

The City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1974-32

No. 499 AN ORDINANCE IN AMENDMENT OF AND IN ADDITION TO

CHAPTER 1079 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, 1956, AS AMENDED
RELATIVE TO FLOOD PLAIN LAND USE AND STRUCTURE CONTROL.

Approved September 28, 1974

Be it ordained by the City of Providence:

SECTION 1. Chapter 1079 of the Ordinances of the City of Providence, 1956, as amended, is hereby further amended by adding Article 21 to the Building Code of the City of Providence, in accordance with City Council Resolution 282, approved July 8, 1970.

ARTICLE 21.

A. INTRODUCTION

A. 1. Flood Plain Land Use and Structure Control Measures for the City of Providence are set up for the public purpose of contributing to overall community and areawide social and economic development goals by:

- a. Diverting unwarranted and inappropriate development away from flood-prone areas;
- b. Encouraging flood control and flood damage prevention efforts through public and private means;
- c. Deterring the inappropriate development of public utilities and public facilities in flood-prone areas;
- d. Requiring such construction and land use practices as will reduce, to the maximum practicable extent, flooding from surface runoff, improper drainage, or inadequate storm sewers; and by
- e. Protecting the storage and absorption capacity of flood plains and to assure retention of sufficient floodway area to convey flood flows.

A. 2. The public policy of the City of Providence is hereby declared, to encourage only that development of flood-prone areas which:

- a. is appropriate in the light of the probability of flood damage and the need to reduce flood losses;

No.

CHAPTER

AN ORDINANCE

- b. represents an acceptable social and economic use of the land in relation to the hazard involved; and
- c. does not increase the danger to human life; and to discourage all other development

B. GENERAL DEFINITIONS:

As used in this ordinance:

- B 1. "Flood" or "flooding" means the general and temporary condition of partial or complete inundation of normally dry land areas: (a) from the overflow of streams, rivers, or other inland water, or (b) from tidal surges, abnormally high tidal water, tidal waves, or rising coastal waters resulting from hurricanes, tsunamis, or other severe storms.
- B 2. "Flood plain" means an area: (a) Usually a relatively flat or low land area adjoining a river, stream, watercourse, marsh, swamp, ocean, bay, pond or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by flood, or (b) subject to unstable surface soil in which the history of instability, the nature of the geology, the structure of the soil, or the climate indicate a relatively high potential for mudslides (caused by the action of surplus water accumulated above or below the ground) to inundate normally dry land surfaces.
- B 3. "Flood-prone area" means any area which is subject to periodic flooding with an estimated average frequency of at least once in 100 years. For the purposes of this ordinance it is the area within the City of Providence delineated on the Official Citywide Flood-Prone Area Map.
- B 4. "100-year flood" means a flood of such height or magnitude as may reasonably be expected to occur on an average of once every 100 years; the term also means that level of flooding having a 1 per cent probability of occurrence in any year.

- f. represents an acceptable social and economic use of the land in relation to the hazard involved; and
- g. does not increase the danger to human life; and
- to discourage all other development

B. FLOOD LIMITATIONS:

as used in this ordinance:

B.1. "Flood" or "flooding" means the general and temporary

condition of partial or complete inundation of normally dry land areas: (a) from the overflow of streams, rivers, or other inland water, or (b) from tidal waves, abnormally high tidal water, tidal waves, or rising coastal waters resulting from hurricanes, tsunamis, or other severe storms.

B.2. "Flood plain" means an area: (a) usually a relatively flat or low land area adjoining a river, stream, watercourse, marsh, swamp, ocean, bay, pond or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by flood, or (b) subject to unstable surface soil in which the history of instability, the nature of the soil, the structure of the soil, or the climate indicate a relatively high potential for mudslides (caused by the action of surplus water accumulated above or below the ground) to inundate normally dry land surfaces.

B.3. "Flood-prone area" means any area which is subject to periodic flooding with an estimated average frequency of at least once in 100 years. For the purposes of this ordinance it is the area within the City of Providence delineated on the Official Citywide Flood-Prone Area Map.

B.4. "100-year flood" means a flood of such height or magnitude as may reasonably be expected to occur on an average of once every 100 years; the term also means that level of flooding having a 1 per cent probability of occurrence in any year.

