

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1981-31

No. 369 **AN ORDINANCE** CREATING A DESIGN CONTROLLED
SMITH HILL COMMERCIAL DISTRICT, AS AMENDED.

Approved June 26, 1981

Be it ordained by the City of Providence:

SECTION I. PURPOSE: This Ordinance creates a Design Controlled Smith Hill Commercial District in order to create, promote and mandate design and rehabilitation standards for the Smith Hill Commercial District, to establish deadlines for compliance with said standards, and to provide for the enforcement of said design and rehabilitation standards for the economic, cultural, aesthetic and general welfare and safety of the public through the regulation of commercial and mixed use structures, signs, vacant lots, and parking areas within the Smith Hill Commercial District; to preserve and enhance the environmental quality of the Smith Hill Commercial District; to strengthen the city's economic base by stimulation and stabilization of business; to provide employment opportunities by preserving and creating jobs; to establish and improve property values and conditions; to foster economic development and to encourage growth.

SECTION II. COMPLIANCE WITH REGULATIONS: All existing or future commercial, mixed-use, or non-residential structures, whether occupied or vacant, located within the Smith Hill Commercial Area shall be in compliance with the regulations as set forth in this Ordinance before July 4, 1983. Owners of subject property within the designated area shall make no exterior

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renovation, rehabilitation or the like to any such property unless such renovation or rehabilitation plans and specifications have been submitted and approved by the Design Review Committee established herein. The Building Inspector shall issue no building permits for property located within the designated area until plans and specifications for renovation, rehabilitation or the like have been approved by the Design Review Committee.

SECTION III. AREA GOVERNED: The Smith Hill Commercial District shall consist of and be defined as the following Assessor's Lots and Plats located in the City of Providence and said lots and Plats shall be governed and regulated by the provisions of this Ordinance as follows:

42, 230, 231, 232, 233, 234, 235, 236, 237, 260, 261, 262, 229, 263, 264, 380, 479, 602, 642, 645, 536, 537, 538, 539, 540, 541, of Plat 69. Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 18, 24, 131, 132, 148, 313, 358, 417, 459, 551, 597, 621, 622, 623, 626, 629, 767, 768, of Plat 68. Lots 14, 15, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 44, 46, 47, 48, 49, 50, 61, 62, 63, 64, 65, 66, 67, 69, 71, 72, 73, 87, 91, 94, 96, 97, 98, 103, 104, 105, 106, 107, 113, 255, 259, 512, of Plat 67 as set forth in the 1980 Assessor's Plat Book.

SECTION IV. DEFINITIONS: As used in this Ordinance:

"AWNING" - shall be defined as a sheltering screen with approved covering, often of fabric, on a rigid or hinged support, or of a retractable system.

"AWNING SIGN" - shall be defined as painted or inlaid lettering on awnings identifying the business and/or address of the building on which it is located.

"BILLBOARD" - shall be defined as a sign advertising products or activities not made, sold, used, served or conducted on the premises displaying such sign, or a sign having a height greater than twelve (12) feet or a width greater than eighteen (18) feet including

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supports.

"CERTIFICATE OF COMPLIANCE" - shall be defined as a certificate issued by the building inspector which certifies that a building, structure, or property complies with the Design standards of this Ordinance.

"FACADE" - shall be defined as the exterior front surface of the building.

"GROUND SIGN" - shall be defined as a sign supported by uprights or braces in or upon the ground surface.

"NON-CONFORMING SIGNS" - shall be defined as any sign, located within the design controlled Smith Hill Commercial District, which does not comply with the design standards set forth in this Ordinance.

"PROJECTING SIGN" - shall be defined as a sign which is attached to and projects more than twelve (12) inches from the face of a wall of a building.

"SECONDARY SIGN" - shall be defined as a sign which is of smaller size and of less impact than the major sign identifying a business or which identifies a business located on the premises other than the primary establishment.

"SHOW WINDOW" - shall be defined as any window on the first floor or below of a building used for display of merchandise.

"SIDWALK DISPLAYS" - shall be defined as any merchandise placed on the outside of a building, intended to attract the attention of the general public.

