

CITY OF PROVIDENCE  
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

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No. 103 City Council Regular Meeting, Thursday, June 16, 1994, 7:30 o'clock P.M. (E.D.T.)

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PRESIDING

COUNCIL PRESIDENT

JAMES A. PETROSINELLI

IN CITY COUNCIL

OCT 6 1994

READ AND APPROVED

*Michael L. Clement* CLERK

ROLL CALL

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

Absent: Councilwoman Fagnoli—1.

## INVOCATION

The Invocation is given by COUNCIL-  
WOMAN RITA M. WILLIAMS.

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

COUNCILMAN JOSEPH DeLUCA leads  
the members of the City Council and the  
Assemblage in the Pledge of Allegiance to  
the Flag of the United States of America.

## APPROVAL OF RECORDS

The Journal of Proceedings No. 100 of the  
Regular Meeting of the City Council held  
May 5, 1994 and the Journal of Proceedings  
No. 101 of the Regular Meeting of the City  
Council held May 19, 1994 and Posted June  
7, 1994, on that Bulletin Board located on  
the Ground Floor Level of City Hall, are  
Severally Approved as Printed, on motion  
of COUNCILMAN GLAVIN, seconded by  
COUNCILMAN IGLIOZZI.

## NOMINATION BY HIS HONOR THE MAYOR

Communication dated June 3, 1994, Informing the Honorable City Council that pursuant to Section 203 of the Providence Home Rule Charter of 1980, he is this day nominating George T. Smith of 196 Sackett Street, Providence, Rhode Island, as a Member of the Board of Canvassers for a term to expire on the first Monday in March, 1996. Mr. Smith is nominated for the remainder of the unexpired term of Anthony P. Pennine who is deceased.

Communication Received and Referred to the Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.

The motion to Refer, is Sustained.

## SCHEDULE OF BILLS

### FROM THE CITY CONTROLLER:

Street Lighting Bill from Narragansett Electric Company for May, 1994 in the Amount of One Hundred Twenty-Four Thousand, Seven Dollars, Thirty-Six Cents (\$124,007.36).

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

Ayes: Council President Petrosinelli, Councilmen Clarkin, DeLuca, Dillon, Coun-

cilwoman DiRuzzo, Councilmen Fenton, Glavin, Igliozi, Lombardi, Mancini, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—14.

Noes: None.

Absent: Councilwoman Fagnoli—1.

The motion for Approval, is Sustained.

## ORDINANCE SECOND READING

**The following Ordinance was in City Council June 2, 1994, Read and Passed the First Time, and is Returned for Passage the Second Time as Amended:**

An Ordinance in Amendment of Chapter 564 of the Ordinances of the City of Providence entitled: "The City of Providence Zoning Ordinance" approved October 24, 1991, by amending the Providence Zoning Ordinance and the Official Zoning Map to conform with the Rhode Island General Laws Sections 45-24-27 through 72, as amended, also known as the "Rhode Island Zoning Enabling Act of 1991," and *Providence 2000: The Comprehensive Plan* as amended.

*Be it Ordained by the City of Providence:*

Section 1. Chapter 564 of the ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved October 24, 1991 is hereby amended in its entirety, to read as follows:

### ARTICLE I General Provisions

*Section 100 — Purpose:* The zones and regulations set forth in this ordinance are in compliance with the Comprehensive Plan and are intended to address the following purposes:

A) Promoting the public health, safety, and general welfare.

B) Providing for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs.

C) Providing for orderly growth and development which recognizes:

1. The goals and patterns of land use contained in the Comprehensive Plan as defined;

2. The natural characteristics of the land, including, but not necessarily limited to, its suitability for use based on topography, potential surface water run-off and susceptibility to surface or groundwater pollution;

3. The values and dynamic nature of coastal features, riverfronts, freshwater ponds, the shoreline, and freshwater and coastal wetlands;

4. The values of unique or valuable natural resources and features;

5. The availability and capacity of existing and planned public and/or private services and facilities;

6. The need to shape urban development; and

7. The use of innovative development regulations and techniques.

D) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

E) Providing for the protection of the natural, historic, cultural, and scenic character of the City.

F) Providing for the preservation and promotion of the urban forest, street trees and open space.

G) Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

H) Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety and welfare of all citizens and their rights to affordable, accessible, safe and sanitary housing.

I) Providing opportunities for the establishment of low and moderate income housing.

J) Promoting safety from fire, flood, and other natural or man-made disasters.

K) Promoting a high level of quality of design in the development of private and public facilities.

L) Promoting implementation of the Comprehensive Plan, as it may be amended from time to time.

M) Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to resources and facilities that extend beyond the City's boundaries or have a direct impact on the City.

N) Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

O) Providing for procedures for the administration of the Zoning Ordinance, including, but not limited to, variances and special use permits.

*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:*

R-1 — One-Family District — This zone is intended for low density residential areas comprising single family dwelling units in detached structures located on lots with a minimum land area of 6,000 sq. ft.

R-2 — Two-Family District — This zone is intended for low density residential areas comprising single family dwelling units and two family dwelling units in detached structures located on lots with a minimum land area of 5,000 sq. ft.

R-3 — Three-Family District — This zone is intended for medium and low density residential areas comprised of structures containing single family dwelling units, two family dwelling units and three 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.

R-G — General Residence District — This zone is intended for medium density residential areas comprised of structures containing single family dwelling units, two family dwelling units, three family dwelling units and four 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.

R-M — Multi-Family Dwelling District — This zone is intended for high density residential areas comprised of structures containing single family, two family and three family, and four or more 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.

R-P — Residential Professional District — This zone is intended to preserve and enhance the residential integrity of certain heavily travelled streets while permitting compatible professional uses. Compatible professional uses are those that will fit into the existing structure so as to preserve the residential character of the street, including its architecturally attractive and distinctive qualities; provide opportunities for people to live, work and receive professional services in the same area; and improve public safety by encouraging both day and night time occupancy in the area.

*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:*

OS — 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.

PS — 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, but not less, than those otherwise applicable for the underlying zone, and do not in any manner supercede or replace any requirements of the underlying zone. The boundaries of the overlay zoning districts are defined in Section 102 of this ordinance. These boundaries may be amended in accordance with Article XI of this Ordinance.

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.

DD — Downcity District — This overlay zone is intended to direct the development of the Downtown (D-1 Zone) by regulating the design of buildings and open spaces and by fostering preservation of historic structures to insure that: new development is compatible with the existing historic building fabric and the historic character of downtown; historic structures are preserved, and design alterations are in keeping with historic character; development related to the pedestrian; retail be is developed along certain street frontages; development promotes the arts, entertainment and housing; and, the goals of the Downcity Plan of the Comprehensive Plan are achieved.

*101.8 — Institutional Floating Zone Districts:* These floating zones are unmapped and for new development and mapped for existing institutional uses. The latter are established on the Providence Overlay Zoning District Maps only for use by an institution as provided herein.

I-1 — Health Care Institutions — This zone is intended to permit health care facilities (as defined in RIGL 23-15-2) and their expansion in a planned manner while protecting the surrounding neighborhoods.

I-2 — Educational Institutions — This zone is intended to permit higher education institutions and their expansion in a planned manner while protecting the surrounding neighborhoods.

I-3 — Downtown Educational Institutions — This zone is intended to encourage revitalization of the historic retail core of the city by permitting higher education institutional uses, student housing, practicums in addition to a variety of business, financial, institutional, public, quasi-public, cultural, residential, and other related uses in the downtown area. Compatible and appropriate mixed uses are encouraged to promote pedestrian activity at street levels while encouraging full and varied use on the upper floors. This district is intended to encourage the development of educational uses while preserving and fostering the economic vitality of the downtown.

*Section 102 — Zone Group Classification:* Whenever the terms R Zone, C Zone, D Zone, W Zone, M Zone and I 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 C-1, C-2, and C-4 Zones.

*Section 103 — Official Zoning Map:* The official zoning map of the City shall consist of two series of maps as follows:

(A) The boundaries of the R, C, D, M, W, RP, OS and PS 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, adopted on October 24, 1991, and amended from time to time in accordance with Rhode Island General Law (RIGL) Title 45 Chapter 24, consisting of 129 separate maps numbered 1 to 129.

(B) The boundaries and regulating information where applicable, of the overlay zoning districts and floating districts, as defined, 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, adopted on October 24, 1991, and in accordance with Rhode Island General Laws (RIGL) Title 45 Chapter 24.

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 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 lot's 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 public health, safety, or the general welfare.

This Ordinance shall be consistent with the Comprehensive Plan, as amended, and in the instance of uncertainty in the construction or application of any section of this Ordinance, this Ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals and policies and applicable elements of such Comprehensive Plan.

## ARTICLE II Nonconformance

*Section 200 — Nonconformance:* A nonconformance is a building, structure, sign 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 existing, as provided herein. Any use that does not conform to or any dimensional variation which exists by virtue of a special use permit (including special exceptions), use variance or a dimensional variance, granted by the Board shall not be considered a nonconformance for the purposes of this Section. Such use or dimensional variation shall be considered a use by special use permit (formerly special exception), use variance or dimensional variance. Any moving, addition, enlargement, expansion, intensification or change of such use to any other use other than a permitted use shall require an application for a special use permit or variance from the Board.

*200.1 — Lawfully Existing:* A building, structure, sign or the use of land was lawfully existing if it was in established 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 existing 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.

*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 area per dwelling unit regulations, shall be nonconforming by dimension.

*200.5 — Nonconforming — More Than One Principal Building On a Lot in R Zones:* When more than one principal building is located on a lot in an R Zone, each building shall be considered nonconforming by use, unless all uses and the total number of dwelling units in all buildings on the lot are permitted in accordance with Section 303 of this Ordinance. Such buildings shall then be considered nonconforming by dimension.

*200.6 — 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. Roof dormers are permitted, but they shall not project beyond the existing building alignment, nor shall they be designed to create new floor space that exceeds 50% of the existing

floor area of the uppermost story of the nonconforming building or structure.

*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. Within an R-G or R-M zone, a portion of a building containing a nonconforming use may be converted into a single family dwelling unit, regardless of the maximum number of units permitted by the dimensional regulations in this Ordinance.

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 use permit in accordance with Section 419.5. A nonconforming use, if changed to a permitted use, may not be changed back to a nonconforming use.

*201.9 — Demolition:*

A) A building or structure nonconforming by use, if voluntarily demolished, shall not be reconstructed, unless it conforms with all the requirements of the Zone in which it is located.

B) If less than 50% of the Gross Floor Area (GFA) of a building or structure is involuntarily demolished, destroyed or damaged, it may be repaired to the same size and dimension as previously existed.

C) If more than 50% of the Gross Floor Area (GFA) of a building or structure is involuntarily demolished, destroyed, or damaged, the Board may grant a special use permit, in accordance with Section 902.4, to repair or rebuild the structure to the same size and dimension as previously existed.

**201.10 — 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 of the nonconforming use neither claims nor retains any interest in continuing the nonconforming use unless the owner can demonstrate an intent not to abandon the use. An overt act shall include the removal of facilities necessary to sustain use. An involuntary interruption of a nonconforming use, such as by fire or natural catastrophe, does not establish the intent to abandon the nonconforming use. However, if any nonconforming use is halted for a period of one year, the owner of the nonconforming use 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, Intent:** 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, nor shall they be designed to create new floor space that exceeds 50% of the existing floor area of the uppermost story of the nonconforming building or structure.

**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, provided that repairs or rebuilding shall commence within one (1) year following such involuntary demolition, destruction or damage.

#### *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 Substandard Lots of Record:** 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 Substandard Lots of Record:** If two or more contiguous lawfully established substandard lots of record, where one or more of the lots is less than four thousand (4,000) square feet and are under the same ownership on or anytime after the effective date of this ordinance (October 21, 1991), such lots shall be considered to be one lot and undivided for the purpose of this ordinance, provided that the merger does not result in more than one principal building on the lot. 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. Notwithstanding the above, this subsection shall not apply if such merger creates a through lot.

**204.3 — Permitted Uses of Substandard Lots of Record 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) R-3, R-P and R-G Zones — In any R-3, R-P and R-G Zones, a lot which has less than the minimum area requirement for the R-3, R-P and R-G Zones 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) R-M Zone — In any R-M Zone, a lot which has less than the minimum area requirement for the R-M 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 1110 of this Ordinance, may be changed to a different use without providing additional parking.

**205.3 — Institutional Parking:** For institutions as provided for in Section 503 of this Ordinance and which are required to file and have filed a

master plan in accordance with Section 503.4 of this Ordinance, the number of insufficient parking spaces as calculated on July 10, 1986, shall be permitted to continue, but shall not be allowed to be increased. (See Section 503.2 B).

**Section 206 — Nonconforming Signs, Intent:** Nonconforming signs are incompatible with the purposes of this Ordinance and are intended to be brought into compliance with Article VI for the zone in which they are located.

**206.1 — Continuation of Use:** Nothing in this Ordinance shall prevent or be construed to prevent the continuation of a nonconforming sign that was lawfully established prior to the effective date of this Ordinance.

**206.2 — Maintenance and Repair:** A nonconforming sign may be maintained and repaired except as otherwise provided in this Section. A nonconforming sign may be altered by changing its surface, provided that no change is made to the area, height, setback, projection, or lighting of the sign.

**206.3 — Moving:** A nonconforming sign may not be moved in any manner unless it is brought into compliance with the provisions of Article VI for the zone in which it is located.

**206.4 — Addition, Enlargement, or Intensification:** A nonconforming sign may not be enlarged, expanded or intensified in any manner except to comply with the provisions of Article VI of this Ordinance for the Zone in which it is located.

**206.5 — Determination of Nonconformity in Multiple Tenant Buildings:** In determining nonconformance, the frontage of each individual tenant space in multiple tenant buildings shall be used to calculate the allowable area for any wall, projecting and/or canopy signs. A nonconforming sign for one tenant shall not restrict another tenant in the same building from erecting or installing a conforming sign.

**206.6 — Abandonment of Signs:** If a nonconforming sign is abandoned, it may not be reestablished. Abandonment of a nonconforming sign shall consist of intent to abandon and some overt act, or failure to act, which would lead one to believe that the owner of the nonconforming sign neither claims nor retains any interest in maintaining the nonconforming sign unless the owner can demonstrate an intent not to abandon the sign. An involuntary destruction or removal of a nonconforming sign, such as by fire, wind damage or other natural means, does not establish the intent to abandon the nonconforming sign. However, if any nonconforming sign is removed or is not serving to advertise such goods and services on the premises, as provided for in Section 600, due to a change of use, for a period of one year, the owner of the nonconforming sign will be presumed to have abandoned such nonconforming sign, unless such presumption is rebutted by presentation of sufficient evidence of intent not to abandon the sign.

### ARTICLE III

#### *Use and Dimensional 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:** Zoning districts, as defined, are listed horizontally on each page of the table of use regulations that follow. These zoning districts are described in Sections 101.1 through 101.6, inclusive. Floating zones as defined, are described in Section 101.8 and are also regulated in the table of use regulations, with additional requirements in Section 503. Permitted uses, listed vertically in the table of use regulations, are denoted with a "Y" for Yes; uses not permitted are denoted with a "N" for No; and uses permitted only upon approval of the Board are denoted with an "S" for special use permit. No special use permit 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 Section 501 and 502). Any number of uses may be located on a lot or within a single building 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-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
11	One Family Detached Dwelling	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	Y	Y	<del>Y</del> N	Y	N	N
11.1	Accessory Family Dwelling Unit	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
12	Two Family Detached Dwelling	N	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	N	N	N	Y	Y	<del>Y</del> N	Y	N	N
13	Three Family Detached Dwelling	N	N	Y	Y	Y	Y	Y	Y	N	N	Y	Y	N	N	N	Y	Y	<del>Y</del> N	Y	N	N
14	Multifamily Dwelling	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	S <sup>1</sup>	N	Y	Y	Y	Y	N	N
14.1	Residential Mixed Use	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	N	N
14.2	Loft, Commercial Artist	N	N	N	N	N	S	S	S	Y	Y	S	Y	N	S	S	N	N	<del>S</del> Y	S	N	N
14.3	Apartment Dormitory	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	<del>N</del> Y	Y	N	N	N
15	Lodging - Service Organization, 10 Rooming Units or less	N	N	N	N	S	Y	Y	Y	Y	Y	S <sup>2</sup>	Y	N	S <sup>1</sup>	N	N	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N
15.1	Lodging, 10 Rooming units or less	N	N	<del>S</del> N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S <sup>1</sup>	N	N	Y	Y	N	N	N
15.2	Lodging, More Than 10 Rooming Units	N	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	N	S <sup>1</sup>	N	N	N	<del>N</del> Y	N	N	N

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[1994

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
15.3	Nursing Home and Congregate Care Facility	N	N	N	S	Y	Y	Y	Y	Y	Y	<del>N</del> Y	Y	N	S'	N	S	N	<del>N</del> Y	N	N	N
15.4	Orphanage	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	S'	N	N	N	N	N	N	N
15.5	Religious Housing and Convent	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	S'	N	Y	Y	Y	Y	N	N
15.6	Community Residence	Y'	Y'	Y'	Y'	Y	Y	Y	Y	Y	Y	Y	Y	<del>Y</del> N	<del>Y</del> N	<del>Y</del> N	Y'	Y'	Y'	Y'	N'	N'
15.7	Group Quarters, With No Medical Treatment, More than 8 Residents	N	N	N	S	S	Y	Y	Y	Y	Y	N	N	N	S'	N	N	N	N	N	N	N
15.8	Group Quarters, With Medical Treatment	N	N	N	N	N	S	Y	Y	Y	Y	N	S'	N	S'	N	N	N	N	N	N	N
16	Temporary Lodging 10 Rooming Units or Less	N	N	S	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S'	N	N	S	Y	N	N	N
16.1	Temporary Lodging, 11 to 29 Rooming Units	N	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	N	Y	N	N	N
16.2	Temporary Lodging, More than 30 Rooming Units	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	N	Y	N	N	N	Y	N	N	N
16.3	Temporary Lodging with supervision, 15 Residents or Less	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	S'	N	N	N	N	N	N	N

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[1994

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
16.4	Temporary Lodging with Supervision, more than 15 Residents	N	N	N	N	Y	S	S	Y	Y	Y	S <sup>1</sup>	Y	N	S <sup>1</sup>	N	N	N	N	N	N	N
16.5	Tourist Home/Bed and Breakfast - 5 rooming Units or Less	N	N	S	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S <sup>1</sup>	N	N	N	N	S	N	N
17	Other Residential	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

## FOOTNOTES:

1. Permitted by special use permit only within 200 feet of abutting residential zones. Not permitted over 200 feet from abutting residential zones.
2. See Section 905.2 for use permit criteria for Waterfront Zones.
3. When located on property owned by the institution.
4. Group quarters with no medical treatment, 8 residents or less that are not a community residence, as defined herein, are not permitted.

