyond the street line more than seventy-five (75%) per centum of the width of the sidewalk, provided, however, that in no case shall such sign project beyond such street line more than six (6) feet.

(c) *Projecting signs* more than ten (10) feet but not exceeding eighteen (18) feet in height shall not extend or project beyond the street line more than fifty (50%) per centum of the width of the sidewalk, provided, however, that in no case shall such sign project beyond such street line more than four (4) feet. The maximum height of projecting signs shall not be more than eighteen (18) feet. (Ord. 1951, Ch. 567).

6. *Uses Customarily Incident*—To any of the above uses and accessory buildings, when located on the same lot, including a garage for the exclusive use of the patrons of the above stores or businesses.

7. *Public Parking Area*—When located and developed as required in Section 24.

#### B. Height

1. *Maximum Height*—3 stories not to exceed 45 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

#### C. Area

1. *Front Yard*—Where the block frontage is located wholly in the C Zone and where the distance between the curb line of the street and the front property line is 12 feet or more in width no front yard is required. Where the block frontage is located partly in the C Zone and partly in an R Zone the front yard requirement of the R Zone shall apply in the C Zone. Where the distance between the curb line of the street and the front property line is less than 12 feet in width the ground floor set back of the commercial structure or use shall be sufficient to provide a 12 foot open space between said curb line and said commercial structure or use.

2. *Side Yards*—Where the side of a lot in the C Zone abuts upon the side of a lot in an R Zone, there shall be a side yard

of not less than 4 feet for each story or 12 feet in height, but such side yard shall not be less than 6 feet in width. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall be not less than 3 feet in width.

3. *Rear Yard*—Where the C Zone abuts an R Zone there shall be a rear yard of not less than 20 percent of the depth of the lot, but such rear yard need not exceed 20 feet. In all other cases no rear yard shall be required, but if provided, it shall be not less than 3 feet in depth.

4. *Exceptions*—To yard regulations are provided for in Section 73.

#### SEC. 52. C-2 GENERAL COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-2 General Commercial Zone:

##### A. Permitted Uses

1. *Any Use Permitted in the R-4 Multiple Dwelling Zone*—Provided that all R-4 uses shall be subject to the same limitations and controls as to use and area as specifically set forth in the R-4 Zone, Sections 44A and 44C.

2. *Any Use Permitted in the C-1 Limited Commercial Zone*—Provided all C-1 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-1 Zone, Section 51A, and the following uses.

- (a) Apartment hotel or hotel
- (b) Auditorium
- (c) Bank
- (d) Bar
- (e) Bath, turkish and the like
- (f) Bird store, pet shop or taxidermist
- (g) Blueprinting or photostating
- (h) Catering establishment

- (i) Cleaning establishment using not more than two clothes cleaning units neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is non-explosive and non-inflammable
- (j) Department, furniture or radio store
- (k) Film exchange
- (l) Funeral parlor
- (m) Interior decorating store
- (n) Medical or dental clinic or laboratory
- (o) Music conservatory or music instruction
- (p) Parking garage
- (q) Pawnshop
- (r) Rescue or temporary revival mission
- (s) Retail ice station of not more than 5 tons capacity
- (t) Self-service laundry
- (u) Super market
- (v) Theatre
- (w) Trade or business school or private school operated as a commercial enterprise
- (x) Wholesale merchandise broker excluding wholesale storage

3. *The Following Uses*—Provided they are conducted wholly within a building, except for off-street loading of delivery vehicles which are incidental thereto as required in Section 24.

- (a) Art or antique shop
- (b) Second hand store
- (c) Upholstering shop

4. *The Following Special Exception*—If its location is first approved by the Board as provided for in Sections 91 and 92.

- (a) Hospital or sanitarium for contagious, mental, drug or liquor addict cases or animal hospital

5. *Uses Customarily Incident*—To any of the above uses and accessory buildings when located on the same lot, provided, (a) there shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail on the premises; (b) there shall be not more than five persons engaged in the manufacture, compounding, processing or treatment of products; or in catering, cleaning, laundering, plumbing, upholstering and the like; (c) such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

B. Height

1. *Maximum Height*—Same as C-1 Zone, Section 51.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Same as C-1 Zone, Section 51.

2. *Side Yards*—Same as C-1 Zone, Section 51.

3. *Rear Yard*—Same as C-1 Zone, Section 51.

