

**C I T Y O F P R O V I D E N C E
R H O D E I S L A N D**



C I T Y C O U N C I L

JOURNAL OF PROCEEDINGS

No. 23 City Council Regular Meeting, Thursday, October 17, 1991, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT PRO TEMPORE

EVELYN V. FARGNOLI

ROLL CALL

Present: Council President Pro Tempore Fargnoli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliozi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—14.

Absent: Council President Petrosinelli—1.

417

IN CITY COUNCIL

NOV 7 1991

APPROVED:

Michael R. Christ **CLERK**

INVOCATION

The Invocation is given by COUNCILWOMAN PATRICIA K. NOLAN.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COUNCILMAN JOHN J. LOMBARDI leads the members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

SCHEDULE OF BILLS

FROM CITY CONTROLLER:

Street Lighting Bill from Narragansett Electric Company for September, 1991, in the amount of One Hundred Twenty-One Thousand, Nine Hundred Twenty-Eight Dollars, Seventy-Five Cents (\$121,928.75).

Approved, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI, by the following Roll Call Vote:

Ayes: Council President Pro Tempore Fargnoli, Councilmen Clarkin, DeLuca,

Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliozi, Lombardi, Mancini, Councilwomen Nolan, Williams and Young—12.

Noes: None.

Absent: Council President Petrosinelli, Councilmen Dillon and Rollins—3.

The motion for Approval is Sustained.

AT EASE

COUNCIL PRESIDENT PRO TEMPORE FARGNOLI declares the Council Stand at Ease at 7:50 o'clock P.M. and directs the City Sergeant to escort KEVIN CLARKIN to the Podium who has recently received his Boy Scout Merit Badge.

RECONVENTION

COUNCIL PRESIDENT PRO TEMPORE FARGNOLI Reconvenes the City Council at 7:55 o'clock P.M. and Directs the Clerk to Record that there is a Quorum Present.

ORDINANCES SECOND READING

The following Ordinance was in City Council October 3, 1991, Read and Passed the First Time, and is Returned for Passage the Second Time:

An Ordinance Repealing Chapter 544 of the Ordinances of the City of Providence entitled: "An Ordinance Zoning the City of Providence and Establishing Use, Height and Area Regulations" as amended and Adopting "The City of Providence Zoning Ordinances" containing Articles I through XI and Appendix, as Amended.

Height and Area Regulations" approved September 21, 1951, as amended, is hereby repealed.

Section 2. There is hereby adopted "The City of Providence Zoning Ordinance containing Articles I through XI and Appendix A, as follows:

Be it Ordained by the City of Providence:

THE CITY OF PROVIDENCE
ZONING ORDINANCE

Section 1. Chapter 544 of the ordinances of the City of Providence, entitled An Ordinance Zoning the City of Providence and Establishing Use,

ARTICLE I — *General Provisions*

Section 100 — Purpose: The zones and regulations set forth in this ordinance, are made in accordance with the comprehensive plan for the purpose of promoting health, safety, morals, and general welfare of the Community. The zones and regulations are designed to lessen congestion in streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to afford all citizens, including the disabled, equal services and opportunities; and to facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The zones and regulations are made with reasonable consideration as to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Section 101 — Establishment of Zoning Districts: For the purpose of this ordinance, the City is divided into zoning districts designated and described as follows:

101.1 — Residential Zoning Districts

R1 — One-Family District — This zone is intended for low density residential areas comprising single family detached structures located on lots with a minimum land area of 6,000 sq. ft.

R2 — Two-Family District — This zone is intended for low density residential areas comprising single family and two family detached structures located on lots with a minimum land area of 5,000 sq. ft.

R3 — General Residence District — This zone is intended for medium density residential areas comprised of structures containing single family, two family and three or more family dwelling units located on lots with a minimum land area of 5,000 sq. ft. and a minimum land area of 2,000 sq. ft. per dwelling unit.

R4 — Multi-Family Dwelling District — This zone is intended for high density residential areas comprised of structures containing single family, two family and three or more family dwelling units located on lots with a minimum land area of 5,000 sq. ft. and a minimum land area of 1,200 sq. ft. per dwelling unit.

101.2. — Commercial Zoning Districts

C-1 Limited Commercial District — This zone is intended for neighborhood commercial/residential areas that primarily serve local neighborhood needs for convenience retail, services and professional office establishments.

C-2 General Commercial District — This zone is intended for commercial areas that serve Citywide needs for retail, services and professional office establishments.

C-3 Commercial — Reserved.

C-4 Heavy Commercial District — This zone is intended for commercial areas for a wide diversity of commercial uses that serve regional needs for retail, service, professional office and automotive establishments.

101.3 — Downtown Zoning Districts

D-1 Downtown: Central Business District — This zone is intended to encourage revitalization and restoration of the historic core business area and to accommodate appropriate expansion of the downtown area. A variety of business, financial, institutional, public, quasi-public, cultural, residential, and other related uses are encouraged in the downtown area. Compatible and appropriate mixed uses are encouraged to promote commercial, retail and other business activity at street levels; residential, retail, and office uses on the upper floors; and to preserve and foster the economic vitality of the downtown. This zone is for application in the downtown core.

D-2 Downtown: Mill District — This zone is intended to foster expansion of the downtown uses into former manufacturing areas in which commercial, retail, residential, and office uses are being introduced. A variety of business, financial, institutional, public, quasi-public, cultural, residential, light manufacturing and other related uses are encouraged to provide the mix of activities necessary to accommodate the growth of Downtown Providence.

101.4 — Industrial Zoning Districts

M-1 Industrial District — This zone is intended for general industrial uses that accommodate a variety of manufacturing, assembly, storage of durable goods and related activities provided that they do not pose toxic, explosive or environmental hazard in the City.

M-2 Heavy Industrial District — This zone is intended to provide for areas for heavy industrial uses, especially for those uses that are potentially hazardous, noxious or incompatible with the uses in any other zone.

101.5 — Waterfront Zoning Districts

W-1 Waterfront: Commercial/Residential District — This zone is intended to promote primarily residential development while allowing limited commercial uses as well as appropriately scaled mixed use developments; to promote waterfront access and uses which improve the integration of the waterfront and the neighborhoods adjacent to the waterfront.

W-2 Waterfront: Mixed Use District — This zone is intended to promote a balance among appropriately scaled residential, commercial and light industrial development; to enhance compatible development with adjacent areas and surrounding residential neighborhoods; to enhance and create public access to the waterfront as a public resource for the benefit of present and future generations; and, to provide a transition between the Port/Maritime Industrial uses and surrounding neighborhoods.

W-3 Waterfront: Port/Maritime Industrial District — This zone is intended to promote the Port of Providence and related maritime industrial and commercial uses within the areas of Providence's waterfront; to protect the waterfront as a resource for water-dependent industrial uses; and to facilitate the renewed use of a vital waterfront.

101.6 — Open and Public Space Zoning Districts:

O.S. — Open Space District — This zone is to insure that open space areas, conservation areas and outdoor recreation areas are preserved in the city. This district includes parks, wetlands, flood plains, conservation areas and areas that cannot be developed.

P.S. — Public Space Areas — This zone is to insure that open space areas and areas for public buildings and facilities are preserved in the City. This district includes park and recreation areas, public buildings and schools.

101.7 — Overlay Zoning Districts: These are districts that are superimposed on existing zoning district(s) or part of a district which impose specified requirements in addition to those otherwise applicable and/or allow alternate uses.

HD Historic District — This overlay zone is intended to preserve structures of historic and architectural value by regulating the construction, alteration, repair, moving and demolition of such structures. This overlay can include neighborhoods or single buildings.

I-1 Health Care Institutions — This overlay zone is intended to allow for the expansion of health care facilities in a planned manner while protecting the surrounding neighborhoods.

I-2 Educational Institutions — This overlay zone is intended to allow for the expansion of education facilities in a planned manner while protecting the surrounding neighborhoods.

MU Mixed Use District — This overlay zone is intended to preserve and encourage the residential character of the neighborhoods in those areas where compatible mixed residential and professional uses may be appropriate. The controlled introduction of professional uses into zoned residential neighborhoods is intended to complement the existing area by preserving the residential character of the neighborhood, including its attractive and distinctive architectural qualities, and by introducing professional uses to residential structures with appropriate safeguards and guidelines.

Section 102 — Official Zoning Map: The official zoning map of the City shall consist of two series of maps as follows: The boundaries of the R, C, D, M, W, and O.S. Zones are hereby established as shown on a series of maps in the office of the City Clerk entitled "Providence Zoning District maps" dated April 26, 1991 consisting of 129 separate maps numbered 1 to 129. The boundaries of the overlay zoning districts are hereby established as shown on a series of maps on file in the office of the City Clerk entitled "Providence Overlay Zoning District Maps" dated April 26, 1991. The "Providence Zoning District Maps" and the "Providence Overlay Zoning District Maps" constitute the official zoning map of the City and are hereby adopted and made part of this ordinance.

Section 103 — Zone Group Classification: Whenever the terms R Zone, C Zone, D Zone, W Zone, O.S. Zone or M Zone are used, they shall be deemed to refer to all zones containing the same letters in their names; e.g., C Zone shall include C1, C2, and C4 Zones.

Section 104 — Zone Boundaries: Where uncertainty exists as to the boundaries of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

A) Zone boundaries are generally intended to follow lot lines.

B) Zone boundaries, where indicated, are the

center lines of streets, parkways, waterways, or railroad rights-of-way.

C) Where the street layout on the ground varies from the layout as shown on the zoning map, the Director shall interpret said map according to the reasonable intent of this Ordinance.

D) Where the zone boundary divides a lot so that the lot's frontage is in a more restrictive zone or more than 50 percent of its frontage is on a street in a more restrictive zone, the provisions of this Ordinance covering the more restrictive portion of the lot shall be extended to the entire lot.

E) Where the zone boundary divides a lot so that the frontage is in a less restrictive zone or at least 50 percent of its frontage is on a street in a less restrictive zone, the provisions of this Ordinance covering the less restrictive portion of such lot may be extended to the entire lot, but in no case for a distance of more than 30 feet. Such extension shall be allowed only in a direction parallel to the street frontage. The remaining portion of the lot shall be developed in accordance with the requirements of the more restrictive zone and of this ordinance.

Section 105 — Compliance with Ordinance:

105.1 — Conformance and Permits Required: No building or structure shall be erected, reconstructed, enlarged or moved for any use other than that which is permitted in the zone in which such building, structure or land is located. Nor shall any building, structure or land be used for any use other than is permitted in the zone in which it is located.

105.2 — Dimensional Conformance: Except as hereinafter provided, no building or structure shall be erected, enlarged, or reconstructed to exceed the dimensional limits established for the zone wherein such building or structure is located.

105.3 — Lot Area Conformance: No new lot shall

be created nor shall an existing lot be reduced or diminished except in conformance with the dimensional requirements of this ordinance, nor shall the number of dwelling units or occupancy thereon be increased in any manner except in conformance with the dimensional requirements of this ordinance. The lot or yard areas of buildings existing at the time this Ordinance became effective shall not be diminished below the requirements herein provided. The required yard area for a building shall not be included as a part of the required yard area of any other building.

Section 106 — Interpretation of Ordinance: It shall be the duty of the Director to interpret and apply the provisions of this Ordinance. Such interpretation and application shall be subject to appeal to the Board. In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare.

ARTICLE II — Nonconformance

Section 200 — Nonconformance: A nonconformance is a building, structure or parcel of land, or use thereof, which does not conform to the use or dimensional regulations set forth in this Ordinance, but was lawfully established.

200.1 — Lawfully Established: A building, structure or the use of land was lawfully established if it was in existence prior to June 6, 1923, or was established in conformance with the Zoning Ordinance in effect at the time the use was established. A lot was lawfully established if it was of record or shown on a recorded plat prior to September 21, 1951 and was separately owned.

200.2 — Nonconforming By Use: A use of land or use of a building or structure which is in nonconformance with the requirements of this Ordinance pertaining to use is nonconforming by use. A nonconforming use which exists by virtue of a variance or special exception granted by the

Board shall not be considered a nonconforming use for the purposes of this Section. Such use shall be considered a use by variance or special exception and any moving, addition, enlargement, expansion, intensification or change of such use to any use other than a permitted use shall require a further variance or special exception from the Board.

200.3 — Nonconforming By Dimension: A building or structure or parcel of land which is in nonconformance with the dimensional regulations of this Ordinance is nonconforming by dimension. Dimensional regulations include all regulations of this Ordinance, other than those pertaining to use.

200.4 — Nonconforming By Dwelling Units: A building or structure containing more dwelling units than are permitted by the use regulations of this Ordinance shall be nonconforming by use. A building or structure containing a permitted number of dwelling units by the use regulations of this ordinance, but exceeding the lot are per dwelling unit regulations, shall be nonconforming by dimension.

200.5 — Applicability: A building, structure or parcel of land nonconforming by more than one factor, such as by use, dimension, area or parking, shall comply with all regulations of this Section. Where the regulations conflict, the most restrictive regulations shall apply.

Section 201 — Building or Structure Nonconforming by Use — Intent: Nonconforming uses are incompatible with and detrimental to Permitted uses in the zoning districts in which they are located. Nonconforming uses cause disruption of the comprehensive land use pattern of the city, inhibit present and future development of nearby properties, and confer upon their owners a position of unfair advantage. It is intended that existing nonconforming uses shall not justify further departures from this Ordinance for themselves, or for any other properties.

201.1 — Treatment in Residential Zones:

Nonconforming uses in Residential Zones are to be treated in a stricter fashion than nonconforming uses located in Non-Residential Zones. Due to the disruption which nonconforming uses cause to the peace and tranquility of a Residential Zone, nonconforming uses therein should be eventually abolished or reduced to total conformity over time.

201.2 — Continuance of Use: Nothing in this Ordinance shall prevent or be construed to prevent the continuance of a nonconforming use of any building or structure for any purpose to which such building or structure was lawfully established.

201.3 — Maintenance and Repair: A building or structure containing a nonconforming use may be maintained and repaired except as otherwise provided in this Section.

201.4 — Moving: A building or structure containing a nonconforming use shall not be moved in whole or in part either on or off the lot on which it is located unless the use contained within such building or structure is made to conform to the use regulations of the zone in which it is relocated.

201.5 — Addition and Enlargement: A building or structure containing a nonconforming use shall not be added to or enlarged in any manner, including any addition or enlargement of floor area or volume, unless the use contained within such building or structure, including such addition and enlargement, is made to conform to the use regulations of the zone in which it is located.

201.6 — Expansion: A nonconforming use of a building or structure shall not be expanded into any other portion of the building or structure which contains a conforming use or which is unoccupied or unused.

201.7 — Intensification: A nonconforming use of a building, structure or land shall not be intensified in any manner. Intensification shall

include, but not be limited to, increasing hours of operation, increasing the number of dwelling units or increasing the seating capacity of a place of assembly. However, this section shall not prohibit the reconfiguration of existing dwelling units within a building or structure so long as such reconfiguration complies with the requirements of Section 201.6.

201.8 — Change of Use:

A) Residential Zones — Within any Residential Zone, a nonconforming use shall only be changed to a permitted use or to a use listed under the same use code number in Appendix A. A nonconforming use, if changed to a Permitted use, may not be changed back to a nonconforming use.

B) Non-Residential Zones — Within any nonresidential zone, a nonconforming use may be changed to a Permitted use, to a use listed under the same use code number in Appendix A, or may be changed to a different nonconforming use by special exception in accordance with Section 419.6. A nonconforming use, if changed to a permitted use, may not be changed back to a nonconforming use.

201.9 — Abandonment: If a nonconforming use is abandoned, it may not be reestablished. Abandonment of a nonconforming use shall consist of intent to abandon and some overt act, or failure to act, which would lead one to believe that the owner neither claims nor retains any interest in continuing the nonconforming use. An involuntary interruption of a nonconforming use, such as by fire or natural catastrophe, does not establish intent to abandon. If any nonconforming use is halted for a period of eighteen (18) months, the owner will be presumed to have abandoned such nonconforming use, unless such presumption is rebutted by presentation of sufficient evidence of intent not to abandon the use.

Section 202 — Building or Structure Nonconforming by Dimension: Buildings or structures that are nonconforming by dimension

are likely to cause overcrowding and congestion in the neighborhoods, contribute to unhealthy conditions and are contrary to the purposes of this Ordinance. Buildings or structures that are nonconforming by dimension cause disruption of the comprehensive land use pattern of the city, inhibit present and future development of nearby properties, and confer upon their owners a position of unfair advantage. It is intended that existing buildings or structures that are nonconforming by dimension shall not justify further departures from this Ordinance for themselves or for any other property.

202.1 — Continuance: Nothing in this Ordinance shall prevent or be construed to prevent the continuance of the use of any building or structure nonconforming by dimension for any purpose to which such building or structure was lawfully established.

202.2 — Maintenance and Repair: A building or structure nonconforming by dimension may be maintained and repaired except as otherwise provided in this section.

202.3 — Moving: A building or structure which is nonconforming by dimension shall not be moved in whole or in part to any other location on the lot in which it is located unless every portion of such building or structure is made to conform to all of the dimensional requirements of the Zone in which it is located.

202.4 — Addition and Enlargement: A building or structure nonconforming by dimension shall not be added to or enlarged in any manner, unless such addition or enlargement conforms to all of the dimensional regulations of the Zone in which the building or structure is located. Roof dormers are permitted, but they shall not project beyond the existing building alignment.

202.5 — Expansion: A conforming use within a building or structure which is nonconforming by dimension may be expanded into any other portion of the building or structure which is unoccupied or unused. Such expansion shall not

be allowed into an unoccupied attic unless the building or structure complies with the side yard regulations of this ordinance.

202.6 — Intensification: A conforming use within a building or structure which is nonconforming by dimension may be intensified, provided that such intensification is in conformance with the use and lot area per dwelling unit regulations, if applicable, for the Zone in which it is located.

202.7 — Change in Use: A conforming use within a building or structure which is nonconforming by dimension may be changed to any other conforming use.

202.8 — Demolition: A building or structure nonconforming by dimension, if voluntarily demolished, shall not be reconstructed, unless it conforms with the dimensional regulations of the Zone in which it is located. If such building or structure is involuntarily demolished, destroyed, or damaged, it may be repaired or rebuilt to the same size and dimension as Previously existed.

Section 203 — Land Nonconforming by Use:

203.1 — Continuance: The lawfully established nonconforming use of land, where no building is involved, may be continued, provided that no such nonconforming use of land shall in any way be expanded or intensified either on the same or adjoining property.

203.2 — Change of Use: The nonconforming use of land shall not be changed to a different use, unless such use conforms to the use regulations of the Zone in which it is located.

Section 204 — Land Nonconforming by Area:

204.1 — Enlargement of Undersized Lots: Lawfully established lots which have less than the minimum area requirements, may be maintained and may be changed by adding additional land to such lots without prejudice to

the rights of the owner of such lots pursuant to the provisions of this Section.

204.2 — Merger of Undersized Lots: If two or more adjacent lawfully established lots where one or more of the lots is less than four thousand (4,000) square feet are under the same ownership on or anytime after the effective date of this ordinance (1991), such lot shall be considered to be one lot and undivided for the purpose of this ordinance. If after merging, the resulting lot does not meet the minimum lot area requirements of Section 304 or 307, then Section 204.3 of this ordinance shall apply.

204.3 — Permitted Uses of Undersized Lots in R Zones: Any lawfully established lot which has less than the minimum area required for the zone in which it is located, may be used subject to the provisions of this Ordinance and the following:

A) R Zones — A single family dwelling may be erected in any R Zone on any separately owned lot.

B) R3 Zone — In any R3 Zone, a lot which has less than the minimum area requirement for the R3 Zone may be used for two (2) dwelling units, provided that such lot shall have a width of at least 40 feet and an area of at least 4,000 square feet.

C) R4 Zone — In any R4 Zone, a lot which has less than the minimum area requirement for the R4 Zone may be used for two (2) dwelling units, provided that such lot shall have a width of at least 35 feet and an area of at least 3,200 square feet. Such lot may contain additional dwelling units if the lot area per dwelling unit requirements of this ordinance are met.

Section 205 — Buildings and Structure Nonconforming by Parking: A building or structure is considered nonconforming by parking if the lawfully established use of the building or structure does not meet the parking requirements of Article VII.

205.1 — Addition, Enlargement, Expansion and Intensification: A building or structure nonconforming by parking, may be added to, enlarged, expanded or intensified provided additional parking space is supplied to meet the requirements of Article VII for such addition, enlargement, expansion or intensification. The number of additional parking spaces supplied shall be the difference between the number of spaces required for the building or structure including such addition, enlargement, expansion or intensification, and the number of spaces required for the previous use of the building or structure; each calculated in accordance with the requirements of Article VII.

205.2 — Change of Use: A building or structure nonconforming by parking, may be changed to a different use, pursuant to all other provisions of this ordinance, provided that where such change in use increases the parking requirements in accordance with Article VII, additional parking spaces shall be supplied. The number of additional parking spaces supplied shall be the difference between the number of spaces required for the proposed use and the number of spaces required for the previous use. In the event that the new use requires less parking spaces than the previous use, no additional parking spaces need be supplied. However, none of the existing parking spaces shall be eliminated unless the number of spaces required by this ordinance for the new use are provided. All buildings within D Zones in existence, or completed in accordance with Section 1107 of this ordinance, may be changed to a different use without providing additional parking.

205.3 — Institutional Parking: For institutions as defined by Section 502 of this ordinance and which are required to file and have filed a master plan in accordance with Section 2-256 of the City Code of Ordinances, the number of parking insufficient spaces as calculated on July 10, 1986, shall be permitted to continue, but shall not be allowed to be increased.

ARTICLE III — *Use and Dimension Regulations*

Section 300 — Compliance with Regulations: The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. In addition, Article IV contains supplementary use and dimensional regulations which apply to specific conditions, areas or uses.