## 2.0 Institutional and Governmental Services

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
21	Educational Institution (Primary through Secondary Schools Grades 0-12) - Classroom, Office and Assembly Use	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	N	Y	S	Y	Y	Y	S	N Y	N
21.1	Higher Educational Institution (Grades 13 and up) - Classroom, Office and Assembly Use <sup>4</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N <sup>4</sup>	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N
22	Special Schools	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	S	N	N	N	N	N	N
23	Religious Service	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	S	N	Y	Y	Y	Y	N	N
24	Health Care Institution	N	N	N	N	N	N	N	N Y	N	Y	N	N	N	N Y	N	Y <sup>1</sup>	N	N	N	N	N
24.1	Health Care Institution - Maintenance Use	N	N	N	N	N	N	N	N Y	N	Y	N	N	N	N Y	N	Y <sup>1</sup>	N	N	N	N	N
24.2	Health Care Institution - Disposal Use	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N	N	N
24.3	Health Care Institution - Parking Use	N	N	N	N	N	N	N	N Y	N	Y	N	N	N	N Y	N	Y <sup>1</sup>	N	N	N	N	N
24.4	Drug or Alcohol Rehabilitation	N	N	N	N	N	N	S	S	Y	Y	N	S	N	Y	N	N	S	S	N	N	N
24.5	Medical or Dental Office	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	Y	N	N	Y	Y	Y	N	N

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[1994

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
25	Local /State Government	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	S	N
25.1	Prison/ Correctional Institution	N	N	N	N	N	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	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	S	N	N
26	Day Care Home	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y <sup>1</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y <sup>1</sup>	N	N
26.1	Day Care Center, 7 to 12 people	S <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>	Y	Y	Y	Y	Y	Y	Y	N	S	N	Y	Y	Y	S <sup>1</sup>	N	N
26.2	Day Care Center, more than 12 people	N	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	N	N
27	Service Organization	N	N	N	N	S	Y	Y	Y	Y	Y	S <sup>2</sup>	Y	N	Y	N	Y	Y <sup>3</sup>	Y <sup>3</sup>	Y <sup>3</sup>	S <sup>1</sup>	N
28	Cemetery	Y	Y	Y	Y	Y	Y	Y	Y	N	N	S <sup>1</sup>	S <sup>1</sup>	N	Y	Y	Y	N	N	N	Y	Y

## FOOTNOTES:

- 1 Permitted only for institutions in an institutional zone in accordance with Section 503.
- 2 See Section 905.2 for Special Use Permit 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.
- 4 Only for service organizations that are owned by a government agency.
- 5 When located on property owned by the institution.
- 6 See Section 503.5(c).

## 3.0 CULTURAL, ENTERTAINMENT RECREATION SERVICES

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
31	Non-Profit Library, Museum and Art Gallery	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	N
32	Spectator Assembly	N	N	N	N	N	S	S	Y	Y	Y	S'	S'	S'	Y	Y	N	Y	Y	N	S	N
32.1	Race Track	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
32.2	Mini Cinema	N	N	N	N	N	N	S	Y	Y	Y	N	Y	S'	Y	S	N	N	N	N	N	N
33	Outdoor Recreation Facility	N	N	N	N	N	S	S	Y	N	N	S'	Y	N	Y	S	N	N	N	N	N	N
33.1	Golf Course, Tennis Court, Country Club	S	S	S	S	S	Y	Y	Y	N	N	Y	Y	N	S	S	N	N	N	N	S	S
33.2	Marina, Recreational Craft only	N	N	N	N	N	Y	Y	Y	Y	Y	<del>Y</del> S	Y	N	Y	Y	N	N	N	N	S	S
33.3	Transient Amusement	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	S	S	N
33.4	Outdoor Entertainment	N	N	N	N	N	<del>S</del> N	S	Y	N	N	<del>S'</del> N	S'	N	Y	S	N	N	N	N	N	N
34	Indoor Sports Facility	N	N	N	N	N	N	S	S	Y	Y	<del>S'</del> N	S	N	S	S	Y	Y	Y	N	S	Y
35	Non-Profit Community Park, Playground	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
35.1	Non-Profit Community Center	Y	Y	Y	Y	Y	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	Y	Y	Y	Y	Y
37	Adult Entertainment <sup>2</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N

## FOOTNOTES:

1. See Section 905.2 for Special Use Permit 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-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
41	Finance, Insurance and Real Estate Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y <sup>1</sup>	Y	Y	N	N	N	S	N	N
42	Personal Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y <sup>1</sup>	Y	Y	N	N	N	S	N	N
43	Limited Business Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y <sup>1</sup>	Y	Y	N	N	N	S	N	N
44	General Business Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y <sup>1</sup>	Y	Y	N	N	N	S	N	N
45	Repair Service <sup>3</sup>	N	N	N	N	N	N	N	Y <sup>3</sup>	N	S <sup>1,4</sup>	N	Y <sup>1</sup>	Y <sup>1,5</sup>	Y <sup>1</sup>	Y <sup>1</sup>	N	N	N	N	N	N
46	Professional Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y <sup>1</sup>	Y	Y	N	N	N	Y	N	N
46.1	Animal Hospital	N	N	N	N	N	N	N	S	N	S	N	Y	Y <sup>1</sup>	Y	Y	N	N	N	N	N	N
47	Contract Construction Service	N	N	N	N	N	N	S	Y	S	S	N	Y	Y <sup>1</sup>	Y	Y	N	N	N	N	N	N
48	Heavy Contract Construction Service	N	N	N	N	N	N	N	Y	N	S	N	S <sup>1</sup>	Y <sup>1</sup>	Y	Y	N	N	N	N	N	N

## FOOTNOTES

1. See Section 905.2 for Special Use Permit 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 Use Permit 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-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
51	Wholesale Trade Within Enclosed Structure	N	N	N	N	N	N	S	Y	N	S <sup>1</sup>	N	Y	Y <sup>1</sup>	Y	Y	N	N	N	N	N	N
51.1	General Warehouse	N	N	N	N	N	N	N	S	N	Y	N	Y	Y <sup>1</sup>	Y	Y	N	N	N	N	N	N
52	Wholesale Trade and Outdoor Storage	N	N	N	N	N	N	N	S	N	N	N	Y	Y <sup>1</sup>	Y	Y	N	N	N	N	N	N
53	Bulk Storage of Petroleum Products greater than 10,000 gallons	N	N	N	N	N	N	N	N	N	N	N	N	Y <sup>1</sup>	N	Y	N	N	N	N	N	N
53.1	Retail Sale of Petroleum Products	N	N	N	N	N	N	S	Y	N	N	N	Y	Y <sup>1</sup>	Y	Y	N	N	N	N	N	N
53.2	Wholesale Storage of Petroleum Products 10,000 gallons or less	N	N	N	N	N	N	N	N	N	N	N	S	Y <sup>1</sup>	S	Y	N	N	N	N	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	N	N	N	N	N
54	Retail Trade Building and Related Material 2,500 GFA or Less	N	N	N	N	N	Y	Y	Y	Y	Y	Y S	Y	Y <sup>1</sup>	Y	Y	N	S N	Y	N	N	N
55	Retail Trade Building and Related Material, More than 2,500 GFA	N	N	N	N	N	S	Y	Y	Y	Y	S	Y	Y <sup>1</sup>	Y	Y	N	S N	Y	N	N	N
56	Retail Trade Neighborhood Establishments, 2,500 GFA or Less	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y <sup>1</sup>	Y	Y	N	S N	Y	N	N	N

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[1994

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
56.1	Eating and/or Drinking Establishments excluding Entertainment, less than 2,500 sq. ft. GFA	N	N	N	N	N	Y	Y	Y	Y	Y	S	Y	Y	Y	Y	N	N	N	N	N	N
56.2	Drinking Establishment - Bar or Tavern	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	Y	Y	N	N	N	N	N	N
57	Retail Trade - Community Wide Establishments, more than 2,500 sq. ft. GFA	N	N	N	N	N	S	Y	Y	Y	Y	≠ S	Y	Y <sup>1</sup>	Y	Y	≠ N	≠ N	Y	N	N	N
57.1	Eating and/or Drinking Establishments excluding Entertainment, more than 2,500 sq. ft. GFA	N	N	N	N	N	N	S	Y	Y	Y	S	S	Y	Y	Y	N	N	N	N	N	N
57.2	Drive In Establishment	N	N	N	N	N	N	S	Y	N	S	N	N	N	Y	Y	N	N	N	N	N	N
58	Eating and/or Drinking Establishments, with Entertainment	N	N	N	N	N	N	Y	Y	Y	Y	N	S	N	Y	N	S N	S N	Y	N	N	N
59	Retail Trade - Automotive, Marine Craft, Aircraft and Accessories	N	N	N	N	N	N	S	Y	N	S	N	Y	Y <sup>1</sup>	Y	Y	≠ N	N	N	N	N	N

## FOOTNOTES:

1. See Section 905.1 for Special Use Permit criteria for Downtown Zones.
2. Provided that such uses are part of a marine enterprise or are dependent on access to the Port of Providence.

# 6.0 TRANSPORTATION COMMUNICATION AND UTILITIES

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
61	Transportation Center	N	N	N	N	N	N	N	S	Y	Y	N	Y	Y'	Y	Y	N	N	N	N	N	N
61.1	Motor Vehicle Rental Office	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y'	Y	Y	N	N	N	N	N	N
61.2	Marine Passenger Terminal	N	N	N	N	N	N	S	S	Y	Y	Y	Y	Y'	Y	Y	N	N	N	N	N	N
61.3	Taxicab Terminal	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y'	Y	Y	N	N	N	N	N	N
61.4	Truck and Trailer Rental Office and Storage	N	N	N	N	N	N	N	Y	N	N	N	S	Y'	Y	Y	N	N	N	N	N	N
62	Freight Terminal	N	N	N	N	N	N	N	N	N	N	N	Y	Y'	Y	Y	N	N	N	N	N	N
63	Aircraft Transportation Including Maintenance	N	N	N	N	N	N	N	N	S'	S'	N	S'	S'	S	S	N	N	N	N	N	N
64	Parking, Principal Use	N	N	N	N	N	S	Y	Y	Y'	Y'	S'	Y	Y'	Y	Y	Y'	Y'	Y'	N	N	N
64.1	Parking Lot, Principal Use	N	N	S'	S'	S'	Y	Y	Y	Y'	Y'	Y	Y	Y'	Y	Y	Y'	Y'	Y'	S'	N	N
65	Communication and Utilities	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y'	Y	Y	Y	Y	Y	S	S	N
65.1	Wireless Transmitting and Receiving Antenna, including Satellite Dish Type	S	S	S	S	S	S	Y	Y	Y	Y	S	Y	Y	Y	Y	Y	Y	Y	S	S	N

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Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
65.2	Broadcasting Studio - Radio and Television	N	N	N	N	N	N	S	Y	Y	Y	N	S	Y	Y	Y	N	N	N	N	N	N
66	Power Plant	N	N	N	N	N	N	N	N	N	S <sup>6</sup>	N	N	Y	N	Y	N	N	N	N	N	N
66.1	Incinerator and Waste Facility	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N	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	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	N	N	N	N	N

## FOOTNOTES:

1. Provided that such uses are part of a marine enterprise or are dependent on access to the Port of Providence.
2. See Section 905.2 for Special Use Permit criteria for Waterfront Zones.
3. See Section 905.1 for Special Use Permit criteria for Downtown Zones.
4. Subject to the requirements of Section 419.6
5. Subject to the requirements of Section 502.6.
6. New and/or expanded power plants shall only be permitted on parcels where a power plant is in existence as of October 24, 1991.

7.0 - 8.0 MANUFACTURING

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
70	Food and Kindred Products Manufacturing Including Canning and/or Packaging	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N	N	N	N
70.1	Processing of Sauerkraut, Vinegar or Yeast	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
70.2	Rendering or Refining of Fats or Oils	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
70.3	Stock Yard or Feeding Pen	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
70.4	Slaughter of Animals not including the killing of Fowl	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
70.5	Canning and Preserving of Fish and Seafood	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N	N	N
71	Textile Mill Products and Apparel Manufacturing	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	N	N	N	N
72	Lumber and Wood Products	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y	N	N	N	N	N	N
72.1	Tobacco and Tobacco Products	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

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Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
73	Paper and Allied Products, Printing and Publishing	N	N	N	N	N	N	N	N	N	N	N	Y S'	N	Y	Y	N	N	N	N	N	N
73.1	Pulp Mills and Paper Mills	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
74	Chemicals and Allied Products	N	N	N	N	N	N	N	N	N	N	N	S'	N	S	Y	N	N	N	N	N	N
74.1	Agricultural Chemicals Including Fertilizer	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
74.2	Leather and Fur Tanning and Finishing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
74.3	Acid Manufacturing	N	N	N	N	N	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	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	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	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	N	N	N	N	N
75	Petroleum Products and Related Industries	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N	N
75.1	Petroleum Refining	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Use Code	Use	R-1	R-2	R-3	R-G	R-M	C-1	C-2	C-4	D-1	D-2	W-1	W-2	W-3	M-1	M-2	I-1	I-2	I-3	RP	PS	OS
76	Rubber and Miscellaneous Plastic Products Manufacturing	N	N	N	N	N	N	N	N	N	N	N	Y <sup>1</sup>	N	N	Y	N	N	N	N	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	N	N	N	N	N
76.2	Tire Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N
77	Stone, Clay, and Glass Products Manufacturing	N	N	N	N	N	N	N	N	N	N	N	S <sup>1</sup>	N	N	S	N	N	N	N	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	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	N	N	N	N	N
77.3	Materials Processing Distribution and Storage	N	N	N	N	N	N	N	N	N	N	N	N	Y <sup>1</sup>	N	Y	N	N	N	N	N	N
77.4	Other Materials Processing Distribution and Storage	N	N	N	N	N	N	N	N	N	N	N	N	Y <sup>1</sup>	S	Y	N	N	N	N	N	N
78	Primary Metal Industries	N	N	N	N	N	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	N	Y <sup>1</sup>	N	N	N	N	N	N	N	N	N
79.1	Drop Forge Industries	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

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

## FOOTNOTES:

1. See Section 905.1 for Special Use Permit criteria for Downtown 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 905.2 for Special Use Permit criteria for Waterfront Zones.
4. Arts and crafts manufacturing may be combined with commercial artist's lofts. See Use Code 14.2.

**Section 304 — Dimensional Regulations — Residential Districts:**

	R-1 & PS	R-2	R-3, R-G & R-P	R-M
Maximum Height	2 stories <sup>1</sup> 30 feet	2 stories <sup>1</sup> 30 feet	2 stories <sup>1</sup> 30 feet	6 stories 75 feet
Minimum Lot Area	6,000 sq. ft. <sup>3</sup>	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. <sup>3</sup>	50 ft.	50 ft.	50 ft.
Minimum Front Yard	15% of Lot Depth <sup>4</sup> Maximum 20 Feet			
Minimum Side Yard <sup>1,2,5</sup>	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 <sup>4</sup> Maximum 25 Feet			25% of Lot Depth max. 35 ft
Maximum Lot Coverage <sup>7</sup>	35% <sup>6</sup>	40% <sup>6</sup>	40% <sup>6</sup>	40% <sup>6</sup>

NOTE: See Sections 412, 413, 414, 415, 416, 417, 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 and having a width of not less than 50 feet, 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.

7. In ground and above ground pools shall not be considered when calculating overall lot coverage requirements stipulated in this code.

**Section 305 — Dimensional Regulations — Commercial, Industrial and Institutional I-1 and I-2 Districts:**

	C-1,2,4	M-1	M-2	I-1,2
Maximum Height	45 feet 3 stories	75 feet <sup>1</sup> 6 stories	90 feet <sup>1</sup> 7 stories	35 feet <sup>2</sup> 2 stories
Minimum Lot Area	None <sup>3</sup>	None <sup>3</sup>	None <sup>3</sup>	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
Minimum Front Yard	12' from face of curb <sup>3,4,10</sup>	0 <sup>3,4,5</sup> feet	0 feet	12' from face of curb <sup>4,5</sup>
Minimum Side Yard	0 feet <sup>3,7,9</sup>	0 feet <sup>3,7,9</sup>	0 feet <sup>7</sup>	0 feet <sup>6</sup>
Minimum Rear Yard	0 feet <sup>3,8,9</sup>	0 feet <sup>3,8,9</sup>	0 feet <sup>8</sup>	0 feet <sup>6</sup>
Maximum Lot Coverage	None <sup>3</sup>	None <sup>3</sup>	None	None

**305.1 — Footnotes for Dimensional Regulations  
— Commercial, Industrial, Institutional Districts:**

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

2. The allowable height for any building in an Institutional Floating 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-M4 R-M zone shall apply.

4. Where the block frontage is partly in an R-zone which is not overlaid by an Institutional Floating 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 Floating 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 Floating 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 Floating 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 Floating 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.

10. In C-1 and C-2 Zones, commercial structures shall be built on the front lot line with no setback.

*Section 306 — Dimensional Regulations — Downtown Districts:*

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

*306.1 — Footnotes for Dimensional Regulations — Downtown Districts:*

1. Maximum Height in the D-1 and I-3 Zones: The maximum height in the D-1 Zone will be determined as follows:

D-1 45 equals a maximum height of 45 feet;

D-1 75 equals a maximum height of 75 feet;

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

D-1 150 equals a maximum height of 150 feet;

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

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

The maximum height in the I-3 Zone shall be the same as the underlying D-1 Zone.

2. Building lines at street level 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	600 sq.ft. per dwelling	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 <sup>2,4</sup>	0 ft.	0 ft.
Minimum Side Yard <sup>3</sup>	6 ft. <sup>4</sup>	0 ft. <sup>1</sup>	0 ft. <sup>1</sup>
Minimum Rear Yard	25% of Lot Depth 25' Max <sup>4</sup>	0 ft. <sup>1,5</sup>	0 ft. <sup>1</sup>
Maximum Lot Coverage	40%	N/A	N/A

*307.1 — Footnotes for 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 use permits.

*Section 401 — Outdoor Uses:* Within the R, C-1, C-2, RP, I and W-1 Zones, all uses must be conducted wholly within a building, except for off-street loading of delivery vehicles and automobile parking which are incidental thereto. 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). Notwithstanding the above, accessory family dwelling units shall not be permitted in any zone. Accessory uses are subject to all the requirements of this Ordinance, shall be customarily incidental and subordinate to the principal use, shall not be permitted without the principal use to which it is related, 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 in R Zones:* An accessory building or structure is permitted, including a private garage, carport, shed, greenhouse, accessory living quarters, or a recreation room in any R Zone or on any lot located in any zone which is used for residential purposes subject to the following restrictions:

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 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 private garage may be located in the required rear yard and may be built up to the lot lines. A detached private garage shall not be located in the required side yard.

E) A private 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.

G) Storage or parking of commercial vehicles are prohibited in R Zones.

H) 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. Such vehicles shall be stored in an approved paved parking area.

I) 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 and must be located at least five (5) feet from any lot line.

*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, I 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 customarily incidental and subordinate to the principal use, including a garage or storage building. All such buildings shall be on the same lot as the main use.