4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 53. C-3 DOWNTOWN COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-3 Downtown Commercial Zone.

A. Permitted Uses

1. *Any Use Permitted in the C-2 General Commercial Zone*—Provided all C-2 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-2 Zone, Section 52A.

2. *Billboards*

B. Height

1. *Maximum Height*—300 feet, provided that where any building or structure exceeds a height of 6 stories or 75 feet each part thereof above 6 stories or 75 feet shall be set back from the required yard lines, or lot lines where no yards are required, at least one foot for each 3 feet above 6 stories or 75 feet.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Where the block frontage is located wholly in the C-3 Zone, no front yard is required, but where it is located partly in the C-3 Zone and partly in an R Zone, the front yard requirement of the R Zone shall apply to the entire block frontage.

2. *Side Yards*—Same as C-1 Zone, Section 51.

3. *Rear Yard*—Same as C-1 Zone, Section 51.

4. *Exceptions*—To yard regulations are provided for in Section 73.

SEC. 54. C-4 HEAVY COMMERCIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the C-4 Heavy Commercial Zone.

A. Permitted Uses

1. *Any Use Permitted in the C-2 General Commercial Zone*—Provided all C-2 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-2 Zone, Section 52A.

2. *Automobile or Trailer Sales*—Provided that any display or storage area shall be developed as required in Section 24, and that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building; where the

mechanical power employed in the operation of any machine or tool does not exceed one horsepower and where the total mechanical power provided or employed does not exceed 3 horsepower.

3. *Automobile Service Station*—With total storage capacity of petroleum products not to exceed 10,000 gallons and provided that any tire or tube repairing, battery charging, and storing of merchandise or supplies are conducted wholly within a building; provided further that any lubrication or washing not conducted within a building shall be permitted only if a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet high is erected and maintained between such uses and any adjoining R Zone and provided that the use area shall be developed as required in Section 24.

4. *Billboards*

5. *Drive-in Business*—Where persons are served in automobiles from a refreshment stand, restaurant, food store and the like, provided a solid wall, compact evergreen screen or uniformly painted board fence not less than 4 feet in height is erected and maintained between such uses and any adjoining R Zone.

6. *Greenhouse, Nursery, Flower or Plant*—Provided all incidental equipment is kept wholly within a building.

7. *Public Service*—Including electric distributing substation, fire or police station, telephone exchange and the like.

8. *Sign Painting or Tire Shop*—Provided all activities shall be conducted wholly within a building.

9. *The Following Uses*—Provided they are conducted wholly within a building except for the off-street loading of delivery vehicles which are incidental thereto as required in Section 24, and provided further, that where such uses are within 50 feet of a lot in an R Zone, the building wall facing said R Zone shall

have no openings other than stationary window openings unless the same are necessary for emergency egress:

(a) Amusement enterprise, including billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill or science, penny arcade, shooting gallery and the like.

(b) The storage of self-propelled vehicles which are for remuneration or hire.

(c) Carpenter, cabinet, plumbing or sheet metal shop, garage repair shop, but excluding manufacture and provided not more than a one horsepower motor may be used with any one machine and not more than a total of 3 horsepower per shop and further provided that said shops shall be at least 200 feet from any lot in an R Zone and that such uses shall not be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

(d) Building material sales office and accessory storage of materials with a floor area not to exceed 3000 square feet and including incidental mill work.

10. *The Following Uses*—Provided they are conducted more than 50 feet from a lot in an R Zone:

(a) Camp ground

(b) Circus or transient amusement

(c) Drive-in movie

(d) Driving tees or ranges

(e) Feed or fuel store

(f) Laundry or dry cleaning establishment

(g) Poultry or rabbit killing incidental to retail sales on the premises

(h) Stadium

11. *The Following Uses*—Provided they are conducted more than 100 feet from any lot in an R Zone.

- (a) Creamery or ice cream manufacture
- (b) Ice manufacture or cold storage
- (c) Printing and binding establishment

B. Height

1. *Maximum Height*—Same as C-1 Zone, Section 51.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Same as C-1 Zone, Section 51.

2. *Side Yards*—Same as C-1 Zone, Section 51.

3. *Rear Yard*—Same as C-1 Zone, Section 51.

4. *Exceptions*—To area regulations are provided for in Section 73.