"SIGN" - shall be defined as any display, whether flat, projecting or sculptured, used for any advertising or informational purposes, which is visible from a public right-of-way.

"STOREFRONT" - shall be defined as any front, exterior first floor wall of a commercial building.

"VARIANCE" - shall be defined as an exception granted by the Design Review Committee from any of the design standards set forth in this Ordinance.

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"WALL SIGN" - shall be defined as any sign attached to, and erected parallel to the face of, or painted on the outside wall of the building and supported throughout its length by such wall or building, and not extending more than twelve (12) inches from the building wall.

SECTION V. DESIGN REVIEW COMMITTEE - There shall be created the Smith Hill Design Review Committee (the Committee) which shall consist of five (5) members who shall serve without compensation, and each of whom shall serve a term of one (1) year. The membership of the Committee shall be appointed in the following manner:

Three (3) shall be elected by the principals of the business entities in the design controlled district:

Two (2) of these persons shall have full knowledge of the Smith Street design efforts and shall be capable of representing the business community's interests.

One (1) of these persons shall be a registered Rhode Island architect familiar with the Smith Street Revitalization Project and competent in the areas of design control and neighborhood revitalization.

Two (2) shall be appointed by the Mayor of the City of Providence:

One (1) of these persons shall have a degree in architectural design and shall have experience in storefront design.

One (1) of these persons shall be experienced in the field of construction and familiar with all structural and mechanical components of a building. This member shall also be familiar with the legal aspects of complying with the Rhode Island Building Code, the Providence Zoning Ordinance, and the Smith Street Design Standards.

or his Designee
The Building Inspector shall serve on the Committee as
an ex-officio, non-voting member.

Vacancies shall be filled for the unexpired term of
a Committee member according to the above standards.

SECTION VI. RULES AND MEETINGS: The Committee shall
adopt rules of procedure not in conflict with any State Act or
City Ordinance. Meetings of the Committee shall be held at the call
of the Chairman and at such other times as the Committee may
determine. All official meetings of the Committee shall be open
to the public and notice of any meeting shall be posted at least
five (5) days prior to its commencement. The Committee shall keep
minutes of its proceedings, showing the vote, and shall keep
records of its official actions, all of which shall be public
record.

SECTION VII. ENFORCEMENT OF THIS ORDINANCE: In the
event of any violation of the standards set forth herein, the Design
Review Committee shall, no fewer than ten (10) days prior to its
next regularly scheduled meeting, notify the property owner of
the violation (s) and summon said property owner to appear at that
next regularly scheduled meeting. The property owner shall there
have the opportunity to demonstrate why he or she is in compliance
with the standards set forth herein or to show good cause for the
non-compliance. Upon a showing of good cause the Committee shall
grant the property owner one (1) thirty (30) day extension of
time in which to comply with these standards. Under no circum-
stances shall more than one (1) such extension of time be granted.

Upon the failure of the property owner to demonstrate
compliance, or to show good cause, or to comply with these standards
within the thirty (30) day extension of time, the Committee shall
make a finding of "Non-Compliance." Upon a finding the Committee
shall notify the Department of Building Inspection who shall forthwith

request the City Solicitor to institute the proper proceedings for a violation of this Ordinance in the Municipal or Police Court of the City of Providence.

SECTION VIII. SMITH STREET DESIGN STANDARDS: The following standards shall be applied to all existing or future commercial, mixed-use, or non-residential structures, whether occupied or vacant, located within the Smith Hill Design Controlled Commercial District.

Each building shall be designed as an integral part of the commercial area's overall design theme, as determined by the Design Review Committee.

I. BUILDING FRONTS AND SIDES ABUTTING STREETS OR PUBLIC AREAS:

All structural and decorative elements of building fronts and sides abutting streets and public areas shall be repaired or replaced in a workmanlike manner in accordance with the following design standards.

A. STOREFRONTS: Each storefront shall fit into the total building facade as an integral element and shall harmonize with the remaining part of the building.

1. Storefronts deemed to be damaged or in disrepair shall be repaired or replaced.

2. Solid or permanently enclosed or covered storefronts shall not be permitted unless treated as an integral part of the building as determined by the Design Review Committee.