*Section 408 — Accessory Manufacturing Uses in a C, D and W-1 Zones:* Accessory manufacturing uses to any permitted use are allowed provided such manufacturing uses are performed on the same lot as the main use; are customarily incidental and subordinate to the principal use being performed on the premises; all such products produced on the lot are sold at retail on the premises; and no more than five (5) persons are employed in the accessory manufacturing use 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) Minimum 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 — Requirements for Outside Storage of Vehicles, Transportation Equipment and Materials to be Processed:** All auto service stations, new and used car dealership, garage repairshops, auto body shops, car washes, storage of vehicles, materials to be processed, 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 and Materials to be Processed:** Storage of any junk vehicles as defined by City Ordinance (See Providence Code of Ordinances Section 15-36), and materials to be processed shall not be permitted unless said vehicles and materials 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. **Storage of junk requires screening, adequate sloping and landscaping so as to prevent point and non-point pollution from entering any water bodies.**

**Section 411 — Fences:** Fences, walls and hedges are permitted in all zones in accordance with Section 5-46 through 5-54 of the City Code of Ordinances. No fence, wall or hedge shall be

erected or maintained in such a manner as to materially impede vision at street intersections between the height of two (2) feet and ten (10) feet above the triangle formed by the two street lines and a third line joining points on the street lines fifteen (15) feet from the intersection. Fences, walls and hedges shall be maintained. Failure to maintain a fence, wall or hedge shall be deemed a violation of this ordinance. Fences, walls and hedges are subject to the following limitations:

**411.1 — Fences in R and RP Zones:** The following fences are permitted:

A) Hedge composed of plant material which shall be trimmed and maintained to an average height of not exceeding six (6) feet.

B) Stone fence constructed of flat fieldstone, not exceeding four (4) feet in height and having a flat stone top thereof, not exceeding twelve (12) inches in width, and having the same finish on both sides.

C) Stockade fence or vertical board or other wood fence not exceeding six (6) feet in height.

D) Composite fence constructed of planted hedge with woven wire or chain link not exceeding six (6) feet in height and provided that all plant material shall be at least as high as the wire portion that the hedge shall be trimmed, and that there shall be no sharp prongs on top of the fence.

E) The maximum height for fences, walls and hedges in the front yard shall not exceed thirty six (36) inches, provided vision is not impeded.

**411.2 — Fences in D Zones:** All fences in D Zones shall be subject to the provisions of Section 502 of this ordinance. No woven wire, chain link or barbed wire fence shall be allowed.

**411.3 — Fences in all other zones:** The following fences are permitted in all other nonresidential zones:

A) Permitted fences in Section 411.1 of this Ordinance shall not exceed ten (10) feet in height.

B) Woven wire or chain link fence composed of wire not less than number nine gauge firmly fastened to posts not more than sixteen (16) feet apart, woven of not less than eleven (11) horizontal wires, the bottom wire to be not more than two (2) inches from the ground and with stays or uprights not more than six (6) inches apart. There shall be no sharp prongs on top of the fence unless they are meshed or turned over. Such fence shall not exceed ten (10) feet in height.

C) Fences in a C-4, M-1, M-2 and W-3 Zone may be topped wholly or in part with barbed wire, provided that the fence with barbed wire shall not exceed ten (10) feet in height.

#### *Section 412 — Roof Structures:*

*412.1 — Restrictions:* All permitted roof structures shall comply with the following:

A) The total area of all roof structures shall not exceed more than one-third of the total roof area of the building.

B) All roof structures 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.

C) Where roof structures exceed one third of the roof area, there shall be a parapet wall constructed to screen such structures, which shall be counted as a story. Where roof structures exceed one third of the roof area, there shall be either a parapet wall or other appropriate screening constructed to reduce the visual impact of such structures, which shall be counted as one story.

#### *412.2 — 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; chimneys; and fully enclosed mechanical equipment rooms.

B) The following roof structures are permitted above the maximum height as specified in this ordinance: 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 (10) feet plus one (1) foot per story above the sixth (6) story to a maximum total of twenty (20) feet.

C) If a roof structure exceeds one third of the total roof area, it shall be counted as a story and the building shall conform to the height restriction for the Zone in which it is located.

*412.3 — 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 the same side of street. If there are no buildings on the same side of the street, existing buildings, within one hundred (100) feet in both directions, on the opposite side may be used to calculate the average setback. The calculation of such front yard setback shall not include any structures permitted to extend in a front yard by Section 416.

**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 not more than 6 feet, but in no case closer than 4 feet to the side or rear 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, not exceeding 8 1/2 inches above the ground at any point, shall be permitted in any required side or rear yard.

**Section 417 — Only One Principal Residential Building On a Lot:** One principal residential building and permitted accessory buildings shall be located on a separate lot in an R Zone which shall not contain any other structure containing any other principal use. 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 Use Permit — Zoning Board:** The following special use permits may be granted by the Board, in accordance with Section 902 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 use permit 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 customarily incidental and subordinate and essential to a retail use which exceed the provisions of Section 408, may be granted by the Board as a special use permit, provided such uses, operations or products shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

**419.4 — 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.

**419.5 — Change in Nonconforming Use:**

A) **Nonresidential Zones:** Within any nonresidential zone, a nonconforming use may be changed to a different nonconforming use by special use permit. In considering an application for a special use permit 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 use permit may not be changed to another nonconforming use without the granting of another special use permit.

B) **Residential Zones:** Within any residential zone, a nonconforming use may be changed to a different use which is allowed by special use permit 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 use permit.

**419.6 — Parking R-3, R-G, R-M, and R-P 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 shall 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.

**419.7 — 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 use permit from the Board.

**Section 420 — Variances for Maximum Height:**

**420.1 — Maximum Height in R-1, R-2 and R-3, R-G and R-P:** The Board, upon application for a variance, as provided in Section 902, 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.

**420.2 — Maximum Height in R-G, R-M, C, I-1, I-2, and W-1 Zones:** The Board, upon application for a variance, as provided in Section 902.3, 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.

**420.3 — Maximum Height in M, W-2, and W-3 Zones:** The Board, upon application for a variance, as provided in Section 902.3, 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.

**420.4 — Maximum Height in D and I-3 Zones:** The Board, upon application for a variance, as provided in Section 902.3, 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.

**Section 421 — Planned Development — Approval by City Plan Commission:** A planned development or land development project, 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.

**421.1 — Establishment:** A planned development may be established upon approval by the Commission in any zone in which the proposed principal use and accessory uses of each building are permitted in accordance with Article III. A land development project may be initiated by submitting a land development plan to the Commission. The Commission, functioning in its capacity as provided by Section 1013 of the Charter, shall ascertain whether the land development plan is complete as to contents required below. The Commission may establish reasonable rules, in addition to the requirements of this Ordinance, to regulate the approval of a planned development.

**421.2 — Preapplication Conference:** A preapplication conference with the Commission's

staff is required for land development proposals. A preapplication conference is intended to allow the Commission staff to:

A) Acquaint the applicant with the comprehensive plan and any specific plans that apply to the parcel, as well as the zoning and other ordinances that affect the proposed development;

B) Suggest improvements to the proposed design on the basis of a review of the sketch plan;

C) Advise the applicant to consult appropriate authorities on the character and adequacy of public utility services; and

D) Help the applicant to understand the steps to be taken to receive approval.

**421.3 — Land Development Plan — Contents:** The plan shall be drawn on mylar sheets, measuring 24 inches by 36 inches. One original and eight copies shall accompany each plan. The plan shall minimally include:

A) Scale: one inch equals fifty feet;

B) Locus plan;

C) North arrow;

D) All existing structures and appurtenances on the proposed site;

E) All proposed structures and uses, together with dimensions, setbacks from front, side and rear lot lines, parking, landscaped areas, open spaces and other appurtenances; and

F) Adjacent parcels depicting existing land uses within a radius of 200 feet.

**421.4 — Public Hearing:** Within 30 days of the receipt of the complete plan, the Commission shall hold a public hearing upon the plan, in accordance with procedures set forth in Section 903.5 of this Ordinance.

**421.5 — 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.

**421.6 — Criteria for Approval:** To grant approval, the Commission shall find that the applicant has met the standards set forth in Section 902 and 905, and:

A) The planned development will be in harmony with the character of the neighborhood; and

B) The plans for the planned development are consistent with the Comprehensive Plan.

**421.7 — Conveyance to City:** Any open land provided by a land development project for public or common use, shall be conveyed to the City and accepted by it for park, open space, recreational, or other specified use or uses to be approved by the Commission. At the option of the Commission, the developer may convey the land to an approved nonprofit organization, the principal purpose of which is the conservation of open space, or to a corporation or trust owned or to be owned by the owners of lots or units within the development, or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units. In any case, where the land is not conveyed to the City, a restriction enforceable by the City shall be recorded providing that the land shall be kept in the authorized condition(s) and not be built upon or developed for accessory uses such as parking or roadway.

**Section 422 — Residential Professional District — Purpose:** The purpose of the residential professional district is to preserve and enhance

the residential integrity of certain heavily travelled streets while permitting compatible professional uses. To achieve this, a development plan review of applications for uses permitted by right shall be required.

**422.1 — Development Plan Review Body:** The Commission shall review and approve all applications for development plan review in conformance with this section.

**422.2 — Powers:** The Commission shall have the following powers in reviewing applications for development plan review:

A) *Regulate Development in the RP Zone:* The commission shall be authorized to regulate all improvements in the RP Zone including the construction, reconstruction, alteration, repair, demolition, removal and rehabilitation of the exterior of new and existing buildings and appurtenances.

B) *Waivers:* Where specifically authorized by this Section, the Commission may grant a waiver to these regulations, but not to the use requirements in Section 303. Whenever an application requests a waiver, a public hearing shall be held in conformance with Section 903.4 and 903.5. The Commission may impose such conditions deemed necessary to carry out the purpose of this Section.

C) *Delegate Plan Review:* The Commission may designate the HDC to act as the review body if the RP Zone is also within the Historic District Overlay Zone. The Commission may delegate to staff, authority to review and approve the development plan application if it conforms to all the provisions of this Section.

D) *Adoption of Rules:* The Commission shall adopt and publish all rules and procedures and application forms necessary to carry out its functions under the provisions of this section.

E) *Filing Fees:* An application for a development plan review shall be accompanied

by a filing fee as set by the Council which shall be deposited with the City Collector. No part of the fee shall be returnable to the petitioner.

**422.3 — Residential Professional District — Standards:** The following standards shall apply to Residential Professional Districts:

A) *Use:* The principal use shall include at least one (1) dwelling unit. The Commission may waive this requirement.

B) *Use Mix:* Professional office uses shall be on the street level and residential uses in upper stories. **The Commission may waive this requirement.**

C) *Building Design:* The principal structure, whether new or existing shall be residential in character and shall maintain the massing, size, height, setbacks, and building footprint that are prevalent for other residents in the zone.

D) *Building Access:* Means of ingress and egress to the building for the residential use shall be in the front of the principal structure and for the nonresidential use, at the sides or rear of the principal structure. **The Commission may waive this requirement.**

E) *Parking:* Parking shall only be located in the rear of the principal structure with one curb-cut and driveway per lot. Such parking may cover 100% of the rear lot, with landscaping as required in Section 705.6 of this Ordinance.

F) *Landscaping and Exterior Appearance:* The front and side yards shall be landscaped with groundcover and plant material consistent with a residence. The non-residential uses shall resemble a residential structure from the exterior and shall include such landscaping and minimally paved driveways consistent with residential uses in the surrounding neighborhood.

**Section 423 — Special Flood Hazard Areas:** Any construction or development, wholly or partially, within a Special Flood Hazard Area Zones A, AO,

AH, A1-A30, A99, B, C, D, V and V1-V30 as identified on the Flood Insurance Rate Maps (FIRM) Community Panel Numbers 445406 0001 through 445406 0010 inclusive, dated March 11, 1985 (as amended), prepared by the Federal Emergency Management Agency shall conform to the requirements of this Section. Said FIRM shall guide the Director in determining floor elevations and other flood protective and flood preventive requirements involved in the administration and enforcement of this ordinance and the Rhode Island Building Code.

**4223.1 — Special Flood Hazard Areas — Prohibitions:** The following shall apply in special flood hazard areas:

A) No manufactured home, as defined by the Rhode Island Building Code shall be located in any floodway or coastal high hazard area.

B) All new construction shall be located landward of the reach of mean high tide in a Velocity Zone (V1-V30).

C) Man-made alteration of sand dunes within a Velocity Zone (V1-V30) shall be prohibited.

D) Any encroachment in the regulatory floodway as identified on the FIRM is prohibited. This includes fill, new construction, substantial improvements to existing structures and other development. However, encroachment in the regulatory floodway may be permitted if the applicant shall provide a certification by a registered professional engineer demonstrating that such encroachment shall not result in any increase in flood elevations during a base flood (one hundred year flood).

**4323.2 — Special Flood Hazard Areas — Director's Responsibilities:** When an application for construction or development within areas identified in the FIRM is received that may result in an alteration in the special flood hazard area, the Director shall:

A) Notify the officer in the neighboring

community responsible for administering and enforcing the Rhode Island Building Code, the Office of State Planning of the Rhode Island Department of Administration and the Federal Insurance Administration that an alteration to a floodway or watercourse may be authorized that may affect or be of interest to them.

B) Require proof, to be submitted by a registered professional engineer qualified in hydraulic engineering, to the effect that the proposed floodway or watercourse alteration is so designed to maintain fully the carrying capacity existing within said floodway or watercourse before issuing any permit for construction of any structure that might alter said floodway or watercourse.

## ARTICLE V Special Zones

**Section 500 — Purpose:** The purpose of Special Zones is to establish overlay zoning districts, floating zones, and other special zones, as defined in 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 purposes of historic districts are 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 local 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 (2) 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 alteration, repair, construction, demolition, removal of 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 without a public hearing 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,

appurtenance 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, appurtenance 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 — *Emergency Demolition:* In cases of fire, natural disaster or other event which causes the Director to order demolition immediately due to an imminent public safety hazard, the HDC

may hold a special meeting with 48 hours notice, in accordance with the R.I. Open Meeting Law, to review an application for a Certificate of Appropriateness for demolition.

**501.12 — 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, and a further right of appeal from the Board to the Supreme Court by writ of certiorari. The concurrent vote of four members of the Board shall be required for any decision upon said appeal. Said appeal shall be claimed within twenty (20) days following the issuance of a written determination by the HDC on any plan or petition submitted to it or any revisions thereof. When hearing appeals from HDC decisions, the Board shall not substitute its own judgment 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.

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

**Section 502 — Downcity District:** The purpose of the Downcity District is to encourage and direct development in the downtown to ensure that: new development is compatible with the existing historic building fabric and the historic character of downtown; historic structures are preserved, and design alterations are in keeping with historic character; development encourages day and night time activities that relate to the pedestrian and promote the arts, entertainment and housing; and that the goals of the Comprehensive Plan are achieved. The design of the exterior of all buildings, open spaces and all exterior physical

improvements in the Downcity District shall be regulated and approved in accordance with the provisions of this Section.

**502.1 — Downcity Design Review Committee (DRC):** The Downcity Design Review Committee (DRC) is established to carry out the purpose of the Downcity District. All development in the District shall be reviewed and approved by the DRC in conformance with this section.

**A) Powers and Duties of the DRC:** The DRC shall have the following powers and duties:

1. **Regulate Development in the Downcity District:** The DRC shall be authorized to regulate all improvements on public and private land in the district including the construction, reconstruction, alteration, repair, demolition, removal, rehabilitation of the exterior of new and existing buildings and appurtenances except as otherwise provided in this ordinance. Any property located in the District that is also located in the Capital Center Special Development District established in accordance with 2-361 through 365 of the City Code of Ordinances, shall be governed by the rules and regulations of the Special Development District and shall be exempt from this section until such time that the Special Development District ceases to operate.

2. **Waivers:** Where specifically authorized by this Section, the DRC may grant waivers to those regulations that carry out the purpose of the Downcity District; are in harmony with the general purposes and intent of these regulations; and, are in accordance with the requirements of this Section. The DRC may impose such conditions deemed necessary to carry out the purpose of this Section.

3. **Adoption of Rules:** The DRC shall adopt and publish all rules necessary to carry out its functions under the provisions of this section.

**B) Membership:**

1. **Members:** The members of the DRC should

consist of people who have demonstrated interest and commitment to the vision and historic character of Downtown. The DRC shall consist of five (5) members. Four (4) members shall be appointed by the Mayor as follows: one (1) registered Rhode Island architect, one (1) property owner in the District, one (1) developer, real estate agent or builder, and one (1) general member who is a resident of the city. The chair of the HDC or a member of the HDC appointed by the chair shall be the fifth member of the DRC. When the DRC is first established, the Mayor shall appoint two (2) members for one (1) year and two (2) members for two (2) years. The appointee of the HDC chair shall serve for three (3) years. Members shall afterward be appointed for three year terms.

2. *Alternate Members:* The Mayor shall appoint the first alternate member who shall be a registered Rhode Island architect or landscape architect. The chair of the HDC shall appoint the second alternate member who shall be a resident of the city. Each shall be appointed for a one (1) year term and shall sit and may actively participate in hearings. The first alternate shall vote if one member is unable to serve at a hearing and the second alternate shall vote if two members of the board are unable to serve at a hearing.

3. *Vacancy:* In the event of a vacancy, the vacancy shall be filled in accordance with the original appointments to fill the unexpired term(s). Vacancies shall be filled within ninety (90) days.

4. *Organization:* The Mayor shall appoint a chair. The DRC shall elect from its members a vice chair. The Department of Planning and Development shall assign staff to support and work with the DRC.

C) *Conduct of Business:* The Chair shall preside over all DRC 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 DRC shall be open to the public.

1. *Quorum:* Five (5) members shall constitute a quorum for business to be conducted before the DRC.

2. *Required Vote:* The concurring vote of three (3) members of the DRC shall be necessary to approve an application. The concurring vote of four (4) members shall be necessary to grant a waiver.

3. *Public Hearing:* The DRC shall hold a public hearing on any request for a waiver in accordance with Article IX of this ordinance.

4. *Record:* The DRC shall keep a record of all proceedings, findings, decisions and actions and such record shall be open to the public. All decisions evidencing the granting of a waiver shall be recorded by the applicant in the Land Evidence Records of the City. Failure by the applicant to file the decision within thirty (30) days after it's issuance shall cause said decision to automatically become null and void.

D) *Procedures for Design Approval:*

1. *Application:* Before any property owner commences any improvements on public or private land including the construction, reconstruction, alteration, repair, demolition, removal and rehabilitation of the exterior of new and existing buildings and appurtenances within the District, a written application for such work and bonus, if applicable, shall be submitted to the Director. Said application shall be developed by the DRC and shall include all information which is reasonably necessary to evaluate the proposed work.

The Director shall forward the application to the DRC. No building permit shall be issued before the project receives design approval from the DRC or its staff. For those projects where no building permit is required, the Director shall refer such projects to the DRC for approval.

No DRC approval shall be necessary for the following:

i. work meant to remedy damage or deterioration of a structure or its appurtenances, which involves no change in type of materials, dimensions, design, configuration, texture or visual appearance;

ii. the painting of previously painted surfaces;

iii. the installation of traffic signage; and,

iv. street improvements such as plant material, street paving, curbing, drainage.

2. *Review:* The DRC shall review all applications for new construction, major additions, moving of structures and demolition. The DRC may authorize staff to make determinations for repairs (except for replacements in kind as noted above), alterations and minor additions. A determination shall be made within thirty (30) business days of receipt of a complete application. Staff determinations shall be completed within fifteen (15) business days of receipt of a complete application. These time periods may be extended by mutual agreement between the Applicant and the DRC or staff. In the event that the DRC shall make a written determination within the thirty (30) day period that a particular application requires further time for additional study and information, then the DRC shall have a period of up to ninety (90) business days from the date of acceptance of a complete application within which to act on such application. Nothing in this section shall be construed to prevent the applicant and the DRC from mutually agreeing on an extension beyond the ninety (90) days.