## ARTICLE VI INDUSTRIAL ZONE REGULATIONS

### SEC. 61. M-1 GENERAL INDUSTRIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the M-1 General Industrial Zone:

A. Permitted Uses

1. *Any Use Permitted in the C-4 Heavy Commercial Zone*—Provided all C-4 uses shall be subject to the same limitations and controls as to use as specifically set forth in the C-4 Zone, Section 54A, and provided further that a building containing dwelling units shall be permitted only where it is within 200 feet of an abutting R Zone.

2. *The Following Uses*—Provided where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building, except for the off-street loading of delivery vehicles which are incidental thereto as required in Section 24:

- (a) Animal hospital or kennels
- (b) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture

of small parts only, such as coils, condensers, transformers, crystal holders

(c) Automobile assembling, painting, upholstering; rebuilding, reconditioning, truck repairing or overhauling, tire retreading or recapping, battery manufacture

(d) Blacksmith shop, manufacture of machine tools or metal products, manufacture of machinery including agricultural, electrical machinery or equipment, office or store machines, equipment or supplies and the like, machine shop excluding punch presses over 100 tons rated capacity and drop hammers

(e) Bottling works

(f) Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors

(g) Laboratory, experimental, photo, motion picture, film or testing

(h) The manufacture, compounding, assembling or treatment of articles, or merchandise from the following prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns and paint not employing a boiling process.

(i) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, drugs, perfumes, pharmaceuticals, soap, textiles, toiletries, and food products except fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils.

(j) The manufacture or maintenance of electric or neon signs, billboards, commercial advertising structures, light sheet metal products including heating or ventilating ducts or equipment, cornices, eaves and the like

(k) The manufacture of musical instruments, clocks, watches, toys, novelties and rubber or metal stamps

(l) The manufacture of pottery or figurines or other similar ceramic products, using only previously pulverized clay, or kilns fired only by electricity or gas

(m) Storage and sale of petroleum and petroleum products in quantities not exceeding 21,000 gallons

(n) Warehousing and wholesale merchandise storage.

3. *The Following Uses*—Provided where they are within 150 feet of a lot in a more restricted zone they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence, not less than 4 feet in height; except for the off-street loading of delivery vehicles which are incidental thereto as required in Section 24:

(a) Building material sales yard, including the sale of lumber, rock, sand and gravel as an incidental part of the main business, but excluding concrete mixing

(b) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors

(c) Draying, freighting or trucking yard or terminal

(d) Feed or fuel yard

(e) Public utility service yard or electrical receiving or transforming stations

(f) small boat storage and building, except shipbuilding

(g) Stone cutting

4. *The Following Uses*—Provided where they are within 150 feet of a lot in an R Zone they shall be conducted wholly within a building or within an area enclosed on all sides with a solid wall, compact evergreen screen or uniformly painted board fence

not less than 4 feet in height; except for the off-street loading of delivery vehicles which are incidental thereto as required in Section 24:

(a) Automobile or machinery wrecking

(b) Bleaching or dyeing

(c) Body or fender works

(d) Brewery or liquor distillery

(e) Brick, tile, terra cotta or cinder block manufacture

(f) Junkyard, storage, sorting, collecting or bailing of rags, paper, metal or junk

5. *Uses Customarily Incident*—To any of the above uses and accessory buildings when located on the same lot.

B. Height

1. *Maximum Height*—6 stories not to exceed 75 feet. No building or structure nor the enlargement of any building or structure shall be hereafter erected or altered to exceed the height requirements of an adjacent R Zone when such building or structure is within 150 feet of said adjacent R Zone.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Not required; except where a structure hereafter erected or extended, faces property in an R Zone the setback of the R Zone shall apply; or where the block frontage is located partly in the M-1 Zone and partly in an R Zone, the front yard requirement of the R Zone shall apply in the M-1 Zone.

2. *Side Yards*—Where the side of a lot in the M-1 Zone abuts upon the side of a lot in an R Zone, there shall be a side yard of not less than 4 feet for each story or 12 feet in height, but such side yard shall be not less than 6 feet in width. In all other

cases, a side yard for an industrial building shall not be required, but if provided, it shall be not less than 3 feet in width.

3. *Rear Yard*—Where the rear of a lot in the M-1 Zone abuts upon a lot in an R Zone there shall be a rear yard of not less than 20 percent of the depth of the lot, but such rear yard need not exceed 20 feet. In all other cases, a rear yard for an industrial building shall not be required, but if provided, it shall be not less than 3 feet in depth.