3. Protective grills, when utilized, shall be designed as an integral part of the storefront and be as inconspicuous as possible.

B. SHOW WINDOWS: A show window as a part of the building facade shall be defined to include: the building face, the entrance area leading to the door, the door, sidelights and transoms, and all display platforms and devices including lighting and signage designed to be viewed from the public right-of-way and/or the area visible to the public prior to entering the interior of the structure.

1. Show windows shall be designed as an integral element of the storefront and reflect the character and theme of the streetscape.

2. Show windows shall not be painted for advertising purposes but may be painted for authorized identification of the place of business (name of store, logo, or other store identification) provided such identification complies with "secondary sign" standards.

3. Decals of a maximum of one foot square in area may be affixed to show windows or entrance door windows when supplied by national and local credit card companies and carry no text or message other than the identification of such companies.

4. Decals informing the existence of a security alarm system may be affixed to show windows or entrance door windows in accordance with state law.

C. AWNINGS:

1. Only soft, flame resistant awnings are permitted on the building facade.

2. Awnings shall not project more than seven (7) feet from the building front, nor extend more than two (2) feet within the curb line, whichever is less. They shall be no less than seven (7) feet above grade except that the bottom of the valance of awnings may extend to six (6) feet nine (9) inches above grade. Awnings shall terminate against the building at a height not to exceed thirteen (13) feet above the pavement nor one inch below the second floor window sill, whichever is lower.

3. Awning colors and patterns shall be compatible with the building facade.

D. BUILDING COLOR:

1. In every case the building colors shall be harmonious with the streetscape and neighborhood building facades, as determined by the Design Review Committee.

2. Colors shall be used to tie all buildings elements into a visually pleasing facade.

E. REAR AND SIDE WALLS:

1. Rear and side walls shall be repaired and painted as necessary.

2. All miscellaneous patched and filled areas shall be covered evenly.

F. WINDOWS:

1. All broken and missing windows shall be replaced with new glass.

2. Window openings in upper floors of the front of the building shall not be filled or boarded up. Window panes shall not be painted.

3. Windows not in the front of the building shall be kept properly repaired or may be removed or infilled in a manner acceptable to the Design Review Committee and in compliance with local codes and ordinances.

G. ROOF:

1. Roofs shall be kept free of trash, debris, or any other element which is not a permanent part of the building or a functioning element of its mechanical or electrical system.

2. Any mechanical equipment placed on the roof shall be so located as to be hidden from view and as inconspicuous as possible. Where screening is infeasible, equipment shall be painted in such a manner as to minimize its visibility.

H. MECHANICAL EQUIPMENT AND HARDWARE:

1. Gutters and downspouts shall be repaired or replaced as necessary and shall be neatly and securely installed. Their color shall be considered as part of the building's overall color scheme.

2. Existing miscellaneous elements on the building fronts, such as empty electrical or other conduits, old signs, unused sign brackets, etc., shall be eliminated.

3. All electrical elements such as wires, conduits, junction boxes, transformers, ballast switches, and panel boxes shall be concealed from view to as great a degree as possible.

4. Any mechanical equipment located on the exterior of a building, functioning as an integral element of the business located within shall be maintained in neat and orderly fashion.

III. SIGNS: No signs other than those identifying the property where they are installed or identifying the use conducted within shall be permitted, such signs shall not include advertising by material or product manufacturers and suppliers.

A. WALLS SIGNS:

1. Wall signs shall be placed parallel to the building face and shall not project more than twelve (12) inches from the surface of the building.

2. The total area of wall signs shall not exceed in area three (3) times the width in feet of the building frontage. In the case of corner properties each facade shall be calculated separately. No sign shall be more than three (3) feet in height.

3. Wall signs shall be placed no higher than the bottom of the second floor windows, where windows exist, or below the cornice line of a one-story structure or thirteen (13) feet above grade, whichever is lower.

4. There shall be no more than one (1) wall sign for each establishment.

B. PROJECTING SIGNS:

1. Projecting signs shall not extend more than four (4) feet beyond the building surface nor two (2) feet inside the curb line, whichever is less.