3. *Failure to Act:* The failure of the DRC or its staff to act within thirty (30) business days from the date of filing a complete application shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the DRC or its staff.

4. *Determination:* DRC shall be authorized to approve, approve with conditions, or deny an

application for Design Approval. Approval shall be based upon conformance with the regulations of this section. The DRC shall place on the record its reasons and conditions for approval or reasons for denial of the application, consistent with the provisions of this Ordinance. All determinations shall be made in writing. A copy of DRC determination shall be filed with the applicable building permit.

5. *Waivers:* Whenever an application requests a waiver to the regulations of this section, a public hearing shall be held in conformance with Section 903.

6. *Accept Advice from Other Agencies:* In order to assist in its review of plans, the DRC may request the HDC or other agencies to review and comment on proposals.

7. *Appeals:* Any person aggrieved by a decision of the DRC may appeal that decision to the Board in accordance with Section 902 of this ordinance.

8. *Enforcement:* This section shall be enforced in accordance with Article VIII of this ordinance.

9. *Filing Fees:* Any application for DRC approval shall be accompanied by a filing fee as set by the Council which shall be deposited with the City Collector. No part of said fee shall be refunded to the applicant.

#### 502.2 — DOWNCITY DISTRICT — General Regulations:

A) *Uses:* The following Table is a generalized listing of use categories that are permitted in the District. To determine if a specific use is permitted in the district, first determine if the general use category is permitted in Table 502.2 below and then check Section 303 to determine if the specific use is permitted. Permitted uses are denoted with a "Y"; uses not permitted are designated with an "N"; and uses permitted only upon approval of the DRC are denoted with a "W" for waiver.

TABLE 502.2

USE CODE	A STREETS		B STREETS	
	FIRST FLOOR	UPPER FLOORS	FIRST FLOOR	UPPER FLOORS
1.0 Residential	N <sup>1</sup>	Y	N <sup>1</sup>	Y
2.0 Institutions	Y	Y	Y	Y
3.0 Cultural	Y	Y	Y	Y
4.0 General Services	Y	Y	Y	Y
5.0 Trade	Y	Y	Y	Y
64a Parking Garage	W <sup>2</sup>	W <sup>3</sup>	Y <sup>4, 5</sup>	Y

## FOOTNOTES:

1. Lobbies and associated residential common spaces are permitted on the first floor.

2. A waiver may be granted, when parking on the first floor is separated from the street line by a permitted use (Use Codes 2.0, 3.0, 4.0 and 5.0) having a minimum depth of fifteen (15) feet. Vehicular ingress/egress shall not be permitted on an A Street.

3. A waiver may be granted to permit parking on upper floors at the street line when the building design demonstrates compatibility with the existing streetscape.

4. Permitted along B Streets which do not require retail frontage.

5. On B Streets which require retail frontage, a garage shall be separated from the street line by a permitted use (Use Codes 2.0, 3.0, 4.0 and 5.0) for a minimum depth of fifteen (15) feet. A waiver is required to allow a parking garage on the first floor with no separation. Ingress/egress is permitted on B streets.

6. Where a parking lot is permitted along a B Street, a streetwall shall be built along the property line where deemed necessary by the DRC.

B) *Retail Frontages*: The purpose of these regulations is to preserve and enhance the commercial character of downtown by maintaining continuous storefronts along specific retail frontages. These regulations apply to both existing and new construction. Streets designated as retail frontages on the Overlay Zoning Maps are required to have buildings designed for retail uses with multiple entrances on the first floor and transparency as outlined in 502.4 regardless of the uses that occupy the first floor. The DRC shall determine the number and size of storefronts necessary for each building. However, it is not the purpose of these regulations to require that historic buildings be altered to create retail frontage in locations where historically no storefront existed.

C) *Signs* [as defined in Article VI]: The maximum total area of all signs on a facade shall not exceed three (3) square feet per one (1) lineal foot of building frontage. Window signs shall not be included in the above calculation. Such signs may be externally illuminated and shall be made of metal, painted wood or other painted similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and detail.

1. Freestanding signs, permanent or temporary, shall not be permitted in D-1 Zones, except for parking uses.

2. Permanent freestanding signs may be permitted in D-2 Zones, with limitations indicated below.

The maximum area of any individual sign in D-1 and D-2 Zones shall be limited as follows: The DRC may grant waivers from these requirements in areas that fall within the Duncity District. Areas outside the District shall be subject to relief provisions of Section 902 of this Ordinance.

Sign Type	Area Sq.Ft	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	2'/1' of building frontage			
Freestanding <sup>1</sup>	48 sq. ft.	18 feet	—	unrestricted
Projecting	48 sq. ft.	30 feet	0	0
Roof	128 sq. ft.	12' above roof	0	0
Wall	2'/1' of building frontage	—	—	1.25 feet

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

**D) Landscaping — Lot Frontage:** Landscaping shall be provided between parking lots and any adjacent public street, walk or right of way, shall be approved by the DRC and shall be maintained in accordance with Section 705.6. A landscaped area of at least three (3) feet in width shall be provided. The landscaped area shall contain:

1. One (1) shade tree for every thirty (30) feet or fraction thereof in planting areas of the size approved by the city forester. The tree shall be a minimum of fifteen (15) feet in height and have at least a three and one-half (3-1/2) inch caliper.

2. A streetwall of a maximum total height of eight (8) feet, or hedge maintained at least thirty (30) inches in height above grade, to form a visual screen.

a. When a streetwall is used, it shall be of masonry or similar material up to three (3) feet in height, set in the middle of the landscape strip, and shall have openings along said streetwall which shall be not less than thirty (30) inches wide and not more than thirty (30) feet apart. The streetwall shall be topped with a decorative metal fence of at least three (3) feet in height. In order to break the visual monotony of a streetwall, at least one shrub or vine shall be planted abutting the the wall approximately every ten (10) feet. The

DRC may grant a waiver to the shrub and vine requirement if the streetwall has significant design variation.

b. Evergreen shrubs, a minimum of twenty four (24) inches in height above grade at the time of planting, shall be used to form hedges and shall be spaced not more than thirty six (36) inches apart and maintained so as to form a continuous screen thirty (30) inches in height above grade, under normal growing conditions, within one (1) year after planting.

3. The remainder of the landscape area shall be planted with ground cover, low shrubs or flowering plants.

**E) Landscaping — Contiguous Properties:** Landscaping shall be provided between parking lots and contiguous properties and shall be approved by the DRC and shall be maintained in accordance with Section 705.6. A landscaped area between the common property line and the parking lot shall contain either:

1) A masonry streetwall or opaque fence of at least five (5) feet in height located in a three (3) foot wide landscape area. Shade trees shall be planted every thirty five (35) feet or fraction thereof in planting areas. The tree shall be a minimum of fifteen (15) feet in height and have at least a three and one-half (3-1/2) inch caliper. In order to break the visual monotony of a streetwall, at least one shrub or vine shall be planted abutting the wall approximately every ten (10) feet.

2) A durable evergreen landscape screen not less than four (4) feet in height above grade when planted, in a landscape area not less than five (5) feet wide. The evergreens shall grow at least to five (5) feet within one (1) year.

**F) Parking:** Parking in the District shall conform to the requirements of Article VII Parking and Loading of this ordinance. However, parking is not required for newly constructed buildings on an individual lot with a gross floor area of less than five thousand (5,000) square feet.

G) *Loading*: Interior off street loading, in accordance with Section 708, shall be provided but shall not be permitted on an A Street. The DRC may grant a waiver to this requirement provided that provision is made for the delivery of goods that will not interfere with the daily vehicular or pedestrian flow of the district.

*Section 502.3 — Downcity District — Design Regulations for Existing Buildings*: All exterior work on existing buildings in the district is subject to approval by the DRC and shall be regulated by these standards and the guidelines of the DRC. The purpose of these regulations is to establish design standards to preserve the urban fabric of the District and in particular the historic character of the District.

A) *A Streets*: These standards are intended to preserve and restore the architectural integrity and historic character of buildings in the district. The existing scale and proportions of buildings and streetscapes shall be preserved. The DRC shall review:

1. The preservation, repair or replacement of building features using the Secretary of Interior Standards for Rehabilitation as guidelines.

2. Storefronts — Existing structures which have been designed for retail use on the first floor shall retain this design. Where such design no longer exists but would be compatible with the character of the building, rehabilitation shall be designed to permit retail uses on the first floor.

3. The restoration or reconstruction of a building which has been altered through the years. The DRC should consider pictorial, documentary or physical evidence of the original configuration when reviewing applications.

4. New additions, exterior alterations, or related new construction using the Secretary of Interior Standards as guidelines.

5. The transparency of existing buildings along retail frontages. Transparency along retail

frontages shall continue and shall not be decreased. Renovations of the first floor of existing buildings 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 requirements for new construction. All buildings shall meet this requirement unless the original historic character of the building requires less transparency area.

6. The design of all awnings to insure that the design is in character with the building.

7. The lighting of building facades to insure that the fixtures are small, shielded and directed toward the building. Electrical conduit and junction boxes shall be located so as to minimize, or if possible, eliminate their visibility from the public way.

8. The installation of security devices to insure that they are designed so as not to impact the historic quality of the building.

B) *B Streets*: In the rehabilitation of buildings on B Streets every effort shall be made to maintain the urban fabric and the historic character of buildings. There shall be no development standards and no DRC review for existing buildings on B Streets; refer to Section 502.5 for demolition provisions. However, the significant historic buildings designated on the Overlay Zoning Maps shall be subject to all the requirements for buildings located on A Streets.

*502.4 — Downcity District — Design Regulations for New Construction*: All new construction in the district shall be approved by the DRC and shall be regulated by these standards and the guidelines of the DRC. The purpose of these standards is to establish design regulations to preserve the urban fabric of Downtown and to insure that new construction complements the historic character and the architectural integrity of existing structures.

A) *A Streets — Minimum Standards*: The

following are minimum standards for all new construction:

1. *Building Height:*

a. Buildings shall be at least three (3) stories in height. The DRC may grant a waiver to allow a building of two (2) stories (24 feet). Building height and massing shall relate to adjacent structures and the existing vertical proportions of downtown buildings. First floors shall be a minimum 12 feet floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height.

b. Buildings over six (6) stories shall have a recess line of at least ten (10) feet. The DRC may grant a waiver to allow a building in excess of six (6) stories (within the height limit) without a recess line if it is determined that the building can exist compatibly with neighboring buildings. In such cases, a transition line may be required.

2. *Building Facades:*

a. Building facades shall be built on the street line.

i. Where the lot frontage is curved, the facade shall follow. The DRC may grant a waiver to permit the building to be built on the chord or the tangent.

ii. Buildings shall have their main entrance from a sidewalk on the A Street.

iii. A waiver may be granted by the DRC to allow 20% of the lot frontage to be set back from the street line or left open to form a court yard.

iv. Where nonconforming setbacks exist on adjacent buildings, a waiver to building setback may be granted by the DRC.

b. A building facade shall have a transition line. Transition lines shall be designed in proportion to the overall height and mass of the proposed building, creating a distinction between

upper and lower (i.e. first, or first and second) stories. Transition lines shall relate to existing adjoining buildings.

c. A building shall have a roof line. Roof lines shall be designed in proportion to the overall height and mass of the proposed building, creating a distinction between the top of the building and the lower floors. Roof lines shall relate to existing adjoining buildings.

3. *Transparency* — All new construction along A Streets 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. Blank walls shall be separated by areas of transparency of at least 3 feet in width.

4. Windows shall only be of clear or lightly tinted glass. The percentage of glazed area and all other openings of a facade shall be calculated from above the transition line, but as a maximum shall be fifty (50) percent of the facade area. No curtain walls will be permitted on A Street frontages. Window proportions shall be square or vertical and shall be recessed at least four (4) inches from the plane of the facade.

5. The primary building materials on the facade shall be brick, lime stone, sandstone, granite, terra cotta, cast stone or other similar material. The DRC shall review the proposed material for compatibility with the existing streetscape.

B) *B Streets — Minimum Standards:* The DRC shall only consider massing, siting and proportions of new construction and its impact on an adjacent historic structure when performing a review. The following standards shall apply:

1. Where new construction abuts one or more shorter historic buildings, recess lines shall be provided to a depth of at least ten (10) feet, so that the new, taller building can exist without dwarfing adjacent historic buildings. If new construction does not abut historic buildings, no recess lines are required.

2. All buildings shall align with adjacent buildings. In the event an adjacent building is setback from the street line, the DRC may allow the new building to setback so as to align with the adjacent building(s).

3. Along retail frontages, 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. Blank walls shall be separated by areas of transparency of at least 3 feet in width. Loading areas are permitted.

4. Buildings on B Streets shall have their main entrance from a sidewalk on the street.

*502.5 — Demolition of Structures on A Streets:* In order to preserve the urban fabric that is created by the existing building stock on A Streets, and those significant historic buildings designated on the Overlay Zoning maps, no building fronting on an A Street or designated on the Overlay Zoning Maps shall be demolished until the DRC has granted a waiver to demolish the building.

*A. Review of Application —* In reviewing the application for demolition, the DRC shall consider the architectural quality of the existing building, regardless of condition; the historic value of the building; the feasibility of renovating and reusing the existing building; and, the quality of the new building to be constructed, if demolition is approved. It shall be the burden of the property owner to prove that there are no prudent nor feasible alternatives to demolition. In addition, the DRC shall find that the following conditions are met:

1. The proposed reuse of the site is a permitted use for the D Zone and in accordance with Section 502.2.

2. Plans for the new building to be constructed, once the original building is demolished, have been approved by the DRC, fire marshal, Director and all other approvals are received.

3. No interim use(s) shall be permitted on the parcel and construction of the new facility shall begin within ninety (90) days of demolition.

*B. Referral to HDC:* All applications for demolition shall be forwarded to the HDC for review and recommendation. The DRC shall consider, but is not bound by the recommendation.

*C. Grant of Demolition:* If the DRC grants the waiver authorizing the demolition of the building, the Director shall not issue a demolition permit until the applicant demonstrates to the DRC adequate financial ability to demolish the existing structure and construct the new approved building. Prior to issuing the demolition permit, the Director shall record a lien on the land evidence records against the property limiting its use to the building which has been approved by the DRC. Any change in plans will require a new application to the DRC for approval.

*D. Emergency Demolition:* If a building presents a threat to safety, the Director may order its demolition without DRC approval. However, the Director shall record a lien on the land evidence records against the property limiting its use to that which is permitted by Section 502.2 of this ordinance and has been approved by the DRC.

*502.6 — Downtown Educational Institutions (I-3):* Where a Downtown Educational Institution (I-3) zone is located in the Downcity District, the institution shall be exempt from the design review requirement of the Downcity District provided that the institutional master plan filed in conformance with the provisions of this ordinance:

A) Sets forth a design theme that addresses the purposes of the Downcity District;

B) Identifies A Streets and Retail Frontages and sets forth in the plan how buildings along these streets will be constructed or reconstructed to addresses these restrictions;

C) Identifies all buildings proposed for demolition and the proposed use of the property after demolition;

D) Identifies all buildings individually listed on the National Register of Historic Places and identifies in the plan any proposed construction or reconstruction to that building(s); and,

E) The plan is approved by the commission after review and comment from the DRC.

The Director shall issue no building permit for an I-3 use in the Downcity District until the DRC or its staff advises the Director that the provisions of this section have been met:

A) The Institutional Master Plan has been approved by the Commission as being in conformance with the requirements of this Section and Section 503.3, and

B) The Project conforms to the provisions of the approved Institutional Master Plan.

If no Institutional Master Plan has been approved, the director shall refer the project to the DRC in accordance with Section 502.1 D).

**502.7 — Downcity Incentives — Purpose:** The purpose of these incentives is to encourage development that will be compatible with the character of Downcity and carry out the goals of the comprehensive plan. These regulations are designed to foster and promote in the Downcity preservation of historic properties, first floor retail activity, pedestrian access and convenience, the arts and housing.

A) **Basic Requirements:** All development in the D Zones shall conform to the use, density, bulk, parking, design review and other applicable requirements of the Providence Zoning Ordinance and in particular the requirements of the Downcity District.

B) **Incentives — General:** Two types of incentives are permitted to encourage development that is compatible with the goals of the comprehensive plan: bonuses and transfer of development rights. These incentives are permitted only in the Downcity District as identified on the Providence Overlay Zoning Maps and in accordance with the requirements of this section.

C) **Bonus Eligibility:** A project shall be eligible for a bonus of either increased building height or dwelling unit density if space is provided within the project for the uses, improvements or facilities set forth below. Only one bonus may be applied per project. **Before granting the bonuses for uses described in (1) and (2) below, a lien shall be filed against the property with the Recorder of Deeds providing that such uses shall remain in effect for five (5) years from the date of recording.**

1. **Retail Uses:** Uses permitted by Use Codes 42, 56 and 57 and permitted in the Downcity District and located within Retail Frontage areas as designated on the Overlay Zoning District Maps. A minimum of one half of the lot area shall be dedicated on the first floor to retail use to qualify for a bonus. A signed lease for five years by a prospective tenant is required prior to the granting of the bonus.

2. **Cultural or Entertainment Facility:** These facilities shall be open to the public on a regular basis and shall be limited to visual art space and performing art space.

a. **Visual Art Space:** Facilities that provide space for the visual arts, including but not limited to exhibition halls and galleries which are visible from and directly accessible to pedestrian circulation.

b. **Performing Art Space:** Facilities that provide space for the performing arts, including but not limited to concert halls and theaters, which are visible and accessible to pedestrian circulation. This bonus can only be received if:

provisions are made to have the space available for use by arts groups at affordable rates; the space is open for public view of performances for a number of days equal to at least a quarter of the year; and the space shall be large enough to seat at least 50 people.

3. *Cultural/Entertainment Fund*: A payment in lieu of improvements may be made to a fund which shall be available to small visual and performing arts organizations to establish permanent performance and office space in the downtown. Funds derived from such payments shall be deposited by the City in a special revolving fund and shall be used exclusively for the purpose of purchasing and renovating performance and office space for arts organizations. The DRC shall develop regulations governing the distribution of funds and shall submit same to the Council for adoption as an ordinance.

D) *Schedule of Bonuses*: If a proposed use, improvement or facility complies with the standards set forth in this section, it shall be eligible for a density bonus or height bonus. The density bonus is the minimum lot area per dwelling unit. The height bonus is the percentage of increase in building height over the permitted zoning height. The schedule of bonuses is as follows:

1. *Retail Uses*: The bonus is based on the amount of first floor space dedicated to retail use.

% of Lot Area	Density Bonus	Height Bonus
Min. 50%	175 sq. ft.	10%
51 to 75%	150 sq. ft.	20%
76 to 100%	125 sq. ft.	30%

2. *Visual Art Space*: The bonus is based on the amount of first floor space dedicated to visual art space.