Section 301 — Use Code: The following Use Regulations are designed to regulate land uses in the various zoning districts in the city. Each use group is identified by a Use Code number and is a separate use. The Use Code is a classification system designed to limit and aid in the interpretation of the Use Regulations. The Use Code number is to be used in conjunction with Appendix A of this ordinance. Each Use Code number in the Use Regulations corresponds to a more detailed listing of uses in Appendix A. Where a use is not specifically listed, such use is not permitted unless the Director determines that the use is permitted in accordance with a specific Use Code number.

Section 302 — Public Utilities and Public Services: The provisions of this Ordinance shall not be construed so as to limit or interfere with the construction, installation, operation and maintenance for Public utility purposes of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone lines, cable television lines, oil pipe lines, sewer mains, and incidental appurtenances and installations.

Section 303 — Use Regulations: Permitted uses are denoted with a "Y" for Yes; uses not permitted are denoted with an "N" for No; and uses permitted only upon approval of the Board are denoted with an "S" for special exception. No special exception shall be approved except in accordance with the provisions of this Ordinance. Other uses are permitted and other restrictions apply on all uses listed in this Table where such use(s) are located in an overlay zone (see Article V). Any number of uses may be located on a lot provided each use is permitted and all other requirements of this Ordinance are met.

1.0 RESIDENTIAL

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	H-1	H-2	PS	OS
11	One Family Detached Dwelling	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	N	N
12	Two Family Detached Dwelling	N	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	N	N
13	Three Family Detached Dwelling	N	N	Y	Y	Y	Y	Y	N	N	Y	Y	N	N	N	N	N
14	Multifamily Dwelling	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	S ¹	N	N	N
15	Lodging - Service Organization, 10 Rooming units or less	N	N	N	S	Y	Y	Y	Y	Y	S ²	Y	N	S ¹	N	N	N
15.1	Lodging, 10 Rooming units or less	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S ¹	N	N	N
15.2	Lodging, More than 10 Rooming Units	N	N	N	S	Y	Y	Y	Y	Y	S	Y	N	S ¹	N	N	N
15.3	Nursing Home and Congregate Care	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	S ¹	N	N	N
15.4	Orphanage	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	S ¹	N	N	N
15.5	Religious Housing and Convents	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	S ¹	N	N	N
15.6	Group Quarters No Medical Treatment, 8 Residents or Less	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	S ¹	N	N	N
15.7	Group Quarters No Medical Treatment, more than 8 Residents	N	N	N	S	Y	Y	Y	Y	Y	N	Y	N	S ¹	N	N	N
15.8	Group Quarters with Medical Treatment	N	N	N	N	S	Y	Y	Y	Y	N	S ²	N	S ¹	N	N	N
16	Temporary Lodging 10 Rooming Units or Less	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
16.1	Temporary Lodging, 11 to 29 Rooming Units	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
16.2	Temporary Lodging, More than 30 Rooming Units	N	N	N	N	N	Y	Y	Y	Y	N	Y	N	Y	N	N	N
16.3	Temporary Lodging with supervision, 15 Residents or Less	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	S ¹	N	N	N

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
16.4	Temporary Lodging with Supervision, more than 15 Residents	N	N	N	S	S	Y	Y	Y	Y	S ²	Y	N	S ¹	N	N	N
16.5	Tourist Home/Bed and Breakfast - 5 rooming Units or less	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S ¹	N	N	N
17	Other Residential	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

FOOTNOTES:

1. Permitted by special exception only within 200 feet of abutting residential zones. Not permitted over 200 feet from abutting residential zones.
2. See Section 905.2 for special exception criteria for Waterfront Zones.

2.0 INSTITUTIONAL AND GOVERNMENTAL SERVICES

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
21	Educational Institution - Classroom, Office and Assembly Use	S ¹	S ¹	S ¹	S ¹	Y	Y	Y	Y	Y	Y	Y	N	Y	S	S	N
22	Special Schools	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	S	N	N
23	Religious Service	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	S	N	N	N
24	Medical & Health Service	S ¹	S ¹	S ¹	S ¹	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
24.1	Medical & Health Services, Maintenance Use	S ¹	S ¹	S ¹	S ¹	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
24.2	Medical & Health Services, Disposal Use	N	N	N	N	N	N	N	N	N	N	N	Y	S	Y	N	N
24.3	Medical & Health Services, Parking Use	S ¹	S ¹	S ¹	S ¹	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
24.4	Drug or Alcohol Rehabilitation	N	N	N	N	N	Y	Y	Y	Y	N	Y	N	Y	N	N	N

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
24.5	Medical or Dental Office	N	N	S	S	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N
25	Local/State Gov't	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	N
25.1	Prison/Correction Institution	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
25.2	Municipal Fire/ Police Station	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
26	Day Care Facility, 6 people or less	Y ³	Y ³	Y ³	Y ³	Y	Y	Y	Y	Y	Y	Y	N	S	N	N	N
26.1	Day Care Facility, 7 to 12 people	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	N	S	N	N	N
26.2	Day Care Facility, more than 12 people	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
27	Service Organization	N	N	N	S	Y	Y	Y	Y	Y	S ²	Y	N	Y	N	S	N
28	Cemetery	Y	Y	Y	Y	Y	Y	Y	N	N	S ²	S ²	N	Y	Y	Y	Y

FOOTNOTES:

1. Permitted only for institutions in an Institutional Zone in accordance with Section 502. Outside of an Institutional Zone, subject to the provisions of Sections 904 and 905.3.
2. See Section 905.2 for Special Exception Criteria for Waterfront Zones.
3. Provided that no more than 50% of the GFA of the dwelling unit is devoted to day care and no more than one (1) person not living in the unit is employed.

3.0 CULTURAL, ENTERTAINMENT RECREATION SERVICES

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
31	Non-Profit Library, Museum and Art Gallery	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	N
32	Spectator Assembly	N	N	N	N	S	S	Y	Y	Y	S ¹	Y	S	Y	S	S	N
32.1	Race track	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
32.2	Mini Cinema	N	N	N	N	S	S	Y	Y	Y	S ¹	Y	S ¹	Y	S	N	N
33	Outdoor Recreation Facility	N	N	N	N	S	S	Y	N	N	S ¹	Y	N	Y	S	Y	S

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
33.1	Golf Course, Tennis Court and Country Club	S	S	S	S	Y	Y	Y	N	N	Y	Y	N	S	S	S	S
33.2	Marina, Recreational Craft only	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	S	S
33.3	Transient Amusement	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	S	N
33.4	Outdoor Entertainment	N	N	N	N	S	S	Y	N	N	S ¹	S ¹	N	Y	S	N	N
34	Indoor Sports Facility	N	N	N	N	S	S	Y	Y	Y	S ¹	Y	N	S	S	S	N
35	Non-Profit Community Park, Playground and Community Center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
36	Open Space	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
37	Adult Entertainment ²	N	N	N	N	N	N	S	N	S	N	N	N	Y	Y	N	N

FOOTNOTES:

1. See Section 905.2 for Special Exception Criteria for Waterfront Zones.
2. Provided that such uses are located more than 200 feet from an R Zone.

4.0 GENERAL SERVICES

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
41	Finance, Insurance and Real Estate Service	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y ²	Y	Y	N	N
42	Personal Service	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y ²	Y	Y	N	N
43	Limited Business Service	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y ²	Y	Y	N	N
44	General Business Service	N	N	N	N	S	Y	Y	Y	Y	S	Y	Y ²	Y	Y	N	N
45	Repair Service ⁵	N	N	N	N	N	N	Y ³	S ^{3,4}	S ^{3,4}	N	Y ³	Y ^{2,3}	Y ³	Y ³	N	N
46	Professional Service	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y ²	Y	Y	N	N
46.1	Animal Hospital	N	N	N	N	N	N	S	N	S	N	Y	Y ²	Y	Y	N	N

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
47	Contract Construction Service	N	N	N	N	N	S	Y	S	S	N	Y	Y ²	Y	Y	N	N

FOOTNOTES:

1. See Section 905.2 for Special Exception Criteria for Waterfront Zones.
2. Provided that such uses are part of a marine enterprise or are dependent on access to the Port of Providence.
3. See Section 409 and 410 affecting parking and storage.
4. See Section 905.1 for Special Exception Criteria in Downtown Zones.
5. Garage repair and transmission shops permitted only when located at least 200 feet from an R Zone.

5.0 TRADE

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
51	Wholesale Trade Within Enclosed Structure	N	N	N	N	N	S	Y	N	S ¹	N	Y	Y ²	Y	Y	N	N
51.1	General Warehouse	N	N	N	N	N	N	S	N	Y	N	Y	Y ²	Y	Y	N	N
52	Wholesale Trade and Outdoor Storage	N	N	N	N	N	N	S	N	N	N	Y	Y ²	Y	Y	N	N
53	Bulk Storage of Petroleum Products greater than 10,000 gallons	N	N	N	N	N	N	N	N	N	N	N	Y ²	N	Y	N	N
53.1	Retail Sale of Petroleum Products	N	N	N	N	N	S	Y	N	N	N	Y	Y ²	Y	Y	N	N
53.2	Wholesale Storage of Petroleum Products 10,000 gallons or less	N	N	N	N	N	N	N	N	N	N	S	Y ²	S	Y	N	N
53.3	Bulk Storage of Liquefied Gas	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
54	Retail Trade Building and Related Material 2,500 GFA or less	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y ²	Y	Y	N	N

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
55	Retail Trade Building and Related Material, More than 2,500 GFA	N	N	N	N	S	Y	Y	Y	Y	S	Y	Y ²	Y	Y	N	N
56	Retail Trade Neighborhood Establishments, 2,500 GFA or less	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y ²	Y	Y	N	N
57	Retail Trade - Community Wide Establishments, more than 2,500 GFA	N	N	N	N	S	Y	Y	Y	Y	Y	Y	Y ²	Y	Y	N	N
57.1	Drive In Restaurant	N	N	N	N	N	N	Y	N	S	N	N	N	Y	Y	N	H
58	Eating and/or Drinking Establishments, with Entertainment	N	N	N	N	N	N	Y	Y	Y	N	S	N	Y	N	N	H
59	Retail Trade - Automotive, Marine Craft, Aircraft, and Accessories	N	N	N	N	N	N	Y	N	Y	N	Y	Y ²	Y	Y	N	N

FOOTNOTES:

1. See Section 905.1 for Special Exception Criteria for Downtown Zones.
2. Provided that such uses are part of a maritime enterprise or are dependent on access to the Port of Providence.
3. See Section 905.2 for Special Criteria for Waterfront Zones.

6.0 TRANSPORTATION, COMMUNICATION AND UTILITIES

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
61	Transportation Center	N	N	N	N	N	N	S	Y	Y	N	Y	Y ¹	Y	Y	N	H
61.1	Motor Vehicle Rental Office	N	N	N	N	N	N	Y	Y	Y	N	Y	Y ¹	Y	Y	N	H
61.2	Marine Passenger Terminal	N	N	N	N	N	S	S	Y	Y	Y	Y	Y ¹	Y	Y	S	N
61.3	Taxicab Terminal	N	N	N	N	N	N	Y	N	Y	N	Y	Y ¹	Y	Y	N	N
61.4	Truck and Trailer Rental Office and Storage	N	N	N	N	N	N	Y	N	N	N	S	Y ¹	Y	Y	N	N
62	Freight Terminal	N	N	N	N	N	N	N	N	N	N	Y	Y ¹	Y	Y	N	N

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	GS
63	Aircraft Transportation Including Maintenance	N	N	N	N	N	N	N	S ³	S ³	N	S ²	S ²	S	S	N	N
64	Parking, Principal Use	N	N	N	N	S	Y	Y	Y ⁵	Y ⁵	S ²	Y	Y ¹	Y	Y	N	N
64.1	Parking Lot, Principal Use	N	N	S ⁴	S ⁴	Y	Y	Y	Y ⁵	Y ⁵	Y	Y	Y ¹	Y	Y	N	N
65	Communication and Utilities	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y ¹	Y	Y	S	N
65.1	Wireless Transmitting and Receiving Antenna, including Satellite Dish Type	S	S	S	S	S	Y	Y	Y	Y	S	Y	Y	Y	Y	S	N
66	Power Plant	N	N	N	N	N	N	N	N	S ⁶	N	N	Y	N	Y	N	N
66.1	Incinerator and Waste Facility	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N
67	Landfill and Garbage Dump Including Offal or Dead Animal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
68	Outdoor Advertising - Billboards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

FOOTNOTES:

1. Provided that such uses are part of a maritime enterprise or are dependent on access to the Port of Providence.
2. See Section 905.2 for Special Exception Criteria for Waterfront Zones.
3. See Section 905.1 for Special Exception Criteria for Downtown Zones.
4. Subject to the requirements of Section 419.7.
5. Subject to the requirements of Section 706.
6. New and/or expanded power plants shall only be permitted on parcels where a power plant is in existence at the date of the adoption of this ordinance.

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	US
74.3	Acid Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
74.4	Noxious or Toxic Gases and Chemicals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
74.5	Creosote Manufacture or Treatment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
74.6	Glue Manufacture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
74.7	Manufacture and Storage of Explosives	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
75	Petroleum Products and Related Industries	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
75.1	Petroleum Refining	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
76	Rubber and Miscellaneous Plastic Products Manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N
76.1	Rubber or Gutta Percha Manufacture or Treatment	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
76.2	Tire Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N
77	Stone, Clay, Glass Products Manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N
77.1	Abrasive, Asbestos and miscellaneous nonmetallic mineral product manufacture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
77.2	Cement, Lime, Gypsum or Plaster of Paris manufacture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
77.3	Materials Processing Distribution and Storage	N	N	N	N	N	N	N	N	N	N	N	Y ²	N	Y	N	N
78	Primary Metal Industries	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
79	Fabricated Metal	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N

USE CODE	USE	R-1	R-2	R-3	R-4	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	PS	OS
80	Machinery/Machine Parts Manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N
81	Transportation Equipment Manufacturing	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N
82	Ship and Boat Building and Repairing	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	N	N
83	Precision Instrument and Scientific Equipment Manufacturing	N	N	N	N	N	N	S	N	Y	N	Y	N	Y	Y	N	N
84	Jewelry, Silverware, Plated Ware, Costume Jewelry and Notions Manufacturing	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y	N	N
84.1	Manual Assembly of Jewelry Parts	N	N	N	N	N	S	Y	S ¹	Y	N	Y	N	Y	Y	N	N
85	Arts and Crafts Manufacturing	N	N	N	N	S	Y	Y	Y	Y	N	Y	N	Y	Y	N	N
86	Nuclear Industries Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

FOOTNOTES:

1. See Section 905.1 for Special Exception Criteria for Downtown Zones.
2. Provided that such uses are a maritime enterprise or are dependent on access to the Port of Providence.
3. See Section 905.2 for Special Exception Criteria for Waterront Zones.

Section 304 — Dimensional Regulations — Residential Districts:

	R-1 & PS	R-2	R-3	R-4
Maximum Height	2 stories ¹ 30 feet	2 stories ¹ 30 feet	2 stories ¹ 30 feet	6 stories 75 feet
Minimum Lot Area	6,000 sq. ft. ³	5,000 sq. ft.	5,000 sq. ft.	5,000 sq. ft.
Minimum Lot Area Per Dwelling Unit	N/A	2,500 sq. ft.	2,000 sq. ft.	1,200 sq. ft.
Minimum Lot Area Per Rooming Unit	N/A	N/A	750 sq. ft.	500 sq. ft.
Minimum Lot Width & Frontage	60 ft. ³	50 ft.	50 ft.	50 ft.
Minimum Front Yard	15% of Lot Depth ⁴ Maximum 20 Feet			
Minimum Side Yard ^{1,2,5}	Total Yards Required = 30% of Lot Width; Minimum of 6 ft. for each yard; Maximum total yards required = 30 Feet @ 2 stories			
Minimum Rear Yard	25% of Lot Depth ⁴ Maximum 25 Feet			25% of Lot Depth max. 35 ft
Maximum Lot Coverage	35% ⁶	40% ⁶	40% ⁶	40% ⁶

NOTE: See Sections 412, 413, 414, 415, 416, and 418 for modifications to these requirements.

304.1 — Footnotes for Dimensional Regulations — Residential Districts

1. Height may be increased to 3 stories not to exceed forty (40) feet provided each required side yard is increased 1 foot for each three (3) feet in height above two stories or 30 feet, whichever requires the greatest increase.

2. Each side yard must be increased by one (1) foot for every three (3) feet in height over the second story or over 30 feet, whichever requires the greatest increase.

3. A lot of less than 12,000 square feet and more than 9,999 square feet may be divided into lots containing not less than 5,000 square feet each and having a width of not less than 50 feet each, and one dwelling unit may be erected on each lot. If a lot contains more than 12,000 square feet and if after division into as many 6,000 square feet lots as possible, there remains a lot of 5,000 square feet or more, one dwelling unit may be erected on such remaining lot provided the same has a width of 50 feet.

4. A rear yard may be reduced to not less than twenty percent (20%) of the lot depth, provided the front yard is extended so that the combined total of the front and rear yards is not less than forty percent (40%) of the lot depth.

5. Minimum of one Side Yard may be reduced to 4 feet if lot width is 45 feet or less.

6. Lot coverage on a corner lot may be increased an additional 5% of the lot area.

Section 305 — Dimensional Regulations — Commercial, Industrial and Institutional Districts:

	C-1,2,4	M-1	M-2	I-1,2
Maximum Height	45 feet 3 stories	75 feet ¹ 6 stories	90 feet ¹ 7 stories	35 feet ² 2 stories
Minimum Lot Area	None ³	None ³	None	N/A
Minimum Lot Area Per Dwelling Unit	1,200 sq. ft.	1,200 sq. ft.	N/A	N/A
Minimum Lot Area Per Rooming Unit	400 sq. ft.	None	N/A	N/A

	C-1,2,4	M-1	M-2	I-1,2
Minimum Front Yard	12' from face of curb ^{3,4}	0 ^{3,4,5} feet	0 feet	12' from face of curb ^{4,5}
Minimum Side Yard	0 feet ^{3,7,9}	0 feet ^{3,7,9}	0 feet ⁷	0 feet ⁸
Minimum Rear Yard	0 feet ^{3,8,9}	0 feet ^{3,8,9}	0 feet ⁸	0 feet ⁸
Maximum Lot Coverage	None ³	None ³	None	None

305.1 — Footnotes for Dimensional Regulations — Commercial, Industrial and Institutional Districts

1. Maximum height cannot exceed maximum height of any R-Zones which is not overlaid by an Institutional Zone within 150 feet of the structure.

2. The allowable height for any building in an institutional zone shall be a function of the open space between the proposed building and the applicable property and street lines. The allowable height for the entire building shall be determined in accordance with the most restrictive height calculated in accordance with the following requirements:

a. Building height shall be limited to thirty (30) feet whenever any part of the institutional building is located on a street line and the property on the opposite side of the street is in an R-zone and shall increase by one foot for every one foot setback from said street line up to a maximum height of seventy-five (75) feet/six (6) stories.

b. Building height shall be limited to forty (40) feet whenever any part of the institutional building is located thirty (30) feet from the property line of a lot in an R-zone and shall increase by one foot for every additional one foot setback up to a maximum of seventy-five (75) feet/six (6) stories.

c. In all other cases, building height shall not exceed seventy-five (75) feet/six (6) stories.

d. Setback distance as outlined in a and b above are not required from lots in R-zones that are over-layed by an I-zone.

3. When a lot is used solely for residential purposes, the dimensional regulations of the R-4 zone shall apply.

4. Where the block frontage is partly in an R-zone which is not overlaid by an Institutional Zone, the front yard requirements of the R-zone shall apply.

5. Where the property on the opposite side of the street is in an R-zone which is not overlaid by an Institutional Zone the front yard requirements of the R-zone shall apply.

6. Where the lot abuts a lot in an R-zone which is not overlaid by an Institutional Zone, there shall be a minimum yard of 30 feet.

7. Where the side yard of the lot abuts a lot in an R-zone which is not overlaid by an Institutional Zone, there shall be a side yard of not less than 4 feet for each story or 12 feet in height, but such yard shall not be less than 6 feet.

8. Where the rear yard of a lot abuts upon a lot in an R-zone which is not overlaid by an Institutional Zone, there shall be a rear yard of not less than twenty percent (20%) of the lot depth, maximum required need not exceed 20 feet.

9. In C and M zones, where dwelling units are included in any building, such dwelling units shall not be less than six (6) feet from an interior lot line.

Section 306 — Dimensional Regulations — Downtown Districts:

	D-1	D-2
Maximum Height	Varies with Subzone ¹	90 ft/7 stories
Minimum Lot Area Per Dwelling Unit	250 sq. ft.	250 sq. ft.
Minimum Lot Area Per Rooming Unit	None	None
Minimum Front Yard	0 ft. ²	0 ft. ^{2,4}
Minimum Side Yard ³	0 ft.	0 ft.
Minimum Rear Yard ³	0 ft.	0 ft.

306.1 Footnotes for Dimensional Regulations — Downtown Districts:

1. Maximum Height in the D-1 Zone: The maximum height in the D-1 Zone will be determined as follows:

D-1 100 equals a maximum height of 100 feet;

D-1 200 equals a maximum height of 200 feet; and

D-1 300 equals a maximum height of 300 feet.

2. Building lines shall be coincident with the lot line without setback. On a lot with a curved lot frontage, the building may be built to the chord or the tangent, whichever applies.

3. Where dwelling units are included in any building, such dwelling units shall not be less than six (6) feet from any interior lot line.

4. Where the property on the opposite side of the street is in an R Zone, the front yard requirement of the R Zone shall apply.

Section 307 — Dimensional Regulations — Waterfront Districts:

	W-1	W-2	W-3
Maximum Height	45 ft/3 stor	75 ft/6 stor	90 ft/7 stor
Minimum Lot Area	5,000 sq.ft.	5,000 sq.ft.	N/A
Minimum Lot Area Per Dwelling Unit	1,200 sq.ft. per dwelling unit	600 sq.ft. per dwelling unit	N/A
Minimum Lot Area Per Rooming Unit	400 sq.ft.	None	N/A
Minimum Lot Width and Frontage	50 ft.	50 ft.	0 ft.
Minimum Front Yard	12' from face of curb ^{2,4}	0 ft.	0 ft.
Minimum Side Yard ³	6 ft. ⁴	0 ft. ¹	0 ft. ¹
Minimum Rear Yard	25% of Lot Depth 25' Max ⁴	0 ft. ^{1,5}	0 ft. ¹
Maximum Lot Coverage	40%	N/A	N/A

307.1 — Dimensional Regulations — Waterfront Districts:

1. In W zones, where dwelling units are included in any building, such dwelling units shall not be less than six (6) feet from any lot line.

