

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

ordinance/illumina

CHAPTER 2001-20

No. 210 **AN ORDINANCE** IN AMENDMENT OF AND IN ADDITION TO SECTION 21 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE BY PROVIDING FOR TAX STABILIZATION FOR CERTAIN COMMERCIAL, INDUSTRIAL AND RESIDENTIAL PROPERTY

Approved May 10, 2001

Be it ordained by the City of Providence:

Sec. 21-170. Tax stabilization for certain commercial, industrial and residential property.

(a) *Declaration of policy.* Pursuant to 44-3-9 of the General Laws of Rhode Island as amended, the City Council may:

grant the exemption or stabilization of taxes will inure to the benefit of the town by reason of the willingness of a manufacturing or commercial or residential firm or property owner to construct new or to replace, reconstruct, convert, expand, retain or remodel existing buildings, facilities, machinery, or equipment with modern buildings, facilities, fixtures, machinery, or equipment resulting in an increase or maintenance in plant, residential housing or commercial building investment by the firm or property owned in the town.

The city council finds that it is in the interest of the residents of the City of Providence to adopt a plan for the granting of certain such exemptions. It is the purpose of this ordinance to encourage the installation of exterior lighting in the City of Providence, for public streets as well as for private property, that will enhance architectural and landscape features, compliment the city's historic character, improve the overall visual quality of the city, and provide adequate illumination for both vehicles and pedestrians, while minimizing glare, providing uniform lighting color and intensity, maintaining a safe environment, and facilitating a regular maintenance program. Exterior lighting shall be designed to enhance the proposed project, to provide adequate illumination for the project and the surrounding area, including streets and sidewalks, to minimize glare and the trespass of light onto surrounding areas.

No.

CHAPTER

AN ORDINANCE

IN CITY COUNCIL
June 17, 1999
FIRST READING
REFERRED TO COMMITTEE ON
FINANCE

CLERK

THE COMMITTEE ON

Finance

RECOMMENDS

Be Continued

NO 33 LHMW 00 341

Anna M. Steben

CLERK

6-30-99
2-15-00
1-18-01
1-25-01

THE COMMITTEE ON

Finance

RECOMMENDS

Passage, As Amended

Anna M. Steben

CLERK

4-16-01

Council President Lombardi, By Request

(b) *Eligible Property.* The provisions of this article shall apply to commercial, industrial or residential property which is defined to mean land, buildings, structures, and other improvements thereto, but shall not include unimproved or vacant land.

(1) *Procedure.*

- (a) The applicant shall submit to the City sufficient information in the form of a plan which is detailed enough to enable the City, through the Building Inspector, to determine that the plan meets the general requirements required by this ordinance. The site plan shall show buildings, landscaping, parking areas and all proposed and existing lighting fixtures. It shall also indicate the proposed mounting and the height of the exterior lighting structures. Drawings should also show all relevant building elevations and the location of all existing and proposed lighting fixtures, the portions of the property to be illuminated, the materials and illuminance level and the aiming points for any remote lighting fixtures. Wherever practicable, conduit, ballasts, transformers and other equipment shall not be exposed to view. Items exposed to view shall be painted to blend with the background materials of the building or the site. Upon installation of updated or replacement lighting, obsolete or abandoned fixtures and equipment shall be removed.
- (b) In addition to these requirements, installations must meet all criteria required by law in historic districts or areas governed by design criteria, especially as it relates to the design of the proposed fixture and related equipment exposed to view, dimensions, finish color, hardware and methods of mounting.
- (c) In open spaces or open parking lots, lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, safety and comfort in parking areas and not to cause glare, deep shadows or direct illumination on adjacent properties or streets. In enclosed parking structures, lighting fixtures shall be designed and shielded so that light is not radiated directly through wall openings, windows, entrances and exits causing glare and negatively impacting surrounding streets and properties. Lighting fixtures in open spaces or open parking lots shall utilize metal halide and/or fluorescent bulbs.
- (d) The use of general floodlighting fixtures for security purposes shall be discouraged and shall not qualify for the tax stabilization.
- (e) In order to apply for the tax stabilization, the Building Inspector must approve the lighting plan and find that the illumination adds to the overall design of the building or site, that it does not obscure, damage or detract from significant architectural or landscape features, that it adds to the visual quality of the surrounding neighborhood and that it does not produce dangerous or annoying glare or unwanted illumination of nearby properties and that the lighting is sufficient in color and intensity to provide adequate illumination for vehicles and pedestrians while minimizing glare. A permit shall be required for installation of exterior lighting fixtures.