% of Floor Area	Density Bonus	Height Bonus
Min. 25%	200 sq. ft.	7.50%
26 to 50%	175 sq. ft.	15.00%
51 to 75%	150 sq. ft.	22.50%
76 to 100%	125 sq. ft.	30.00%

3. *Performing Art Space*: The bonus is based on the amount of first floor space dedicated to performing art space.

% of Floor Area	Density Bonus	Height Bonus
Min. 25%	200 sq. ft.	7.50%
26 to 50%	175 sq. ft.	15.00%
51 to 75%	150 sq. ft.	22.50%
76 to 100%	125 sq. ft.	30.00%

4. *Cultural/Entertainment Fund*: The bonus is based on percentage of the total cost (design, site preparation, construction, acquisition) of the project that is donated to the fund.

% of Cost	Density Bonus	Height Bonus
1.0%	200 sq. ft.	7.50%
1.5%	175 sq. ft.	15.00%
2.0%	150 sq. ft.	22.50%
2.5%	125 sq. ft.	30.00%

E) *Incentives — Transfer of Development Rights*: Development rights may be transferred from a building listed in the National Register of Historic Places for which the applicant donates a preservation restriction whose purpose is the preservation of the exterior of the building as of the date of the conveyance of such restriction to the Rhode Island Historical Preservation Commission. Structures on sending lots shall be restored and maintained as required by the DRC.

1. *Standards*: The gross building height that may be transferred from any sending lot to a receiving lot shall be the difference between the permitted zoning height as detailed on the official Zoning Map of the city and the height of the existing building on the date of the transfer but in no case shall the receiving lot building height exceed the lesser of three hundred (300) feet or 1.6 times the permitted zoning height.

2. *Transfer of Development Rights Agreement*: The fee owners of sending and receiving lots shall execute a deed or other agreement which shall be recorded with the title to both lots. This agreement or deed shall be for a term which equals or exceeds the life of the project on the receiving lot for which the rights

were transferred. The agreement or deed shall state that the development rights transferred from the sending lot to the receiving lot may not be reclaimed unless the project on the receiving lot or that portion of the project for which the rights were transferred is demolished. The deed or agreement shall also provide that its covenants and conditions shall run with the land and shall be specifically enforceable by any party or by the city.

F) *Bonuses, Continuing Character of Obligations:* Where a bonus is granted, the applicant shall covenant to ensure the continued use of the use, facility or improvement for the purposes for which the bonus was granted. The covenant shall be for a term of twenty (20) years, unless the DRC specifically finds that another period of time would be in accordance with the purposes of this section. Such covenant shall be recorded on the land evidence records and shall run with the land.

G) *Changes:* Any changes to the plan approved in accordance with the provisions of this section shall be considered a new application.

*Section 503 — Institutional Floating Zone Districts Purpose:* The purpose of institutional floating zone districts is to permit the expansion of health care (I-1) and higher education (I-2 and I-3) institutions in designated districts of the City. Institutional floating zone districts, which are created in accordance with the provisions of this section, are superimposed on existing zoning district(s) or part of a district and impose specified requirements in addition to those otherwise applicable and/or allow alternate uses to permit the growth and expansion of health care institutions (RIGL 23-15-2) and higher education institutions.

*503.1 — Institutional Floating Zone Districts — Adoption:*

A) *Existing Institutional Uses:* It is hereby recognized that medical and higher education institutions exist in the city. In order to recognize

this existing development and to permit these institutions to grow and expand, I-1 Health Care Institution, I-2 Educational Institution and I-3 Downtown Educational Institution Floating Zones are created and have been mapped on the Providence Overlay Zoning District Maps. Said floating zones shall be regulated by the provisions of this ordinance which are applicable to the I-1, I-2 and I-3 Zones. Any existing health care or higher education institutional use located outside of an Institutional Floating Zone or a zone where such use is not permitted by Section 303, shall be considered nonconforming.

B) *Proposed Institutional Floating Zones:* An institutional floating zone district (I-1, I-2 and I-3) may be adopted, repealed or amended by the Council in accordance with the provisions of Section 1102 of this ordinance. In evaluating an application, the council shall consider: the opinion of the Commission; the impact the proposed institutional floating zone will have on the surrounding neighborhood; and, the conformance of the request with the city's comprehensive plan and the approved institutional master plan.

*503.2 — Institutional Floating Zone District — Regulations:*

A) *Permitted Uses:* Use of property owned or leased by an institution and located in an institutional floating zone district shall be governed by the provisions of this ordinance. Specific use regulations are identified in Section 303 for the applicable district (I-1, I-2 and I-3). **An institution may locate any principal use in any zone where that specific principal use is permitted.**

B) *Off Street Parking — Number of Spaces:* Off street parking requirements for uses in an Institutional Floating Zone District shall conform to the provisions of Article VII of this ordinance. However, the number of insufficient off street parking spaces that existed as of July 10, 1986 shall be permitted to continue under the terms of this ordinance but shall not be allowed to increase. (See Section 205.3).

C) *Off Street Parking — Location of Spaces:*

1. Off street parking spaces required for institutional uses shall be located in the I-Zone in which the institutional use is located or the spaces may be located outside the I-Zone on property zoned for commercial parking provided that the property on which the parking is located is within one mile of the use, and that the property is owned by the institution, or if the property is not owned by the institution, a lien is filed in accordance with Section 706.4 of this ordinance.

2. When an institution has a noncontiguous campus, parking may be supplied on one part of the campus to meet the parking needs of the other noncontiguous part of the campus provided that a shuttle service is supplied by the institution to move students and staff between the noncontiguous campuses. This provision is applicable only if an institutional master plan, which includes a parking/shuttle plan, has been submitted and approved in accordance with the provisions of this section.

**503.3 — Institution Floating Zone District — Master Plan Requirement:** All health care and higher education institutions shall file an institutional master plan in accordance with the provisions of this ordinance.

**503.4 — Institutional Master Plan — Purpose:** An institutional master plan is required to promote the orderly growth and development of institutions while preserving neighborhood character, historic resources, and to insure that the plans are consistent with the city's comprehensive plan. The master plan shall be a statement, in text, maps, illustrations, or other media of communication that is designed to provide a basis for rational decision making regarding the long term physical development of the institution. The plan shall include an implementation element which defines and schedules for a period of five (5) years or more, the specific public actions to be undertaken in order to achieve the goals and objectives of the plan.

A) *Filing Requirements:* Institutions shall file with the Commission a Master Plan within six months following the adoption of this ordinance, and thereafter, the Master Plan shall be updated, if necessary, each year at the January meeting of the Commission. The Master Plan may be amended, from time to time, but not less than six months following the Commission's approval of the latest version.

B) *Approval:* Upon receipt of the master plan or amendment, staff of the Commission shall have fourteen (14) days to review the plan or amendment for completeness. Staff shall notify the applicant, in writing, that the submission is complete or shall return the plan or amendment as incomplete indicating what information is required.

Complete Master Plans shall be scheduled for a public hearing within forty five (45) days after determining that the plan is complete. After the public hearing, the Commission shall review the master plan in light of the city's Comprehensive Plan and any comment received from the public hearing. The commission, after its review, shall approve, approve with modifications or deny any submitted Master Plan. Any approved master plan shall be submitted to the city council and filed with the city clerk.

Complete Master Plans, or plan amendments, shall be reviewed by the Commission for compliance with the City's Comprehensive Plan at a regularly scheduled meeting of the Commission. Any Master Plan, or plan amendment, that has been deemed to comply with the Comprehensive Plan shall be filed with the City Clerk and a Public Notice shall be placed in a newspaper of general circulation indicating such action.

Any Master Plan, or plan amendment, that does not comply with the Comprehensive Plan by virtue of a proposed location of an institutional use outside the institutional floating zones or in a zone where such use is not permitted, shall be returned to the

institution, or the institution may request a Comprehensive Plan and zoning map amendment.

C) Appeals: Any institution whose plan is denied or modified may appeal the Commission's decision. Said appeal shall be filed with the city clerk within thirty (30) days of the written notification of the Commission's decision to the applicant. The city council shall hold a public hearing on the plan and shall either reaffirm the commission's decision or approve the plan as submitted.

DC) Plan Contents: The Master Plan shall minimally contain the following:

1. Mission statement of the institution, including its relationship with the neighborhood and community in which it is physically situated.
2. Description of existing conditions that shall include a list of all properties owned or leased by the institution, arranged by assessors plat and lot and street address; present uses, whether single or multiple uses, including street level and all upper story uses; condition of buildings, structures, parking lots, open space and the like; and other relevant existing conditions of the campus or grounds.
3. A list of institutional properties on the National Register of Historic Places or designated in a local historic district and proposed exterior changes to these properties.
4. Statement of ten year goals and five year objectives and means and approaches through which such goals and objectives may be reached.
5. Proposed changes in land holdings of the institution including property to be acquired or sold, proposed street(s) to be abandoned, and new streets to be established including private rights-of-ways.
6. Proposed changes in land use within the institution's campus and grounds.
7. Proposed capital improvements including new structures, additions to existing structures, parking garages, parking lots, parks, and malls. Major repairs that affect the building and/or campus grounds shall be included.
8. Proposed demolition of any building, structure, parking garage, parking lot, park, or any other campus facility. In the event of demolition, the Master Plan shall contain a tenant relocation program which shall contain, as a minimum, provisions relative to institutionally owned residential structures intended for demolition. The relocation shall contain alternatives to demolition which will accommodate the interests of said tenants, the neighborhood and the institutions and which will provide for tenant relocation assistance.
9. A parking plan that shows the location of all parking on and off the campus. The plan shall identify: the number of parking spaces that existed and the number that were required on July 11, 1986; the location of new spaces required as a result of any proposed development; any proposed shuttle system between lots and campus facilities; and, other information deemed appropriate.
10. Any proposed activity that would require an action by the Board or Council to implement.
11. The Master Plan shall contain text and maps to facilitate the review process.
12. In addition to the above, any hospital subject to regulation by the department of health pursuant to the Rhode Island General Laws Section 23-15, as amended, and to the rules and regulations promulgated by the director of health for the State of Rhode Island pursuant thereto, which are required thereby to obtain a certificate of need as a precondition to licensure of any new or additional premises, shall file said certificate of need as an appendix to its Master Plan.

503.5 — Institutional Uses — Special Use Permits Located Outside an I Zone:

A) **Non-Conforming Institutional Use — Change of Use:** A nonconforming institutional use may be changed to another institutional use by special use permit as provided in Sections 902 and 905. The change of a nonconforming institutional use outside of an I Zone shall be governed by Section 201.8.

B) **Noneonforming Institutional Use — Relocation of Use:** An existing nonconforming institutional use may be moved from one location outside of the institutional floating zone to a new location outside the floating zone by special use permit in accordance with Sections 902 and 905 provided that:

1. The new location for the nonconforming use is in closer proximity to an appropriate institutional floating zone (health care use to an I-1 zone, higher education to an I-2 or I-3);

2. The existing nonconforming use is abandoned in accordance with Section 201.10; and,

3. An appropriate reuse of the structure where the existing nonconforming use was located has been identified.

C) **Special Use Permits for Institutional Uses Outside of I Zones:** Health care and higher education institutions may seek a special use permit to locate an institutional use outlined in Section 303 outside of an I Zone as permitted in Sections 902 and 905.

## 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 travelling 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.

C) 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.

D) 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 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 or more of street frontage. **For drive in uses, one (1) menu board sign, which shall conform to the size requirements for a freestanding sign, may be permitted in addition to a permitted freestanding sign.**

**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. In buildings with more than one tenant, each tenant's sign shall be based on the building frontage of each individual tenant space, as long as the total area of all signs on the building does not exceed the total allowable. 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 — R and OS 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	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 — PS, RP, I-1 and I-2 Zones:** One of the following types of signs to identify each permitted nonresidential use. Such signs may be externally illuminated. The total area of all such signs shall not exceed sixteen (16) square feet on any lot.

Sign Type	Area Sq.Ft	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	8	-	-	5
Freestanding	16	6	5	0
Projecting	2	10	-	1
Roof		Not Permitted		
Wall	8	-	-	1.25
Window	2	-	-	-

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

**607.3 — 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 <sup>1</sup>	20	25	0	0
Projecting	20	18	0	6
Roof		Not Permitted		
Wall	1.5/1' of building frontage		-	1.25
Window	2	-	-	-

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

**607.4 — 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 <sup>1</sup>	60	35	0	0
Projecting	60	35	-	6
Roof	60	10 above roof	0	0
Wall	2/1' of building frontage		-	1.25
Window	2	-	-	-

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

**607.5 — D-1 and D-2 Zones:** See Section 502.2 (C) of this Ordinance for sign regulations in D Zones.

**607.6 — 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 <sup>1</sup>	144	75	0	0
Projecting	96	75	-	6
Roof	192	12' above roof		
Wall	4/1' of building frontage		-	1.25
Window	2	-	-	-

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

#### *Section 608 — Supplemental Sign Regulations:*

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

**608.2 — Signs in the Downcity Overlay District:** All signs, including window signs, in the Downcity Overlay District shall be subject to approval by the DRC.

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

**608.4 — Maintenance of Signs:** All signs shall be maintained, which shall include painting of the sign and sign supports and repair or replacement of broken fixtures including lights. Failure to maintain a sign in a safe condition shall be deemed a violation of this Ordinance.

*Section 609 — Variances for Signs:* The Board, as provided in Section 904, may grant the following ~~special use permit variance~~ provided that all other requirements of this ordinance are met:

*609.1 — Increase of Sign Area:* 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%.

*609.2 — Maximum Sign Area:* The maximum permitted sign area for an allowed use or structure may be increased by 15%.

*609.3 — Maximum Sign Height:* 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 or 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, ~~be~~ **may be** permitted to extend not more than one hundred (100) feet into an adjacent R Zone ~~by special use permit~~.

*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 503 of this Ordinance. 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/	1 per 3 guest rooms plus 1 per Lodging 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 15.6	Religious Quarters/Group Quarters	1 per 5 employees and 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 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 thru 24.4	Health Care Institutions	1 per 4 patient beds, plus 1 per each staff or visiting doctor (calculated according to the large number in attendance at any hour during an average day), plus

		1 per employees, including nurses (calculated according to the largest number in attendance for a 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.
24.5	Medical/Dental Office	1 per 500 sq. ft. GFA.
25 and 25.2	Local and State Government; Municipal Fire and Police Station	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 plus 1 per 5 employees for which the facility is designed, whichever is greater.
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 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 50 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 50 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	Office for Finance, Insurance and Real Estate; Personal and Business Service; Professional Service; Contract Construction Service; and Warehousing and Storage	1 per 500 sq. ft. GFA
	Trade or Professional School	1 per 5 seats or people accommodated, whichever is greater.
<i>5.0 Trade</i>		
51, 52, 54, 55, 56, 57 and 59	Wholesale and Retail Trade (except Eating and Drinking Places)	1 per 500 sq. ft GFA
51.1, 53, 53.1, 53.2, and 53.3	General Warehouse and Bulk Storage	1 per 5 employees engaged in business

USE CODE	PARKING SPACES
56.1, 57 and 57.1 Eating and Drinking	1 per 4 Seats or people accommodated, whichever is greater
57.2 Drive In Establishment	1 per 6 seats
<i>6.0 Transportation, Communication and Utilities</i>	
61 thru 61.2 Transportation Center and Marine Passenger Terminal	1 per 5 employees plus 1 per 200 sq. ft. GFA within enclosed buildings.
61.3 & 61.4 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
68 Outdoor Advertising	N/A
<i>7.0 - 8.0 Manufacturing</i>	
70 thru 86 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:

Car Type:	Standard	Compact
Minimum width .....	98.5 ft.	7.5 ft.
Minimum length .....	18 ft.	15 ft.
Minimum aisle width		
90 degree angle .....	242 feet	

Car Type:	Standard	Compact
60 degree angle .....	16 feet	
45 degree angle .....	12 feet	
30 degree angle .....	11 feet	
0 degree (parallel parking)	12 feet	

**Parking facilities consisting of ten (10) or more cars may set aside up to ten (10) percent of the required spaces as compact car spaces.** 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 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 guarded 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. W-2 Zones: Parking areas in the W-2 Zone 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, RP and I Zones:

1. Along the street frontage, a three (3) foot planted strip with one shade tree for every forty (40) feet of frontage.

2. Along interior lot lines, 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.

E. D Zones — See Section 502 for landscaping requirements in D Zones.

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 — Supplementary Parking Regulations:*

*706.1 — 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.

*706.2 — 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.

*706.3 — 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.

*706.4 — 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 is filed with the Recorder of Deeds against both the noncontiguous lot and the lot for which the parking is being provided. Said lien shall designate the use of said lot for off-street parking, and provide notice that insufficient parking exists on the original lot. Said lien may be terminated by the Director, if parking is provided in accordance with this Ordinance, at another approved location.

*706.5 — 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.

*Section 707 — Special Use Permit — Parking:*

The Board may grant by special use permit, pursuant to Section 904 of this ordinance, the following:

*707.1 — Modification of Requirements:* Any requirements in this Article with the exception of Section 706.5 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.

*707.2 — 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 708 — 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 is 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.

*708.1 — 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.

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.

*708.2 — Number of Required Loading Spaces:*

USE CODE

LOADING SPACES

*2.0 Institutional and Governmental*

21, 22, Educational Services, Special  
24 & 25 Schools, and Health Services

1 loading space for 25,000 sq. ft. for 25,000 sq.ft. to 50,000 sq.ft. of GFA and additional space for every 100,000 sq.ft. of floor area or fraction thereof in excess of 50,000 sq.ft.

*3.0 through 8.0 Cultural, etc. — Manufacturing*

31-89 Cultural, Entertainment &  
Recreation Services; General  
Services, Trade; Transportation,  
Communication & Utilities

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.

*708.3 — 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.

*708.4 — 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.

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 minimum qualifications for the Director are the same as those required of the Director of Inspections and Standards in the Charter. Upon a written request for information or clarification of this ordinance, the Director shall issue a zoning certificate or provide information to the requesting party within fifteen (15) days of receipt of the written request. In the event that no written response is provided within that time, the requesting party shall have the right to appeal to the Board for the determination.

*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, the plans and intended use shall indicate conformity in all respects to the provisions of this Ordinance.

ARTICLE VIII

*Administration and Enforcement*

*Section 801 — Duties of the Director:* It shall

**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 803 — Certificate of Occupancy:** A 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, 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 five hundred dollars (\$500) 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 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 — Powers of the Board:** The Board shall have the powers provided in Section 45-24-57 of the RI Zoning Enabling Act of 1991, as amended, in the exercise of which it may rule on:

**902.1 — Appeals from Decisions by the Director, or Other Authorized Agent:** To hear and decide appeals in a timely fashion where it is alleged there is error in any order, requirement, decision, or determination made by the Director, or other authorized agent in the enforcement or interpretation of this ordinance;

**902.2 — Appeals from Decisions by the HDC or Other Authorized Body:** To hear and decide appeals from a party aggrieved by a decision of the Historic District Commission, DRC, Commission or other authorized body;

**902.3 — Variances:** To authorize, upon

application, in specific cases of hardship, variances in the application of the terms of this zoning ordinance, as provided below:

A) In granting a variance, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:

1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant;

2) That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain;

3) That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this Ordinance or the Comprehensive Plan; and

4) That the relief to be granted is the least relief necessary.