2. Where the block frontage is partly in an R-zone, the front yard requirements of the R-zone shall apply.

3. Where the side yard of the lot abuts upon a lot in an R-zone, there shall be a side yard of not less than 4 ft. for each story or 12 feet in height but such yard shall not be less than 6 feet.

4. No structure shall be erected within 20 feet of the inland edge of the coastal feature except

for docks and other similar facilities in connection with a permitted port facility or marina.

5. Where the rear yard of a lot abuts upon a lot in an R-zone, there shall be a rear yard of not less than twenty percent (20%) of the lot depth, maximum required need not exceed 20 feet.

ARTICLE IV — *Supplementary Regulations*

Section 400 — Purpose: The purpose of supplementary regulations is to set specific conditions for various uses or areas, for dimensional criteria and to set standards for the granting of special exceptions.

Section 401 — Outdoor Uses: Within the R, C-1, C-2, 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. 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 Zone, up to an additional twenty five (25) percent of the 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 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 402 — Accessory Residential Uses: Accessory residential uses shall include, but not necessarily be limited to accessory living quarters, recreation rooms, private garages, home occupations, swimming pools, and accessory parking (See Article VII for requirements). Accessory uses are subject to all the requirements of this Ordinance, shall be clearly incidental to and customarily associated with the principal use and shall be operated and maintained under the same ownership and on the same lot as the principal use.

Section 403 — Accessory Buildings and Structures: An accessory building or structure is permitted, including a private garage, carport, shed, greenhouse, accessory living quarters, or a recreation room provided that:

A) No accessory building or structures shall be permitted between the front of a main structure and the street.

B) No accessory living quarters shall be located on any lot having an area of less than 8,000 square feet. Accessory living quarters, recreation room or a private garage or any combination of such uses may be included in a building of one or two stories, and no more than twenty feet in height, provided that the portion of such building designed for accessory living quarters or recreation room exceeding 10 feet in height is located not nearer than 10 feet to any lot line.

C) Where the rear yard abuts upon a street no accessory building shall be erected within 18 feet of such street, if it contains a garage that is accessible from said street.

D) A detached garage may be located in the required rear yard and may be built up to the lot

lines. A detached garage shall not be located in the required side yard.

E) A garage attached to the main building or structure may be located in the required side and rear yard, if such garage is located not less than 4 feet from any side or rear lot line, provided that overall side yard requirement is maintained. Such garage shall be no more than one story or 14 feet in height and 24 feet in depth.

F) A private garage or shed may be used to store vehicles, boats, recreational vehicles or similar equipment owned by the occupant. No more than one parking space shall be occupied by the vehicle of a nonresident owner. Storage or parking of commercial vehicles are prohibited in R Zones. No recreational vehicle shall be used for residential occupancy or stored for a period in excess of one (1) year unless it is in a condition for safe and effective performance of the function for which is intended.

G) An accessory building shall not exceed two (2) stories or twenty (20) feet in height and may occupy no more than fifty (50%) percent of the area of a rear yard.

Section 404 — Accessory Solar Uses: An active or passive solar energy system which collects solar energy and provides heating, cooling, light or electricity to a building or end use, is permitted in all zones as an accessory structure. Such system may be located in any required side or rear yard, but shall not be located in any front yard nor exceed 8 feet in height. Solar systems erected on a roof shall comply with the requirements of Section 412. In an Historic District, solar energy systems and solar collectors shall require the approval of the Historic District Commission in accordance with Article V.

Section 405 — Swimming Pool: A swimming pool shall not be allowed between the front of the main building and the street, and shall not be allowed in any required side yard.

Section 406 — Screening:

406.1 — Screening of Trash Containers: All commercial, industrial and multifamily residential uses shall provide trash and/or garbage collection areas enclosed on at least three (3) sides by a solid wall, opaque fence or compact planting screen of at least five (5) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area(s) for collection of trash and/or garbage shall be required. Trash areas shall be limited to side or rear yards.

406.2 — Screening of Utilities: Utility substations, telephone exchange substations, television, radio or satellite dish and similar uses shall be enclosed on at least three sides by a vegetative screen of hardy evergreens or shrubs at least three (3) feet high at time of planting and which shall be sufficient to provide a visual screen from adjacent R Zones.

Section 407 — Accessory Buildings and Uses in C, D, W and M Zones: Accessory buildings to any use which is limited to 2,500 sq. ft. of gross floor area shall only include a garage for the exclusive use of the patron or the storage of commercial vehicles. Accessory buildings to any other use shall be permitted to contain any accessory use which is incidental and customary to the main use, including a garage or storage building. All such buildings shall be on the same lot as the main use.

Section 408 — Incidental Manufacturing Uses in a C, D and W-1 Zones: Incidental manufacturing uses to any permitted use are allowed provided such manufacturing uses are performed on the same lot as the main use; are clearly incidental and customary to the main use being performed on the premises; and all such products produced on the lot are sold at retail on the premise and, no such uses, operations or products shall be objectionable due to odor, dust, smoke, noise, vibration or other similar causes. A maximum of 25% of the gross floor area of the permitted use may be devoted to manufacturing, compounding, processing or treatment of

products, or to catering, cleaning, laundering, plumbing, upholstering and the like.

Section 409 — Requirements for Automobile Service Stations: Automobile service stations shall be permitted only when the following requirements are met:

409.1 — Lot Requirements:

A) Minimum lot size shall be 12,000 square feet.

B) Minimum lot depth shall be 100 feet.

C) Minimum lot width and frontage shall be 120 feet.

409.2 — Requirements for Service Station Buildings:

A) Minimum setback from all street lines shall be 40 feet.

B) Minimum setback from all interior lot lines shall be 20 feet.

409.3 — Requirements for Driveways:

A) Minimum distance between the access driveway and the adjoining property lines shall be 20 feet.

B) Minimum distance between the access driveway and intersecting street lines shall be 20 feet.

C) Minimum distance between access driveways shall be 20 feet.

D) Maximum width for curb cuts shall be 25 feet.

409.4 — Requirements for Other Structures:

A) Minimum distance between pump islands, compressed air connections and similar equipment and any street or property lines, shall be 20 feet.

B) Minimum distance between the canopy and the curb line shall be 12 feet.

C) Minimum distance between any canopy and any interior lot line shall be 20 feet.

409.5 — Requirements for Underground Tanks:

A) Maximum storage capacity for petroleum products shall be 42,000 gallons.

B) Maximum separation distance required between underground tanks, adjoining buildings and property lines shall be ten (10) feet. Service station buildings are exempt from the separation distance requirement if there are no basements or pits that extend below the top of any tank within the separation distance.

409.6 — Requirements for Repairing and Washing Vehicles: Repairing shall be limited to minor repair work, such as tire or tube repairing, battery changing, lubrication, engine tune-ups and similar type work, and must be conducted wholly within a building. Repair work shall not include replacement of engines, replacement of transmissions, or any body work. Storage of all merchandise, auto parts and supplies shall be conducted wholly within a building. Washing may be conducted outside of a building only if the washing area is paved and screened from adjoining R zones by a four (4) foot high compact evergreen screen or tight board fence.

Section 410 — Outside Storage of Vehicles: All auto service stations, new and used car dealership, garage repair shops, auto body shops, car washes, storage of vehicles, and similar types of uses shall meet the following requirements:

410.1 — Overnight Outside Storage: Overnight outside storage of any vehicles intended to be repaired shall be limited to 1 vehicle for every 1,000 square feet of lot area.

410.2 — Storage of Junk Vehicles: Storage of any junk vehicles as defined by City Ordinance (See Providence Code of Ordinances Section 15-

36), shall not be permitted unless said vehicles are kept within an area that is completely enclosed on all sides by a six (6) foot high, tight board fence or a similar type of screening. Said vehicles shall be deemed as stored vehicles, limited under Section 410.1.

Section 411 — Transparency Requirement — D Zones: In order to maintain the interrelationship between the pedestrian and the retail business and to maintain the character of downtown, the following regulations shall apply to all new construction and rehabilitation in the D-1 Zone.

411.1 — Transparency Requirements in New Construction:

A) All new construction shall provide areas of transparency equal to 70% of the wall area, between the height of 2 and 8 feet from the ground, of each exterior wall.

B) Blank walls shall be separated by areas of Transparency of at least 3 feet in width.

C) Loading areas may be blank.

411.2 — Transparency Requirements in Existing Structures:

A) Transparency on existing buildings in the D zones shall continue and shall not be decreased.

B) Renovations of existing buildings consisting of more than fifty percent (50%) of a wall area of the first story shall not decrease the area of transparency and if the transparency area is less than 70% of the wall area, shall increase the amount of transparency in accordance with 411.1.

C) Renovations of a building listed on the National Register of Historic Places consisting of more than fifty percent (50%) of a wall area of the first story shall meet the requirements of B) above unless the original historic character of the building requires less transparency area and the plan is approved by the HDC.

411.3 — Transparency Requirements — General:

A) Sides of buildings which contain residential units on the ground floor shall be exempt from the requirements of this Section.

B) Any sides of buildings along streets or alleys which are thirty (30) feet or less in width shall be exempt from the requirements of this Section.

Section 412 — Height Modifications:

412.1 — Roof Structures Permitted Above Maximum Height:

A) The following roof structures are permitted above the maximum height as specified in this ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building: structures for the housing of elevators and elevator shafts; stairways; fire or parapet walls; skylights; towers; steeples; and chimneys.

B) The following roof structures are permitted above the maximum height as specified in this ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building, and provided that such features shall be set back from the edge of the roof a minimum distance of one foot for every two feet by which they extend above the roof: heating and air-conditioning equipment, ventilating fans, solar collectors, storage tanks for water, television, radio or satellite dish, antennae or masts, or similar equipment required to operate and maintain a building. No such roof structure shall exceed the maximum height for the zone in which it is located, except by the amount allowed herein:

1) Buildings from one (1) to six (6) stories — Ten (10) feet.

2) Buildings exceeding six (6) stories Ten feet

plus one (1) foot per story above the sixth story to a maximum total of twenty (20) feet.

412.2 — Structures Exempt From Height Restrictions: Smokestacks and flag poles, whether or not they are attached to the main structure, are permitted above the maximum height requirement for the zone in which they are located.

Section 413 — Yards Apply to Only One Building: No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing yard or open space on a lot whereon a building is to be erected.

Section 414 — Front Yard Modifications:

414.1 — Averaging Setbacks: The minimum required front yard of any lot proposed to be built on may equal the average of the actual front yards, lawfully established on lots wholly or partially within 100 feet in both directions, on both sides of the same street.

414.2 — Through Lots: At each end of a through lot there shall be a front yard of the depth required by this Ordinance for the zone in which each street frontage is located. However, one of these front yards may serve as a required rear yard.

414.3 — Corner Lots: On a corner lot in an R Zone, all yards fronting on intersecting streets shall meet the required front yard setbacks.

414.4 — Garages: The minimum front yard for any portion of a building containing a garage must be at least eighteen (18) feet in order to allow for a parking space in front of the garage, without blocking the public right of way.

Section 415 — Side Yards Modifications: For the purpose of side yard regulations, any dwellings which occupy a single lot but have a

common party wall shall be considered as one building. (For example, two-family detached dwellings or row dwellings).

Section 416 — Projections into Yards:

416.1 — Car Port: A car port may be permitted over a driveway in a side yard, provided such structure is attached to the main building, is not more than ten (10) feet in height and twenty (20) feet in length, does not extend to within 4 feet of a side lot line, and is entirely open on the remaining three sides, except for the necessary supporting columns and customary architectural features.

416.2 — Cornice, Sill or Chimney: A cornice, eaves, belt course, sill, canopy or other similar architectural feature (not including bay window or other vertical projection) may extend or project into a required side yard not more than 4 inches for each 16 inches of width of such side yard and may extend or project into a required front, side, or rear yard not more than 30 inches. Chimneys may project into a required front, side, or rear yard not more than 16 inches provided the width of such side yard is not reduced to less than 4 feet.

416.3 — Fire Escape: A fire escape may extend or project into any required front, side or rear yard not more than 4 feet.

416.4 — Open Stairway, Balcony or Porch: An open, unenclosed stairway, balcony, porch, deck, platform or landing place, which, except for the roof, does not extend above the level of the first floor of the building may extend or project into any required front yard not more than 6 feet, or into any required rear yard not more than 8 feet, and into any required side yard 6 feet, but in no case closer than 4 feet to the side lot line.

416.5 — Landscape Feature: A landscape feature, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard, and a patio or ground level deck shall be permitted in any required side or rear yard.

Section 417 — Only One Main Residential Building On a Lot: Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one main residential building and its accessory buildings on one lot. Buildings in the I Zones shall not be restricted by this regulation when used for institutional purposes.

Section 418 — Corner Setback: In all zones except the D Zones, in the triangle formed by the street lines intersecting at an angle of less than one hundred thirty-five (135) degrees and a line joining points on such lines fifteen (15) feet distant from their point of intersection, no building or structures may be erected, no parking areas may be created and no vegetation may be maintained between heights of three and one-half (3 1/2) feet and ten (10) feet above the plane through their curb grades. Notwithstanding the provisions of this section, poles not exceeding eight (8) inches in outside diameter designed for the support of lights and signs, may be erected in this triangle.

Section 419 — Special Exceptions — Use: The following special exceptions are permitted upon approval by the Board, in accordance with Section 904 and any additional criteria outlined in Section 905.

419.1 — Boarding: Two rooms may be rented with or without meals within any dwelling unit provided more than fifty percent (50%) of the habitable space is occupied by the family occupying the dwelling unit, and provided no more than two persons may occupy any one of said rooms.

419.2 — Home Occupation: One home occupation is permitted per dwelling unit by special exception from the Board, provided that it is conducted entirely within a dwelling. Home occupation shall include the office of a lawyer, physician, architect, engineer or similar profession; artist, musician, and similar occupation; teacher; custom dressmaker and tailor, provided that:

A) Such use is situated in the same dwelling as the primary residence of the occupant;

B) The residential character of such dwelling is not changed;

C) There shall be not more than one assistant worker;

D) No more than 50% of the gross floor area of the dwelling unit or 800 square feet, whichever is less, shall be used for the home occupation; and,

E) There shall be no sale of goods, wares or merchandise on the premises.

419.3 — Accessory Manufacturing: Within C, D and W-1 Zones, manufacturing, compounding, processing, catering, cleaning, laundering, plumbing, or treatment of products and similar uses which are clearly incidental and essential to a retail use which exceed the provisions of Section 408, may be granted by the Board, provided such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

419.4 — Planned Development: A planned development is a parcel or parcels of land, containing at least forty thousand (40,000) sq. ft. of land area, which is developed according to a plan and in accordance with this Section as a single entity. The planned development may contain one or more residential and/or commercial structures with appurtenant recreation buildings, common areas, open space and roadways. The purpose of a planned development is to allow for the creation of multifamily and mixed use developments through careful site planning.

A) Establishment: A planned development may be established by special exception in any zone in which the proposed principal use of each building is permitted in accordance with Article 3. Any application filed for a planned development shall be forwarded to the Commission for review and comment. The

Commission shall have sixty (60) days from receipt of the referral to respond. The Commission may recommend approval, approval with conditions or denial.

B) *Application of Regulations:* The application of the requirements of this ordinance to the planned development may be varied in a manner that will insure a standard of open space no lower than permitted by this ordinance and a lot area per dwelling unit not more than 20% less than required by this ordinance for the zone in which the planned development is located. Building height shall not be increased by more than 25% of the permitted height of the zone in which the planned development is located.

C) *Criteria for Approval:* To grant a special exception for a planned development, the Board shall find that the applicant has met the standards set forth in Section 904 and 905, and:

1. the planned development will be in harmony with the character of the neighborhood;
2. the plans for the planned development are consistent with the Comprehensive Plan; and,
3. shall consider the recommendation of the Commission.

419.5 — Alterations in an R-1 Zone: A building in an R-1 Zone may be altered to accommodate two or more dwelling units provided that: the total number of dwelling units do not exceed one dwelling unit for every five thousand (5,000) square feet of lot area; the building is not increased in height or floor area; and all other provisions of this ordinance relative to residential use are met.

419.6 — Change in Nonconforming Use:

A) *Nonresidential Zones:* Within any nonresidential zone, a nonconforming use may be changed to a different nonconforming use by special exception. In considering an application for a special exception to change to a different

nonconforming use, the Board shall find that the new use will be less nonconforming and less disruptive of the neighborhood land use pattern. A nonconforming use changed to a different nonconforming use by a special exception may not be changed to another nonconforming use without the granting of another special exception.

B) *Residential Zones:* Within any residential zone, a nonconforming use may be changed to a different use which is allowed by special exception in that zone. In considering the application, the Board shall consider but not be bound by any conditions required for the granting of that special exception.

419.7 — Parking R-3 and R-4 Zones: Off-street automobile parking lots may be established to support off-street parking requirements of residential uses in areas where the Board finds that there is a need for such additional facilities or where required off-street parking cannot be satisfied on the lot in which such residential uses are located. Such lots be developed and maintained as required by Section 705 of this ordinance, and subject to such further conditions as may be imposed by the Board.

419.8 — Special Exceptions for Institutional Uses: Institutions, which are required by Section 2-256 of the City Code of Ordinances to file a Master Plan, may be permitted to locate institutional uses outlined in Section 502 within any R-Zone with the approval of the Board as provided for in Section 904 and 905.

Section 420 — Special Exceptions — Lot Area Per Dwelling Unit:

420.1 — Reduction in Required Lot Area: The Board, as provided in Section 904, may allow the lot area per dwelling unit to be reduced in accordance with the provisions of this section below the minimum area specified in this ordinance, provided parking, the use of the building, and the building height are all in conformance with the requirements of this Ordinance.

A. R-2 Zones: In any R-2 Zone, lot area per dwelling unit may be reduced to a minimum of 2,375 square feet.

B. R-3 and R-4 Zones: For lots that are seven thousand six hundred (7,600) square feet or less, lot area per dwelling unit may be reduced to 80% of the minimum required area specified in this ordinance. For lots over seven thousand six hundred (7,600) square feet, lot area per dwelling unit may be reduced to 90% of the minimum required area specified in this ordinance.

420.2 — Undersized Lot in an R-3 Zone: In any R-3 Zone, a lawfully established lot which has less than the minimum area requirement for the R-3 Zone may be used for two (2) dwelling units, provided that such lot shall have a width of at least 35 feet and an area of at least 3,200 square feet and receives a special exception from the Board.

Section 421 — Special Exceptions — Yards: Where front, side and rear yard setbacks cannot reasonably be complied with or their application determined on lots of peculiar shape, location or topography such regulations may be modified by the Board in accordance with Section 904, provided that in no case shall a residential building be built any closer than four feet to any interior lot line, and the building height is in conformance with the requirements of this Ordinance.

Section 422 — Special Exceptions — Maximum Lot Coverage: The Board, in accordance with Section 904, may allow an additional 10% lot coverage above the maximum lot coverage specified in this ordinance, provided parking is provided in accordance with Article VII and use of the building is in conformance with Article III.

Section 423 — Special Exceptions — Maximum Height:

423.1 — Maximum Height in R-1, R-2 and R-3: The Board, as provided in Section 904, may increase the maximum height allowed in this

Ordinance to three (3) stories not to exceed forty (40) feet provided that the use of building is in conformance with Article III.

423.2 — Maximum Height in R-4, C, I-1, I-2, and W-1 Zones: The Board, as provided in Section 904, may increase the maximum height allowed in this Ordinance by ten (10) feet provided the use of the building is in conformance with Article III.

423.3 — Maximum Height in M, W-2, and W-3 Zones: The Board, as provided in Section 904, may increase the maximum height allowed in this Ordinance by twenty (20) feet provided the use of the building is in conformance with Article III.

423.4 — Maximum Height in D Zones: The Board, as provided in Section 904, may increase the maximum height allowed in this ordinance by twenty-five percent (25%), but to no more than three hundred (300) feet, whichever is less, provided the use of the building is in conformance with Article III.

ARTICLE V — Special Zones

Section 500 — Overlay Zoning Districts: Overlay zoning districts are hereby established to regulate areas and structures of historical significance, educational and health care institutions, and mixed uses in R Zones. These regulations are necessary to meet the purposes set forth in Section 100 of this Ordinance. The boundaries of the overlay zoning districts are defined Section 102 of this ordinance. These boundaries may be amended in accordance with Article XI of this Ordinance. Overlay zoning districts are designed to impose supplementary requirements and do not in any manner supercede or replace any requirements of the underlying zone, except where specifically provided for by this Ordinance.

Section 501 — Historic District Purpose: Historic districts are overlay zoning districts which cover designated districts or structures in the City of Providence. The purpose of historic districts is to safeguard the heritage of the City

by preserving designated districts and structures of historic or architectural value which reflect elements of Providence's cultural, social, economic, political, and architectural history; to stabilize and improve property values in such districts or designated structures; to maintain and foster civic beauty; to strengthen the economy; and to promote the use of designated districts and structures for the education, pleasure and welfare of the citizens. An historic district may include properties associated with broad patterns, events, and/or people significant in local, state or national history; which embody the distinctive characteristics of a broad range of building types and architectural styles and which may possess high artistic value and/or represent the work of a master builder, architect, landscape architect or other designer; and which lack individual distinction but which add to the Historic District Zone's status as a significant and distinguishable sociocultural entity.

501.1 — Historic District Commission Membership: The Historic District Commission, hereinafter known as the HDC, shall consist of thirteen (13) qualified members who shall reside in the City. Nine (9) members shall be appointed by the Mayor, two members shall be elected by the City Council from its councilmanic members to serve for a term ending the first Monday in January, 1975 and thereafter elected for a term of four (4) years, and two (2) members shall be members of the General Assembly elected from the City, one (1) to be appointed from the Senate by the Senate Majority Leader and one (1) to be appointed from the House by the Speaker.