- (f) No person shall be entitled to any exemption herein authorized without first filing an application for such exemption with the office of the city assessor. The fee for such application shall be one hundred dollars (\$100.00). The application shall include the program of building, alterations and/or improvements to be made. The city assessor shall promptly forward a copy of any application to the building inspector and notify the city collector of the pendency of the exemption application.
- (g) The building inspector shall review the application to determine whether any violations of the provisions of the building code of the city ordinance exist with respect to the property of the applicant and any other property in the city owned by the applicant. If no violations exist, he shall certify that fact to the city assessor within fifteen (15) days. If violations do exist, he shall forward a statement stating the nature and extent of the violations. No exemption granted thereunder shall be effective unless and until any and all such violations have been cured.
- (h) The city collector shall review the city tax records to determine whether all taxes (together with interest and penalties) which are due and owing to the city with respect to the property to which the exemption applies, and all other property in the city owned by the applicant, have been paid. If no deficiency exists, the city collector shall certify that fact to the city assessor within fifteen (15) days. If a deficiency or deficiencies do exist, the city collector shall forward a statement of the amounts due and the properties involved. No exemption granted hereunder shall be effective unless and until any and all taxes together with interest and penalties remaining unpaid and due and owing to the city assessed on such property have been paid in full to the city.
- (i) Within thirty (30) days following the receipt of the statements from the building inspector and the city collector, the assessor will review the application and, if the building inspector and city collector have certified that no violations or deficiencies or any which did exist have been cured, he/she will forward the application to the Board of Tax Assessment Review, which will review the application and if the building inspector and city collector have certified that no violations or deficiencies exist, it shall forward to the city council together with its comments and recommendations for action by the city council. The city council shall review the project in its entirety, including but not limited to, the amount of public funds utilized in the project in determining whether or not a project shall be approved. Approval by the council shall be by resolution.

(c) *Exemption.* Upon receipt from the city assessor of an application for abatement under this article, the city council may grant the exemption provided for herein or any such lessor or greater exemption, upon its finding that the granting of such exemption will benefit the city for any of the reasons set forth in subsection

(a) above. The commercial, industrial or residential property that is exempt shall be assessed as follows:

An exemption shall be granted in the amount of fifty per cent (50%) of the cost of prospective projects, including design and installation, not to exceed Seventy-Five Thousand Dollars (\$75,000.00). Said exemption shall be allowed pro-rata over a seven-year period. Said lighting improvements shall not increase the assessment of the building by the amount of the lighting. Provided, however, seasonal and holiday lighting shall not be included. Additionally, in no event shall the exemption exceed fifteen (15) per cent of the total assessed value of the property if said property is residential nor ten (10) percent of the total assessed value of the property if said property is commercial or industrial.

Additionally, the grant of any exemption hereunder shall benefit public safety through illumination of city rights-of-way and shall be specifically predicated upon the applicant agreeing that:

- (a) the lighting be designed and installed to illuminate the project and specifically the whole of the streetside facade of the subject building, and
- (b) Any erection refurbishment of on-street illumination shall, in order to qualify for any such exemption shall:
 - 1. meet all code requirements for the installation of such devices.
 - 2. be engaged not later than one-half hour past sundown to not earlier than three (3) o'clock a.m.
 - 3. be at the property owner's sole expense maintained in good working order.
 - 4. shall comply with all of the requirements set forth in this ordinance
- (c) *Forms and administration.* The city assessor shall develop such forms and procedures as he or she deems necessary or proper for application for exemption.
- (d) *Limited scope.* This article shall not limit or otherwise preclude the city council from exempting or stabilizing taxes on properties used for manufacturing, commercial or industrial purposes which would otherwise be permitted by Section 44-3-9 of the General Laws of the State of Rhode Island, as amended
- (e) *Transfer of exempt property.* If property for which an exemption has been granted is transferred during the exemption period, the exemption

shall run with the property and benefit the transferee so long as the property continues to be used for commercial or industrial or residential purposes and the transferee could otherwise qualify for an exemption if the transferee had filed the original application.

(f) *Revocation.* The city council may terminate an exemption granted hereunder prior to the expiration thereof in the event of fraud or misrepresentation by an applicant regarding any statements or representations contained in the application filed hereunder on in the event said owner otherwise fails to comply with the requirements hereof.

(g) No exemption hereunder shall be granted to any application submitted fully in compliance with the requirements hereof after 31 December 2003.

IN CITY COUNCIL
APR 26 2001
FIRST READING
READ AND PASSED

Michael R. Clement CLERK
BO

IN CITY
COUNCIL
MAY 3 2001
FINAL READING
READ AND PASSED

Barbara A. Young PRESIDENT
Michael R. Clement CLERK

APPROVED

MAY 10 2001
V. M. Ali MAYOR