2. A projecting sign shall not extend higher than thirteen (13) feet above grade or below ten (10) feet above grade level.

3. There shall be no more than one (1) projecting sign for each establishment, and it shall be perpendicular to the building face.

4. No projecting sign shall exceed six (6) square feet in area.

C. AWNING SIGNS:

Painted or inlaid lettering, identifying the business and/or street number on cloth awnings is permitted.

D. ROOF TOP SIGNS: Roof top signs, billboards, or outdoor advertising signs shall not be permitted.

E. REAR SIGNS: Signs identifying the occupant shall be permitted at the rear entrance doors but shall not exceed six (6) square feet in area.

F. SECONDARY SIGNS:

1. No portable sign, or signs on wheels or trailers, shall be permitted.

2. Second floor businesses shall be limited to one sign each not to exceed six (6) square feet.

3. Window painting shall be permitted for identification of businesses only and may include store name, logo, or other store identification, provided no more than 20% of the window surface is covered.

Each character shall be a maximum of eight (8) inches in height.

4. Temporary show window signs (such as sales) shall be permitted as long as they do not occupy over 20% of the window area. This includes signs placed within three (3) feet of the window and visible from the outside.

G. GROUND SIGNS:

1. Ground signs shall be permitted on all properties which are set back at least ten (10) feet from the property line.

2. Ground signs shall not obstruct the free flow of traffic or pedestrian movement.

3. Ground signs shall be located within ten (10) feet of the property line but shall not be located less than six (6) feet from the property line.

4. Ground signs shall not be greater than four (4) feet in height and shall have a maximum surface of twenty (20) square feet. Ground signs shall not be attached to grade by any means which exceed twelve (12) feet in height. Ground signs,

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together with the above means of attachment shall not exceed (12) feet in height.

5. A maximum of one (1) ground sign per building shall be allowed.

6. Signage of service stations and gas stations shall not be subject to the immediate aforementioned standards but shall be subject to the authority of the Design Review Committee which shall utilize these standards for guidance in ensuring compatibility with overall design theme.

H. SIGNAGE COLOR: Signage color shall be compatible with the overall building facade and streetscape.

I. ILLUMINATED SIGNS:

1. Flashing or moving signs other than barber poles shall not be permitted.

2. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

J. PERMITTED SIGNS NOT REQUIRING REVIEW:

1. For sale, exchange, or lease signs shall be limited to one per listing agent, per property.

2. Such signs shall be located on the property for sale, exchange or lease only and shall be limited to six (6) square feet in area. Signs shall be removed within two (2) weeks upon agreement concerning sale, lease, or exchange of property.

3. Architects and contractors may each display one sign during construction. Signs are limited to no more than six (6) square feet in area and shall be removed within two (2) weeks after construction is completed.

4. Signs limited to no more than six (6) square feet in area may be erected temporarily, provided they advertise an event of a civic, community or political character. These signs shall be removed within two (2) days after the event advertised. There shall be a limit of one sign per event.

K. NON-CONFORMING SIGNS: All signs not conforming to the above standards shall be removed before July 4, 1983. Billboards shall be removed before July 4, 1983, or upon the termination of any existing lease, whichever is sooner. No lease for such billboards shall be renewed, after enactment of this Ordinance.

IV. SIDEWALK DISPLAYS:

A. Sidewalk displays shall be permitted provided they comply with local codes and permits.

B. Sidewalk displays shall not obstruct the view of a building, show windows, store entrances, signs, or interfere with pedestrian movement and safety.

V. PARKING AREAS:

A. An unenclosed yard may be used as a parking or loading area provided it is properly paved, illuminated, and maintained in accordance with applicable law.

B. A sign not exceeding six (6) square feet may be used identify and control parking and loading.

C. The property owner or tenant shall be responsible for maintaining the parking areas in a neat and clean manner.

D. No storage of trash containers shall be allowed in this area except when property screened from the public's view by landscaping or fencing.

E. All parking areas which border a residential zone shall have appropriate buffers provided which shall consist of fencing or appropriate landscaping approved by the Design Review Committee.