A) *Qualifications:* Members of the HDC shall have a demonstrated interest in historic preservation. The appointments may be drawn from but not be limited to the following professions and disciplines: American history, architectural history, landscape design, architecture, archeology, preservation, law, real estate, planning or historic building contracting. Duly organized and existing preservation societies may present to the Mayor lists of qualified citizens to be considered for appointment.

B) *Auxiliary Member:* The Mayor shall have the right to name an auxiliary member to the HDC in addition to the regular members, which auxiliary member shall sit as an active member, upon the request of the Chair when and if a regular member of the HDC is unable to serve at any meeting of the HDC.

C) *Term:* Each member appointed by the Mayor shall serve for a three-year term in accordance with State law and shall be eligible for reappointment. Upon expiration of said term, appointed members shall not continue to serve unless reappointed.

D) *Vacancy:* In the event of a vacancy on the HDC, the appointing authority shall make an interim appointment to fill the unexpired term(s) of such member(s). Vacancies shall be filled within ninety (90) days.

E) *Organization:* The HDC shall include a Chair, appointed by the Mayor; and a Vice-Chair elected from its membership. The Department of Planning and Development shall assign staff to work with the HDC.

501.2 — Conduct of Business: The Chair shall preside over all HDC meetings and shall have the right to vote. The Vice-Chair shall, in the case of absence or disability of the Chair, perform the duties of the Chair. All meetings of the HDC shall be open to the Public and any person, organization or duly authorized representative shall be entitled to appear and be heard on any matter before the HDC reaches its decision.

A) *Record:* The HDC shall keep a record of all resolutions, proceedings, findings, decisions and actions and such record shall be open to the public.

B) *Quorum:* A quorum shall be necessary for business to be conducted before the HDC. A majority of the duly appointed members shall constitute a quorum.

501.3 — Powers and Duties of the HDC: The HDC shall have the following powers and duties:

A) Regulate Development in Historic Districts: The HDC shall be authorized to regulate the construction, demolition, change in any exterior structure and/or appurtenance within any Historic District identified on the Providence Overlay Zoning District Maps of the Official Zoning Map adopted in accordance with this ordinance and identified by Section 102.

B) Adoption of Rules: The HDC shall adopt and publish all rules and regulations necessary to carry out its functions under the provisions of this chapter.

C) Adoption of Standards and Guidelines: The HDC shall adopt and publish standards and guidelines as necessary to inform historic district residents, property owners, and the general public of those criteria by which the HDC shall determine whether to issue a Certificate of Appropriateness. The standards and guidelines adopted for any district located in a D Zone shall take into account the commercial nature of the area, and the intent established in this ordinance. The HDC may adopt different standards and guidelines for any other district. The standards and guidelines shall insure that consideration is given to: the historic and architectural significance of the district, the structure and its appurtenances; the way in which the structure and its appurtenances contribute to the historical and architectural significance of the district; and the appropriateness of the general design, arrangement, texture, materials, and siting proposed in the plans for both new and existing structures and appurtenances. The HDC may incorporate by reference in its rules and regulations such other standards as are appropriate, including, but not limited to the Standards and Guidelines for Rehabilitation adopted by the United States Secretary of the Interior. The HDC may from time to time amend its standards as reasonably necessary, and it shall publish all such amendments.

D) Issue Certificate of Appropriateness: The HDC shall be authorized to issue Certificates of Appropriateness for projects that conform to the

requirements of this Ordinance and the Standards and Guidelines adopted by the HDC. A Certificate of Appropriateness may be issued by the HDC indicating approval of plans for alteration, construction, repair, removal or demolition of a structure or appurtenances of a structure within an historic district. Appropriate for the purposes of passing upon an application for a Certificate of Appropriateness means not incongruous with those aspects of the structure, appurtenances, or the district which the HDC has determined to be historically or architecturally significant.

E) Provide Advice to Other Agencies: In order to assist the City on matters of historic preservation, the HDC may provide its expertise and advice to agencies of city government as appropriate.

F) Delegation of Authority: The HDC may delegate to the staff authority to issue a Certificate of Appropriateness in certain circumstances as defined in accordance with the Standards and Guidelines as adopted or by action of the HDC at a public hearing. The staff may not deny a Certificate of Appropriateness, but shall refer such action to the HDC for a hearing.

G) Inspection of Work in Progress: The HDC may inspect work in progress after a Certificate of Appropriateness has been issued to insure that work is proceeding in accordance with the approval received. If the HDC finds that the work in progress does not conform with the Certificate of Appropriateness, the HDC shall advise the Director, who shall enforce the requirements of the Certificate of Appropriateness in accordance with Article VIII of this ordinance.

501.4 — Certificate of Appropriateness: Before a property owner commences construction, alteration, repair, removal or demolition of any existing structure or its appurtenances within an Historic District Overlay Zone, the owner must first apply for and receive a Certificate of Appropriateness from the HDC. A Certificate of Appropriateness is necessary whether or not state law or municipal ordinance requires that a

building permit be obtained from the Department of Inspection and Standards for the work proposed.

A) **Application for Certificate of Appropriateness:** The HDC shall require the owner to submit information which is reasonably necessary to evaluate the proposed construction, alteration, repair, removal or demolition including but not limited to plans and site plans, drawings and elevations, photographs, or other information.

B) **Hearing:** The HDC shall hold a public hearing on an application for a Certificate of Appropriateness. Notice of such hearing shall be given to all abutting property owners, at least seven (7) days prior to the public meeting, by regular mail. The applicant shall supply the HDC with a list of the names and addresses of all abutting property owners from the most current records of the City Tax Assessor.

C) **Filing Fee:** An application for a Certificate of Appropriateness shall be accompanied by a filing fee as set by the City Council which shall be deposited with the City Collector and no part of which shall be returned to the applicant.

501.5 — Standards and Guidelines: The HDC shall evaluate all applications in accordance with the criteria established in the Standards and Guidelines adopted in accordance with Section 501.3 of this ordinance. The HDC shall act only on exterior features of a structure and its appurtenances. In reviewing an application for a Certificate of Appropriateness, the HDC shall have the power to call in experts to aid in its deliberations, and may incorporate the conclusions of such experts in its decisions.

501.6 — Decisions of the HDC: All decisions of the HDC regarding the issuance of a Certificate of Appropriateness shall be in writing. The HDC shall articulate and explain the reasons and basis of each decision on a record. An application for a Certificate of Appropriateness may be approved, denied, or approved with amendment by the HDC.

When denying an application for a Certificate of Appropriateness, the HDC shall include the basis for its conclusion that the proposed activity would be incongruous with those aspects of the structure, appurtenances, or the district which the HDC has determined to be historically or architecturally significant. The HDC shall send a copy of the decision to the applicant and to the Director. The action taken by the HDC shall be binding on the Director. No application shall be denied by the HDC without a hearing.

A) **Reapplication:** An application for the same petition shall not be heard by the HDC for the period of one year from the date the original petition was denied. The HDC shall have the right to waive this requirement for any petition if a majority of the HDC present at a meeting agree.

B) **Ordinary Maintenance:** A Certificate of Appropriateness may be issued by the HDC without a public hearing for ordinary maintenance or repair of any structure within an historic district provided that such maintenance or repair does not result in any change of design, type of material, or appearance of the structure or its appurtenances. The HDC may delegate to the staff the authority to approve and issue Certificates of Appropriateness in such circumstances.

501.7 — Failure of the HDC to Act: The failure of the HDC to act within forty-five (45) days from the date of the filing of a completed application shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the HDC. In the event that the HDC shall make a written finding of fact within this forty-five (45) day period that the circumstances of a particular application requires further time for additional study and information, then the HDC shall have a period of up to ninety (90) days from the date of filing a completed application within which to act upon such application. Nothing in this section shall be construed to prevent the applicant and the HDC from mutually agreeing on an extension beyond this ninety (90) days.

501.8 — Special Criteria for Demolition: In order to preserve the historic fabric of the City, demolition of historic properties shall be discouraged. When reviewing an application for a Certificate of Appropriateness to demolish an historic structure or appurtenance, the HDC shall consider the following criteria, in addition to the provisions of the adopted Standards and Guidelines:

A) Structures Valuable to the City: In the case of an application for demolition of any structure, appurtenances or a portion of a structure which the HDC deems so valuable to the City, the State or the nation, that the loss thereof will be a great loss to the City, the State or the nation, the HDC shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure on its present site. The HDC shall issue a Certificate of Appropriateness only if the HDC is satisfied that the retention of such structure constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner, including sale of the structure to any purchaser willing to preserve such structure.

B) Structures Valuable for the Period: In the case of an application for demolition of any structure, appurtenances or a portion of a structure deemed to be valuable for the period of architecture which it represents and its importance to the neighborhood within which it exists, the HDC shall issue a Certificate of Appropriateness only if the HDC finds that at least one of the following exists:

1. retention of such structure constitutes a hazard to public safety which hazard cannot be eliminated by economic means available to the owner, including sale of the structure on its present site to any purchaser willing to preserve such structure; or

2. preservation of such structure is a deterrent to a major improvement program which will be of substantial benefit to the community; or

3. preservation of such structure would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner including sale of the structure to any purchaser willing to preserve such structure; or

4. preservation of such structure would not be in the interest of the majority of the community.

501.9 — Alternatives to Demolition: The HDC shall assist the owner in identifying and evaluating alternatives to demolition, including sale of the structure on its present site. When considering an application to demolish a structure of historic or architectural value, in addition to any other criteria, the HDC shall consider the following:

- A) Whether there is a reasonable likelihood that some person or group other than the current owner is willing to purchase, move and preserve such structure; and

- B) Whether the owner has made continuing, bona fide and reasonable efforts to sell the structure to any such purchaser willing to move and preserve such structure.

501.10 — Avoiding Demolition Through Owner Neglect: The City Council or its designee, in consultation with the HDC, may identify structures of historical or architectural value whose deteriorated physical condition endangers the preservation of such structure or its appurtenances. The Council or its designee shall publish standards for maintenance of properties within historic districts. Upon the petition of the HDC that a historic structure is so deteriorated that its preservation is endangered, the council or its designee may establish a reasonable time not less than thirty (30) days within which the owner must begin repairs. If the owner has not begun repairs within the allowed time, the Council or its designee shall hold a hearing at which the owner may appear and state his reasons for not commencing repairs. If the owner does not appear at the hearing or does not comply with the

Council's or its designee's orders, the Council or its designee may cause the required repairs to be made at the expense of the City and cause a lien to be placed against the Property for repayment. The HDC shall cooperate with and assist the City Council or its designee in exercising the provisions of this section.

501.11 — Appeals: A person or persons jointly or severally aggrieved by a decision of the HDC shall have the right to appeal the decision to the Board. When hearing appeals from HDC the Board shall not substitute its own judgement for that of the HDC, but must consider the issue upon the findings and record of the HDC. The Board shall not reverse an HDC decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record. The Board shall file a written decision explaining the basis of each decision for the record, and the Board shall send a copy of the decision to the applicant and to the HDC. The filing fee and the filing procedure for an appeal of the decision of the HDC shall be the same as that for an appeal of the decision of the Director.

501.12 — Enforcement: This regulation shall be enforced in accordance with Article VIII of this Ordinance.

Section 502 — Institutional Districts — Purpose: The purpose of the Health Care Institutions (I-1) and Educational Institutions (I-2) Overlay Zoning Districts is to allow the expansion of institutions in designated districts of the City. These districts are overlay zoning districts superimposed on existing zoning district(s) or part of a district which impose specified requirements in addition to those otherwise applicable and/or allow alternate uses.

502.1 — Health Care Institutions (I-1) — Permitted Uses: The following uses shall be permitted in the Health Care Institutions District:

A) Hospital: Any hospital other than an animal hospital;

B) Clinic for medical, dental, surgical or psychiatric treatment of disease and disability, whether on an inpatient or outpatient basis;

C) Center for occupational and physical therapy, physical fitness, and drug and alcohol rehabilitation facilities (provided such drug or alcohol rehabilitation facilities are owned by or operated in conjunction with a hospital);

D) Medical diagnostic or treatment facilities;

E) Medical or dental research, medical or dental laboratory and educational facilities;

F) Medical or dental office building occupied by physicians, surgeons, dentists or other medical paramedical and paradental personnel;

G) Day care, extended care, convalescent or congregate housing, rest home or nursing home facilities; home care, home health care, nutritional food preparation services as an accessory to the main use;

H) Health Maintenance Organizations;

I) Any use accessory to any of the foregoing as defined in this Ordinance.

502.2 — Educational Institutions (I-2) — Permitted Uses: The following uses, except trade or business schools, shall be permitted in the Educational Institutions District:

A) Preprimary, primary or grammar, public, parochial or private school;

B) High school or preparatory school or academy, public or founded, or owned or conducted by or under the sponsorship of a religious or charitable organization;

C) Private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation for admission to college or universities which award B.A. or B.S. degrees;

D) Junior College, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders;

E) Any use accessory to any of the foregoing as defined in this Ordinance, including but not limited to: instructional and recreational uses; provision for exhibitions and athletic contests; living quarters, dining rooms and restaurants; parking facilities, and heating plants.

Section 503 — Mixed Use District Purpose: Mixed use districts are overlay zoning districts which cover designated areas in the City. The purpose of the mixed use district is to preserve the integrity of certain residential neighborhoods while permitting compatible professional uses in conformance with the City's Comprehensive Plan. The controlled introduction of professional uses into residentially zoned neighborhoods can complement the area as presently existing by: preserving the residential character of the neighborhood, including its architecturally attractive and distinctive qualities; providing opportunities for people to live, work and receive professional services in the same area; and improving public safety by encouraging both day and night time occupancy in the area. The mixed use district will promote administrative efficiency by eliminating the need for nonconforming uses, use variances, or other conditional uses, thereby permitting comprehensive planning and development.

503.1 — Mixed Use District Permitted Uses: Only those uses permitted by right in the underlying zoning district shall be allowed.

503.2 — Mixed Use District — Special Exceptions: The Board may grant by special exception, the following uses, provided there shall be no sales of any related or other types of equipment, supplies or merchandise.

A) Professional office use for medical, dental,

legal, accounting, engineering, architectural, and similar professions. Office of nonprofit fraternal organizations, such as professional organizations, civic, social and fraternal organizations, or political organizations, office of insurance, real estate or travel agency, or portrait studio.

B) Licensed family day care home with a maximum of eight (8) children.

C) Music, dance and performing arts academy and arts and crafts studio including classes, provided that there are no more than one (1) pupil per 50 square feet and not more than five (5) pupils at any one time.

ARTICLE VI — Signs

Section 600 — Purpose: The purpose of this Article is to recognize the function of signs in the City, to provide for their inclusion under the Zoning Ordinance, and to regulate and control all matters relating to such signs, including location, size, materials and purpose. Signs are accessory uses and are permitted only in conjunction with permitted uses. Such signs are intended to advertise goods, identify services, facilities, events or attractions available on the premises where located, to identify the owner or occupant or to direct traffic on the premises. It is the further purpose of this Article to preserve locally recognized values of community appearance; to safeguard and enhance property values in residential, commercial and industrial areas; to protect public investment in and the character of public thoroughfares; to aid in the attraction of tourists and other visitors who are important to the economy of the City; to reduce hazards to motorists and pedestrians traveling on the public way, and thereby to promote the public health, safety and welfare and ease of travel.

Section 601 — Conformance: No sign may be constructed, erected, moved, enlarged, or illuminated except in accordance with the provisions of this Article.

Section 602 — Signs Permitted In All Zones: The following signs are permitted in all zones:

602.1 — Governmental: Signs of every kind and nature erected by or on behalf of any federal, state or local governmental agency, including official traffic control or informational signs, hazard warning signs, legal notices, railroad crossing signs or other similar signs required by law.

602.2 — Name Plates: One name plate for each dwelling unit, excluding internally illuminated signs, not exceeding 1 1/2 square feet in area, indicating the name of the occupant or any permitted occupation.

602.3 — Identification: Wall signs, which may be externally illuminated, and which are permanently affixed to buildings for the purpose of identifying the name of building, date of erection or other historical information, provided that such signs are composed of similar materials as the building, or bronze or brass, and are affixed flat against the building.

602.4 — Credit Card Signs: Credit card signs, nonilluminated, limited to an area of one (1) square foot per structure.

602.5 — Bulletin Boards: Signs used as a bulletin or notice board to announce activities and events for Institutional and Governmental Services (Uses 2.0 of Appendix A). Such signs shall be located upon the premises of said institutions and shall not exceed ten (10) square feet in area. In all R zones, such signs shall be set back a minimum of ten (10) feet from any property line abutting a residential use. Such signs may be externally illuminated.

602.6 — Temporary Signs: The following temporary signs are permitted in all zones:

A) Signs which may be externally illuminated for nonprofit or charitable organizations, including exterior messages for national and state holidays; provided, however, that no such temporary sign may be erected for a period of more

than thirty (30) days. In all R zones, such signs shall be limited to 32 square feet in area and set back a minimum of ten (10) feet from any property line.

B) Rental or sale signs, freestanding or attached to the premises, pertaining to the prospective rental or sale of the property on which they are located; provided that such signs shall not be illuminated, nor extend over the sidewalk, and further provided that:

1. Within all R and W-1 Zones, such signs shall not exceed a total area of six (6) square feet and shall be removed within fourteen (14) days of the real estate closing or lease transaction.

2. Within all C zones, such signs shall not exceed a total area of twelve (12) square feet, and shall be removed within thirty (30) days of the real estate closing or lease transaction.

3. Within all D, M and W-2 and W-3 zones, such signs shall not exceed a total area of thirty-two (32) square feet, and shall be removed within thirty (30) days of the real estate closing or lease transaction.

D) Construction signs, non-illuminated, customary and necessary in connection with the erection of buildings or other construction work and temporary signs required to advise pedestrians and motorists of temporary inconveniences, safety issues and/or alternate locations to obtain services, limited to one sign per street frontage for each construction project. Such sign may be freestanding or attached to the premises, but shall not exceed thirty-two (32) square feet in area, and shall be removed within sixty (60) days of the completion of construction. In all R zones, such signs shall not exceed 12 square feet in area, and shall be set back a minimum of ten (10) feet from any property line.

3) Political signs, non-illuminated, incidental to a city, state, or federal election or referendum, or signs which are political in nature. Such signs shall be constructed of durable material, and shall

be prohibited from trees, traffic signs or utility poles. Such signs shall be erected not more than 60 days prior to such election or referendum, or in any event, no premises shall have a sign erected for more than 120 days in any calendar year. Political signs relating to any election or referendum shall be removed within fourteen (14) days after said election or referendum. In all R Zones, such signs shall not to exceed sixteen (16) square feet in area per side.

Section 603 — Signs Prohibited in all Zones: The following signs shall be prohibited in all zones in the City:

603.1 — Traffic or Safety Hazards: Signs determined by the Director to constitute a traffic or other safety hazard by reason of size, location, or type of illumination. Traffic hazards shall be determined in consultation with the Traffic Engineer.

603.2 — Signs that Move: Signs which move by mechanical means or by ambient wind currents, flashing or animated signs (not including flags, banners and barber shop poles).

603.3 — Billboards:

Section 604 — Sign Types: The following sign types are permitted in the City in accordance with the requirements of this Article:

604.1 — Canopy Sign: A sign painted on or attached to a hood, awning or roof-like canopy. Individual letters, words or symbols may be affixed or applied to any surface, provided that area of the sign does not exceed the maximum area allowed in Section 607. A canopy sign is not considered a projecting sign. In no event shall such sign or part thereof be erected closer than 2 feet to the curb line.

604.2 — Directional Sign: A sign identifying on-premise traffic, parking or other functional activity bearing no commercial advertising. Such signs are permitted in all zones except in R Zones, and shall be limited to four (4) square feet in area per sign.

604.3 — Freestanding Sign: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure, but not any kind of antenna) that is not itself an integral part of or attached to a building. A sign that stands without supporting elements, such as "sandwich sign," is also a freestanding sign. All permanently installed freestanding signs shall be protected from vehicular circulation and parking areas and shall be permitted only on lots with 100 feet of street frontage.

604.4 — Projecting Sign: A sign that is perpendicular to the plane of the building to which it is affixed, or which projects more than fifteen (15) inches beyond said exterior wall. In no event shall such sign or part thereof be erected closer than 2 feet to the curb line.

604.5 — Roof Sign: A sign that projects more than two (2) feet above the roof, parapet or ridge line of the building; or mounted upon any roof, parapet or ridge line of a building.

604.6 — Wall Sign: A sign that is affixed to or painted on the face of any exterior wall or door of a building or fence; is parallel or approximately parallel to the plane of the building to which it is affixed; and does not project more than fifteen (15) inches beyond said exterior wall, nor project more than two (2) feet above the roof, parapet or ridge line of the building, whichever is higher.

604.7 — Window Sign: A sign that is attached to the inside of any window or situated within a building, so that the sign is visible from the public right of way.

Section 605 — Sign Measurements: All permitted signs shall be measured as follows:

605.1 — Area: Measured in square feet, the entire area within a square, rectangle, circle, triangle or any other polygon enclosing the extreme limits of graphic, writing or similar representation, emblem or any fixture of similar character, together with any frame or other material or color

forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of the one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

605.2 — Height: Measured in feet, the overall height of a sign is measured from the grade directly below the sign to the highest point of the sign or any of its supports.

605.3 — Setback: Measured in feet from the outermost edge of the sign to the public right-of-way.

605.4 — Projection Over Public Right-of-Way: Measurement in feet, perpendicular to the property line, from the property line to the outermost edge of the sign, over any public right-of-way.

605.5 — Maximum Permitted Sign Area: In all Zones but the R Zone, the maximum permitted area for signs on a building shall be based on the building frontage. Where a building fronts on two or more streets, the total area for signs for each street frontage shall be based on the building frontage for that street. For gas stations, street frontage shall be used to calculate the permitted total area of signs as permitted in the tables. For any drive-in business that has a booth for employees only with no public access, including a gas station, the maximum area of signs shall be based on the street frontage, and on a corner lot, only one street frontage shall be used to calculate maximum sign area.