- B 5. "Substantial improvement" means any repair, reconstruction, or improvement of a property, the cost of which exceeds 33 per cent of the fair market value of the property either (a) before the improvement is started or (b) if the property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building or any necessary excavation therefor, commences.
- B 6. "Land use and structure control measures" means zoning ordinances, subdivision regulations, building ordinances, health regulations, and other applications and extensions of the normal police power to provide safe standards of occupancy for, and prudent use of, flood-prone areas.
- B7. "Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to properties and structures primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and contents of buildings.
- B8. "Coastal high hazard area" means a special district subject to high velocity waters, including hurricane wave wash.
- B 9. "Floodway" means the minimum areas of a riverine flood plain reasonably required for passage of 100-year flood waters. The limits of the floodway will vary according to conditions within the flood plain.
- B 10. "Floating, submerged and submersible structures" means those structures which cannot be damaged or undesirably affected by flooding and cannot damage other structures, properties, and human life due to flooding, and are in touch with water permanently or when flooding occurs.
- B 11. "The Official Citywide Flood-Prone Area Map for the City of Providence" is based on the topographic maps produced in a 1966 photogrammetric survey by Charles A. Maguire & Associates for the Providence City Plan Commission. On the map are defined, on the basis of

- b 5. "Substantial improvement" means any repair, reconstruction, or improvement of a property, the cost of which exceeds 33 per cent of the fair market value of the property either (a) before the improvement is started or (b) if the property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building or any necessary excavation therefor, commences.
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- b 8. "Coastal high hazard area" means a special district subject to high velocity waters, including hurricane wave wash.
- b 9. "Floodway" means the minimum area of a riverine flood plain reasonably required for passage of 100-year flood waters. The limits of the floodway will vary according to conditions within the flood plain.
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- b 11. "The Official Citywide Flood-Prone Area Map for the City of Providence" is based on the topographic maps produced in a 1966 photogrammetric survey by Charles A. Maguire & Associates for the Providence City Plan Commission. On the map are defined, on the basis of

estimated 100-year flood levels, the following three different types of flood plains:

- a. The Coastal High Hazard Areas have been determined as the areas whose surface elevations are below the Floodway Encroachment Line, 16.0 feet above mean sea level.
- b. The River Floodway Areas (Moshassuck and Woonasquatucket Rivers) are determined from the basin profiles of both rivers. The floodway areas of the West River and that part of the Woonasquatucket River extending upstream from Valley Street have been determined from the normal water level at each particular point along the streams by reference to topography and to other stream locations where the 100-year flood level is known. It ranges from 7 feet to 13 feet above each river's normal water level at various points
- c. Depression Areas are described as potential areas of flooding, up to the spillover levels opening to some free drainage routes. Here the assumption involves the stoppage of artificial drainage inlets within such areas.

For flood-prone areas within the City of Providence, the following regulations shall apply:

C. DEVELOPMENT PLANNING REQUIREMENTS:

- C 1. All new construction or substantial improvement of construction on properties are prohibited within any flood-prone areas indicated by the Citywide Flood-Prone Area Map.

Exceptions: improvements and construction in which first floor levels are elevated at least 2 feet above the 100-year flood level as indicated for that particular area on the Flood-Prone Area Map, and except such structures as anchored floating, anchored submerged, or anchored submersible structures.

Both exceptions shall have special building permits from the City of Providence.

estimated 100-year flood levels, the following three different types of flood plains:

a. The Coastal High Hazard Areas have been determined as the areas whose surface elevations are below the Floodway Anchorage Line, 10.0 feet above mean sea level.

b. The River Floodway Areas (Connecticut and Woonasquatucket Rivers) are determined from the basin profiles of both rivers. The floodway areas of the West River and that part of the Woonasquatucket River extending upstream from Valley Street have been determined from the normal water level at each particular point along the streams by reference to topography and to other stream locations where the 100-year flood level is known. It ranges from 7 feet to 13 feet above each river's normal water level at various points.

c. Deposition Areas are described as potential areas of flooding, up to the spillway levels opening to some free drainage routes. Here the assumption involves the stoppage of artificial drainage inlets within such areas. For flood-prone areas within the City of Providence, the following regulations shall apply:

3. DEVELOPMENT PLANNING REGULATIONS:

C.1. All new construction or substantial improvement of construction on properties are prohibited within any flood-prone areas indicated by the Citywide Flood-Prone Area map.

Exceptions: improvements and construction in which first floor levels are elevated at least 2 feet above the 100-year flood level as indicated for that particular area on the flood-prone area map, and except such structures as anchored floating, anchored submerged, or anchored amphibious structures. Both exceptions shall have special building permits from the City of Providence.