4. *Exceptions*—To yard regulations are provided for in Section 73.

#### SEC. 62. M-2 HEAVY INDUSTRIAL ZONE

The following regulations and the regulations contained in Article II shall apply in the M-2 Heavy Industrial Zone.

##### A. Permitted Uses

1. *Any Use Permitted in the M-1 General Industrial Zone*—Provided, however, no building, structure or portion thereof shall be hereafter erected, converted, or used for any dwelling use permitted in any R Zone except accessory buildings which are incidental to the use of the land; and the following uses:

- (a) Acetylene gas manufacture or storage
- (b) Alcohol manufacture
- (c) Ammonia or bleaching powder manufacture
- (d) Asphalt manufacture or refining
- (e) Boiler works, locomotive or railroad car manufacture
- (f) Carbon or lamp black manufacture
- (g) Central station light or power plant
- (h) Chemical manufacture except those listed in Section 24
- (i) Coal distillation including manufacture or derivation of the by-products
- (j) Coke oven
- (k) Concrete or cement products manufacture
- (l) Cotton gin or oil mill

- (m) Creosote manufacture or treatment
- (n) Fish smoking, curing or canning
- (o) Gas manufacture from coal or petroleum or the storage thereof
- (p) Incinerator, municipal
- (q) Iron or steel foundry, steel furnace or rolling mill
- (r) Meat products manufacture
- (s) Oilcloth or linoleum manufacture
- (t) Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture
- (u) Paper or pulp manufacture
- (v) Petroleum products manufacture or wholesale storage of petroleum or its products in quantities exceeding 21,000 gallons
- (w) Planing mill
- (x) Plaster manufacture
- (y) Plastic manufacture
- (z) Potash works
- (aa) Power forge
- (bb) Pyroxylin manufacture
- (cc) Quarry or stone mill
- (dd) Rock, sand or gravel—distribution, storage, excavating or crushing
- (ee) Rubber or gutta-percha manufacture or treatment
- (ff) Salt works
- (gg) Shipbuilding
- (hh) Sodium compounds manufacture
- (ii) Stove or shoe polish manufacture
- (jj) Tanning, curing or storage of raw hides
- (kk) Tar distillation or tar products manufacture
- (ll) Wool pulling or scouring

##### B. Height

1. *Maximum Height*—Same as M-1 Zone, Section 61.

2. *Exceptions*—To height regulations are provided for in Section 72.

C. Area

1. *Front Yard*—Not required.

2. *Side Yards*—For an industrial building shall not be required, but if provided, shall be not less than 3 feet in width.

3. *Rear Yard*—For an industrial building shall not be required, but if provided, shall be not less than 3 feet in depth.

4. *Exceptions*—To yard regulations are provided for in Section 73.

## ARTICLE VII EXCEPTIONS AND MODIFICATIONS

### Sec. 71. Use

#### A. Public Utilities and Public Services

The provisions of this Ordinance shall not be construed as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes, of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, oil pipe lines, sewer mains and incidental appurtenances.

### SEC. 72. HEIGHT

#### A. Three-Story Building in Two-Story Zones

In the zones limiting height to two stories not to exceed 30 feet, any permitted structure may be increased in height to three stories not to exceed 40 feet provided the required side yards are increased an additional foot for each 3 feet such structure exceeds 30 feet.

#### B. Through Lots (150 feet or less in depth)

On through lots 150 feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.

#### C. Through Lots (more than 150 feet in depth)

On through lots more than 150 feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than 150 feet from that street.

#### D. Structures Permitted Above Height Limit

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, steeples, billboards, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, gas containers or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential, commercial or industrial use.

### SEC. 73. AREA

#### A. Yard Regulations Modified

Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified or determined by the Board, as provided for in Sections 91 and 92.

#### B. Front Yard—Between Projecting Buildings

Where a lot is situated between two lots, each of which has a main building (within 25 feet of its side lot line) which projects beyond the established front yard line and was so maintained when this Ordinance became effective, the front yard requirement on such lot may be the average of the front yards of said existing buildings, provided, however, the front yard of such lot shall be not less than 6 feet.