Section 606 — Illumination:

606.1 — Externally Illuminated Sign: Any sign

which is illuminated by a light that reflects off the surface of the sign from an external source, shall be considered an externally illuminated sign.

606.2 — Internally Illuminated Sign: Any sign shall be considered an internally illuminated sign where the source of the illumination is inside the sign and light emanates through the message of the sign. Signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, also shall be considered internally illuminated signs.

Section 607 — Permitted Signs by Zone:

607.1 — Residential Zones: One of the following types of signs to identify each permitted home occupation and one sign to display the name of a permitted nonresidential use. Such signs may be externally illuminated. The total area of all such signs shall not exceed six (6) square feet on any lot.

Sign Type	Area Sq.Ft	Height Ft.	Setback Ft.	Projection Over Public Row-Ft.
Canopy	4	-	5	0
Freestanding ¹	4	4	5	0
Projecting	2	10	-	1
Roof		Not Permitted		
Wall	4	-	-	1.25
Window	2	-	-	-

(1) Only one freestanding sign is permitted per street frontage.

607.2 — C-1, C-2, and W-1 Zones: The maximum total area of all signs on any structure shall not exceed one and a half (1.5) square feet per one (1) foot of building frontage. Window signs shall not be included in this calculation. All signs may be illuminated externally. The maximum area of any individual sign shall be limited as follows:

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public Row-Ft.
Canopy	1.5/1' of building frontage		-	6
Freestanding ¹	12		18	0
Projecting	12		18	6
Roof		Not Permitted		
Wall	1.5/1' of building frontage		-	1.25

(1) Only one freestanding sign is permitted per street frontage.

607.3 — C-4 Zones: The maximum total area of all signs on any structure shall not exceed two (2) square feet per one (1) foot of building frontage. Window signs shall not be included in this calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public Row-Ft.
Canopy	2/1' of building frontage		-	unrestricted
Freestanding ¹	120	35	0	0
Projecting	60	35	-	6
Roof	60	10 above roof	0	0
Wall	2/1' of building frontage		-	1.25

(1) Only one freestanding sign is permitted per street frontage.

607.4 — D-1 and D-2 Zones: The maximum total area of all signs on any structure shall not exceed three (3) square feet per one (1) foot of building frontage. Window signs shall not be included in the above calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public Row-Ft.
Canopy	2/1' of building frontage		-	unrestricted
Freestanding ¹	48	18	0	0
Projecting	48	30	-	6
Roof	128	12' above roof	0	0
Wall	2/1' of building frontage		-	1.25

(1) Only one freestanding sign is permitted per street frontage.

607.5 — M-1, M-2, W-2 and W-3 Zones: The maximum total area of all signs on any structure shall not exceed four (4) sq. ft. per one (1) foot of building frontage. Window signs shall not be included in the above calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public Row-Ft.
Canopy	4/1' of building frontage		-	unrestricted
Freestanding ¹	144	75	0	0
Projecting	96	75	-	6
Roof	192	12' above roof		
Wall	4/1' of building frontage		-	1.25

(1) Only one freestanding sign is permitted per street frontage.

Section 608 — Non-Conforming Signs: Any sign which lawfully existed and was maintained at the time this Ordinance became effective, may be continued. Maintenance, repairs and changing of sign faces are permitted provided that there is

no change in area, height, setback, projection or lighting of the existing sign.

Section 609 — Supplemental Sign Regulations:

609.1 — Signs in Historic Districts: All signs, including window signs, in an Historic District shall be subject to approval by the Historic District Commission.

609.2 — Signs in I-1 and I-2 Overlay Zones: Wherever the I zones overlay a C, D, M, or W zone, signs shall conform to the corresponding requirements of the underlying zone. Wherever the I Zone overlays an R Zone, such signs shall conform to the requirements of Subsection 607.2.

609.3 — Signs in Mixed Use Districts: Signs in mixed use districts shall conform to the requirements of the underlying zone.

609.4 — Signs on Vacant Land: Signs are not permitted on undeveloped sites except for those signs permitted in accordance with Section 602.6, part B), C), and D), and for surface parking lots. One sign shall be permitted on each vacant lot.

Section 610 — Special Exceptions for Signs: The Board, as provided in Section 904, may grant the following special exceptions provided that all other requirements of this ordinance are met:

610.1: Any particular sign may be increased in area by 25% over the requirements in this Article, provided that the total area of all permitted signs on the building does not exceed the maximum permitted sign area by 15%.

The maximum permitted sign area for an allowed use or structure may be increased by 15%.

610.3: The maximum permitted sign height may be increased by 25%.

ARTICLE VII — Parking and Loading

Section 700 — Intent: No land shall be used and no structure shall be erected or used unless

off-street parking spaces as required in this Ordinance are provided with either accessory use of principal use parking facilities, as applicable. Any structure or use existing prior to the effective date of this ordinance or any amendment thereto, with parking space that does not meet the requirements of this Section shall be subject to the requirements of Section 205. While it is the intent of this Section to require minimum off-street parking facilities, excessive paving of land that provides significantly more than the minimum number of spaces is discouraged.

Section 701 — Accessory Parking: Accessory parking required by this ordinance shall be located on the same or contiguous lot as the principal structure or use the parking is intended to serve. Parking required for use codes 3.0 (Cultural, Entertainment and Recreation Services) through 8.0 (Manufacturing) as listed in the Use Regulations in Article III, is permitted to extend not more than one hundred (100) feet into an adjacent R Zone.

Section 702 — Parking as a Permitted Use: Parking, as a use, may be located in zones where permitted by right or by special exception in accordance with the Use regulations in Article III.

Section 703 — Parking Space Requirements: The following sections specify the minimum number of off-street parking spaces required for each use code as designated in the Use Regulations in Article III and Appendix A.

703.1 — Parking Requirements for D Zones: In D Zones, the requirements set forth in Section 703.2 shall be reduced by fifty (50) percent, except for institutions that are required to file a master plan in accordance with Section 2-256 of the City Code of Ordinances. Parking requirements for eating and drinking establishments in a D Zone shall be zero (0). See Section 205.2 for parking requirements for a change of use in an existing building in a D Zone.

703.2 — Parking Requirements for All Other

Zones: The following Table specifies the minimum number of off-street parking spaces required for each use. All parking facilities shall conform with the Rhode Island State Building Code with respect

to number of spaces designated for handicapped persons. In determining parking requirements, all calculations shall be rounded up to the next whole number.

USE CODE		PARKING SPACES
<i>1.0 Residential</i>		
11 thru 14	Family Dwellings	1.5 per dwelling unit
15	Group Quarters/Lodging	1 per 3 guest rooms plus 1 per every 500 sq. ft. of non-guest room floor area
15.1 and 15.2	Rooming House	1 per individual room or suite
15.3	Nursing Home	1 per every 2 beds
15.4	Orphanage	1 per 5 employees
15.5 thru 15.8	Religious Quarters/Group Quarters	1 per 5 employees & residents
16 thru 16.2	Temporary Lodging	1 per guest room or suite
16.3 and 16.4	Temporary Lodging	1 per 5 employees with Supervision
16.5	Tourist Home	1 per guest room or suite
17	Other Residential	1 per dwelling unit
<i>2.0 Institutional and Governmental Services</i>		
21 thru 22	Educational Services/ Special Schools	1 per 3 employees and staff (calculated according to the largest number in attendance for any work shift during an average day), plus 1 per 8 noncommuting students who are over the driving age, plus 1 per 2 commuting students for colleges and universities (calculated according to the largest number in attendance for any work shift during an average day), plus 1 per 4 students over the driving age, in high school and other secondary educational institution, plus 1 per 10 seats for all auditoriums, skating rinks, stadiums or other buildings with provision for exhibitions or athletic events. Parking spaces provided for other purposes which are available at the time of the exhibition or athletic event may be counted towards the parking required herein.

23	Religious Services	1 per 5 seats
24	Medical and Health Services	1 per 4 patient beds, plus 1 per each staff or visiting doctor (calculated according to the largest number in attendance at any hour during an average day), plus 1 per 3 employees, including nurses (calculated according to the largest number in attendance for any work shift during an average day), plus adequate number of spaces for hospital ambulances and similar vehicles. For outpatient medical care facilities, 1 per 500 sq.ft. GFA.
25	Government Uses	1 per 500 sq. ft. GFA.
25.1	Prison or Correctional Institutions	1 per 3 employees plus 1 for every 10 prisoners.
26 - 26.1	Day Care Facilities	1 per 3 employees and staff (calculated according to the largest number in attendance for any work shift during an average day).
26.2	Day Care Facilities	1 per 3 employees and staff (calculated according to the largest number in attendance for any work shift during an average day), plus 1 per 8 children.
27	Service Organization	1 per 500 sq.ft. GFA.
28	Cemetery	0
<i>3.0 Cultural, Entertainment and Recreation Services</i>		
31	Library/Museum	1 per 500 sq. ft. GFA, excluding storage and stack areas
32 and 32.2	Spectator Assembly	1 per 5 seats or individuals accommodated, whichever is greater.
32.1	Race Track	N/A
33	Outdoor Recreation Facility	1 per 5 persons that the facility outdoor facilities are designed to accommodate when used to the maximum capacity, plus 1 per 500 sq.ft. GFA within enclosed buildings.
33.1	Golf Course	2 per golf hole (or tee for driving range), plus 1 per 500 sq.ft. GFA within enclosed buildings.
	Tennis Court (public)	0
	Tennis Court (private)	1 per court plus 1 per 500 sq.ft. GFA of non court space within enclosed buildings.

	Country Club	1 per 5 persons that the country club is designed to accommodate when used to the maximum capacity, or 1 per 500 sq.ft. GFA within enclosed buildings, whichever is greater.
33.2	Marina	1 per 2 slips
34	Indoor Sports	1 per 5 persons that facilities are designed to accommodate when used to the maximum capacity or 1 per 500 sq.ft. GFA within enclosed buildings, whichever is greater.
35 and 36	Non-Profit Community Park, Playground and Open Space	0
	For Indoor Uses	1 per 3 employees plus one half of the total parking required by this article for other uses.
37	Adult Entertainment	1 per 5 persons that the facilities are designed to accommodate when used to the maximum capacity or 1 per 500 sq.ft. GFA within enclosed buildings, whichever is greater.
<i>4.0 General Services</i>		
41 thru 48	Finance, Insurance and Real Estate; Personal and Business Service; Professional Service; Contract Construction Service; and Warehousing and Storage	1 per 500 sq. ft. GFA
<i>5.0 Trade</i>		
51 thru 57	Wholesale and Retail Trade (except Eating and Drinking Places)	1 per 500 sq. ft GFA
	Eating and Drinking Places	1 per 5 Seats or people accommodated, whichever is greater
<i>6.0 Transportation, Communication and Utilities</i>		
61 and 61.1	Transportation Center and Marine Passenger Terminal	1 per 5 employees plus 1 per 200 sq.ft.GFA within enclosed buildings.
61.2	Taxicab Terminal	1 per 3 employees
62	Freight Terminal	1 per 3 employees

63	Aircraft Transportaion	1 per 5 employees plus 1 per 200 sq.ft. GFA within enclosed buildings.
64	Automobile Parking	N/A
65 and 66	Communications, Utilities, Power Plant and Waste Facility	1 per 5 employees
66.1	Landfill	0
67	Outdoor Advertising	N/A
<i>7.0 - 8.0 Manufacturing</i>		
70 thru 89	Manufacturing	1 per 5 employees (total number of employees in all shifts).

Note: Storage areas for automobiles, as part of a repair business, or display of automobiles for sales purposes shall not be part of an area used to satisfy the off-street parking requirement of this Section. However all indoor spaces including showrooms and repair garages shall be included in the GFA used to calculate the required parking spaces.

Section 704 — Development Standards — Accessory Parking for R Zones: All accessory parking facilities for R Zones shall be developed in accordance with the following provisions:

704.1 — Paving: Driveways and parking areas shall be paved with bituminous materials, concrete, brick, stone or equivalent surfacing, and shall be subject to the regulations of the Department of Public Works.

704.2 — Paving Limitations: Paving on lots in R Zones shall be limited to the following:

A) The front yard may only be used for a driveway to access a garage or parking area located in the side or rear yard. A driveway used to access a single car garage, side yard parking area, or rear yard parking area of four cars or less, may be no more than 15 feet wide. A driveway used to access a two-car garage or larger, or a

parking area for more than four cars, located in a side or rear yard may be no more than 25 feet wide. Nothing herein shall prohibit a circular driveway or parking area in the front yard provided there is no other driveway located in the front yard and the paved area occupies no more than 33% of the area of the front yard. Driveway curb cuts shall be subject to the regulations of the Department of Public Works and the Traffic Engineer and must be approved by the Traffic Engineer and Director of Public Works.

B) Only one side yard shall be permitted to be paved for parking.

C) Only 50% of the rear yard area shall be permitted to be paved for parking.

704.3 — Parking on Non Paved Areas: Parking shall not be permitted on non paved portions of the lot.

Section 705 — Parking Standards — More than Four Vehicles: Every parcel of land which, after the effective date of this Ordinance or any amendment thereto, is developed as an accessory or principal use parking facility for more than four (4) vehicles, including automobile or trailer sales area, automotive service station or garage, shall be developed as provided herein, subject to

the approval of plans thereof by the Traffic Engineer.

705.1 — Minimum Size of Parking Spaces: Parking areas for four (4) or more cars shall meet the following minimum dimensional requirements affecting the width and length of individual parking stalls and the width of aisles exclusive of necessary drives and other access ways:

Minimum width:	8.5 feet
Minimum length:	18 feet
Minimum aisle width:	
90 degree angle	26 feet
60 degree angle	16 feet
45 degree angle	12 feet
30 degree angle	11 feet
0 degree (parallel parking)	12 feet

All parking facilities shall conform with the Rhode Island State Building Code with respect to the size of spaces for handicapped persons. In D Zones, if valet parking is supplied and approved by the Director, aisles will not be required.

705.2 — Striping: For parking areas of more than four cars, each parking space shall be marked by pavement lines.

705.3 — Entrance and Exit: Each parking space shall be designed with adequate off-street area for approach, turning, and exit with minimal use of any part of a public right-of-way.

705.4 — Paving: Parking areas, where subject to wheeled traffic, shall be treated with bituminous, concrete, or equivalent surfacing and shall have appropriate bumper or wheel guards where needed. In R Zones the requirements of Section 704 shall also be met.

705.5 — Lighting: Any light used to illuminate said parking area shall be so arranged as to reflect the light away from the adjoining premises in an R Zone and from adjoining Streets.

705.6 — Landscaping: Outdoor parking areas

shall be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights and parking lot lights from the public right-of-way and from adjoining properties and to enhance the aesthetic quality of the area. All such parking areas in the City shall be landscaped as follows:

A. D and W-2 Zones: Parking areas in D Zones shall provide one shade tree for every forty (40) feet of street frontage.

B. M and W-3 Zones: Not required.

C. C and W-1 Zones:

1. A three (3) foot planted strip with one shade tree for every forty (40) feet of frontage.

2. A three (3) foot planted strip with one shade tree for every fifty (50) feet of interior lot lines. A hedge of compact evergreens or other suitable plantings may be substituted for the planted strip.

D. R and I Zones:

1. A three (3) foot planted strip with one shade tree for every forty (40) feet of frontage.

2. A three (3) foot planted strip with one shade tree for every fifty (50) feet of interior lot lines. A hedge of compact evergreens or other suitable plantings may be substituted for the planted strip.

3. Planted areas totalling two (2) percent of the parking area must be provided. One interior shade tree may be substituted for every 200 square feet of required planted area. Parking areas with a capacity of twenty (20) cars or less are exempt from this landscaping requirement.

All landscaped areas shall be maintained. This shall include replacement of dead or damaged plant material; weeding; mowing of grass; cleaning of litter; or any other action deemed necessary by the director to insure that the requirements of this section are met. Failure to maintain a landscape area shall be deemed a violation of this ordinance.

705.7 — Screening — All Zones: Where parking areas adjoin a lot in an R Zone, they shall be screened by a solid wall, a uniformly painted tight board fence, or a hedge of compact evergreens or other suitable plantings. Such screen shall be at least four (4) feet in height, and shall be erected and maintained between such parking area and the property in R Zones.

Section 706 — Parking Garages: Within the D Zones, parking garages shall include one or more of the General services (4.0) or Trade (5.0) uses in the Use Regulations of Article III. Such uses shall front on 70 percent of abutting streets along all sides of the garage, excluding areas used for ingress or egress, pedestrian entrances or exits, stairways or elevators. Streets with a right of way width of thirty feet (30') or less shall be exempt from this requirement.

Section 707 — Supplementary Parking Regulations:

Section 707.1 — Continuation of Facilities: The schedule of requirements for off-street parking space shall be a continuing obligation of the owner of the real estate on which any such structure is located as long as the structure is in existence and its use requiring vehicle parking facilities continues. It shall be a violation of this ordinance for an owner of any building affected by this section to discontinue, change or dispense with, or cause the discontinuance or change of required vehicle parking space apart from the discontinuance, sale or transfer of such structure, without establishing alternative vehicle parking space which meets with the requirements of, and is in compliance with this Article.

707.2 — Mixed Uses: If a lot or structure is subject to more than one use, the number of off-street parking spaces required for each use shall be determined, and off-street parking facilities for such total number of spaces shall be provided.

707.3 — Parking Not Required: Where a lot abuts upon a street or place which, due to topographic conditions or excessive grades, is not

accessible by vehicle, and such lot is to be occupied by not more than a one-family dwelling, no parking space shall be required.

707.4 — Non-Contiguous Parking: Off-street parking requirements may be provided on a noncontiguous lot, if the Director finds that the proposed location is within a reasonable distance of the use, provided that a lien against the property is filed with the Recorder of Deeds. Said lien shall designate the use of said lot for off-street parking. Said lien may be terminated by the Director, if parking is provided in accordance with this Ordinance, at another approved location.

707.5 — Payment in Lieu of Providing Off Street Parking: Where it can be demonstrated that the reasonable and practical development of property precludes the provision of required off street parking in a D Zone, the Director may permit the requirements of the Article to be satisfied by the payment to the city of a fee in lieu of supplying the parking. Said fee in lieu shall be equivalent to the estimated, normal current cost to the city of constructing such spaces in a parking garage to provide the required off street parking spaces to serve the contemplated use. Any off street parking requirement satisfied in this manner shall run with the land and any subsequent change of use that requires additional parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payment shall be made when there is a change to a use requiring less parking. Such payment shall be made to the city in one lump sum prior to the issuance of a building permit and or license or in accordance with a financing mechanism, if permitted by the procedures adopted by the City Council.

A. The amount of payment for each required parking space shall be fixed by resolution adopted by the City Council and shall be reviewed and fixed biannually. Further, the City Council shall set the procedure for the expenditure of said funds.

B. Funds derived from such payments shall be deposited by the city in a special fund and shall

be used and expended exclusively for the purpose of planning, designing, acquiring, and developing off street parking facilities in the D Zones or in the general vicinity of the Downtown or for the provision of mass transit serving the D Zones.

C. An application to the Director for permission to make payment in lieu of providing off street parking shall be referred to the Commission for review and approval. The application shall consist of a letter request, together with a proposed site plan and other information that may be required by the Commission.

D. The provisions of this section shall be applicable only after the City council has adopted a resolution establishing the fee and the procedures for the operation of this program.

707.6 — I Zone — Non-Contiguous Parking: Parking spaces required for an I Zone use need not be on the same lot with the main structure or building so long as the parking is within an I Zone or any other zone permitting parking as a principal use.

Section 708 — Special Exceptions — Parking: The Board may grant by special exception, pursuant Section 904 of this ordinance, the following:

708.1 — Modification of Requirements: Any requirements in this Article with the exception of Section 707.5 may, upon application, be modified by the board where the conditions or circumstances provide substantial reasons to justify such action. The recommendation of the traffic Engineer shall be requested in each case but such recommendation shall be only advisory.

708.2 — Shared Parking: No part of an off-street parking area, other than driveways, required for

any building or use for the purpose of complying with the provisions of this Section shall be included as a part of an off-street parking area similarly required for another building or use unless allowed by the Board as a special exception. The Board must be satisfied that the period of usage of such structures or uses will not be simultaneous.

Section 709 — Off Street Loading — Intent: In order to avoid undue interference with public use of the street, no land shall be used or occupied and no structure shall be erected or used unless the off-street loading spaces required are provided. Adequate space for standing, loading and unloading of such vehicles is required. Such space not required for any structure or use existing prior to the effective date of this ordinance or any amendment thereto, provided, however, that off-street loading spaces as required in this Ordinance shall be provided subject to the requirements of this Section for any enlargement or addition to any such existing structure or use. To the extent possible, loading areas shall be to the rear of any building.

709.1 — Location: The off-street loading spaces required by this ordinance shall be on the same lot or parcel of land as the use or structure they are intended to serve. In no case shall any required off-street loading space be part of an area used to satisfy the off-street parking requirements of this Ordinance. The dimensions of off-street loading space shall not include driveways or entrances to or exits from such off-street loading berths.

709.2 — Number of Required Loading Spaces: For each building or structure or use listed below, the following loading spaces are required. The GFA dedicated to office uses in a building shall not be included in the calculation for required loading spaces.

USES CODE

LOADING SPACES

2.0 Institutional and Governmental

21, 22, 24 & 25	Educational Services, Special Schools, and Health Services	1 loading space for 25,000 sq. for 25,000 sq.ft. to 50,000 sq.ft. of GFA and 1 additional space for every 100,000 sq.ft. of floor area or fraction thereof in excess of 50,000 sq.ft.
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3.0 through 8.0 Cultural, etc. — Manufacturing

31-89	Cultural, Entertainment & Recreation Services; General Services, Trade; Transportation, Communication & Utilites	1 loading space for 5,000 sq. ft. to 25,000 sq.ft. of GFA and 1 additional space for every 50,000 sq. ft. GFA or fraction thereof in excess of 25,000 sq.ft.
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709.3 — Size of Required Loading Spaces: Each off street loading space shall consist of the following dimensions: Length — 55 feet; Width — 12 feet; and, Clearance — 14 feet.

written complaint received, regarding a violation of this Ordinance. Any determination of the Director may be appealed in accordance with Section 904.1 of this ordinance.