C2. No area in a flood-prone zone shall be developed unless:

- (a) structures are so required to be elevated on poles or piles that the supporting beams for the first floor level will be above the wave actions accompanying the 100-year flood, and securely anchored to piles or piers, and
- (b) spaces are left below first floors adequate to pass the impact of waves accompanying flood waters. First floor level applies to the lowest area of a structure occupied by human beings as living or working space.

C 3. Existing nonconforming uses in the flood-prone areas may be modified, altered, or repaired to incorporate flood-proofing measures, but such nonconforming uses shall not be expanded. If such use is discontinued for twelve (12) consecutive months, any future use of the building and premises shall conform to this Ordinance. The City Assessor shall notify the Director of Building Inspection in writing of instances of nonconforming uses which have been discontinued for a period of twelve (12) months. Uses or adjuncts thereof which are nuisances shall not be permitted to continue as nonconforming uses.

C 4. Designated floodways shall remain free of encroachments that would raise the flood crest profile or otherwise would impair their ability to carry and discharge the waters resulting from the 100-year flood. An applicant for such land use may be required by the Building Inspector to furnish specific information as to the effect of his proposed action on future flood heights.

C 5. No relocation or realignment of a river or stream channel shall be permitted if it would reduce the valley storage capacity of the area with respect to the 100-year flood.

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C 2. to reduction or restriction of a place or stream channel area
therein.

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or bents that the supporting frame for the first floor.

(a) structures are so required to be elevated on piles

C 5. to area in a flood-prone zone shall be developed unless:

- C 6. No proposed land fill including structures, dumping, excavating or transferring of any earth material, shall be permitted within any riverine flood-prone area if such proposed use, in conjunction with all other uses permitted since enactment of the ordinance, would increase water surface elevations of the 100-year flood. An applicant for such land use may be required by the Building Inspector to furnish specific information as to the effect of his proposed action on future flood heights.
- C 7. In Depression Areas, no new development or substantial improvement shall be permitted until each depression area is filled up.
- C 8. Lands within a flood-prone area shall not be subdivided where the cost of providing municipal utilities and governmental services in the area would pose an unreasonable economic burden.

D BUILDING CODE REQUIREMENTS

The Providence Building Ordinance, Chapter 1079 of 1956 as amended, is hereby further amended by the addition within Article 8 of a new Part D subtitled "STRUCTURES WITHIN FLOOD-PRONE AREAS", which shall read as follows:

SEC. 890.0 - STRUCTURES AND CONTENTS

Proposed improvements and developments within each property located within a flood-prone area (as defined in the Flood Plain Land Use and Structure Control Ordinance of 1974 as amended), shall be designed to provide the following flood damage prevention measures:

SEC. 890.1 - FOUNDATIONS. Structures shall be designed to prevent undesirable flotation and collapse and to prevent damage to nonstructural elements. The foundations shall be so designed and protected as to prevent their being undermined by flood waters. All mobile homes not mounted on wheels or on boat or barge hulls and all frame structures, including prefabricated houses, shall be securely anchored to foundations in order to prevent flotation and lateral movement. Mobile homes mounted on boat or barge hulls shall be securely moored so as to prevent lateral movement by flotation of such magnitude as to allow contact with other structures either fixed or afloat.

C. 6. No proposed land fill including structures, dumping, excavating or transferring of any earth material, shall be permitted within any riverine flood-prone area if such proposed use, in conjunction with all other uses permitted since enactment of the ordinance, would increase water surface elevations of the 100-year flood. An applicant for such land use may be required by the building Inspector to furnish specific information as to the effect of his proposed action on future flood heights.

C. 7. In Depressed Areas, no new development or substantial improvement shall be permitted until each depression area is filled up.

C. 8. Lands within a flood-prone area shall not be subdivided where the cost of providing municipal utilities and governmental services in the area would pose an unreasonable economic burden.

D. BUILDING CODE REQUIREMENTS

The Providence Building Ordinance, Chapter 1079 of 1950 as amended, is hereby further amended by the addition within Article 8 of a new Part 1 entitled "STRUCTURES WITHIN FLOOD-PRONE AREAS", which shall read as follows:

SEC. 890.0 - STRUCTURES AND CONTENTS

Proposed improvements and developments within each property located within a flood-prone area (as defined in the Flood Plain Land Use and Structure Control Ordinance of 1974 as amended), shall be designed to provide the following flood damage prevention measures:

SEC. 890.1 - FOUNDATIONS. Structures shall be designed to prevent undesirable flotation and collapse and to prevent damage to nonstructural elements. The foundations shall be so designed and protected as to prevent their being undermined by flood waters. All mobile homes not mounted on wheels or on post or barge hulls and all frame structures, including prefabricated houses, shall be securely anchored to foundations in order to prevent flotation and lateral movement. Mobile homes mounted on post or barge hulls shall be securely moored so as to prevent lateral movement by flotation of such magnitude as to allow contact with other structures either fixed or afloat.

