

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2008-33

No. 274 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE ORDINANCES OF THE CITY OF PROVIDENCE ENTITLED "THE CITY OF PROVIDENCE ZONING ORDINANCE" APPROVED JUNE 27, 1994, AS AMENDED, TO MODIFY SECTION 401 - OUTDOOR USES.

Approved June 27, 2008

Be it ordained by the City of Providence:

THE COMMITTEE ON LEGISLATION

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

Section 401 - Outdoor Uses: Within the R, C-1, C-2, RP, I and W-1 Zones, all uses must be conducted wholly within a building, except for off-street loading of delivery vehicles and automobile parking which are incidental thereto, and except for uses permitted by Sections 401.1 and 401.2. In W-2, W-3 and M Zones, all uses which are within one hundred fifty (150) feet of an R Zone must be conducted wholly within a building except for off street loading of delivery vehicles and automobile parking which are incidental thereto.

401.1 - Outdoor Seating: Except in an R-1, R-2, R-3, R-G, and R-M Zone, up to an additional twenty five (25) percent of the permitted existing inside seating of an eating and/or drinking establishment may be provided outside of the establishment. Such seating shall be located on the same lot as the main use or may be located on the adjoining city sidewalk only with the appropriate city permits and/or licenses. No additional parking shall be required for such additional seating, provided existing parking is not reduced. Any outdoor seating located within two hundred feet of an R Zone shall cease operation by 11 P.M.

401.2 - Outdoor Display: Except in an R-1, R-2, R-3, R-G, and R-M Zone, outdoor displays are permitted up to ten (10) percent of the gross floor area of a commercial establishment. Such outdoor display shall be located on the same lot as the main use or may be located on the adjoining city sidewalk only with the appropriate city permits and/or licenses. No additional parking shall be required for such additional area, provided existing parking is not reduced. The goods displayed shall be removed at the end of each business day.

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

IN CITY COUNCIL JUN 5 2008 FIRST READING READ AND PASSED APPROVED [Signature] CLERK

IN CITY COUNCIL JUN 19 2008 FINAL READING READ AND PASSED [Signature] PRESIDENT [Signature] CLERK

[Signature] 6/27/08 MAYOR



Providence City Plan Commission

DAVID N. CICILLINE
Mayor

May 28, 2008

Councilman Michael Solomon
Chair, Ordinance Committee
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Anna Stetson, City Clerk

Re: CPC Referral 3307: Proposal to Change the Zoning Ordinance for Outdoor Uses

Dear Councilman Solomon:

At a special meeting of the City Plan Commission (CPC) on May 27, 2008, and pursuant to Section 1100 of the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, as amended, the Commission reviewed a proposal to modify Zoning Ordinance Section 401 - Outdoor Uses. The change would permit outdoor uses, such as outdoor display for retail shops and outdoor seating for restaurants, in an R-P zoning district. This change would apply to legally-established restaurants and retail uses only. The Commission voted unanimously as described below to make certain findings of fact and to advise the City Council to adopt the change as presented.

Findings of Fact

Article XI of the Zoning Ordinance requires that in order for the CPC to make a positive recommendation on amendments to the Ordinance, it must demonstrate consistency with the Comprehensive Plan and with the purposes of zoning as listed in Section 100 of the Ordinance.

This proposal is consistent with the comprehensive plan and zoning ordinance in that it consistently implements state law and protects public health, safety and welfare.

Recommendation

The Commission voted to advise the City Council to adopt the change as presented.

Sincerely,

Christopher J. Ise
Administrative Officer

cc: Councilman John Lombardi