709.4 — Continuation of Facilities: The schedule of requirements for off-street loading space shall be a continuing obligation of the owner of the real estate on which any such structure is located as long as the structure is in existence and its use requiring vehicle loading facilities continues. It shall be unlawful for an owner of any building affected by this section to discontinue, change or dispense with, or cause the discontinuance or change of required loading space apart from the discontinuance, sale or transfer of such structure, without establishing alternative loading space which meets with the requirements of, and is in compliance with this section.

Section 802 — Building Permit/Certificate of Occupancy: Before a Building permit or certificate of occupancy is issued for the construction, reconstruction, alteration, repair, demolition, removal, enlargement or occupancy of any building or structure or use of premises, he plans and intended use shall indicate conformity in all respects to the provisions of this Ordinance.

ARTICLE VIII — Administration and Enforcement

802.1 — Site Plan: An application for a building permit for an addition, erection or enlargement, under the provisions of the Rhode Island Building Code shall be accompanied by a site plan, drawn to scale, showing the accurate dimensions of: the lot; the building site; the location and size of existing buildings on the lot; all proposed construction; all front, side and rear yard dimensions; proposed parking areas; and such other information as may be necessary to enforce the provisions of this Ordinance. A site plan shall not be required with an application for a permit involving the alteration of an existing building(s), where the use and exterior surfaces of the buildings are not changed or enlarged in any manner.

Section 801 — Duties of the Director: It shall be the duty of the Director to interpret and enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State and in the Charter and Ordinances of the City. The Director shall make a determination in writing, within 45 days, to any

Section 803 — Certificate of Occupancy: certificate of occupancy shall be required for any of the following:

- A) Occupancy and use of a building hereafter erected or enlarged;
- B) Change in use of an existing building to a different use;
- C) Occupancy and use of vacant land except for the raising of crops;
- D) Change in the use of land to different use except for the raising of crops; or
- E) Any change in use of a nonconforming use.

The occupancy, use or change of use shall not take place until a certificate of occupancy has been issued by the Director in accordance with the requirements for the issuance of a certificate of occupancy as stated in the Rhode Island Building Code.

Section 804 — Interpretation of Ordinance: In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, convenience or the general welfare.

Section 805 — Conflicts of Law: All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of this Ordinance, shall be null and void.

Section 806 — Penalties and Enforcement: Any person or corporation, whether as principal, agent, employee or otherwise, who violates or is the owner of property in violation of any of the provisions of this Ordinance shall be fined up to one hundred dollars (\$100) for each offense, such

fine to inure to the City. Each day of the existence of any violation shall be deemed a separate offense. The erection, construction, enlargement, intensification, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated or maintained, contrary to any of the provisions of this Ordinance is hereby declared to be a violation of this Ordinance and unlawful. The City Solicitor shall be empowered to institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

ARTICLE IX — Zoning Board of Review

Section 901 — Organization: The Board shall consist of five (5) regular members and one (1) auxiliary member. The Board as constituted at the time of the effective date of this ordinance and the terms of office of the members thereof shall be continued.

901.1 — Appointment: Board members and the auxiliary member shall be appointed by the mayor, subject to the approval of the city council.

901.2 — Term: All regular members of the Board and the auxiliary member of the Board shall be appointed for a five (5) year term. No member or auxiliary member of the Board shall continue in office after his or her term expires without being reappointed.

901.3 — Vacancy: If during a term of office, a Board member or auxiliary member dies, resigns, is convicted of a felony or crime of moral turpitude or a violation of official duties, or is absent from five (5) consecutive regular meetings of the Board without the consent of the Mayor, the office shall thereupon be declared vacant by the Mayor and the vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

901.4 — Officers: The Mayor, with the approval

of the City Council, shall designate a member of the Board to be its Chair and a member to be its Vice Chair. The Vice Chair shall serve as acting Chair in the Chair's absence.

901.5 — Auxiliary Member: The auxiliary member of the Board shall sit as an active member and shall vote when and if a regular member of the Board is unable to serve at any hearing.

Section 902 — Procedures of the Board:

902.1 — Meetings: Meetings of the Board shall be held at the call of the Chair and at such other times as the Board may determine. The Chair may administer oaths and compel the attendance of witnesses. Petitions for variances and for special exceptions and appeals, as authorized in this Ordinance may be addressed to the Board. Prior to decision on such petitions and appeals, the Board shall hold a public hearing thereon. Ten (10) days prior to said hearing, notice shall be mailed to the petitioner and to the owners of all property within a two hundred (200) foot radius, as they appear in the current records of the City Assessor, the City Council representative of the applicable ward, and the office of the superintendent of schools, and also advertised once at least 10 days prior to the public hearing in a daily newspaper published in the City. A copy of the Zoning Board agenda detailing each application shall be mailed to any neighborhood group that registers the name of the organization, its officers and mailing address with the Director. Neighborhood group registration shall be renewed every year by July 1st. Failure to renew the registration shall relieve the Director of the responsibility of mailing out the agenda.

902.2 — Filing Fees: A petition to the board for an appeal, special exception or variance, shall be accompanied by a filing fee as set by the City Council, which shall be deposited with the city collector. No part of the fee shall be returnable to the petitioner.

902.3 — Recommendation: The Board shall refer all petitions for exceptions and variances to the

Department of Planning and Development for written recommendation at least ten (10) working days prior to the hearing. Such recommendation shall be advisory only, and shall not be binding upon the Board. Such recommendation must be received by the Office of the Board no later than one full business day prior to the date of the public hearing.

902.4 — Required Vote: The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order, requirement, decision, or determination of the Director or other duly authorized administrative officer, or to decide an appeal from the Historic District Commission. The concurring vote of four (4) members of the Board shall be required to decide in favor of the applicant on the matter of a special exception or a variance or any other matter upon which the Board is authorized to pass. No petition or appeal shall be heard by less than five (5) members of the Board and five (5) active members, which may include the auxiliary member, must vote on each petition or appeal.

902.5 — Decision: The decision of the Board on every petition or appeal shall be in written form and shall include the reasons for the decision and findings of fact. The decision shall be filed in the office of the Board and of the Director within forty-five (45) days of the Board's vote, and shall be open to public inspection. Notice of such decision shall be mailed to each party in interest.

902.6 — Record: The Board shall cause to be made a stenographic record of all its proceedings, including the vote of each member participating.

Section 903 — Appeals to Superior Court: Any person or persons, jointly or severally aggrieved by a decision of the Board may appeal said decision to the Superior Court within twenty (20) days after such decision is filed in the office of the Board.

Section 904 — Powers of the Board: The Board shall have the powers provided in Chapter 24-19 of Title 45 of the General Laws of 1956 (1980 Re-

enactment), as amended, in the exercise of which it may rule on:

904.1 — Appeals from Decisions by the Director or Other Authorized Agent: Where it is alleged there is error in any order, requirement, decision or determination made by the Director, the HDC or other duly authorized agent in the enforcement of this ordinance, the Board shall hear and decide appeals.

904.2 — Variances: The Board may, in specific cases, grant variances from the terms of this Ordinance when it determines that:

A) Such variance will not be contrary to the public interest;

B) Owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship;

C) The spirit of the ordinance will be observed and substantial justice done; and

D) The variance requested is the minimum variance required to permit the reasonable beneficial use of the property in question.

To grant a variance, the Board must first:

A) Consider the written opinion from the Department of Planning and Development.

B) Make and set down in writing specific findings of fact with evidence supporting them, that demonstrate that:

1. Granting the variance will not be contrary to the public interest and will be in harmony with the general purposes and intent of this ordinance;

2. The variance is made necessary by special conditions and circumstances unique to the property in question;

3. Failure to grant the variance would cause the loss of all beneficial use of the property in

question and thus create an unnecessary hardship;

4. The special conditions and circumstances for which the variance is being requested have not been created by the petitioner or previous owners of the property in question;

5. The variance is the minimum variance necessary to permit the reasonable beneficial use of the property in question; and

6. The spirit of this ordinance shall be observed and substantial justice done.

904.3 — Special Exceptions: Where specifically authorized by this ordinance, the Board may make special exceptions to the terms of the ordinance in harmony with its general purposes and intent. The Board may impose such conditions regarding the proposed building, structure, use or otherwise, as it deems appropriate. To make a special exception, the Board must first:

A) Consider the written opinion from the Department of Planning and Development.

B) Make and set down in writing specific findings of fact with evidence supporting them, that demonstrate that:

1. The proposed special exception is set forth specifically in this Ordinance, and complies with any conditions set forth therein for the making of such special exception;

2. Granting the proposed special exception will not substantially injure the use and enjoyment of nor significantly devalue neighboring property; and

3. Granting the proposed special exception will not be detrimental or injurious to the general health, welfare, or morals of the community.

Section 905 — Special Exception Criteria: In applying for a special exception, the applicant

must demonstrate that the applicable criteria is met.

905.1 — Downtown Zones: To grant a special exception in the Downtown Zones, the Board must find that the applicant has met the standards set forth in Section 904 and in addition that:

A) The proposed project preserves and enhances the scale of the D Zones.

B) The proposed project promotes commercial and residential uses along abutting streets that in turn promote interest and activity within the downtown area.

C) The proposed project promotes the most desirable use of land in keeping with the intent of the Downtown Zones.

D) The proposed project takes into consideration the historic nature and architectural significance of buildings in the downtown area.

E) The proposed project shall not negatively affect the flow of light and air to adjacent buildings.

905.2 — Waterfront Zones: To grant a special exception in a Waterfront Zone, the Board must find that the applicant has met the standards set forth in Section 904 and in addition that:

A) The proposed project preserves, enhances or creates public access to the waterfront.

B) The proposed project does not unnecessarily obstruct views or impede existing access to the waterfront.

C) The proposed project promotes the most desirable use of the land and direction of building development to assure the maintenance and enhancement of the aesthetic aspects of scenic views.

D) The proposed project does not impede the navigable waterway.

905.3 — Residential Zones — Institutional Uses: To grant a special exception for an institutional use in an R-Zone, the Board shall find that such uses are essential and desirable to the public convenience and welfare; are in conformance with the objectives of the Providence Comprehensive Plan; and the Board determines that the following criteria have been met:

A) The proposed institutional use adheres to the Dimensional Regulations of Article III;

B) The proposed use cannot be reasonably located on any existing property of the institution within a zone in which the use is permitted;

C) Parking is provided for the proposed use in accordance with Article VII of this Ordinance for institutional uses; and

D) The proposed use is in conformance with the Institution's Master Plan on file with the City Clerk's Office.

E) A traffic study has been completed that establishes the existing Level of Service and demonstrates that the proposed development will not degrade or lower the Level of Service once the project is operational. If the study determines that the proposed development will lower the Level of Service, the applicant must develop an improvement plan that will maintain or improve the Level of Service. The applicant will be required to make the proposed improvements and to pay for these improvements.

905.4 — Mixed Use Zone: To grant a special exception in a mixed use district, the Board must find that the applicant has met the standards set forth in Section 904 and in addition that:

A) The special exception for nonresidential use shall only be granted in combination with residential occupancy.

B) Only one nonresidential use shall be granted per structure.

C) The nonresidential use may not exceed forty percent (40%) of the gross floor area of the entire structure and such nonresidential use must be contiguous and on a single story.

D) Off-street parking for the special exception use shall comply with Article VII of this ordinance. In addition, parking spaces shall not be permitted within the front yard but may be placed within the side or rear yards.

E) The special exception shall be consistent with the purposes set forth in this Section and also shall maintain the visual characteristics of a residential neighborhood to the extent deemed appropriate by the Board such as a landscaped or grass front lawn, setbacks and side yards consistent with the underlying residential zone and screening by means of a solid hedge or fence from abutting properties along the rear lot line.

Section 906 — Expiration of Variances and Special Exceptions: Any variance or special exception granted by the Board shall expire six months after the date of the filing of the resolution in the Office of the Board unless the applicant shall, within the six months, obtain a legal building permit and proceed with construction; or obtain a legal building permit and a certificate of occupancy when no construction is required. The Board may, upon written request and for cause shown prior to the expiration of the initial six month period, renew the variance or special exception for a second six month period. Said request for an extension need not be advertised. Should an applicant fail to obtain a legal building permit within the second six month period, the Board may upon written request prior to the end of the second six month period, renew the variance or special exception for a third six month period provided that the applicant can demonstrate due diligence in proceeding and substantial financial commitment in promoting the subject of the variance or special exception since the date of the filing of the resolution. The request for the third

six month period shall be advertised and notice given in accordance with Section 902 and a hearing shall be held on the request. None of the six month periods shall run during the pendency of any Superior or Supreme Court actions concerning the grant.

Section 907 — Limitations upon Successive Petitions: No application for an exception or variance therefrom shall be accepted by the Secretary of the Zoning Board of Review if an application praying for the exception or variance has been denied or the petitioner granted leave to withdraw within the preceding twelve months, provided, that such a petition or application may be accepted at any time with the consent of the majority of the members of the Zoning Board of Review, if it shall include an affidavit which, in the opinion of said Zoning Board of Review, sets forth facts indicating a substantial material change of circumstances justifying a new hearing on said application for exception or variance. A mere change of ownership shall not constitute a substantial change of circumstances.

ARTICLE X — Definitions

Section 1000 — Terms Defined: Words used in the present tense include the future, the singular includes the plural and the plural the singular. The word "lot" includes the word "plot". The word "used" includes "designed" and "intended to be used". The word "building" includes "structure," the word "dwelling" includes "residence," the word "person" includes "corporation," "partnership," "association" and "individual". The word "shall" is mandatory. The words zone and district, when referring to a zoning district, shall be interchangeable. Unless otherwise specified, all distances shall be measured horizontally, in any direction. Terms not defined in this Ordinance shall have the meaning customarily assigned to them. The following terms, unless a contrary meaning is specifically prescribed, shall have the following meanings:

1000.1 — Abutting: Having a common border

with, or being separated from such common border by a street, right of way, alley or easement.

1000.2 — Accessory Living Quarters: Living quarters within an accessory or principal building, for the sole use of persons employed on the premises or family members; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

1000.3 — Adult Entertainment: Any commercial establishment or business where any individual, employee, operator or owner exposes human genitals, pubic regions, buttocks, anus, or female breasts below a point immediately above the tops of the areolae for viewing by patrons.

1000.4 — Alteration: An action that changes one (1) or more of the exterior architectural features of a structure or its appurtenances, including but not limited to the erection, construction, reconstruction, or removal of any structure or appurtenance.

1000.5 — Antenna: Equipment designed to transmit or receive electronic signals, television, radio, and satellite signals.

1000.6 — Apartment Hotel: A building or portion thereof used for or containing both rooming units and dwelling units and where additional services such as restaurants, meeting rooms and recreational facilities may be provided.

1000.7 — Appurtenances: Features other than primary or secondary structures which contribute to the exterior historic appearance of a property including but not limited to paving, doors, windows, signs, materials, decorative accessories, fences, and historic landscape features.

1000.8 — Auto Body Shop: A building or portion of a building in which major repairs are performed on automobile, truck or motorcycle bodies or chassis including body repair, painting or priming.

1000.9 — Basement: That portion of a building

included between the upper surface of its floor and the upper surface of the floor next above, having more than one half of its height above the average elevation of the finished lot grade adjoining the building.

1000.10 — Bed and Breakfast: A house or portion thereof where temporary lodging, with or without meals, is provided. The operator shall live on the premises.

1000.11 — Billboard: A sign advertising products, goods, services, facilities, events or attractions not made, sold, used, served or available on the premises displaying such sign or a sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.

1000.12 — Block Frontage: All the property fronting on one side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of dead-end street or City boundary measured along the street line.

1000.13 — Board: The Zoning Board of Review of the City of Providence.

1000.14 — Boarding Houses: A building where lodging is supplied with or without meals and the operator resides on the premises. An apartment for the operator of such a facility shall be permitted and not included in the total calculation of rooms permitted.

1000.15 — Building, Accessory: A subordinate building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building or where an accessory building is attached to the principal building in a substantial manner as by a roof, such accessory building shall be counted as part of the principal building.

1000.16 — Building, Detached: A building having no party wall in common with another building.

1000.17 — Building Frontage: The width of a building abutting or parallel to the street line.

1000.18 — Building Height: The vertical distance measured from grade to the top of the highest roof beams of a flat roof; to the deck line of a mansard roof; or to the mean level of the highest gable or slope of a hip roof.

1000.19 — Building, Principal: The primary building on a lot or a building that houses a principal use.

1000.20 — Building, Semi-Detached: A building having one party wall common with an adjoining building.

1000.21 — Building: Any structure having a roof supported by columns or walls designed to be used as a place of occupancy, storage or shelter for persons, animals or personal property. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.

1000.22 — Cellar: That portion of a building included between the upper surface of its floor and the upper surface of the floor next above, having less than one-half its height above the average elevation of the finished lot grade adjoining the building.

1000.23 — Cemetery: Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

1000.24 — City: The City of Providence.

1000.25 — Commission: The City Plan Commission of the City of Providence.

1000.26 — Community Center: A building or group of buildings whose sole purpose is to house a nonprofit service, fraternal, or sectarian organization including administrative offices, child and elderly programs, recreation and assembly.

1000.27 — Construction: The act of adding to an existing structure or erecting a new principal or accessory structure or appurtenances to a structure, including but not limited to buildings, extensions, outbuildings, fire escapes, and retaining walls.

1000.28 — Council: The City Council of the City of Providence.

1000.29 — Demolition: An act or process that destroys a structure or its appurtenances in part or in whole.

1000.30 — Director: The Director of the Department of Inspections and Standards of the City of Providence.

1000.31 — Dormitory: A building used as rooming units for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institution.

1000.32 — Drive In Restaurant: A building or portion thereof where food and/or beverage are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

1000.33 — Dwelling: A building or portion thereof used exclusively for residential occupancy by one or more families but not including hotels, rooming housing, group quarters or temporary lodging.

1000.34 — Dwelling, Multi-Family: A building or portion thereof used for occupancy by four (4)

or more families living independently of each other.

1000.35 — Dwelling, One-Family: A building used exclusively for one dwelling unit.

1000.36 — Dwelling, Row: A building having a party wall on each side in common with an adjoining building.

1000.37 — Dwelling, Three-Family: A building used exclusively for occupancy by three (3) families living independently of each other.

1000.38 — Dwelling, Two-Family: A building used exclusively for occupancy by two (2) families living independently of each other.

1000.39 — Dwelling Unit: A room or group of rooms having independent means of access located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

1000.40 — Educational Institution: Preprimary, primary or grammar, public, parochial or private school; high school, or preparatory school or academy, public or founded or owned or conducted by or under the sponsorship of a religious or charitable organization; private preparatory school or academy furnishing courses of instruction substantially equivalent to the courses offered by public high schools for preparation for admission to colleges or universities which award B.A. or B.S. degrees; junior college, college or university, public or founded or conducted by or under the sponsorship of a religious or charitable organization; or private when not conducted as a commercial enterprise for the profit of individual owners or stockholders.

1000.41 — Family: One or more persons related by blood, marriage or adoption, among whom there is a legal or equitable obligation to furnish support, or not more than three (3) persons who need not be related, who are living together in a single dwelling unit and maintaining a common

household, as distinguished from a group occupying a hotel, dormitory, club, fraternity or sorority house. A roomer, boarder or lodger shall not be considered a member of a family, however, a foster child shall be considered a family member.

1000.42 — GFA — Gross Floor Area: The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls, but not including interior parking spaces, loading spaces for motor vehicles, or any space where the floor to ceiling height is less than six feet.

1000.43 — Garage Parking: Any building, except those herein defined as a private garage, used for parking of vehicles, and with not more than two pumps for the incidental sale of gasoline. Such buildings may include stores and other commercial establishments providing they conform to all the regulations of the zone in which they are located.

1000.44 — Garage, Private: A detached accessory building or portion of a principal building, used for the storage of vehicles where the capacity does not exceed one vehicle for each 2,500 square feet of lot area, but in no case need be less than 2 vehicles.

1000.45 — Garage Repairshop: A building or portion of a building, in which repairs, other than major structural repairs, are made to vehicles.

1000.46 — Gasoline Service Station: A building or portion of a building, in which automotive repairs or services are performed; fuel, oil, batteries and accessories are sold; grease racks, elevators and tire mounting devices are employed; but excluding automobile body repairing and painting and automotive body parts.

1000.47 — Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area

between the building and the lot line, or when the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

1000.48 — Group Quarter: A dwelling unit in which individuals requiring supervision are provided living, sleeping, cooking, eating and sanitation facilities.

1000.49 — HDC: The Historic District Commission of the City of Providence.

1000.50 — Home Occupation: A use conducted entirely within a dwelling unit which is clearly incidental and secondary to residential occupancy and does not change the character of said dwelling or the neighborhood in general.

1000.51 — Hospital: An institution licensed by the State of Rhode Island to provide primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out patient facilities or training facilities.

1000.52 — Hotel/Motel: A building or portion thereof where temporary lodging is supplied and where additional services such as restaurants, meeting rooms and recreational facilities may be provided.

1000.53 — Job Shop: An establishment for the assembly of jewelry and related parts, excluding the manufacture, plating, painting or other processing of such parts.

1000.54 — Junk Yard, Including Auto Wrecking: A lot or part thereof used for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

1000.55 — Less Restrictive Zone: A Zone in

which the uses that are permitted are allowed at a higher density and are more noxious. The order of Zones from more restrictive to less restrictive is: OS, R-1, R-2, R-3, R-4, C-1/W-1, C-2, C-4, D-1, D-2, W-2, M-1, W-3, M-2.

1000.56 — Lodging: The provision of a rooming unit or units for compensation.

1000.57 — Lot: A contiguous parcel of land in the same ownership defined by metes, bounds or boundary lines in a recorded deed, or shown on a recorded plan or plat and fronting on a street. In determining lot areas no part thereof within the limits of the street shall be included.