SEC. 890.2 - MATERIALS BELOW FIRST FLOOR.

.21 - Thermal Insulation. Thermal insulation used at or below the first floor level shall be of a type that does not absorb water.

.22 - Holding Materials. Adhesives or other fastenings used at or below the first floor level shall be of such composition or design that their bonding or holding strength will be adequate to prevent movement and unaffected by inundation.

.23 - Plywood. Plywood used at or below the first floor level in any existing or new structure shall be of an "exterior" or "marine" grade and of a water-resistant or waterproof variety.

.24 - Finishes. Paints or other finishes used at or below the first floor level shall be capable of surviving inundation.

.25 - Doors. Doors and all wood trim at or below the first floor level shall be sealed with a waterproof paint or similar product.

.26 - Surfaces. Wall and floor surfaces shall be finished in a manner permitting cleaning or hosing after a flood with a minimum of damage and deterioration.

.27 - Expansion of Flooring. Wood flooring used at or below the first floor level in any existing or new structure shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the building.

SEC. 890.3 - BASEMENTS.

.31 - Residential. No basement shall be permitted in any residential structure constructed after the effective date of this ordinance.

.32 - Nonresidential. Basements shall be permitted in nonresidential structures only if they are designed to preclude inundation by the 100-year flood, either by (a) the required elimination of exterior openings below the 100-year flood level; or by (b) the required use of water-tight closures, such as bulkheads and flood shields. However, no basements shall be permitted in soils whose permeability meets or exceeds the minimum standards of permeability established for installation of individual sewage disposal systems.

.33 - Ceilings. Basement ceilings installed after the effective date of this ordinance shall have sufficient wet strength so as to survive inundation.

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35 - Ceilings. Basement ceilings installed after the effective date

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37 - Residential. No basement shall be permitted in any residential

SEC. 890.3 - BASEMENTS.

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38 - Surfaces. Wall and floor surfaces shall be finished in a manner

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39 - Doors. Doors and all wood trim at or below the first floor

floor level shall be capable of surviving inundation.

40 - Finishes. Paints or other finishes used at or below the first

grade and of a water-resistant or waterproof variety.

any existing or new structure shall be of an "exterior" or "marine"

41 - Plywood. Plywood used at or below the first floor level in

and unaffected by inundation.

their bonding or holding strength will be adequate to prevent movement

below the first floor level shall be of such composition or design that

42 - Holding materials. Adhesives or other fastenings used at or

first floor level shall be of a type that does not absorb water.

43 - Thermal insulation. Thermal insulation used at or below the

SEC. 890.4 - MATERIALS BELOW FIRST FLOOR.

SEC. 890.4 - MECHANICAL INSTALLATIONS.

.41 - Utilities. Water heaters, furnaces, electrical distribution panels, and other critical mechanical or electrical installations shall be prohibited from levels at or below first floor. Separate electrical circuits shall serve each level and shall be dropped from levels above first floor. The containment of sewage and the safety of gas, electric, fuel and other utilities shall be adequately protected from breaking, leaking, polluting, short-circuiting, grounding, igniting, electrocuting or any other nuisances or dangers due to flooding.

.42 - Ducts, Pipes and Tanks. All air ducts, large pipes, and storage tanks located at or below the first floor level in new construction, and in existing structures within one year after the effective date of this ordinance, shall be firmly anchored to prevent flotation. Tanks shall be vented only through openings located at least 2 feet above the 100-year flood level, provided that in existing structures such tanks shall be so vented within one year after such effective date.

SEC. 890.5 - CONTENTS

The storage or processing of materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, shall be at least 2 feet above the 100-year flood levels.

SEC. 890.6 - UTILITY CONNECTIONS

The location, elevation and construction of all new public utilities and facilities, such as sewer, gas, electrical, and water systems, streets and private connections to all utility systems shall be designed to prevent flotation or other damage by flooding, including backflow of flood water, sewage and other drainage fluids under flood pressures into utility lines and properties.