#### C. Front Yard—Adjoining Projecting Building

Where a lot adjoins only one lot having a main building (within 25 feet of its side lot line) which projects beyond the

established front yard line and has been so maintained since this Ordinance became effective, the front yard requirement on such lot may be the average of the front yard of the existing building and the established front yard line, provided, however, the front yard of such lot shall be not less than 8 feet.

#### D. Front Yard—Sloping Lot

Where the elevation of the ground at a point 50 feet from the front line of the lot and midway between the side lines, differs 10 feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is 20 percent or more on at least  $\frac{1}{4}$  of the depth of the lot, the front yard shall be at least 50 percent of that required in the zone provided the required front yard of such lot shall be not less than 8 feet. A private garage, not exceeding one story or 14 feet in height, may be located in such front yard provided every portion of the garage building is at least 8 feet from the front lot line and does not occupy more than 50 per cent of the width of the front yard.

#### E. Side Yard Reduced for One-Story Extension

Where a lot is 60 feet or less in width and where a one-story extension of a dwelling, not exceeding 30 feet in height, has a height not exceeding 14 feet and a depth not exceeding 30 feet, the side yard may be reduced to 4 feet and the aggregate width of both side yards may be reduced to 20 percent of the width of the lot but shall be not less than 10 feet. Provided, however, any portion of the building exceeding 14 feet in height on the side with the one-story extension must set back not less than 12 feet from the side lot line.

#### F. Side Yards Waived

For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one building occupying one lot: semi-detached dwellings, row dwellings and group dwellings.

#### G. Front and Side Yards Waived

The front and side yards may be waived for dwellings, hotels and lodging houses erected above the ground floor of a building when said ground floor is designed and used exclusively for commercial or industrial purposes.

#### H. Rear Yard—Accessory Building

An accessory building, not exceeding two stories or 20 feet in height may occupy not more than 50 percent of the area of a required rear yard.

#### I. Through Lot—May Be Two Lots

Where a through lot has a depth of 150 feet or more, and an area of 10,000 square feet or more, said lot may be assumed to be two lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with.

#### J. Projections Into Yards

1. *Porte Cochere*—A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one story in height and 20 feet in length, and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features provided, however, said porte cochere does not extend to within 6 feet of a side lot line.

2. *Cornice, Sill or Chimney*—A cornice, eave, belt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required side yard not more than 4 inches for each 16 inches of width of such side yard and may extend or project into a required front, side, or rear yard not more than 30 inches. Chimneys may project into a required front, side, or rear yard not more than 16 inches provided the width of such side yard is not reduced to less than 3 feet.

3. *Fire Escape*—A fire escape may extend or project into any front, side or rear yard not more than 4 feet.

4. *Open Stairway and Balcony*—An open, unenclosed stairway or balcony, not covered by a roof or canopy, may extend or project into a required rear yard not more than 4 feet, and such balcony may extend into a required front yard not more than 4 feet.

5. *Open Porch*—An open, unenclosed porch, platform or landing place not covered by a roof or canopy, which does not extend above the level of the first floor of the building, may extend or project into any required front or rear yard not more than 6 feet, and into any required side yard not more than 4 feet.

6. *Fence or Wall*—A tight board fence or solid wall not to exceed 4 feet in height a lattice-work screen or open fence not to exceed 5 feet in height, or a hedge or thick growth of shrubs or trees, maintained so as not to exceed 5 feet in height may be located in any required front or side yard except for corner setbacks as required in Section 26.

7. *Landscape Feature*—A landscape feature, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard, provided it does not violate the provisions of Section 26.

## ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the Inspector of Buildings of the City of Providence to enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State and in the Charter and Ordinances of the City.

### SEC. 81. BUILDING PERMIT

Before a permit is issued for the erection, moving, alteration, enlargement or occupancy of any building or structure or use of

premises, the plans and intended use shall indicate conformity in all respects to the provisions of this Ordinance.

### A. Site Plan

Every application for a building permit under the provisions of the Building Code of the City of Providence shall be accompanied by a site plan, drawn to scale, showing the lot and the building site and the location of existing buildings on the lot, accurate dimension of the lot, yards and building or buildings, together with locations, size and use of any and all buildings not on the lot but within 50 feet from the boundaries thereof, unless separated therefrom by a street together with such other information as may be necessary to the enforcement of the Ordinance.

### B. Interpretation of Ordinance

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare. The lot or yard areas required by this Ordinance for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time this Ordinance became effective shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected.