1000.58 — Lot, Corner: A lot at the junction of and fronting on two or more intersecting streets both of which are 20 feet or more in width.

1000.59 — Lot Frontage: The length of the front lot line measured at the street line.

1000.60 — Lot, Through: A lot having frontage on two parallel or approximately parallel streets.

1000.61 — Lot Width: The shortest distance between side lot lines, which distance shall be measured parallel to the front lot line and through any portion of a building erected or to be erected.

1000.62 — Mobile Home: A structure designed or used for residential occupancy built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted, or attached to a permanent slab foundation.

1000.63 — More Restrictive Zone: A Zone in which the uses that are permitted are allowed at a lower density and are less noxious. The order of Zones from more restrictive to less restrictive is: OS, R-1, R-2, R-3, R-4, C-1/W-1, C-2, C-4, D-1, D-2, W-2, M-1, W-3, M-2.

1000.64 — Owner: Any person, agent, firm or

corporation who, alone, jointly, severally or jointly and severally with others: a) shall have legal or record title to any property; or b) shall have charge, care or control of any property as agent, executor, administrator, trustee or guardian.

1000.65 — Parking, Accessory Use: Off-street parking of automobiles on the same or contiguous lot as a principal use where said parking is established or required in conjunction with the principal use.

1000.66 — Parking, Principal Use: Off-Street parking of automobiles on one or more lots where parking spaces for more than four (4) automobiles are available for public use whether free, for compensation or to satisfy parking requirements of a principal use on separate and noncontiguous lots.

1000.67 — Removal: A relocation of a structure on its site or to another site.

1000.68 — Repair: A change meant to remedy damage or deterioration of a structure or its appurtenances.

1000.69 — Rooming Houses: A building where lodging is supplied.

1000.70 — Rooming Unit: A room or suite of rooms having an independent means of access within a building, with facilities intended for sleeping and living, with or without individual sanitation, and without cooking facilities.

1000.71 — Sign: Any advertisement, announcement, direction or communication designed to attract attention, produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on or in any other structure, or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on or in any building, structure or surface.

1000.72 — Story: That portion of a building

included between the upper surface of any floor and the upper surface of the floor next above; also, any portion of a building used for human occupancy between the topmost floor and the roof. A basement may be counted as a story but a cellar shall not be so counted.

1000.73 — Street: A public way established by or maintained under public authority, a private way open for public uses, and a private way plotted or laid out for ultimate public use, whether or not constructed.

1000.74 — Street Line: The line dividing a lot from any street, except a limited or controlled access highway to which the lot has no access.

1000.75 — Structure: Anything constructed or erected, which requires permanent or temporary location on the ground or attachment to something having a location on the ground, including but not limited to buildings, gazebos, billboards, outbuildings, and swimming pools.

1000.76 — Temporary Lodging: Lodging typically leased for less than one month increments, as in hotel and motel.

1000.77 — Tourist Home: An establishment in an owner occupied single family dwelling that supplies temporary lodging.

1000.78 — Trade or Business School: Secretarial school or college; business school or college when not public and not owned or conducted by or under the sponsorship of a religious or charitable organization, school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing or for teaching industrial skills in which machinery is employed as a means of instruction. This definition shall not be deemed to include Educational Institution as defined in this Section.

1000.79 — Transitional Housing: Group quarters in which individuals live while receiving physical, social or psychological treatment and

counseling to assist them in overcoming physical or emotional problems.

1000.80 — Transparency: An area along an exterior wall of a building, consisting of clear or lightly-tinted glass, with a light transmittance of no less than 50%.

1000.81 — Use, Accessory: A subordinate building located on the same lot with the principal building, or a subordinate use of land, either of which is customarily incident to and serves the principal building or the principal use of the land.

1000.82 — Use, Actual: The activity or function that actually takes place or is intended to take place on a lot.

1000.83 — Use, Principal: The primary or predominant use of any lot.

1000.84 — Vehicle, Commercial: Automotive vehicle used for commercial transportation purposes, including pickup truck, truck (all types and weight), van used for delivery and service, tractor-trailer, garbage pickup or dump truck, dumpster truck, similar type vehicle.

1000.85 — Vehicle: Automotive vehicle used for private, noncommercial transportation purposes, including automobile (all types of sedan and station-wagon), motorcycle, van, mini-van, recreational vehicle (RV), four-wheel drive (or off-road) vehicle, small pickup truck, and similar type vehicle.

1000.86 — Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

1000.87 — Yard, Rear: A yard extending across the full width of the lot between the rear most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building.

1000.88 — Yard, Side: A yard between the main

building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

1000.89 — Yard: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Ordinance.

ARTICLE XI — Amendments and Validity

Section 1100 — Procedure: This Ordinance may, from time to time, be amended or repealed as provided in Chapter 24 of Title 45 of the General Laws of Rhode Island as amended.

Section 1101 — Filing Fees: A petition for an amendment to the zoning ordinance, including the zoning map, shall not be accepted by the City Clerk unless accompanied by a filing fee as set by the Council, which shall be deposited with the City Clerk, no part of which shall be returnable to the petitioner.

Section 1102 — Limitations Upon Successive Petitions: No petition for an amendment to the Zoning Ordinance including the Zoning Map, shall be accepted by the City Clerk if a petition praying for the same amendment has been denied or the petitioner granted leave to withdraw within the preceding twelve months, provided, that such a petition or application may be accepted at any time with the consent of the Committee on Ordinances if it shall include an affidavit which, in the opinion of said Committee on Ordinances sets forth facts indicating a substantial change of circumstances justifying a hearing on said petition.

Section 1103 — Amendment to Zoning Map: Amendments or changes to the zoning districts or overlay zoning districts shall be made to the Official Zoning Map within thirty (30) working days after their adoption by the Council. The

changes to the Official Zoning Map shall be made by the Department of Planning and Development and shall be made available to the City Clerk's office and the Department of Inspection and Standards.

Section 1104 — Review by Plan Commission: The zoning ordinance shall be periodically reviewed by the Commission, to insure that the ordinance is carrying out the goals as set forth in the City's Comprehensive Plan, and it shall recommend changes to the Council. This review shall take place at least once every two (2) years.

Section 1105 — Conflict with other Ordinances: Chapter 544 of the Ordinances of the City of Providence, approved September 21, 1951, as amended from time to time, is hereby repealed, but this Ordinance shall not repeal, annul or impair any existing provisions of law or Ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises provided, however, that wherever the terms of this Ordinance require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lots to be left unoccupied, or impose other higher standards than are required in any other statute or local Ordinance or regulation the provisions of this Ordinance shall govern. Wherever the provision of any other statute, local Ordinance or regulation require a greater width or size of yards, courts or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in this Ordinance, the provisions of such statute, local Ordinance or regulation shall govern. All variances and exceptions heretofore granted by the Board shall remain in full force and effect, and all terms, conditions and obligations imposed by the Board shall remain in effect and be binding to the same extent as if Chapter 370 of the Ordinances of the City of Providence, approved June 6, 1923, as amended from time to time, and Chapter 544 of

the Ordinances of the City of Providence, approved September 21, 1951, as amended from time to time, had not been repealed. All violations of said Ordinances, as heretofore amended, shall be punishable as if said Ordinances, as heretofore amended, had not been repealed and said Ordinances, as heretofore amended, shall remain in effect insofar as required for the initiation of any proceedings against such violations and for the prosecution of any violations heretofore commenced.

Section 1106 — Severance Clause: If any Section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other Section, clause, provision or portion of this Ordinance.

Section 1107 — Completion of Existing Buildings: Nothing in this Ordinance shall require any change in the plans, construction or intended use of a building for which a building permit has heretofore been issued, and the construction of which shall have been diligently prosecuted within 6 months of the date of such permit. Nothing herein shall prevent the reconstruction of a wall or other structural part of a building declared unsafe by the Director. Any application approved or filed within the proper jurisdiction of the Director, Board, HDC, or any other activity pertaining to the zoning ordinance prior to the effective date of this ordinance and deemed complete in accordance with the prior zoning ordinance shall be governed by the then applicable ordinance.

Section 1108 — Maps to Control Over List and All Land to Be Zoned: The list of every Assessor's Lot in the city, which is attached to the advertisement of this ordinance, is only intended to be the form of notice as to the zoning of any particular lot. It is intent of this ordinance, pursuant to Article I, Section 102, that the zoning maps and the overlay zoning maps shall control the zoning of any particular parcel of land. Therefore, all parties are advised to check the

zoning maps and the overlay zoning maps to confirm the information on this list. In the event of any discrepancy between such list and the zoning maps and overlay zoning maps, then said maps shall control. It is the intent of this ordinance that every parcel of land in the city is to be located in some zone. If, and only if, the zoning maps and overlay zoning maps do not list a parcel or do not indicate a zone for a parcel, then such list shall control the zoning for such parcel. If neither the list nor the zoning maps or overlay zoning maps indicate any particular zone, then such parcel shall be deemed to be zoned R-1.

Section 1109 — Effective Date: This Ordinance shall take effect upon its adoption by the City Council and approval by the mayor. The Downtown Historic District shall take effect January 1, 1992.

Appendix A

This list of use code numbers is to be used in conjunction with Section 303, Use Regulations. Each use code number corresponds with a specific line in Section 303 and illustrates the range of specific uses. Accessory uses, where appropriate, are also indicated.

1.0 RESIDENTIAL

- | | |
|---|--|
| <p>11 One Family Detached Dwelling
one family unit with accessory use and home occupation</p> <p>12 Two Family Detached Dwelling
two family unit with accessory use and home occupation</p> <p>13 Three Family Detached Dwelling
three family unit with accessory use and home occupation</p> <p>14 Multi-Family Dwelling, more than 4 units
multi-family (four units or more) with accessory use and home occupation</p> <p>15 Lodging: Service Organization, 10 rooming units or less</p> | <p>service organization with incidental lodging (See Use Code 27)</p> <p>15.1 Lodging, 10 rooming units or less
apartment hotel, boarding house, rooming house</p> <p>15.2 Lodging, more than 10 rooming units
apartment hotel, boarding house, rooming house</p> <p>15.3 Nursing Home and Congregate Care Facility
retirement home, home for aged, extended care, and convalescent housing</p> <p>15.4 Orphanage</p> <p>15.5 Religious Housing and Convent</p> <p>15.6 Group Quarters with no medical treatment, 8 residents or less</p> <p>15.7 Group Quarters with no medical treatment, more than 8 residents</p> <p>15.8 Group Quarters with medical treatment transitional housing</p> <p>16 Temporary Lodging, 10 rooming units or less
tourist home, bed and breakfast, hotel, and motel</p> <p>16.1 Temporary Lodging, 11 to 29 rooming units
hotel, and motel</p> <p>16.2 Temporary Lodging, more than 30 rooming units
hotel, and motel</p> <p>16.3 Temporary Lodging, with supervision, 15 residents or less
rescue mission, homeless shelter, drop in center</p> <p>16.4 Temporary Lodging, with supervision, more than 15 residents
rescue mission, homeless shelter, drop in center</p> <p>16.5 Tourist Home/Bed and Breakfast, 5 Guest Rooms or Less</p> |
|---|--|

- 17 Other Residential mobile home, mobile home park, trailer park

2.0 INSTITUTIONAL AND GOVERNMENTAL SERVICES

- 21 Educational Institution, Classrooms, Office and Assembly Use
classroom, lecture hall, library, museum and other facilities for instructional purposes; laboratory facility for teaching and research, radio station; administrative office, including academic and business offices, security office, health care facility, day care facility, book store; theater with no public assembly, dance studio, exhibition facility, theater, stadium, indoor and outdoor sports facility, including gymnasium for athletic events such as swimming, skating, tennis, football, baseball and other sports; residence hall, dormitory, sorority, fraternity, dining hall, and cafeteria; maintenance facility, workshop, garage, repair facility, and power plant, parking garage and parking lot; not including trade or business school; vocational and trade skills in automotive, construction, metallurgical, chemical and similar industrial operations (see uses 45, 47, and all 70's and 80's)
- 22 Special Schools
public and private institution providing training and/or instruction in: art, business, bookkeeping, accounting, secretarial and the like, cosmetology, dancing, driving, hair styling, music (conservatory) not including vocational and trade skills in automotive, construction, metallurgical, chemical and similar industrial operations (see uses 45, 47, and all 70's and 80's)
- 23 Religious Services
church, synagogue, other places of worship including accessory halls, retreat centers and similar activities
- 24 Medical and Health Services

center for occupational and physical therapy, physical fitness, and drug and alcohol rehabilitation (provided such drug or alcohol rehabilitation facility is owned by or operated in conjunction with a hospital); clinic for medical, dental, surgical, or psychiatric treatment of disease and disability, whether on an inpatient or outpatient basis; health maintenance organizations (HMO); hospital (not animal hospital), medical diagnostic or treatment facility, medical or dental office, research laboratory or educational facility, sanitarium, and any accessory use

- 24.1 Medical and Health Services Maintenance Use
maintenance facility, work-shop, garage, repair facilities, medical waste incinerator (provided such facility is on the same premises and operated as an accessory use to a hospital solely for its own waste)
- 24.2 Medical and Health Services Disposal Use
medical waste incinerator owned or operated by or for a hospital or hospitals, maximum capacity of 7500 lbs. per hour
- 24.3 Medical and Health Services — Parking Use
parking garage and parking lot
- 24.4 Drug or Alcohol Rehabilitation
facility not owned by or operated in conjunction with a hospital
- 24.5 Medical or Dental Office
building occupied by physicians, surgeons, dentists, nurses or other medical, paramedical and para-dental personnel, not owned by or operated in conjunction with a hospital
- 25 Local and State Government
local and state administrative or legislative office and chamber, armory, judicial office or court, state police station with accessory use
- 25.1 Prison or Correctional Institution

25.2 Municipal Fire and Police Station

26 Day Care Facility, 6 people or less
family day care home, 6 people or less not
related to the provider operated by the
occupant of the structure

26.1 Day Care Facility, 7 to 12 people
family day care home or family group day
care home, maximum of 12 people not
related to the provider

26.2 Day Care Facility, more than 12 people
day care center, day nursery

27 Service Organization
business, professional and labor
organization; civic, social, fraternal and
service association; welfare, philanthropic
and charitable institution; and other
miscellaneous services

28 Cemetery
cemetery, historic cemetery, memorial
park but not including funeral homes

**3.0 CULTURAL, ENTERTAINMENT AND
RECREATION SERVICES** (not associated with
an I-1 or I-2 use)

31 Non-Profit Library, Museum and Art
Gallery

32 Spectator Assembly
auditorium, exhibition hall, sports arena
(not race track, see 32.1), stadium, and
theater

32.1 Race Track

32.2 Mini Cinema

Cinema with one or more screens, with a
total seating capacity not to exceed three
hundred twenty (320) people, total self-
contained as to projection booths, ticket
sales and concession sales.

33 Outdoor Recreation Facility
camp ground, driving range, riding
academy

33.1 Golf Course, Tennis Court and Country Club

33.2 Marina, Recreational Craft Only

33.3 Transient Amusement
circus and fair

33.4 Outdoor Entertainment
amusement park, drive in movie,
fairground, miniature golf and similar
uses

34 Indoor Sports Facility
bath house, public bathing, bowling,
billiards and like sports; boxing arena;
dance hall; gymnasium and indoor
swimming pool; ice and roller skating
rink; indoor tennis, squash and racquet
ball court; video arcade, games of skill,
shooting gallery

35 Non-Profit Community Park, Playground,
and Community Center
Neighborhood, citywide and regional park
(multipurpose, leisure and ornamental
garden); playground or playfield; and
community center

36 Open Space
community garden, forest reserve, wildlife
refuge and other open space; crop or tree
farming, truck gardening, including the
sale of products or commodities raised on
the premises provided that no retail stand
or other commercial structure shall be
located thereon

37 Adult Entertainment

4.0 GENERAL SERVICES

41 Finance, Insurance and Real Estate Service
banking and bank-related functions,
credit services, savings and loan associa-
tion and credit union; insurance carrier,
personal credit agency; real estate agent,
real estate developer, security and
commodity trading service

42 Personal Service
apparel repair, alteration and cleaning
pickup service; barber and beauty service;
funeral home; massage parlor, tanning
salon; photographic service; self service
laundry and drop-off cleaning service

(maximum of two 60 pound dry cleaning machines allowed); shoe repair service

metal service; taxidermy establishment; well drilling service

43 Limited Business Service

advertising agency; business office; credit reporting and collection service; interior designer; photocopy, duplication, mailing and stenographic service; private employment service; research and development of related activities; watch, clock and jewelry repair service

44 General Business Service

blue printing and copying service; building maintenance service; car washing; catering service; cleaning establishment, including on premises dry cleaning; news syndicate service; pawn shop; radio, TV, electrical, electronic and appliance repair service; re-upholstery and furniture repair service; trade school for the instruction of general business service; and wholesale merchandise broker excluding wholesale storage

45 Repair Service

automobile service station, garage repair shop, lubrication shop, transmission shop, muffler and brake service; automobile re-upholstery and interior repair; trade school for the instruction of above repair services

46 Professional Service

architectural and engineering service; legal service; veterinarian service excluding the boarding of animals; trade or professional school for the instruction of professional service listed herein

46.1 Animal Hospital

47 Contract Construction Service

cabinet-making shop, carpentering service; concrete, masonry or plastering service; electrical contractor; general contract construction service; job shop; painting, paper hanging and decorating service; plumbing, heating and air conditioning service; roofing and sheet

5.0 TRADE

51 Wholesale Trade, within enclosed structure, (including accessory storage up to 3000 S.F.)

building materials or lumber yard (retail also permitted), contractor's equipment rental, storage and maintenance; drugs, chemicals and allied products; durable goods and apparel; electrical and electronic goods and hardware, plumbing, heating equipment, and supplies (retail also permitted); farm products; groceries and related products; household goods; machinery equipment and supplies; motor vehicles and automotive equipment

51.1 General Warehouse

52 Wholesale Trade and Outdoor Storage

boat storage; building materials or lumber yard (retail also permitted); contractor's equipment rental, storage and maintenance; drugs, chemicals and allied products; electrical and electronic goods and hardware, plumbing, heating equipment, and supplies (retail also permitted); farm products; groceries and related items; machinery equipment and supplies; motor vehicles and automotive equipment; nonflammable medical or industrial gases.

53 Bulk Storage of Petroleum Products More than 10,000 Gallons
heating oil and diesel oil not including kerosene, gasoline and similar products

53.1 Retail Sales of Petroleum Products
methane, propane and kerosene not more than 1,000 gallons storage

53.2 Wholesale Storage of Petroleum Products of 10,000 Gallons or Less
propane, methane, kerosene, heating oil, diesel oil and gasoline

53.3 Bulk Storage of Liquified Gas

- Liquefied petroleum gas and liquefied natural gas
- 54 Retail Trade-Building and Related Material, 2,500 sq. ft. GFA or less
hardware-retail; nursery and garden supplies-retail only, greenhouse not permitted; paint, glass, and wallpaper-retail; yard equipment and supplies
- 55 Retail Trade-Building and Related Material, more than 2,500 sq. ft. GFA
hardware-retail; nursery and garden supplies - retail including greenhouses; paint, glass, and wallpaper - retail; yard equipment and supplies
- 56 Retail Trade, Neighborhood Establishments, 2,500 sq. ft. GFA or Less
apparel and accessories; household appliances; art supply; bakeries; books, newspapers and periodicals; cameras and photographic supplies; confectionery; custom tailoring; dairy products; drug store; eating and/or drinking establishments excluding entertainment; fabric store; floor covering-retail; florist; fruits and vegetables-retail; gift shop; groceries and delicatessens-retail; hobby shops; home furnishings and equipment; jewelry-retail; liquor store; meat and fish-retail; musical instruments and supplies-retail; office supplies or equipment, stationery or art supplies; pet store; radio, television, audio/video and computer equipment, sales and/or rental; shoe store; sporting goods and bicycles; variety store
- 57 Retail Trade, Community-wide establishments, more than 2,500 sq. GFA
apparel and accessories; household appliances; art supply; bakeries; books, newspapers and periodicals; cameras and photographic supplies; confectionery; custom tailoring; dairy products; department store, no automotive repairs or installation; drinking establishments serving alcoholic beverages; drug store; eating and/or drinking places excluding entertainment other than incidental entertainment; fabric store; floor covering-retail; florist; fruits and vegetables-retail; gift shop; groceries and delicatessens-retail; hobby shops; home furnishings and equipment; jewelry-retail; liquor store; meat and fish-retail; musical instruments and supplies-retail; office supplies or equipment, stationery or art supplies; pet store; radio, television, audio/video and computer equipment, sales and/or rental; shoe store; sporting goods and bicycles; super-markets; variety stores
- 57.1 Drive In Restaurant
- 58 Eating and/or Drinking Establishment with Entertainment
nightclub; diner club
- 59 Retail Trade - Automotive, Marine Craft, Aircraft and Accessories
marine craft sales and storage; mobile home sales; retail sales: motor vehicles (new and used); recreational vehicle sales; tires, batteries and accessory sales
- 6.0 TRANSPORTATION, COMMUNICATION AND UTILITIES**
- 61 Transportation Center
bus passenger terminal; railroad passenger terminal; rapid rail transit; accessory indoor maintenance and storage
- 61.1 Motor Vehicle Rental office, Rental office including outdoor storage of vehicles
- 61.2 Marine Passenger Terminal
- 61.3 Taxicab Terminal
- 61.4 Truck and Trailer Rental Office and Storage
moving vans, truck trailers, storage trailers, boat trailers
62. Freight Terminal
Commercial Fisheries Terminal, Marine Freight Terminal, Public Utility Service Yard, Railroad Yard or freight Yard, Accessory Outdoor Maintenance and storage