B) The Board shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:

1) In granting a use variance the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of this Ordinance. Nonconforming use of neighboring land or structures in the same zone or district and permitted use of lands or structures in an adjacent zone or district shall not be considered in granting a use variance; and

2) In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject of property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy

a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

C) In addition to the above, the Board shall consider the written opinion of the Department of Planning and Development prior to making a decision on a variance petition.

**902.4 — Special Use Permits:** To authorize, upon application, in specific cases, special-use permits, pursuant to Section 303 and other applicable provisions of this Ordinance. The Board may impose such conditions regarding the proposed building, structure, use or otherwise, as it deems appropriate. To authorize a special use permit, 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 use permit is set forth specifically in this Ordinance, and complies with any conditions set forth therein for the authorization of such special use permit;

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

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

#### **Section 903 — Procedures of the Board:**

**903.1 Application:** An application on an approved form may be made by any person, group, agency, or corporation by filing with the Director such application describing the request and supported by such data and evidence as may be required by the Board for:

A) An appeal from a decision by the Director, other authorized agency, or the HDC or other authorized body, pursuant to Sections 902.1 and 902.2, or

B) Relief from the literal requirements of this ordinance because of hardship, pursuant to Section 902.3, or

C) A special-use permit, pursuant to Section 902.4

**903.2 — Filing Fees:** A application to the Board for an appeal, or special use permit shall be accompanied be a filing fee as set by the City Council, which shall be deposited with the city collector. The fee shall include the cost of recording decisions of the Board. No part of the fee shall be returnable to the petitioner.

**903.3 — Referral:** The Board, immediately upon receipt of an application for a variance in the application of the literal terms of the zoning ordinance or special use permit, shall request that the Department of Planning and Development staff shall report its findings and recommendations, including a statement on the general consistency of the application with the goals and purposes of the Comprehensive Plan, in writing to the Board within thirty (30) days of receipt of the application from the Board. The Board shall refer all petitions for variances and special use permits to the Department of Planning and Development for written recommendations at least ten (10) business days prior to the hearing. 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.

**903.4 — Meetings and Hearings:** 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. Applications for appeals, variances and for special use permits, 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 on any application for appeal, variance or special use permit in an expeditious manner, after receipt, in proper form, of an application, and shall give public notice thereof at least fourteen (14) days prior to the date of the hearing in a newspaper of general circulation in the City.

**903.5 — Notice of Hearings:** Notice of hearing shall be sent by first class mail to the applicant, and to:

A) All owners of real property as they appear in current records of the City Assessor, whose property is located in or within not less than two hundred feet (200') of the perimeter of the lot(s) proposed for variance or special use permit, whether within the City or within an adjacent city or town;

B) The City Council representative of the applicable ward;

C) The office of the superintendent of schools;

D) The city or town council of any city or town which is located in or within not less than two hundred feet (200') of the boundary of the area proposed for variance or special use permit;

E) Water authorities or where there is a public or quasi-public water source, or private water source that is used or is suitable for use as a public water source, within two thousand feet (2,000') of any real property that is the subject of a proposed variance or special use permit, regardless of municipal boundaries; and

F) 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 registration shall relieve the Director of the responsibility of mailing out the agenda.

No defect in the form of any notice under this section shall render any application for variance

or special use permit invalid, unless the defect is found to be intentional or misleading. The notice shall also include the street address of the subject property.

**903.6 — Required Vote:** No member or auxiliary member may vote on any matter before the Board unless they have attended all hearings concerning the matter. 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 or other duly authorized body. 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 use permit 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.

**903.7 — Decision:** The decision of the Board on every petition or appeal shall be in written form and shall include the reasons for the decision, findings of fact, and any special conditions attached thereto. 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, including the applicant and the Associate Director of the Division of Planning of the Rhode Island Department of Administration. Any decision evidencing the granting of a variance or special use permit shall also be recorded in the Land Evidence Records of the City.

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

**Section 904 — 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 905 — Special User Permit Criteria:* In applying for a special use permit, the applicant must demonstrate that the applicable criteria is met.

*905.1 — Downtown Zones:* To grant a special use permit in the Downtown Zones, the Board must find that the applicant has met the standards set forth in Section 902.4 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 use permit in a Waterfront Zone, the Board must find that the applicant has met the standards set forth in Section 902.4 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.

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 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.

*905.3 — Health Care and Higher Education Institutional Uses:* To grant a special use permit for an institutional use, 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 an existing institutional floating 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) An institutional master plan has been filed and approved in accordance with Section 503 and the proposed use is in conformance with the institution's master plan.

*Section 906 — Expiration of Variances and Special Use Permits:* Any variance or special use permit granted or authorized 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 use permit 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 use permit 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 use permit 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 a variance or special use permit shall be accepted by the Secretary of the Zoning Board of Review if an application praying for the variance or special use permit 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 Board, if it shall include an affidavit which, in the opinion of said Board, sets forth facts indicating a substantial material change of circumstances justifying a new hearing on said application for variance or special use permit. A mere change of ownership shall not constitute a substantial change of circumstances.

*Section 908 — Referrals:* The Board may refer matters to the Commission, or to other boards or agencies of the city as the Board may deem appropriate, for findings and recommendations.

*Section 909 — Conditional Approval:* The Board may provide for issuance of conditional zoning approvals where a proposed application would otherwise be approved except that one or more state or federal agency approvals which are necessary are pending. A conditional zoning approval shall be revoked in the instance where any necessary state or federal agency approvals are not received within a specified time period.

#### 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 — A Streets:* Streets designated on the Overlay Zoning Maps for the Downcity District which are subject to more stringent design and development regulations as detailed in this Ordinance. Where a building is located on a corner lot, and only one street is designated as an A Street, the building shall be governed by the A Street requirements.

*1000.2 — A butter:* One whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.

**1000.3 — Abutting:** Having a common border with, or being separated from such common border by a street, right of way, alley or easement.

**1000.4 — Accessory Living Quarters:** A rooming unit 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 unit.

**1000.5 — Accessory Family Dwelling Unit:** An accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress and egress.

**1000.6 — Accessory Use:** A use of land or a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building. An accessory use shall not be permitted without the principal use to which it is related.

**1000.7 — Addition:** A structure added to an existing structure on an A Street or visible from the sidewalk of an A Street.

**1000.8 — Adult Entertainment:** Any commercial establishment or business where any individual, employee, operator or owner works or performs in the nude. Nudity means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple and below, or showing of the covered male genitals in a discernably turgid state. Adult entertainment shall also be construed to mean actual or simulated acts of sexual activity by clothed or nude individuals and includes both "live" exposure and film, video, or any type of reproduction of such human anatomy and sexual activity.

**1000.9 — Aggrieved Party:** An aggrieved party, for purposes of this Ordinance, shall be:

(a) Any person or persons or entity or entities who can demonstrate that their property will be injured by a decision of any officer or agency responsible for administering this Zoning Ordinance; or.

(b) Anyone requiring notice pursuant to this Ordinance.

**1000.10 — 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.

**1000.11 — Antenna:** Equipment designed to transmit or receive electronic signals, television, radio, and satellite signals.

**1000.12 — Apartment Dormitory:** A building arranged for dwelling units for a student body, with not more than four (4) unrelated persons per dwelling unit, as an accessory use for owned, leased or under contract to a college, university, boarding school or similar institution.

**1000.13 — 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.

**1000.14 — Applicant:** An owner or authorized agent of the owner submitting an application or appealing an action of any official, board or agency.

**1000.15 — Application:** The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by an approving authority for development review, approval, or permitting purposes.

**1000.16 — 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.

**1000.17 — 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.

**1000.18 — B Streets:** Streets designated on the Overlay Zoning Maps for the Downcity District which are subject to less stringent design and development regulations as detailed in this Ordinance.

**1000.19 — 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.

**1000.20 — Bed and Breakfast:** A house or portion thereof where temporary lodging, with or without meals, is provided. The operator shall live on the premises.

**1000.21 — 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.

**1000.22 — 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.

**1000.23 — Board:** The Zoning Board of Review of the City of Providence.

**1000.24 — 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.

**1000.25 — Buffer:** Land which is maintained in either a natural or landscaped state, and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way.

**1000.26 — Building:** Any structure used or intended for supporting or sheltering any use or occupancy. 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.

**1000.27 — 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.

**1000.28 — Building, Detached:** A building having no party wall in common with another building.

**1000.29 — Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by Sections 304 through 307 of this Ordinance governing building setbacks, maximum height, and bulk; by other regulations; and/or any combination thereof.

**1000.30 — Building Frontage:** The width of a building abutting or parallel to the street line.

**1000.31 — Building Height:** The vertical distance measured from grade to the top of the highest point of the roof structure. The distance

shall exclude spires, chimneys, flag poles, and the like.

**1000.32 — Building, Principal:** The primary building on a lot or a building that houses a principal use.

**1000.33 — Building, Semi-Detached:** A building having one party wall common with an adjoining building.

**1000.34 — 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.

**1000.35 — 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.

**1000.36 — City:** The City of Providence.

**1000.37 — Coastal Features:** Coastal wetlands or any salt water marsh bordering on the tidal waters of the City, whether or not the tidal waters reach the littoral areas through natural or artificial watercourses, and those uplands directly associated and contiguous thereto which are necessary to preserve the integrity of that marsh.

**1000.38 — Commission:** The City Plan Commission of the City of Providence.

**1000.39 — Common Ownership:** Either:

A) Ownership by one or more individuals or entities in any form of ownership of two (2) or more contiguous lots; or

B) Ownership by any association (such ownership may also include a municipality) of one or more lots under specific development techniques.

**1000.40 — 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.

**1000.41 — Community Residence:** A home or residential facility where children and/or adults reside in a family setting and may or may not receive supervised care. This shall not include halfway houses or substance abuse treatment facilities. This shall include, but not be limited to the following:

(a) Whenever six (6) or fewer retarded children or adults reside in any type of residence in the community, as licensed by the state pursuant to chapter 24 of title 40.1 of the General Laws of Rhode Island. All requirements pertaining to this Zoning Ordinance are waived for these community residences;

(b) A group home providing care or supervision, or both, to not more than eight (8) mentally disabled or mentally handicapped or physically handicapped persons, and licensed by the state pursuant to chapter 24 of title 40.1 of the General Laws of Rhode Island;

(c) A residence for children providing care or supervision, or both, to not more than eight (8) children including those of the care giver licensed by the State of Rhode Island pursuant to chapter 72.1 of title 42 of the General Laws of Rhode Island;

(d) A community transitional residence providing care or assistance, or both, to no more than six (6) unrelated persons or no more than three (3) families, not to exceed a total of eight (8) persons, requiring temporary financial assistance, and/or to persons who are victims of crimes, abuse, or neglect, and who are expected to reside in that residence not less than sixty (60) days nor more than two (2) years. Residents will have access to and use of all common areas, including eating areas and living rooms, and will

receive appropriate social services for the purpose of fostering independence, self-sufficiency, and eventual transition to a permanent living situation.

**1000.42 — Commuting Student:** Matriculated student in an educational institution who resides more than 1 1/2 miles from the center of the institution's campus. The center is the geographic center encompassing the majority of the institution's buildings.

**1000.43 — Comprehensive Plan:** Providence 2000: The Comprehensive Plan of the City of Providence adopted and amended from time to time, pursuant to chapter 22.2, title 45 of the General Laws of Rhode Island and the City Charter and to which this Zoning Ordinance shall be in compliance.

**1000.44 — 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.

**1000.45 — Council:** The City Council of the City of Providence.

**1000.46 — Day Care — Day Care Center:** Any other day care center which is not a family day care home.

**1000.47 — Day Care — Family Day Care Home:** Any home other than the individual's home in which day care in lieu of parental care or supervision is offered at the same time to six (6) or less individuals who are not relatives of the care giver, but may not contain more than a total of eight (8) individuals receiving day care.

**1000.48 — Days:** Calendar days.

**1000.49 — Demolition:** An act or process that destroys a structure or its appurtenances in part or in whole.

**1000.50 — Density, Residential:** The number of dwelling units per unit of land.

**1000.51 — Development:** The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; any change in use, or alteration or extension of the use, of land.

**1000.52 — Development Plan Review:** The process whereby the City Plan Commission reviews the site plans, maps, and other documentation of a development to determine the compliance with the stated purposes and standards of this Ordinance.

**1000.53 — Director:** The Director of the Department of Inspections and Standards of the City of Providence.

**1000.54 — District:** See "zoning use district."

**1000.55 — 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.

**1000.56 — Drive In Business:** A business enterprise where goods and services, such as food, beverages or banking services, are sold or transacted outside the confines of a building or portion thereof, often in a motor vehicle on the site.

**1000.57 — 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.

**1000.58 — Dwelling, Multi-Family:** A building or portion thereof used for occupancy by four (4) or more families living independently of each other.

**1000.59 — Dwelling, One-Family:** A building used exclusively for one dwelling unit.

**1000.60 — Dwelling, Row:** A building having a party wall on each side in common with an adjoining building.

**1000.61 — Dwelling, Three-Family:** A building used exclusively for occupancy by three (3) families living independently of each other.

**1000.62 — Dwelling, Two-Family:** A building used exclusively for occupancy by two (2) families living independently of each other.

**1000.63 — Dwelling Unit:** One or more rooming units within a structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, and containing a separate means of ingress and egress.

**1000.64 — 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.

**1000.65 — Facade:** The vertical surface of a building abutting or parallel to a street line.

**1000.66 — Family:** A person or persons related by blood, marriage, or other legal means. See also "Household."

**1000.67 — First Floor:** The sidewalk level floor within a building.

**1000.68 — Floating Zone:** An unmapped zoning district adopted within this Ordinance which is established on the overlay zoning maps only when an application for development, meeting the zone requirements, is approved.

**1000.69 — Floodplains, or Flood Hazard Area:** As defined in Section 45-22.2-4 of the General Laws of Rhode Island. An area that has a one percent (1%) or greater chance of inundation in any given year, as delineated by the federal emergency agency pursuant to the National Flood Insurance Act of 1968, as amended (P.L. 90-448) [42 U.S.C. 4011 et seq.].

**1000.70 — 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.

**1000.71 — 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.

**1000.72 — 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.

**1000.73 — Garage Repairshop:** A building or portion of a building, in which repairs, other than major structural repairs, are made to vehicles.

**1000.74 — 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.

**1000.75 — 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.

**1000.76 — HDC:** The Historic District Commission of the City of Providence.

**1000.77 — Halfway House:** A residential facility for adults or children who have been institutionalized for criminal conduct and who require a group setting to facilitate the transition to a functional member of society.

**1000.78 — Hardship:** The standard for granting a variance by the Board, whereby the basis for seeking relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; is not due to a physical or economic disability of the applicant; and is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

**1000.79 — Higher Educational Institution:** Post secondary institution of a learning and training; including college, university, graduate school, medical school, law school or any other undergraduate or graduate program in any academic field, such as the humanities, arts, sciences or professions, whose purpose is to grant degrees or certificates beyond the high school diploma.

**1000.80 — Home Occupation:** Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

**1000.81 — Household:** One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit. The term "household unit" shall be synonymous with the term "dwelling unit" for determining the number of such units allowed within any structure on any lot in a zoning district. An individual household shall consist of any one of the following:

(a) A family, which may also include servants and employees living with the family; or

(b) A person or group of not more than three (3) unrelated persons living together.

**1000.82 — 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.

**1000.83 — 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.

**1000.84 — Incentive Zoning:** The process whereby additional development capacity is granted in exchange for the developer's provisions of a public benefit or amenity as specified in this ordinance.

**1000.85 — Infrastructure:** Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

**1000.86 — Job Shop:** An establishment for the assembly of jewelry and related parts, excluding the manufacture, plating, painting or other processing of such parts.

**1000.87 — 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.

**1000.88 — Land Development Project:** A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units or structures, including residential, commercial, institutional, recreational, open space, and/or mixed uses as provided for in this zoning ordinance.

**1000.89 — 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, PS, R-1, R-2, R-3, R-G, R-M, R-P, C-1, W-1, C-2, C-4, D-1, D-2, W-2, M-1, W-3, M-2.

**1000.90 — Lodging:** The provision of a rooming unit or units for compensation.

**1000.91 — Loft, Commercial Artist:** Commercial artist loft space used, or designed to be used by artists or craftspeople to create works of art or crafts, and which may also be used by such artists or craftspeople to reside in. Such residency shall be limited to one household per dwelling unit. Works of art or craft shall mean items that are created primarily for purposes of aesthetic enjoyment, and not solely for practical purpose, including but not necessarily limited to, paintings, drawings, lithographs, and other similar media; sculpture, using a variety of two dimensional representations; photographs, film, video, prints and other visual electronic media; textiles and costumes; jewelry; pottery; art objects made of glass, precious and semi-precious metals, stones and the like; lighting used for artistic purposes; performance arts including dance, music and theater including lessons, practice, rehearsal and actual performance whether for live audiences, taped or filmed.

**1000.92 — Lot:** A parcel of land whose

boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title and fronts on a street.

**1000.93 — Lot Area:** The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.

**1000.94 — 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.

**1000.95 — Lot Building Coverage:** That portion of the lot that is or may be covered by buildings and accessory buildings.

**1000.96 — Lot Depth:** The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth is an average of the depth.

**1000.97 — Lot Frontage:** That portion of a lot abutting a street. Noncontiguous frontage shall not be added to meet the minimum frontage requirements.

**1000.98 — Lot Line:** A line of record, bounding a lot, which divides one lot from another lot or from a public or private street or any other public or private space shall include:

A) Front: the lot line separating a lot from a street right-of-way.

B) Rear: the lot line opposite and most distant from the front lot line, or in the case of a triangular or otherwise irregularly shaped lots, an assumed line at least ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line; and

C) Side: any lot line other than a front or rear lot line. On a corner lot, there shall be only one side lot line; the street lot line shall be considered a front line as defined above.

**1000.99 — Lot, Through:** A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

**1000.100 — Lot Width:** The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum front setback line.

**1000.101 — 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.

**1000.102 — 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, PS, R-1, R-2, R-3, R-G, R-M, R-P, C-1, W-1, C-2, C-4, D-1, D-2, W-2, M-1, W-3, M-2.

**1000.103 — Mixed Use:** A mixture of land uses within a single development, building, or tract.

**1000.104 — 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.

**1000.105 — Overlay District:** A district or districts as established in this zoning ordinance that is superimposed on one or more districts or parts of districts and that imposes specified requirements in addition to, but not less, than those otherwise applicable for the underlying zone.

**1000.106 — 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.

**1000.107 — 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.

**1000.108 — Performance Standards:** A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

**1000.109 — Permitted Use:** A use by right which is specifically authorized in a particular zoning district.

**1000.110 — Removal:** A relocation of a structure on its site or to another site.

**1000.111 — Recess Line:** A horizontal line the full width of a Facade above the plane of the Facade is setback a minimum distance from the plane below.

**1000.112 — Repair:** A change meant to remedy damage or deterioration of a structure or its appurtenances.

**1000.113 — Residential Mixed Use:** Any residential occupancy in combination with a permitted commercial use.

**1000.114 — Retail Frontage:** Building frontages designated retail on Overlay Zoning Maps for the Downcity District which are subject to additional code provisions at sidewalk level.

