

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2012-45

No. 505 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED, TO MODIFY ARTICLES III, IV, X AND APPENDIX A.

Approved August 6, 2012

*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 adding the following text to Article III, IV, Article X and Appendix A (the text to be removed is crossed out; the new text is underlined):

### ARTICLE III

#### Section 303

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS	CD
33.4	Outdoor Entertainment Amusement	N	N	N	N	N	N	S	Y	N	N	N	S <sup>1</sup>	N	Y	S	N	N	N	N	N	N	N
56.1	Eating and/or Drinking Establishments, less than 2,500 sq. ft. GFA <sup>4</sup>	N	N	N	N	N	Y	Y	Y	Y	Y	S <sup>5</sup>	Y	Y	Y	Y	<del>N</del> <u>Y</u>	<del>N</del> <u>Y</u>	<del>N</del> <u>Y</u>	N	N	N	N
57.1	Eating and/or Drinking Establishments, more than 2,500 sq. ft. GFA <sup>4</sup>	N	N	N	N	N	N	S	Y	Y	Y	S	S	Y	Y	Y	<del>N</del> <u>Y</u>	<del>N</del> <u>Y</u>	<del>N</del> <u>Y</u>	N	N	N	N
58	Eating and/or Drinking Establishments, with Entertainment Nightclub	N	N	N	N	N	N	<del>S</del> <u>N</u>	<del>Y</del> <u>S<sup>5</sup></u>	<del>Y</del> <u>S<sup>5</sup></u>	<del>Y</del> <u>S<sup>5</sup></u>	N	<del>S</del> <u>N</u>	N	<del>Y</del> <u>S<sup>5</sup></u>	N	N	N	<del>Y</del> <u>S<sup>5</sup></u>	N	N	N	N
<u>58.1</u>	<u>Entertainment, Outdoor</u>	<u>N</u>	<u>S<sup>6</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S<sup>6</sup></u>	<u>N</u>	<u>S<sup>6</sup></u>	<u>S<sup>6</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>						
<u>58.2</u>	<u>Entertainment, Indoor</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>						

#### FOOTNOTES:

4. Incidental Entertainment as defined in Article X herein shall be permitted as an Accessory Use at any location where this Primary Use is permitted and active. See Article X -- definitions of Entertainment and Incidental Entertainment.

5. See Section 419.8.

6. See Section 401 – Outdoor uses.

## ARTICLE IV

419.8 Nightclub: Conformance with the following conditions is required for obtaining and maintaining a special use permit for a Nightclub:

- A. The applicant shall demonstrate measures to prevent propagation of noise onto neighboring properties.
- B. The applicant shall describe its security plan to control patron behavior inside and outside of the facility so as to not negatively impact the public safety, health, welfare and quality of life of those living in and frequenting the immediate area around the facility.
- C. All entertainment shall take place indoors.
- D. Recipients of a special use permit shall undergo a mandatory one year probationary period to determine suitability of the permit. At the end of the period, the recipient shall be required to reapply to the Board. In determining whether to grant the Special Use Permit on a permanent basis, the Board shall consider the facility's conformance with the criteria above; its history of violations of licensing building code, fire, and other regulations; and testimony from witnesses regarding neighborhood disturbances. The applicant may be subjected to random checks to ensure compliance with the above criteria.
- E. The Board may grant additional probationary periods or may deny a special use permit if evidence of nonconformance with any conditions is found.
- F. The recipient of a special use permit shall post the permit in a conspicuous location within the facility.

## ARTICLE X

Entertainment: For purposes of this Chapter, Entertainment is defined as any activity that includes but is not limited to a theatrical performance, live music performance, live or "virtual" disc jockey ("DJ" or "deejay"), live or "virtual" master of ceremonies ("MC"), dance, ball, show, exhibition, public roller skating in rinks or halls, wrestling, boxing or sparring matches, or other sporting event, held indoors or outdoors to which members of the public are invited with or without charge. Live music performance refers to any live production of music or sound by an individual, band, musician, dancing, or karaoke. "Virtual" disc jockey or master of ceremonies refers to any video, hologram, computer generated static or moving image, whether generated by analog or digital means, which fulfills the function of a live disc jockey or master of ceremonies including but not limited to announcing songs, vocalizing advertisements or promotions, or interacting with patrons by means of verbal communication in any way. For purposes of this Chapter, Entertainment shall not include Incidental Entertainment as defined herein unless a cover charge is charged by the establishment.

Incidental Entertainment: For purposes of this Chapter, Incidental Entertainment is defined as background music provided at an Eating and/or Drinking Establishment the sole purposes of which shall be to enhance the particular ambiance of the establishment. Incidental Entertainment shall be limited to the following formats: a) live music performance limited to not more than a maximum of three (3) acoustic instruments which shall not be amplified by any means, electronic or otherwise or b) prerecorded music played from a preselected play list over the permanently installed sound system of the establishment. Incidental Entertainment shall be a permissible Accessory Use of Eating and/or Drinking Establishments as defined in this Section, provided that the establishment does not charge a cover charge and provided further that the maximum volume of Incidental Entertainment, irrespective of the format, shall be limited so as not to extend beyond the boundaries of the premises at any time.

Nightclub: An establishment such as a restaurant, bar, tavern or other place for the service or sale of drink for on-premises consumption that provides nighttime entertainment and a dance floor or stage and has as its primary source of revenue the sale of alcoholic beverages and/or cover charge and for which a Class N license is required under Title 3 of the Rhode Island General laws.

33.4 Outdoor ~~Entertainment~~ Amusement

56.1 Eating and/or drinking establishments, less than 2,500 sq.ft. GFA – Which may include Incidental Entertainment as defined in Article X.

57.1 Eating and/or drinking establishments, more than 2,500 sq.ft. GFA – Which may include Incidental Entertainment as defined in Article X.

58 Entertainment – See Definition for Entertainment and Incidental Entertainment

58.1 Nightclub – See Definition for Nightclub

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

**IN CITY COUNCIL**  
**JUL 30 2012**  
FIRST READING  
READ AND PASSED, *As Amended*  
*[Signature]* CLERK

**IN CITY COUNCIL**  
**AUG 01 2012**  
FINAL READING  
READ AND PASSED  
*[Signature]* PRESIDENT  
*[Signature]* CLERK

I HEREBY APPROVE.  
*[Signature]*  
Mayor  
Date: 8/6/12