- 63 Aircraft Transportation including maintenance
Airports and flying fields, Heliport, Sea Plane Facility, Accessory Outdoor Maintenance and storage
64. Parking Principal Use Parking Garage or open lot for passenger and commercial vehicles, No gasoline sales and no automotive repairs
- 64.1 Parking Lot, Principal Use
public parking area, no commercial vehicles
- 65 Communication and Utilities
Electrical substation, telephone switching device (non-office or store), Gas, Telephone and Telegraph and Cable Television Utilities or Junction Box (nonoffice or store), Water Utilities, Well, Pumping Station or Storage Facility, Water Supply Reservations or Reservoirs
- 65.1 Wireless Transmitting and Receiving Antennae, including Satellite Dish Type
- 66 Power Plant
Power Plant or Steam Generating Facility powered by solar, natural gas or low sulfur oil only
- 66.1 Incinerator and Waste Facility
Incinerator, power plant, sewage disposal facilities or solid waste transfer station, operated by or for a state or municipal agency
- 67 Landfill and Garbage Dump
including offal or dead animal reduction
- 68 Outdoor Advertising billboards (freestanding or on building)
- 7.0 - 8.0 MANUFACTURING
- 70 Food and Kindred Products Manufacturing
Including Canning and/or Packaging bakery products; beverage manufacturing and/or bottling; brewery or distillery; canning and preserving fruits and vegetables; confectionery and related products; dairy products; grain mill products; ice cream manufacturing; ice manufacturing; meat products; poultry products, including slaughter; sugar manufacturing
- 70.1 Processing of Sauerkraut, Vinegar or Yeast
- 70.2 Rendering or Refining of Fats or Oils
- 70.3 Stock Yard or Feeding Pen
- 70.4 Slaughter of Animals, Not Including the Killing of Fowl
distillation of bones
- 70.5 Canning and Preserving of Fish and Seafood
- 71 Textile Mill Product and Apparel Manufacturing
carpet and rug weaving; fur goods; hats, caps, and millinery; knit goods, woven fabrics, felt and other small wares; lace and lace goods, teitz, yarns and threads; laundry and/or dry cleaning plant; dyeing plant and finishing of textiles; leather and leather apparel; suits, coats and overcoats including furnishings, work clothing and allied garments, outerwear and undergarments
- 72 Lumber and Wood Products
furniture and fixtures manufacturing; household and office furniture; millwork, veneer, plywood and prefabricated structural wood products; partitions, shelving, lockers and office and store fixtures; sawmills and planing mills; signs and advertising displays; toys, amusement, sporting and athletic goods; wooden containers; other articles and merchandise made from wood or wood products
- 72.1 Tobacco and Tobacco Products
- 73 Paper and Allied Products, Printing, Publishing
books, newspaper, and periodicals; printing, binding, and publishing; building paper and building paper board; converted paper, paperboard and paperboard

- products; industrial printing, including manifold business forms, greeting cards; paperboard containers and boxes
- 73.1 Pulp Mills and Paper Mills
- 74 Chemicals and Allied Products-
Manufacturing
alcohol manufacturing; battery manufacturing; bleaching and dyeing; fuel and ice; gum and wood chemicals; industrial inorganic and organic chemicals; paints, varnishes, lacquers, enamels and allied products - nonexplosive processes; pharmaceutical manufacturing; plastic materials and synthetic rubber, synthetic and other man-made fibers; soap, detergents and cleaning preparations, perfumes, cosmetics and other toilet preparations
- 74.1 Agricultural Chemicals including Fertilizer
- 74.2 Leather and Fur Tanning and Finishing
- 74.3 Acid Manufacturing
hydrochloric acid; nitric acid; picric acid; sulfuric acid
- 74.4 Noxious or Toxic Gases and Chemicals
Manufacturing chlorine
- 74.5 Creosote Manufacture or Treatment
- 74.6 Glue Manufacture
- 74.7 Manufacture and Storage of Explosives
- 75 Petroleum Products and Related Industries
household products derived from petroleum including flooring material; paving and roofing materials
- 75.1 Petroleum Refining
coal distillation including manufacture or derivation of the by-products; manufactured gases from petroleum and petroleum by-products; tar distillation or tar products manufacture
- 76 Rubber and Miscellaneous Plastic Products -
Manufacturing
advertising display signs; floor coverings; miscellaneous plastic products; reclaiming rubber, rubber footwear, sporting goods and stamps; toys and novelties
- 76.1 Rubber and Gutta-Percha Manufacture or
Treatment
- 76.2 Tire Manufacturing
tire retreading, tire recapping
- 77 Stone, Clay and Glass Products -
Manufacturing
manufacturing, compounding, assembling or treatment of articles or merchandise from the following prepared materials: brick and tile, cement and cement products, concrete, gypsum and plaster products, cut stone and stone products manufacturing, flat glass, glass and glassware, glass tubing, neon signs, pottery and related products, structural clay products, above products may be fired only in kilns powered by electricity or gas
- 77.1 Abrasive, Asbestos and Miscellaneous
Nonmetallic Mineral Products
Manufacturing
- 77.2 Cement, Lime, Gypsum or Plaster or Paris
Manufacture
potash works
- 77.3 Materials Processing, Distribution and
Storage
cement; salt; rock, sand and gravel banks; rock quarries; stone mill; junk yard, storage, sorting, collecting or bailing of rags, paper, metal or junk, truck or automobile wrecking
- 78 Primary Metal Industries
blast furnaces, steel works, and rolling and finishing of ferrous metals; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding nonferrous metals; smelting of tin, copper, zinc or iron ore including blast furnace or blooming mill
- 79 Fabricated Metal Products -
Manufacturing

blacksmith and silversmith shop; coating, engraving and allied services; cutlery, hand tools, machine tools, general hardware, metal cans and other metal products; fabricated structural metal products; fabricated wire products (miscellaneous products); heating apparatus and plumbing fixtures; light sheet-metal products, metal shop, metal stamping; screw machine products and bolts, nuts, screws, rivets and washers

- 79.1 Drop Forge Industries
forgings manufactured with power hammers
- 80 Machinery and Machine Parts Manufacturing
Agricultural Machinery, Communication Equipment, Computer Hardware and Related Business Machines, Construction, Mining and Materials Handling Machinery and Equipment, Electric Lighting and Wiring Equipment, Electrical Apparatus: Motors, Generators, Coils, Condensers, Transformers and Welding Equipment, Electrical Transmission and Distribution Equipment, Electronic Components, Accessories, Instruments and Devices, Engines and Turbines, General Office or Industrial Machinery and Equipment, Household Appliances, Audio and Video Parts and Equipment, Metal Working Machinery and Equipment and Metal Tools
- 81 Transportation Equipment Manufacturing
Autobody Shops, Aircraft and Parts, Motor Vehicles and Equipment Manufacturing, Including Body Repair, Painting Services, Rebuilding, Assembling, Reconditioning, Overhauling, Motorcycles, Bicycles and Parts, Rail Equipment
- 82 Ship and Boat Building and Repairing
- 83 Precision Instruments and Scientific Equipment Manufacturing
Engineering, Laboratory and Scientific

and Research Instruments and Associated Equipment, Instruments for Measuring, Controlling and indicating Physical Characteristics, Musical Instruments and Parts, Ophthalmic Goods, Optical Instruments and Lenses, Pens, Pencils and Other Office and Artists' Equipment, Photographic Equipment and Supplies, Surgical, Medical and Dental Instruments and Supplies, Watches, Clocks, Clockwork Operated Devices and Parts

- 84 Jewelry, Silverware, Plated Ware, Costume Jewelry and Notions Manufacturing
Costume Jewelry, Costume Novelties, Buttons and Miscellaneous notions, Jewelers' Findings and Materials, Jewelry, Silverware and Plated Ware
- 84.1 Manual Assembly of Jewelry
Job Shops
- 85 Arts and Crafts Manufacturing
Manufacture of articles from metal, wood, stone, clay, glass, ceramic, paper, leather or similar material for display, wholesale or retail sale, provided that no more than 2,500 sq. ft. GFA be used and that there be no more than 5 employees.
- 86 Nuclear Industries
Manufacture of Nuclear Process Related Machinery, Nuclear Reactor (not for Generating Power), Nuclear Reactor (power), Processing and storage of Nuclear Fuels and Other Materials, Storage, Reclaiming and Disposal of Nuclear Waste (not including incidental storage by institutional uses)

Section 3. This Ordinance shall take effect upon its passage by the City Council and its approval by the mayor.

Read and Passed, the Second Time, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI, by the following Roll Call Vote:

Ayes: Council President Pro Tempore Fagnoli, Councilmen Clarkin, DeLuca, Councilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliozi, Lombardi, Mancini, Councilwomen Nolan, Williams and Young—12.

Noes: None.

Absent: Council President Petrosinelli, Councilmen Dillon and Rollins—3.

The motion for Passage the Second Time is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCILMAN DeLUCA:

Resolution Requesting the Traffic Engineer to cause one end of Lakewood Street, between Ardwich Street and Glossop Street a "Dead End" Street.

Resolved, That the Traffic Engineer is requested to cause one end of Lakewood Street, between Ardwich Street and Glossop Street a "Dead End" Street.

Resolution Requesting the Director of Public Property to install Four (4) Additional Speakers to the Public Address System in the City Council Chamber and also to repair the Microphones.

Resolved, That the Director of Public Property is requested to install Four (4) Additional Speakers to the Public Address System in the City Council Chamber and also to repair the Microphones.

Resolution Requesting the Director of Public Property to have Keys made for all desks in the City Council Chamber.

Resolved, That the Director of Public Property is requested to have Keys made for all desks in the City Council Chamber.

Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.

The motion for Passage is Sustained.

COUNCILMAN DILLON, COUNCILWOMAN YOUNG and COUNCILWOMAN NOLAN:

Resolution Requesting the District Judges to sentence all those convicted of Prostitution and Solicitation to Community Service such as the Cleaning of Vacant Lots.

Whereas, Prostitution has been a persistent problem in many of the neighborhoods in the City of Providence, and

Whereas, Many of these same neighborhoods are plagued by the problem of littered vacant lots, and

Whereas, Both of these problems are most often

caused by people from outside our neighborhoods who come to dump their trash and avail themselves of the services of prostitutes and then go home, and

Whereas, Assigning those convicted of either prostitution or dumping on vacant lots to community service work would help to rehabilitate the offenders and improve the neighborhoods, who are the victims of these so-called "victimless" crimes,

Now Therefore, Be It Resolved, That the Justices of the District Courts of the State of Rhode Island and the Judges of the Municipal Court of the City of Providence are respectfully requested to consider imposing community service sentences wherein prostitution and/or littering offenders are forced to clean and maintain vacant lots in the neighborhoods where they were arrested.

Referred to Committee on Ordinances, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.

The motion to Refer is Sustained.

COUNCILWOMAN FARGNOLI:

Resolution Requesting the Forestry Division of the Parks Department to initiate a plan of consistence in the maintenance of New and Existing Trees in cooperation with Property Owners.

Resolved, That the Forestry Division of the Parks Department is requested to initiate a plan of consistence in the maintenance of New and Existing Trees in cooperation with Property Owners.

COUNCILMAN GLAVIN (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Benefit Street, between College Street and Waterman Street, from 7:00 o'clock P.M. to 1:00 o'clock A.M. on Friday, October 25, 1991, to accommodate the Annual Artist's Ball for Rhode Island School of Design.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Benefit Street, between College Street and Waterman Street, from 7:00 o'clock P.M. to 1:00 o'clock A.M. on Friday, October 25, 1991, to accommodate the Annual Artist's Ball for Rhode Island School of Design.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Benefit Street, between College Street and Waterman Street, from 6:00 o'clock A.M. to 6:00 o'clock P.M. on Saturday, October 19, 1991, to accommodate Parent's Weekend for Rhode Island School of Design.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Benefit Street, between College Street and Waterman Street, from 6:00 o'clock A.M. to 6:00 o'clock P.M. on Saturday, October 19, 1991, to accommodate Parent's Weekend for Rhode Island School of Design.

COUNCILMAN GLAVIN, COUNCILMAN LOMBARDI, COUNCILWOMAN FARGNOLI and COUNCILMAN IGLIOZZI:

Resolution Requesting the Department of Elderly Affairs to renew the existing contract with the Providence Housing Authority and to provide security services with Dexter Manor, Carroll

Towers, Sister Dominica Manor, Parenti Villa, Kilmartin Plaza and Hartford Towers.

Resolved, That the Department of Elderly Affairs is requested to renew the existing contract with the Providence Housing Authority and to provide security services with Dexter Manor, Carroll Towers, Sister Dominica Manor, Parenti Villa, Kilmartin Plaza and Hartford Towers.

COUNCILWOMAN WILLIAMS (By Request):

Resolution Requesting the Chief Electrical Inspector to order the Installation of a Street Light on Pole No. 8 located at the Intersection of Blackstone Boulevard and Lincoln Avenue (northeast corner).

Resolved, That the Chief Electrical Inspector is requested to order the Installation of a Street Light on Pole No. 8 located at the Intersection of Blackstone Boulevard and Lincoln Avenue (northeast corner).

Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.

The motion for Passage is Sustained.

Resolution Requesting the City Council review an Ordinance Relative to Harbor Management on the Providence Waterfront.

Referred to Committee on Ordinances, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.

The motion to Refer is Sustained.

COUNCILWOMAN YOUNG and COUNCILMAN DILLON (By Request):

Resolution Requesting the Traffic Engineer to make Daboll Street, between Elmwood Avenue and Bucklin Street a One-Way Street. The One-Way would be if travelling from Elmwood Avenue to Bucklin Street.

Resolved, That the Traffic Engineer is requested to make Daboll Street, between Elmwood Avenue and Bucklin Street a One-Way Street. The One-Way would be if travelling from Elmwood Avenue to Bucklin Street.

COUNCILWOMAN YOUNG:

Resolution Requesting the Superintendent of Environmental Control to cause various vacant lots in the Eleventh Ward to be Cleaned of all garbage and debris.

Resolved, That the Superintendent of Environmental Control is requested to cause various vacant lots in the Eleventh Ward to be Cleaned of all garbage and debris, as follows:

10 Mount Vernon Street

45 Marlborough Avenue

348 Willard Avenue

574 Broad Street

336 Blackstone Street

Dudley Street and Prairie Avenue

Portland Street and West Clifford Street

465 Pine Street

Somerset Street and Hayward Street

14 Fayles Street (rear of Lusco Mfg. Co.)

129 Wilson Street

690 Public Street

Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.

The motion for Passage is Sustained.

COUNCILWOMAN YOUNG (By Request):

Resolution Renaming Central High School Plaza as the "Raymond S. Jackson, Sr. Memorial Plaza".

Referred to Committee on Redevelopment, Renewal and Planning, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.

The motion to Refer is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN ROBERT M. CLARKIN, Chairman COMMITTEE ON PUBLIC WORKS

Transmits the following with Recommendation the same be Adopted:

Resolution Requesting the Traffic Engineer to cause that portion of Imera Avenue which is One-Way to be reversed to Two-Ways.

***Resolved,* That the Traffic Engineer is requested to cause that portion of Imera Avenue which is One-Way to be reversed to Two-Ways.**

Resolution Ordering the Installation of Gasoline Facilities at 457 Benefit Street.

***Resolved,* That the following named person, firm or corporation is hereby granted permission to erect, alter or use a building or structure at the location named herein for the sale of petroleum, kerosene, gasoline, coal oil and their**

products, compounds and components as described and shown in and on the application therefor and accompanying plat, all on file in the office of the Department of Inspection and Standards subject to the conditions that said person, firm or corporation shall not violate any of the laws of the State of Rhode Island or any of the Ordinances of the City of Providence relative to the erection, use or occupation of said structure and that said person, firm or corporation shall not allow petroleum, kerosene, gasoline, coal oil or their products, compounds or components, to be conveyed over or across any sidewalk by means of any pipe or hose, and upon such special conditions as are hereby enumerated and further provided that the Director of the Department of Inspection and Standards may authorize minor changes in the structural detail of plans on file, viz:

Application of Shell Oil Company, 457 Benefit Street, Plat 18, Lot 132, to remove two (2) Five Thousand, one (1) Three Thousand, one (1) Seven Thousand Gallon Storage Tanks, and remove one (1) Five Hundred Fifty Gallon Waste Oil Tanks, one (1) Five Hundred Fifty Gallon Fuel Oil Tanks and replace with Three (3) Twelve Thousand Gallon Storage Tanks and one (1) One Thousand Gallon Waste Oil and one (1) One Thousand Gallon Fuel Oil Tanks making a total of Thirty-Eight (38) Thousand Gallons of Storage upon the premises.

structures not shown on the original plat on file with the Director of Department of Inspection and Standards, or any change in the location of buildings or structures from that shown on said plat shall be deemed a violation of this permit.

Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.

The motion for Passage is Sustained.

The erection or location of any buildings or

**COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman
COMMITTEE ON URBAN REDEVELOPMENT,
RENEWAL AND PLANNING**

Transmits the following with Recommendation the Same be Adopted the Second Time as Amended:

An Ordinance Adopting the Park, Recreation and Open Space Plan, 1991-1995 as Plan Number 1 of the Comprehensive Plan Series of Providence 2000: A Comprehensive Plan, as Amended.

the 17th day of April, 1991 and authorized the Director of the Department of Planning and Development to submit said plan to the City Council for its review and approval; and

Be It Ordained By The City Of Providence:

Whereas, the City Plan Commission (hereinafter called the "Commission") pursuant to Article X, Section 1013(A) of the Providence Home Rule Charter has formulated and has submitted to the City Council for its consideration a Plan entitled the "Park, Recreation and Open Space Plan 1991-1995"; and

Whereas, the Park, Recreation and Open Space Plan, 1991-1995 is recognized by the Commission as Plan Number 1 of the Comprehensive Plan Series of Providence 2000: A Comprehensive Plan, adopted policy guide concerning the general development of this community as a whole.

Now Therefore, Be It Ordained by the City of Providence That:

Whereas, the Commission, which is the duly designated and acting official planning body for the City of Providence, pursuant to Article X, Sections 1013(a)(1) and 1014(A) and (B), has reviewed, evaluated and approved the said Park, Recreation and Open Space Plan, 1991-1995 on

1. The Park, Recreation and Open Space Plan, 1991-1995 is Plan Number 1 of the Comprehensive Plan Series of Providence 2000: A Comprehensive Plan.

2. In enacting this Ordinance, the City Council

intends to establish general city-wide policies for development and renewal of City Parks and Open Space in conformance with said Plan.

3. Implementation of said Plan and such policies shall promote and protect the neighborhoods of the City of Providence and its citizenry.

4. The Park, Recreation and Open Space Plan, 1991-1995 is hereby adopted and designated as the Official Park, Recreation and Open Space Plan, 1991-1995 for the City. The Commission and other appropriate Boards, Commissions and City Departments are hereby authorized to carry out this Plan.

5. In order to implement said approved Plan, the City Council pledges its cooperation in helping to carry out said Plan and requests the Board of Park Commissioners, the Department of Public Parks, the Department of Recreation, the Department of Planning and Development, and the various officials, departments, boards and agencies of the City of Providence having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their functions and powers in a manner consistent with said Plan.

6. This Ordinance shall take effect upon adoption by the City Council and approval of the Mayor. The City Clerk is hereby directed to forward a certified copy of this Ordinance to the City Plan Commission upon its approval.

Read and Passed the Second Time, as Amended, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI, by the following Roll Call Vote:

Ayes: Council President Pro Tempore Fagnoli, Councilmen Clarkin, Dillon, Councilwoman DiRuzzo, Councilmen Glavin, Igliazzi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins and Councilwoman Williams—11.

Noes: Councilmen DeLuca, Fenton and Councilwoman Young—3.

Absent: Council President Petrosinelli—1.

The motion for Passage the Second Time, as Amended, is Sustained.

COMMUNICATION AND REPORT

FROM THE CITY ASSESSOR:

Certificates (Nos. 12V and 13V) Recommending the same be Severally Cancelled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, 1956 as Amended.

Severally Referred to Committee on Claims and Pending Suits, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.

The motion to Refer is Sustained.

FROM THE PORT DIRECTOR:

Monthly Report for September, 1991.

Received.

FROM THE CLERK'S DESK

**Petitions for Compensation for Injuries
and Damages, viz:**

Rafael Abreu

Rhonda L. Adamo

Joao Almeida

Robert Bishop, Jr.

Malinda J. Brooks

Michael A. Catlow

Jermaine Collins

Betty B. Curran

Peter DeBlasio

Mary F. DiMarzo

Mary Evangelista

Linda Jacques

Patricia J. Lawlor

Michael and Donna Lehner

Robert Lewis, Jr.

Carl A. Mangum

Nicholas Manocchio, p.p.a. Donna Mannarelli

Enrique Manzanillo

Anne Mari

Norfolk and Dedham Ins. a/s/o Diane and
Babatunde Lana

Thomas Ricci

Paula Spiver, Claude Jette and Gianne Spiver

State Farm Insurance a/s/o William DiChiaro

Marie Turchetta

**Severally Referred to the Committee on
Claims and Pending Suits, on motion of
COUNCILMAN GLAVIN, seconded by
COUNCILMAN LOMBARDI.**

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memoriam"

**COUNCIL PRESIDENT PETROSINELLI
and the MEMBERS of the CITY COUNCIL:**

Resolutions extending Sympathy.

Resolved, That the Sympathy of the Members
of the City Council is hereby expressed to the
families of the following:

Assunta DiDomenico

Archille J. Yergeau, Sr.

Anthony J. Ardizzone

Louis Romano

Alessandro Canecchio

Thomas Venticinque, Sr.

Gerardo Capotosto

Jerry Faiola

Paul Black

Alan Dennis DiCostanzo

Louis B. Pacheco

Antonetta Prisco

Otis H. Scott

Jake M. Kaplan

**Severally Read and Collectively Passed,
by a Unanimous Rising Vote, on motion of
COUNCILMAN GLAVIN, seconded by
COUNCILMAN LOMBARDI.**

The motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on
motion of COUNCILMAN GLAVIN, sec-
onded by COUNCILMAN LOMBARDI, the
City Council Adjourns at 8:15 o'clock P.M.
(E.D.T.) to meet again on THURSDAY,
NOVEMBER 7, 1991 at 7:30 o'clock P.M.
(E.S.T.).

Richard R. Clement

City Clerk