E. GENERAL REGULATIONS

E 1. In any part of a flood-prone area, before any construction, excavation, filling or grading is begun an application for building permit shall be submitted by the owner to the director of the Department of Building Inspection of the City of Providence and shall be examined for compliance with this ordinance. Application therefor, including four (4) copies of a Site Development Plan, shall include but shall not necessarily be

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GENERAL REGULATIONS

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SEC. 830.6 - UTILITY CONNECTIONS

or built into, shall be at least 3 feet above the 100-year flood levels;
exposed, or in times of flooding could be injurious to human, animal,

The storage or processing of materials that are flammable, explosive,

SEC. 830.7 - CONCRETE

vented within one year after such effective date.

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vented only through openings located at least 3 feet above the 100-year
ordinance, shall be fully supported to prevent flotation. Tanks shall be
in existing structures within one year after the effective date of this
tanks located at or below the first floor level in new construction, and

as - floors, pipes and tanks. All air ducts, large pipes, and storage
or any other structures or objects due to flooding.

residential, commercial, short-circuiting, flooding, lightning, electrocution
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circuits shall serve each level and shall be grouped from levels above
be prohibited from level at or below first floor. Separate electrical
panels, and other electrical equipment or electrical installations shall

VI - UTILITIES. Water meters, valves, electrical distribution

SEC. 830.8 - ELECTRICAL INSTALLATIONS

limited to plans for the total site development, existing and proposed buildings, original grade elevations, proposed final grade elevations, definition of methods of grading and filling, drainage system layouts, and septic system plans.

- E 2. The application for appeal shall be submitted to the Building Board of Review or Zoning Board of Review depending on the matter of appeal. Application for appeal shall be submitted and handled in accordance with this ordinance and in accordance with the Building Ordinance and/or the Zoning Ordinance of the City of Providence.
- E 3. Within the flood-prone area the provision of this ordinance concerning flood plains, flood proofing, floodway preservation, and other measures designed to reduce flood losses shall take precedence over any conflicting provision in other ordinances.
- E 4. The flood-prone areas regulated under this ordinance are superimposed over any other district established by law within the City of Providence.
- E 5. This ordinance shall not be construed to imply that areas outside flood plain zoning district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages.
- E 6. No provision of this ordinance shall be construed to create a liability on the part of or a cause of action against the City of Providence or any office or employee thereof for any flood damages that may result from reliance on this ordinance.
- E 7. Where there is a conflict between the flood plain boundary illustrated on the map and actual field conditions, the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the City Council and to submit his own technical evidence if he so desires. The City Council shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes

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2.3. Within the flood-prone area the provisions of this ordinance

City of Providence.

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drainage system layouts, and septic system plans.

grade elevations, definition of methods of grading and filling,

proposed buildings, original grade elevations, proposed final

limited to plans for the total site development, existing and

that the mapped location of the line is incorrect. The City Council may request and consider information on the question from any other public official, board or agency.

- E 8. Nothing contained in this ordinance shall limit the authority of the City Council nor affect the general applicability of the Ordinances of the City of Providence.
- E 9. The City of Providence designates the Department of Building Inspection as the enforcement agency for the purposes of this ordinance, and for submission of an annual report to the Federal Insurance Administrator. The Annual Report shall describe the progress that has been made during the past year within the area in the development and implementation of flood plain area land management measures. The report shall be submitted on September 11, the anniversary date of the City of Providence's initial eligibility in 1970 for participation in the Federal Flood Insurance Program authorized by the National Flood Insurance Act of 1968.
- E 10. The Official Citywide Flood-Prone Area Map for the City of Providence dated August 1, 1974, and all explanatory matter thereon is hereby adopted and made a part of this Ordinance.

SEC. 2. This ordinance shall take effect upon its adoption by the City Council and approval by the Mayor.

IN CITY COUNCIL

SEP 5 1974
FIRST READING
READ AND PASSED

Vincent Caspica
CLERK

APPROVED

MAYOR

Joseph A. Corley
SEP 28 1974

IN CITY COUNCIL

SEP 19 1974
FINAL READING
READ AND PASSED

Vincent Caspica
PRESIDENT
CLERK

FILED

JUL 29 10 44 AM '74

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

1974

RECEIVED
CITY CLERK
JUL 29 1974

IN CITY COUNCIL

AN ORDINANCE IN AMENDMENT OF
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LAND USE AND STRUCTURE CON-
TROL.

RECEIVED
CITY CLERK
JUL 29 1974

RECEIVED
CITY CLERK
JUL 29 1974

THE COMMITTEE ON
Public Works
Approves Passage of
The Within Ordinance
August 13, 1974
Clerk

IN CITY COUNCIL
AUG 1 1974
FIRST READING
REFERRED TO COMMITTEE ON
PUBLIC WORKS
Clerk

Committee Report
and Recommendation
Key Request