**1000.115 — Roof Line:** A horizontal band, the full width of a facade, which separates the top of a building from the building facade below it. The roof line shall be distinct, and shall be expressed by a change of materials and/or

contiguous horizontal projection from the plane of the building facade below it.

**1000.116 — Rooming Houses:** A building where lodging is supplied.

**1000.117 — 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.

**1000.118 — Setback:** A distance between the street line and a portion of a facade parallel to the street line.

**1000.119 — Setback Line or Lines:** A line or lines parallel to a lot line at the minimum distance of the required setback for the zoning district in which the lot is located that establishes the area within which the principal structure must be erected or placed.

**1000.120 — 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.

**1000.121 — Site Plan:** The development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

**1000.122 — Special Use:** A regulated use which is permitted pursuant to the special-use permit issued by the Board, pursuant to Section 902.4. Formerly referred to as a special exception.

**1000.123 — 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.

**1000.124 — 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.

**1000.125 — Street Line:** The line dividing a lot from any street, except a limited or controlled access highway to which the lot has no access.

**1000.126 — Streetwall:** A wall set on a Frontage Line, in the absence of a Facade.

**1000.127 — Structure:** Anything constructed or erected, which requires permanent or temporary location on the ground or attachment to something having a location on the ground, for use, occupancy, or ornamentation, whether installed on, above, or below, the surface of land or water, including but not limited to buildings, gazebos, billboards, outbuildings, and swimming pools.

**1000.128 — Substandard Lot of Record:** Any lot lawfully existing at the time of adoption or amendment of a zoning ordinance and not in conformance with the dimensional and/or area provisions of that ordinance. (See Section 200.1).

**1000.129 — Temporary Lodging:** Lodging typically leased for less than one month increments, as in hotel and motel.

**1000.130 — Tourist Home:** An establishment in an owner occupied single family dwelling that supplies temporary lodging.

**1000.131 — 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.

**1000.132 — Transition Line:** A horizontal line the full width of a facade expressed by a change of material or by a contiguous Setback no less than 1 foot, or by a contiguous projection no less than 1 foot and no more than 3 feet.

**1000.133 — 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.

**1000.134 — 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%.

**1000.135 — Use, Actual:** The activity or function that actually takes place or is intended to take place on a lot.

**1000.136 — Use, Principal:** The primary purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

**1000.137 — Variance:** Permission to depart from the literal requirements of this zoning ordinance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by this zoning ordinance. There shall be only two (2) categories of variance, a use variance or a dimensional variance.

A) **Use Variance.** Permission to depart from the use requirements of this zoning ordinance where the applicant for the requested variance has shown by evidence upon the record that the subject land or structure cannot yield any beneficial use if it is to conform to the provisions of this zoning ordinance.

B) **Dimensional Variance.** Permission to depart from the dimensional requirements of this zoning ordinance, where the applicant for the requested relief has shown, by evidence upon the record, that there is no other reasonable

alternative way to enjoy a legally permitted beneficial use of the subject property unless granted the requested relief from the dimensional regulations. However, the fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

**1000.138 — 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.

**1000.139 — 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.

**1000.140 — Wetland, Coastal:** A salt marsh bordering on the tidal waters of this state and contiguous uplands extending no more than fifty (50) yards inland therefrom.

**1000.141 — Wetland, Freshwater:** A marsh, swamp, bog, pond, river, river or stream flood plain or bank, area subject to flooding or storm flowage; emergent or submergent plant community in any body of fresh water; or area within fifty feet (50') of the edge of a bog, marsh, swamp, or pond.

**1000.142 — 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.

**1000.143 — 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.

**1000.144 — 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.

**1000.145 — 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.

**1000.146 — Zoning:** The reservation of certain specified areas within the City for building and structures, or use of land, for certain purposes with other limitations such as height, lot coverage, and other stipulated requirements.

**1000.147 — Zoning Certificate:** A document signed by the Director, as required in this zoning ordinance, which acknowledges that a use, structure, building or lot either complies with or is legally nonconforming to the provisions of this zoning ordinance or is an authorized variance or modification therefrom.

**1000.148 — Zoning Map:** As provided in Section 102, the map or maps which are a part of this ordinance and which delineate the boundaries of all mapped zoning districts within the physical boundary of the City.

**1000.149 — Zoning Ordinance:** This ordinance enacted by the Council pursuant to Sections 45-24-27 through 45-24-72 of the General Laws of Rhode Island (the Rhode Island Zoning Enabling Act of 1991), which sets forth regulations and standards relating to the nature and extent of uses of land and structures, which is consistent with Providence 2000: The Comprehensive Plan of the City, and which includes a zoning map.

**1000.150 — Zoning Use Districts:** The basic unit in zoning, either mapped or unmapped, to which a uniform set of regulations applies, or a uniform set of regulations for a specified use. The districts include, but are not limited to: commercial,

industrial, institutional, open space, and residential. Each district may include sub-districts. Districts may be combined.

## ARTICLE XI

### *Amendments and Validity*

**Section 1100 — Procedure:** This Ordinance may, from time to time, be amended or repealed as provided in Section 45-24-51 of the General Laws of Rhode Island (as amended). Other than for proposals originated by the Council, the City Clerk shall be the designated officer to receive a proposal for adoption, amendment or repeal of any or all parts of this Ordinance and the Zoning Map. Immediately upon receipt of the proposal, the City Clerk shall refer the proposal to the Council and Commission for study and recommendation. The Commission shall, in turn, notify and seek the advice of the Department of Planning and Development and shall report to the Council within forty-five (45) days after receipt of the proposal, giving its findings and recommendations as prescribed in Section 1101. Where a proposal for adoption, amendment, or repeal of this Ordinance or Zoning Map is made by the Commission, the requirements for study by the Commission is waived, provided that the proposal by the Commission include its findings and recommendations pursuant to Section 1101. The Council shall hold a public hearing within sixty-five (65) days of receipt of a proposal, giving proper notice as prescribed in section 1102. The Council shall render a decision of any proposal within forty-five (45) days after the date of completion of the public hearing. The provisions of this section pertaining to deadlines shall not be construed to apply to any extension consented to by an applicant.

### *Section 1101 — Review by City Plan Commission:*

A) The Commission shall review any proposal to adopt, amend or repeal any part of this Ordinance. Among its findings and recommendations to the Council with respect to a proposal for adoption, amendment, or repeal of

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 1105 — Maintenance of Zoning Ordinance and Zoning Map:* The City Clerk shall be the custodian of the Ordinance and maps created hereunder. The City Clerk shall be responsible for preparing and inserting approved text changes upon adoption by the Council within thirty (30) working days after their adoption by the Council. Amendments or changes to the zoning districts are overlay zoning districts shall be depicted on the Official Zoning Map within thirty (30) working days after their adoption by the Council. The changes of 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 1006 — Publication and Availability of Zoning Ordinance:* Printed copies of this Ordinance and map(s) shall be available to the general public through the City Clerk and shall be revised to include all amendments. A reasonable charge may be made for copies to reflect printing, binding and distribution costs.

*Section 1107 — Conflict with other Ordinances:* Chapter 544 of the Ordinances of the City of Providence, approved September 21, 1951, and further 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 1108 — Vested Rights:* Applications for development that are substantially complete and have been submitted for approval to any agency empowered by this Ordinance to review such applications, such as the Board, HDC or Commission, prior to enactment of this Ordinance, or amendments hereto, shall be protected from consideration of such applications. For the purposes of this Section, a development application is substantially complete if the application has been filed with the appropriate agency and the staff or review officer has determined, in writing, that the application form, plot plan, fee and other required submissions are in compliance with this Ordinance and such agencies' respective rules and regulations. Any

application considered under the protection of this section shall be reviewed according to the regulations applicable in the zoning ordinance in force at the time the application was submitted. If an application for development under the provisions of this section is approved, development of the property or construction must begin within one year of the issuance of a legal building permit and development must be substantially completed within two years of the issuance of the building permit, unless specifically set forth to the contrary in the original approval. If the development application does not include construction, the applicant must exercise the right granted in the application within six months of the date the application was approved.

*Section 1109 — 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 1110 — 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 (issued before **October 24, 1991**), 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.

*Section 1111 — Maps to Control Over List and All Land to Be Zoned:* 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 any list of Assessor's lots 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 1112 — Effective Date:* This Ordinance shall take effect upon its adoption by the City Council and approval by the Mayor.

#### 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

- 11 One Family Detached Dwelling  
one family unit with accessory use and home occupation
- 11.1 Accessory Family Dwelling Unit  
An accessory dwelling unit for the sole use of one or more members of the family of the occupant or occupants of the principal residence, but not needing to have a separate means of ingress and egress.
- 12 Two Family Detached Dwelling  
two family unit with accessory use and home occupation
- 13 Three Family Detached Dwelling  
three family unit with accessory use and home occupation
- 14 Multi-Family Dwelling, more than 4 units  
multi-family (four units or more) with accessory use and home occupation
- 14.1 Residential Mixed Use  
See Definitions
- 14.2 Loft, Commercial Artist  
Commercial artist loft space used, or

designed to be used by artists or craftspeople to create works of art or crafts, and which may also be used by artists to reside in. Such residency shall be limited to one housesold per dwelling unit

14.3 Apartment Dormitory  
See Definitions

15 Lodging: service organization, 10 rooming units or less  
service organization with incidental lodging (See Use Code 27)

15.1 Lodging, 10 rooming units or less  
apartment hotel, boarding house, rooming house

15.2 Lodging, more than 10 rooming units  
apartment hotel, boarding house, rooming house

15.3 Nursing Home and Congregate Care Facility  
retirement home, home for aged, extended care, and convalescent housing

15.4 Orphanage

15.5 Religious Housing and Convent

15.6 Community Residence  
See Definitions

15.7 Group Quarters, With No Medical Treatment, More than 8 Residents

15.8 Group Quarters, with medical treatment transitional housing

16 Temporary Lodging, 10 rooming units or less  
tourist home, bed and breakfast, hotel, and motel

16.1 Temporary Lodging, 11 to 29 rooming units  
hotel, and motel

16.2 Temporary Lodging, more than 30 rooming units  
hotel, and motel

16.3 Temporary Lodging, with supervision, 15 residents or less

rescue mission, homeless shelter, drop in center

16.4 Temporary Lodging, with supervision, more than 15 residents  
rescue mission, homeless shelter, drop in center

16.5 Tourist Home/Bed and Breakfast, 5 Guest Rooms or Less

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

**2.0 INSTITUTIONAL AND GOVERNMENTAL SERVICES**

21 Educational Institution, (Primary through Secondary Schools Grades 0-12) Classrooms, Office and Assembly Use  
classroom, lecture hall, and other facilities for instructional purposes; laboratory facility for teaching and research, radio station; administrative office, including academic and business offices, security office, book store; theater with no public assembly, dance studio; residence hall, dormitory, dining hall, and cafeteria; maintenance facility, workshop, garage, repair facility, and power plant; 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)

21.1 Higher Educational Institution (Grades 13 and up) — Classroom, Office and Assembly Use  
classroom, lecture hall, and other facilities for instructional purposes; laboratory facility for teaching and research; radio station; administrative office, including academic and business offices, security office, book store; theater with no public assembly, dance studio; residence hall, dormitory, dining hall, and cafeteria; maintenance facility, workshop, garage, repair facility, and power plant; not

caved in at the corner of Priscilla Avenue and Clarence Street.

Resolution Requesting the Director of Public Works to have the sewer storm drain repaired in the front of 194 Sterling Avenue.

*Resolved*, That the Director of Public Works is requested to have the sewer storm drain repaired in the front of 194 Sterling Avenue.

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

**The motion for Passage, is Sustained.**

Resolution Requesting the Department of Planning and Development perform a study of the property located at the corner of Webster Avenue and Magnolia Street for revitalization purposes.

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

**The motion to Refer, is Sustained.**

Resolution Congratulating Concetta and Angelo Pazienza on the occasion of their 60th Wedding Anniversary celebrated on May 20, 1994.

*Resolved*, That the Members of the City Council hereby extend their sincere congratulations to Concetta and Angelo Pazienza on the occasion of their 60th Wedding Anniversary celebrated on May 20, 1994.

Resolution Requesting the Mayor's Anti-Graffiti Network to remove graffiti from 37 Priscilla Avenue.

*Resolved*, That the Mayor's Anti-Graffiti Network is requested to remove the graffiti from 37 Priscilla Avenue.

#### **COUNCILWOMAN FARGNOLI:**

Resolution Congratulating the Reverend John Fabian Cunningham, O.P. on his retirement as President of Providence College after Nine Years of Dedicated Service.

*Resolved*, That the Members of City Council hereby extend their sincere congratulations to the Reverend John Fabian Cunningham, O.P. on his retirement as President of Providence College after Nine Years of Dedicated Service.

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

**The motion for Passage, is Sustained.**

#### **COUNCILMAN FENTON:**

Resolution Requesting the Public Building Authority (PBA) name the new multi-purpose center at the corner of Hope Street and Doyle Avenue in honor of Vincent Brown.

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

**The motion to Refer, is Sustained.**

Resolution Requesting the Tax be abated at certain property in the Mount Hope Neighborhood at the request of the Mount Hope Neighborhood Land Trust.

Referred to Committee on Finance, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.

The motion to Refer, is Sustained.

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**COUNCILMAN IGLIOZZI and COUNCILWOMAN DiRUZZO (By Request):**

Resolution Requesting the Board of Park Commissioners to grant permission for the Use of Neutaconkanut Park, located Plainfield Street to Saint Bartholomew's Church on Thursday, August 11, 1994 through Sunday, August 14, 1994, for their Annual Feast and Festival.

*Resolved*, That the Board of Park Commissioners is requested to grant permission for the Use of Neutaconkanut Park, located Plainfield Street to Saint Bartholomew's Church on Thursday, August 11, 1994 through Sunday, August 14, 1994, for their Annual Feast and Festival.

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**COUNCILMAN LOMBARDI:**

Resolution Congratulating Laurie Gannon, Sue Larivee, Peggy Gromley and Ann Paolino, upon the discovery and the returning of two (2) pocketbooks that were found in the Federal Hill Area.

*Resolved*, That the Members of the City Council hereby extend their sincere congratulations to Laurie Gannon, Sue Larivee, Peggy Gromley and Ann Paolino, upon the discovery and the returning of two (2) pocketbooks that were found in the Federal Hill Area.

**COUNCILMAN ROLLINS (By Request):**

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Croyland Road, between Oxford Street and Sayles Street, on Saturday, June 4, 1994, between the hours of 10:00 o'clock A.M. to 3:00 o'clock P.M. to accommodate the South Providence Library.

*Resolved*, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Croyland Road, between Oxford Street and Sayles Street, on Saturday, June 4, 1994, between the hours of 10:00 o'clock A.M. to 3:00 o'clock P.M. to accommodate the South Providence Library.

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Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along California Avenue, from Virginia Avenue to Eddy Street on Friday, June 10, 1994, and Saturday, June 11, 1994, from 6:00 o'clock P.M. to 11:00 o'clock P.M. and on Sunday, June 12, 1994, from 9:00 o'clock A.M. to 12:00 o'clock P.M. for the Feast of the Holy Ghost.

*Resolved*, That the Traffic Engineer is requested to prohibit motor vehicle traffic along California Avenue, from Virginia Avenue to Eddy Street on Friday, June 10, 1994, and Saturday, June 11, 1994, from 6:00 o'clock P.M. to 11:00 o'clock P.M. and on Sunday, June 12, 1994, from 9:00 o'clock A.M. to 12:00 o'clock P.M. for the Feast of the Holy Ghost.

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Resolution Requesting the Traffic Engineer to cause the installation of a "Stop" Sign at the intersection of Potters Avenue and Ocean Street.

*Resolved*, That the Traffic Engineer is requested to cause the installation of a "Stop" Sign at the intersection of Potters Avenue and Ocean Street.

Resolution Requesting the Traffic Engineer is requested to prohibit motor vehicle traffic along Trask Street from Cahill Street to Eddy Street on Saturday, August 6, 1994 between the hours of 10:00 o'clock A.M. to 10:00 o'clock P.M. for a Neighborhood Block Party.

*Resolved*, That the Traffic Engineer to prohibit motor vehicle traffic along Trask Street from Cahill Street to Eddy Street on Saturday, August 6, 1994 between the hours of 10:00 o'clock A.M. to 10:00 o'clock P.M. for a Neighborhood Block Party.

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**COUNCILMAN ROLLINS:**

Resolution Requesting the Director of Public Works to conduct a study of the Sewers located along Gordon Avenue, from Potters Avenue to Colfax Street to determine why they are not taking water.

*Resolved*, That the Director of Public Works is requested to conduct a study of the Sewers located along Gordon Avenue, from Potters Avenue to Colfax Street to determine why they are not taking water.

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

**The motion for Passage, is Sustained.**

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**COUNCILWOMAN WILLIAMS (By Request):**

Resolution Requesting the Traffic Engineer to cause the installation of Four-Way "Stop" Signs at the intersections of Lloyd Avenue and Blackstone Boulevard and Mount Avenue and Blackstone Boulevard.

Resolution Requesting the Traffic Engineer and the Police Department to study the feasibility of placing other Four-Way "Stop" Signs at various intersections on Blackstone Boulevard.

**Severally Referred to Committee on Public Works, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN LOMBARDI.**

**The motion to Refer, is Sustained.**

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Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Miles Avenue, from Lloyd Avenue to President Avenue on Thursday, June 23, 1994, between the hours of 6:00 o'clock P.M. and 10:00 o'clock P.M. to accommodate a Neighborhood Block Party.

*Resolved*, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Miles Avenue, from Lloyd Avenue to President Avenue on Thursday, June 23, 1994, between the hours of 6:00 o'clock P.M. and 10:00 o'clock P.M. to accommodate a Neighborhood Block Party.

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Resolution Requesting the Forestry Division of the Parks Department to remove the tree located in front of 9 Lincoln Avenue.

*Resolved*, That the Forestry Division of the Parks Department is requested to remove the tree located in front of 9 Lincoln Avenue.

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

**The motion for Passage, is Sustained.**

**COUNCILWOMAN YOUNG (By Request):**

Resolution Requesting the Traffic Engineer to cause the installation of Three-Way "Stop" Signs located at the intersection of Pine Street and Stewart Street due to the numerous accidents at said location.

**Referred to Committee on Public Works, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.**

**The motion to Refer, is Sustained.**

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Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Hanover Street, from Elmwood Avenue to Bucklin Street on Saturday, June 18, 1994, between the hours of 5:00 o'clock P.M. and 8:00 o'clock P.M. to accommodate a Graduation Party.

*Resolved*, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Hanover Street, from Elmwood Avenue to Bucklin Street on Saturday, June 18, 1994, between the hours of 5:00 o'clock P.M. and 8:00 o'clock P.M. to accommodate a Graduation Party.

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**COUNCILWOMAN YOUNG, COUNCIL PRESIDENT PETROSINELLI, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILMAN DILLON, COUNCILWOMAN DIRUZZO, COUNCILWOMAN FARGNOLI, COUNCILMAN FENTON, COUNCILMAN GLAVIN, COUNCILMAN IGLIOZZI, COUNCILMAN LOMBARDI, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILMAN ROLLINS and COUNCILWOMAN WILLIAMS:**

Resolution Congratulating Nicole Rai Clement, upon her graduation from Brown University on May 30, 1994.