VI. OPEN AREAS:

A. Storage Lots - Lots used for storage or repair shall be screened from view by use of a fence or evergreen planting approved by the Design Review Committee. Screening shall be at least six (6) feet high, and lots shall be closed and secured after working hours.

B. Rear and Side Yards:

1. Rear and side yards shall be maintained in a clean and orderly fashion.

2. Landscaping and/or screening shall be provided for all open property located along the main business artery.

C. Vacant Lots - Vacant lots shall be maintained in the same manner as rear and side yards.

VII. NEW CONSTRUCTION:

A. Each building unit, whether existing or proposed, shall be an integral element of the overall design theme.

B. Building facades shall compliment adjacent building in terms of amenity and appearance.

C. Off-street parking areas shall be designed with careful regard to orderly arrangement, landscaping, and ease of access and egress as an integral part of the overall area design.

D. All new construction plans shall be reviewed by the Design Review Committee prior to construction to insure compliance with all design specifications stated herein.

VIII. MINIMUM MAINTENANCE REQUIREMENTS: Each property shall be reviewed for compliance with all above standards on a continuing basis by the Design Review Committee.

SECTION IX. VARIANCES AND EXTENSIONS: The Design Review Committee shall have the authority to grant a variance from any or all of the standards set forth in the Ordinance, or an extension of time, provided that such variations and extensions are passed at two consecutive committee meetings by a unanimous vote of Committee members present at each meeting. Variations shall not be in violation of local codes and ordinances. At the earliest practicable date, the Design Review Committee shall determine and promulgate rules and regulations governing the granting or rejection of petitions for variances or extensions of time.

SECTION X. APPEALS: Any appeal from a decision of the Design Review Committee shall be filed within thirty (30) days from the date of said decision to the Council of the City of Providence, which shall entertain said Petition at its next regularly scheduled meeting. The decision of the Design Review

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Committee shall be overturned only upon the majority vote of Council members then present.

SECTION XI. PRIOR ACTS: Nothing herein shall be interpreted to be less restrictive than existing codes and ordinances.

SECTION XII. INCONSISTENT PRIOR ACTS: Any prior act inconsistent herewith is hereby repealed.

SECTION XIII. CAPTIONS: Captions included in this Ordinance are done so only as an aid to reference and not to be construed or interpreted as having any effect upon the intent of this Ordinance.

SECTION XIV. LIBERALITY OF CONSTRUCTION: This Ordinance shall be construed liberally in order to effectuate its purpose.

SECTION XV. SEVERABILITY: If any provision of this Ordinance on the application thereto to any provision or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not effect other provisions or applications of this Ordinance which can be given effect without the valid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION XVI. EFFECTIVE DATE: This Act shall take effect upon passage.