### C. Completion of Existing Buildings

Nothing in this Ordinance shall require any change in the plans, construction or intended use of a building for which a building permit has heretofore been issued, and the construction of which shall have been diligently prosecuted within 6 months of the date of such permit and the ground story framework of which, including the second tier of beams, shall have been completed within such 6 months, and such entire building shall

be completed according to such plans as filed within 2 years from the date this Ordinance became effective. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the Inspector of Buildings.

#### SEC. 82. CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall be required for any of the following:

- (a) Occupancy and use of a building hereafter erected or enlarged.
- (b) Change in use of an existing building to a use of a different classification.
- (c) Occupancy and use of vacant land except for the raising of crops.
- (d) Change in the use of land to a use of a different classification except for the raising of crops.
- (e) Any change in use of a nonconforming use.

No such occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the Inspector of Buildings.

Written application for a certificate of occupancy for a new building or for an existing building which has been enlarged shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued within 5 days after a written request for the same has been made to the Inspector of Buildings after the erection or enlargement of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

Pending the issuance of such a certificate, a temporary certificate of occupancy may be issued by the Inspector of Buildings for a period of not more than 6 months during the completion of the construction of the building or of alterations which are required under the terms of any law or Ordinance. Such tem-

porary certificate shall not be construed in any way to alter the respective rights, duties or obligations of the owner or of the City relating to the use or occupancy of the land or building, or any other matter covered by this Ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

Written application for a certificate of occupancy for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Inspector of Buildings.

If the proposed use is in conformity with the provisions of this Ordinance, the certificate of occupancy therefor shall be issued within 5 days after the application for the same has been made. Each certificate of occupancy shall state that in the opinion of the Building Inspector the building or proposed use of a building or land complies with all provisions of law and of all City Ordinances.

A record of all certificates of occupancy shall be kept on file in the office of the Inspector of Buildings, and a copy shall be forwarded, on request, to any person having proprietary or tenancy interest in the building or land affected.

No permit for erection of any building shall be issued before application has been made for a certificate of occupancy.

#### SEC. 83. ENFORCEMENT

All departments, officials and public employees of the City of Providence which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance.

Any permit or license, issued in conflict with the provisions of this Ordinance, shall be null and void.

#### SEC. 84. PENALTIES

Any person or corporation, whether as principal, agent, employee or otherwise, who violates any of the provisions of this Ordinance shall be fined not exceeding 100 Dollars for each offense, such fine to inure to the City of Providence. Each day of the existence of any violation shall be deemed a separate offense.

The erection, construction, enlargement, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any of the provisions of this Ordinance is hereby declared to be a violation of this Ordinance and unlawful. The City Solicitor shall, immediately upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation.

The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

### ARTICLE IX BOARD OF REVIEW

#### SEC. 91. ORGANIZATION AND PROCEDURE

The Board of Review as constituted at the time of the effective date of this Ordinance, and the terms of office of the members thereof, shall be continued. In June, 1952, and in June of each year thereafter, the Mayor shall appoint, subject to the approval of the City Council, one member of the Board to succeed the member whose term then expires and said appointee shall thereafter hold office for a term of 5 years. Each member of the Board shall hold office until his successor is appointed and qualified. In case any vacancy should occur in the Board from any

cause, the Mayor shall appoint, subject to the approval of the City Council, a member of the Board to fill the vacancy for the remainder of the term. The members of the Board may be removed by the Mayor, subject to the approval of the City Council for such cause as he shall deem sufficient and shall express in the order of removal. Immediately after any selection of a member of the Board, the Mayor, with the approval of the City Council shall designate a member of the Board to be its Chairman. The secretary and clerks who held office at the time of the effective date of this Ordinance shall continue during the pleasure of the Board, and vacancies in these offices shall be filled by the Board.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. Petitions for variances and for special exceptions as authorized in this Ordinance and by law may be addressed to the Board and shall, prior to public hearing be referred to the Director of the Commission for written recommendation thereon. If the Director fails to act within 25 days, he shall be deemed to approve such petitions. Prior to decision on such petitions, the Board shall hold a public hearing thereon. Seven days prior to said hearing notice shall be mailed to the petitioner and to the owners of all property deemed by the Board to be affected thereby as they appear in the current records of the City Assessor and also advertised once at least 10 days prior to the public hearing in a daily newspaper published in the City of Providence.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Inspector of Buildings or other duly authorized administrative officer, and the concurring vote of four members

of the Board shall be required to decide in favor of the applicant on any matter within the discretion of the Board upon which it is required to pass under this Ordinance or to effect any variation in the application of this Ordinance.