IN CITY COUNCIL

APR 15 1981
First Reading Read and Passed
Referred to Committee on
FINANCES

Rose M. Mendonca CLERK

IN CITY
COUNCIL

JUN 18 1981
FINAL READING
READ AND PASSED

Ralph Tanguish
PRESIDENT
Rose M. Mendonca
CLERK

APPROVED
William E. Craney
MAYOR

JUN 26 1981

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance

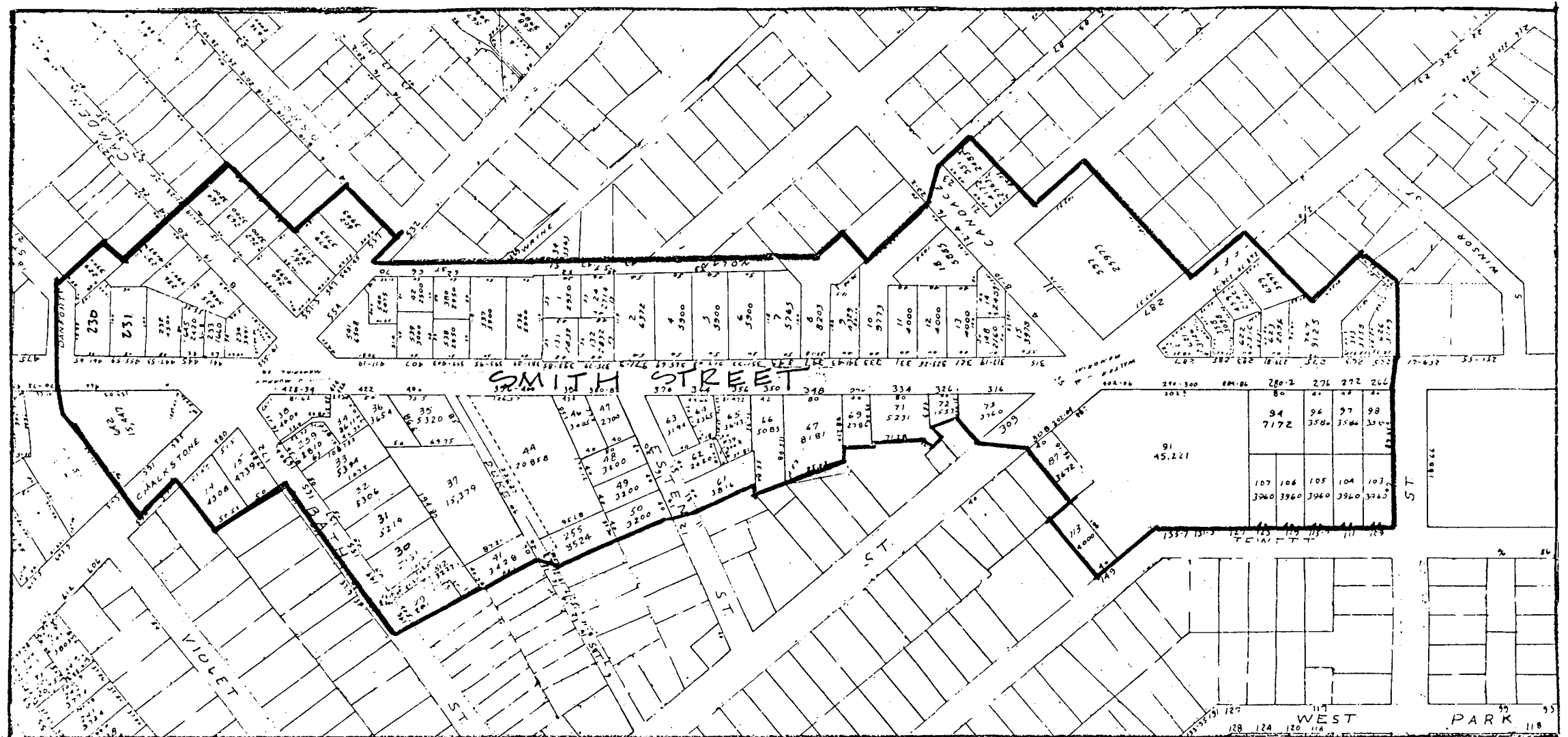
Rose M. Menchaca
Clerk
June 15, 1881

READ AND PASSED
FINAL READING
COUNCIL
IN CITY

PRESIDENT

CITY

SMITH HILL COMMERCIAL DISTRICT



— District boundary as depicted in the 1980 Assessor's Plat Book



PROVIDENCE OFFICE OF ECONOMIC DEVELOPMENT

VINCENT A. CIANCI, JR.
MAYOR

June 12, 1981

RICHARD R. TORCHIA
DIRECTOR

Ms. Rose Mendonca
City Clerk
City Clerk's Office
City Hall
Providence, Rhode Island 02903

Dear Ms. Mendonca:

Enclosed you will find a copy of the revised proposed "Ordinance Creating a Design Controlled Smith Hill Commercial District" which our office is transmitting at the request of Councilman Cirelli, Chairman of the Ordinance Committee, for consideration at the June 18th City Council meeting.

April 15
The proposed ordinance was previously approved by the Ordinance Committee and received first passage by the City Council on March 19th. Because of technical changes since that time, the measure will be reviewed again by the Ordinance Committee at its Monday, June 15th meeting.

Thank you very much for your continuing assistance.

Sincerely,

by Roger Guaine
for Richard R. Torchia
Director

RRT/afm

Enclosure