The Board shall cause to be made a detailed report of all its proceedings, setting forth its reasons for its decisions, the vote of each member participating therein and the absence of a member or his failure to vote. Such record, immediately following the Board's decision shall be filed in the office of the Board and of the Inspector of Buildings, and shall be open to public inspection. Notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

Any person or persons, jointly or severally aggrieved by any decision of the Board, or any officer, department, board or bureau of the municipality may present to the supreme court a petition as provided in Section 8 of Chapter 342 of the General Laws of 1938 as amended.

#### SEC. 92. POWERS OF THE BOARD OF REVIEW

The Board shall have the powers provided for in Section 8 of Chapter 342 of the General Laws of 1938 as amended, in the exercise of which it may, when in its judgment the public convenience and welfare will be substantially served, or the appropriate use of neighboring property will not be substantially or permanently injured, determine and vary the application of this Ordinance for variances and for special exceptions as provided for herein in connection with which it may impose such conditions regarding the location, character and other features of the proposed building, structure or use as it deems to be in harmony with the general purposes and intent of this Ordinance.

The discretion of the Board shall be exercised in accord with the standards and rules of guidance expressed in Article I of this Ordinance.

*In addition to the members herein provided for, the Mayor shall appoint, subject to the approval of the City Council, an auxiliary or sixth member of the Board who shall sit as an active member of the Board upon the request of the Chairman when and if a member of the Board is unable to serve at any hearing. As soon as may be after passage of this Ordinance, the Mayor shall appoint such sixth member to serve until June, 1952, and in June of 1952 and of each year thereafter, shall make said appointment for a term of one year and until a successor is appointed and qualified. Said sixth member shall be subject to removal in the same manner as is provided for the other members of the Board, and vacancies in said office shall likewise be filled in the same manner. (Ord. 1952, Ch. 591).*

*Section 92-A. Any variance or special exception granted by said board shall expire by limitation within six months from the date the same is granted, unless the applicant shall, within said period, exercise the right granted by said decision or receive a building permit so to do. The board, may upon application therefor and for cause shown, extend the within limitations for an additional six month period; said application for an extension need not be advertised. (Ord. 1952, Ch. 597).*

#### ARTICLE X AMENDMENTS TO ORDINANCE AND MAP

The regulations, restrictions and boundaries provided for in this Ordinance may from time to time be amended or repealed.

#### SEC. 101. PROCEDURE

This Ordinance may from time to time be amended or repealed as provided in Section 2 of Chapter 342 of the General Laws of 1938 as amended.

## SEC. 102. FILING FEES

Any petition to the Board for an appeal, special exception or variance and any petition to the City Council to amend the zoning map, except by the Commission or the City of Providence, shall be accompanied by a filing fee of \$10 which shall be deposited with the City Collector and no part of which shall be returnable to the petitioner.

## ARTICLE XI VALIDITY

### SEC. 111. CONFLICT WITH OTHER ORDINANCES

Chapter 370 of the Ordinances of the City of Providence, approved June 6, 1923, as amended from time to time, is hereby repealed, but this Ordinance shall not repeal, annul or impair any existing provisions of law or Ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises provided, however, that wherever the terms of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lots to be left unoccupied, or impose other higher standards than are required in any other statute or local Ordinance or regulation the provisions of this Ordinance shall govern. Wherever the provisions of any other statute, local Ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in this Ordinance, the provisions of such statute, local Ordinance or regulation shall govern. All variances and exceptions heretofore granted by the Board shall remain in full force and effect, and all terms, conditions and obligations imposed by the Board shall

remain in effect and be binding to the same extent as if said Chapter 370 of the Ordinances of the City of Providence, approved June 6, 1923, as amended from time to time, had not been repealed. All violations of said Ordinance, as heretofore amended, shall be punishable as if said Ordinance, as heretofore amended, had not been repealed and said Ordinance, as heretofore amended, shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

### SEC. 112. SEVERANCE CLAUSE

If any Section clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other Section, clause, provision or portion of this Ordinance.

### SEC. 113. EFFECTIVE DATE

This Ordinance shall take effect upon its adoption by the City Council and approval by the Mayor.