*Whereas*, Nicole Rai Clement, the daughter of Providence City Clerk Michael R. Clement and Leslee J. Clement and lifelong resident of Providence, graduated from Brown University on Monday, May 30, 1994, and

*Whereas*, Nicole started her education in the Providence School System where she attended Roger Williams Day Care and upon graduating from Roger Williams Day Care, Nicole attended the Saint Paul Lutheran School where she excelled by maintaining a three point plus (grade point average) and Valedictorian of her class upon graduation, and

*Whereas*, Nicole then went on to Classical High School where she continued to excel in Academics and made the Honor Roll a number of times during her tenure at Classical High School, and

*Whereas*, Upon graduating from Classical High School, Nicole was accepted by a number of Colleges throughout the Country, but chose to attend our own Brown University,

*Now Therefore, Be It Resolved*, That the Members of the City Council do hereby express their congratulations to Nicole Rai Clement upon her graduation and wishing her success in their near future.

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

**The motion for Passage, is Sustained.**

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**COUNCILWOMAN YOUNG (By Request):**

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Glenham Street, between Broad Street and Taylor Street on Saturday, July 9, 1994, from 4:00 o'clock P.M. to 8:00 o'clock P.M., to accommodate a Neighborhood Block Party.

*Resolved*, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Glenham Street, between Broad Street and Taylor Street on Saturday, July 9, 1994, from 4:00 o'clock P.M. to 8:00 o'clock P.M., to accommodate a Neighborhood Block Party.

**Read and Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI.**

**The motion for Passage, is Sustained.**

## PERSONAL PRIVILEGE

**COUNCILMAN CLARKIN requests the privilege of the floor to Speak on a Point of Personal Privilege and states:**

"Mr. President, I have a few terms that I want to talk about. 'Quiet Neighborhood', 'Spectacular View', 'Walk-in Closet', 'Ocean View', 'Within walking distance to Train Station, School or Store', or whatever.

"These terms are not new to you I am sure. They are all Real Estate Terms that we have all heard in the past and that is just where they may be, in the past. If the politically correct people have their way, last Saturday's newspaper had an article about Pennsylvania. The title was 'Real Estate Ads Worded Carefully'.

"If you use 'Quiet Neighborhood' in an ad, this may be a code for 'No Children' and that's a 'No No'. Use 'Spectacular View' and some blind people may be hurt. Use 'Walk-In Closet', some people can't walk and they might be hurt. How about 'Ocean View'. Again, some blind people can't see the view and you may hurt their feelings. 'Walking Distance' too. Handicapped people may not be able to walk. You also better not say near 'Jogging Trails' or sports enthusiasts take note because you may discriminate against disabled people and you certainly don't want to hurt their feelings.

"What does this all mean? It means that this Country is going bonkers. It means that the Buffoons that run these Commissions, be it the Ethics Commission, the Elections Laws Commission, the Civil Rights Commission, the Equal Employment Opportunity Commission, are taking this Politically Correct Position to the extreme.

"The Equal Employment Opportunity Commission right now, right now as I speak is thinking of calling it discrimination. If you have a religious picture on your desk at your place of work, it could be called discrimination. You can use any four letter word, any foul mouthed word you want and you are protected under Free Speech Rights. You may even say God Damn You to someone but you had better not say God Bless You. This is what happens when elected people give over to Commissions the right to make Policy. When a word you use can be called a Civil Criminal Act just because some buffoon thinks that it is wrong. When Society reverts to having 'word policemen', can the thought police be far behind? This whole process is wrong and this Country is in trouble. When it allows bureaucrats the right to make policy, this new way of governing Government by Commissions is wrong. I just had to let you all know where I stand on this issue. Thank you."

**COUNCILWOMAN NOLAN requests to speak on a Point of Personal Privilege and states:**

"I'm sorry I was not here when the Council recognized Mr. George Smith who has been appointed by the Mayor to serve on the Board of Canvassers. I might mention that George is the first Black Member of the Board of Canvassers.

resident of Elmwood. He has always played an active role in the neighborhood, from service on practically every board to actually being involved in the planning and development of the Elmwood Community Center.

"George makes a contribution every day of his life and it is only right that he receives this recognition tonight."

"George is a constituent of mine and a longtime

## REPORTS FROM COMMITTEES

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

**Transmits the following with Recommendation the Same be Severally Approved:**

Resolution Allowing the City of Providence to Submit to the Planning Division of the Rhode Island Department of Administration certain projects for inclusion in the Rhode Island Overall Economic Development Program.

*Whereas*, Economic Development in the city is essential for the creation of jobs for city residents and the stabilization of the city's tax base;

*Whereas*, Many economic development projects need federal, state and/or local assistance;

*Whereas*, The Rhode Island Overall Economic Development Program (OEDP) is a listing of projects that are eligible for federal assistance through the Economic Development Administration;

*Whereas*, It is in the city's interest to insure

that projects that create short and long term jobs and help the city meet neighborhood needs are eligible for federal assistance by requesting that the projects be listed in the Rhode Island Overall Economic Development Program;

*Now Therefore, Be It Resolved*, That the following projects be submitted to the Planning Division of the Rhode Island Department of Administration for inclusion in the Rhode Island Overall Economic Development Program:

1. Gorham Site Clean Up and Industrial Park
2. Neighborhood Business Districts
3. Recapitalization of Business Loan Fund
4. Silver Spring Industrial Park

5. Huntington Industrial Park
6. PRA Project-Promende District
7. Port of Providence Infrastructure Improvements
8. Heritage Trail-Waterfront Heritage Trail
9. Grace Park-Westminster Street
10. AS220-Rehab 95-121 Empire Street
11. Empowerment Zone/Enterprise Community
12. Children's Museum of Rhode Island
13. Expansion of Providence Performing Arts Center
14. Rhode Island Historical Society
15. Foundry Open Air Market-Promenade Street
16. Wayland Parking Facility
17. City Arts-891 Broad Street
18. Alan Shawn Feinstein Public Service Foundation
19. Cathedral Square Site Improvements
20. Urban Collaborative Accelerated Program

and Funding under the Housing and Community Development Act.

*Whereas*, The City of Providence is interested in the continuation of the Community Development Block Grant program in its neighborhoods, and

*Whereas*, This program provides funding to important programs in the areas of housing, public facilities expansion, rehabilitation, human services and economic development and

*Whereas*, The City of Providence, Rhode Island is eligible to receive Community Development Block Grant entitlement funds in the 20th Program Year beginning July 1, 1994 and ending June 20, 1995 under Section 106 (a) and (h) of Title I of the Housing and Community Development Act of 1987 in the amount of \$7,767,000 and

*Whereas*, The Statement of Objectives and Funding and Program Descriptions shall be filed with the Boston Regional Office of the United States Department of Housing and Urban Development as soon as possible

*Now Therefore*, The City Council of the City of Providence, State of Rhode Island, hereby authorizes the City of Providence through its official representative, the Mayor, to file such Statement of Objectives and Funding with the Boston Regional office of the United States Department of Housing and Urban Development for the purpose of obtaining Community Development Block Grant entitlement funds.

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

Resolution Authorizing the City of Providence, Rhode Island to file a Statement of Objectives

**The motion for Passage, is Sustained.**

**COUNCILMAN JOHN J. LOMBARDI, Chairman  
COMMITTEE ON CITY PROPERTY**

**Transmits the following with Recommendation  
the same be Severally Approved:**

Resolution Authorizing His Honor the Mayor to execute a lease with George Mann Co., for a portion of land at Fields Point, City Assessor's Plat 56, Lots 259, 277, 278, 279 and 295.

*Now Therefore, Be It Resolved*, That His Honor the Mayor is hereby authorized to execute a Lease with George Mann & Co., Inc. for an initial term of five (5) years with three (3) options to renew for a period of five (5) years, respectively, for a sum of \$.20/sq. ft. for the first year; \$.30/sq. ft. for the second year; \$.40/sq. ft. for the third year; \$.60/sq. ft. for the fourth year; and \$.70/sq. ft. for the fifth year for property located on Plat 56, Lots 259, 277, 278, 279 and 295, generally located at Fields Point, Providence, Rhode Island, with such terms and conditions as set forth by the City Council and His Honor, the Mayor. All documents relative to this lease must be satisfactory to the City Solicitor.

Resolution Requesting the City Council grant an easement on Providence Water Supply Board Parcel 1663 located in the City of Cranston to Frank Gaglione of Cranston, Rhode Island for the purpose of provisioning access to his property located at Highland Street (Assessor's Plat 17/2), Lot 1987) in the City of Cranston.

*Whereas*, the Water Supply Board has an easement running across a parcel of land as delineated on the plan hereto annexed entitled "Survey Plan for Frank Gaglione ("GAGLIONE") for A.P. 17/2, Lots 1987, 1372(pt) & 1988(pt) on Highland Street in Cranston" and

in possession of a parcel of land fronting on Highland Street, designated as portion of Water Supply Board Parcel 1663 on said plan, the same also being Lot #1987 on Assessor's Plat #17/2 of the City of Cranston, State of Rhode Island and

*Whereas*, "GAGLIONE" wishes to encroach into the easement granted to the Water Supply Board by approximately twenty (20) feet from the East easement line and

*Whereas*, It would be a hardship for "GAGLIONE" to be deprived of access to and use of his property and

*Whereas*, For the aforesaid reason the Water Supply Board has agreed, in consideration of the sum of five hundred dollars (\$500.00) and other valuable consideration, to permit "GAGLIONE" an encroachment onto the easement held by the Water Supply Board as evidenced by the said plan and

*Whereas*, "GAGLIONE" agrees that they will not further encroach upon the Water Supply Board easement and that any violation and/or further encroachment will lead to cancellation of this encroachment agreement and,

*Now Therefore, Be It Resolved*, That the City Council does hereby authorize His Honor, the Mayor, to grant an easement encroachment on behalf of the City of Providence to Frank Gaglione. Said easement shall include such terms, restrictions and conditions as have been imposed by the Water Supply Board, the City Council and His Honor, the Mayor. The form of said easement shall be satisfactory to the City Solicitor.

*Whereas*, "GAGLIONE" is seized in fee simple

Resolution Requesting the City Council grant an easement on Providence Water Supply Board Parcel 1697 located in the City of Cranston to Thaddeus J. and Mary G. Wronkowski of Cranston, Rhode Island for the purpose of clearing an existing encroachment.

*Whereas*, the Water Supply Board has an easement running across several parcels of land as delineated on the plan hereto annexed entitled "Thaddeus J. & Mary G. Wronkowski ("WRONKOWSKI"), Cranston, Rhode Island, Existing House Foundation Location, by Boyer Associates, dated July 1993" and

*Whereas*, "WRONKOWSKI" is seized in fee simple in possession of a parcel of land fronting on Jasmine Court, designated as portion of Water Supply Board Parcel 1697, the same also being designated as Lot #21 on said plan, the same also being Lot #3665 in Assessor's Plat #11-4 of the City of Cranston, State of Rhode Island and

*Whereas*, "WRONKOWSKI" is encroaching onto the easement granted to the Water Supply Board by approximately eight (8) feet from the North easement line and

*Whereas*, It would be a hardship for "WRONKOWSKI" to remove the encroaching portion of the building off the easement and

*Whereas*, For the aforesaid reason the Water Supply Board has agreed, in consideration of the sum of one hundred dollars (\$100.00) and other valuable consideration, to permit "WRONKOWSKI" to maintain its present encroachment

onto the easement held by the Water Supply Board as evidenced by the said plan and

*Whereas*, "WRONKOWSKI" agrees that they will not further encroach upon the Water Supply Board easement and that any violation and/or further encroachment will lead to cancellation of this encroachment agreement and,

*Now Therefore, Be It Resolved*, That the City Council does hereby authorize His Honor, the Mayor, to grant an easement encroachment on behalf of the City of Providence to Thaddeus J. and Mary G. Wronkowski. Said easement shall include such terms, restrictions and conditions as have been imposed by the Water Supply Board, the City Council and His Honor, the Mayor. The form of said easement shall be satisfactory to the City Solicitor.

**Severally Read and Collectively Passed, on motion of COUNCILMAN GLAVIN, seconded by COUNCILMAN IGLIOZZI, by the following Roll Call Vote:**

**Ayes:** Council President Petrosinelli, Councilmen Clarkin, DeLuca, Dillon, Councilwoman DiRuzzo, Councilmen Glavin, Igliazzi, Councilwoman Nolan, Councilman Rollins, Councilwomen Williams and Young—11.

**Noes:** None.

**Absent:** Councilwoman Fagnoli, Councilmen Fenton, Lombardi and Mancini—4.

**The motion for Passage, is Sustained.**

June 16]

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- 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 Health Care Institution (RIGL 23-15-2)  
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 Health Care Institution — Maintenance Use  
maintenance facility, workshop, 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 Health Care Institution — Disposal Use  
medical waste incinerator owned or operated by or for a hospital or hospitals, maximum capacity of 7500 lbs. per hour
- 24.3 Health Care Institution — 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 Home  
Family Day Care Home (See Definitions)
- 26.1 Day Care Center, 7 to 12 people  
Any other day care center which is not a family day care home
- 26.2 Day Care Center, more than 12 people  
Any other day care center which is not a family day care home
- 27 Service Organization  
business, professional and labor organization; civic, social, fraternal and service association; welfare, philanthropic and charitable institution; sorority and fraternity and other miscellaneous services
- 28 Cemetery  
cemetery, historic cemetery, memorial park but not including funeral homes
- 3.0 CULTURAL, ENTERTAINMENT AND RECREATION SERVICES
- 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; outdoor sports facility, including gymnasium for athletic events such as swimming, skating, tennis, football, baseball and other sports.

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, and  
Playground

Neighborhood, citywide and regional park (multipurpose, leisure and ornamental garden); playground or playfield

35.1 Non-Profit 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  
See Definitions

4.0 GENERAL SERVICES

41 Finance, Insurance and Real Estate Service  
banking and bank-related functions, credit services, savings and loan association 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

43 Limited Business Service

advertising agency; business office; credit reporting and collection service; interior designer; photocopy, duplication, mailing and stenographic service; private duplication, mailing and stenographic services; 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; upholstery or 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; electrical contractor; job shop;  
painting, paper hanging and decorating  
service;
- 48 Heavy Contract Construction Service  
concrete, masonry or plastering service;  
general contract construction service;  
plumbing, heating and air conditioning  
service; roofing and sheet metal service;  
taxidermy establishment; well drilling  
service
- 5.0 TRADE
- 51 Wholesale Trade, within enclosed structure,  
(including accessory storage up to 3,000  
sq. ft. of floor area)  
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 mainten-  
ance; drugs, chemicals and allied  
products; electrical and electronic goods  
and hardware, plumbing, heating equip-  
ment, and supplies (retail also permitted);  
farm products; groceries and related items;  
machinery equipment
- 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 Liquefied 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 Establish-  
ments, 2,500 sq. ft. GFA or Less  
apparel and accessories; household  
appliances; art supply; bakeries; books,  
newspapers and periodicals (new or used);  
cameras and photographic supplies (new  
or used); confectionery; coin or stamp shop  
(new or used); custom tailoring; dairy  
products; drug store; 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
- 56.1 Eating and/or drinking establishments excluding entertainment, less than 2,500 sq. ft. GFA
- 56.2 Drinking Establishment — Bar or Tavern Establishment, with liquor license, primarily serving alcoholic beverages, with incidental food service
- 57 Retail Trade, Community-wide establishments, more than 2,500 sq. GFA  
 apparel and accessories; household appliances; art supply; bakeries; books, newspapers and periodicals (new or used); cameras and photographic supplies (new or used); confectionery; coin or stamp shop (new or used); custom tailoring; dairy products; department store, no automotive repairs or installation; drinking establishments serving alcoholic beverages; drug store; eating and/or drinking places; 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; marine accessories; 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; second hand merchandise and antiques; shoe store; sporting goods and bicycles; supermarkets; variety stores
- 57.1 Eating and/or drinking establishments excluding entertainment, more than 2,500 sq. ft. GFA
- 57.2 Drive In Establishment  
 See Definitions
- 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  
 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 (non office 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
- 65.2 Broadcasting Studio — Radio and Television
- 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; truck or automobile wrecking
- 77.4 Other Materials Processing, Distribution and Storage  
junk yard, storage, sorting, collecting or bailing of rags, paper, metal or junk
- 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 miscellaenous 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. Where permitted, may include loft housing as an accessory use.
- 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 2: Chapter 564 of the ordinances of the city of Providence, entitled "The City of Providence Zoning Ordinance approved October 24, 1991 is hereby amended by readopting the Providence Zoning District Maps, on Assessor's Plat numbers 1 through 129, and amend them as follows to bring them into conformance with Providence 2000: The Comprehensive Plan.*

Plat	Lot	Existing	Proposed
03	210	R-4	R.G.
	213		
	228		
	229		
	247		
	509		
	510		
	511		
	512		
	513		
	514		
	515		
	516		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	616				126		
	617				642		
	417	R-3	R.G.		646		
	438				647		
	440				648		
	441				664		
	442				665		
					666		
08	212	R-4	R.M.		667		
	213				668		
	214				689		
	215						
	216			11	03	R-1	R.P.
	217				05		
	218				06		
	219				10		
	220				12		
	221				13		
	223				15		
	228				19		
	229				34		
	230				35		
	245				50	100' EASTERLY FROM HOPE ST.	
	444				62		
	445				67		
	446				93		
	452				117		
	462				119		
	463				120		
					127		
09	531	R-4	R.M.				
	532			13	62	R-3	R.P.
	533				63		
	534				67		
	541				68		
	542				72		
	543				90		
	544				96		
	545				97		
	579				115		
	584				178		
					179		
10	213	O.S.	R-2		180		
	41	R-4	R.P.		181		
	98				182		
	107				183		
	115				184		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	185				443		
	186				444		
	187				446		
	188				448		
	206				449		
	207				450		
	209				452		
	213				454		
	214				455		
	221				457		
	226				473		
	227				500		
	229				501		
	230				502		
	233				504		
	263				515		
					521		
					523		
14	06	R-4	R.P.		524		
	32				525		
	277				526		
	278				527		
	280				528		
	281				530		
	282				531		
	283				532		
	287				534		
	288				541		
	326				542		
	331				546		
	342				548		
	344				549		
	345				552		
	346				554		
	348				555		
	349				558		
	350				562		
	352				563		
	353				565		
	354				570		
	366				572		
	369				579		
	371						
	428						
	432			15	94	R-3	R.P.
	433				209		
	439				210		
	440				327		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	366				100	D1-100	D1-45
	463				205		
	464				362		
					363		
16	81	R-4	R.G.	48		D1-300	D1-75
	103			71			
	570			72			
	605			75			
	615			91			
	619			96			
				97			
19	110	D1-200	D1-300	105			
	125			107			
	49	D1-100	D1-200	110			
	50			111			
	116			139			
	117			192			
	127			193			
	128			194			
	129			195			
	130			196			
				197			
20		D1-300	D1-150	198			
	41			261			
	45			263			
	47			264			
	59			292			
	62			293			
	73			301			
	75			305			
	78			306			
	84			329			
	87			330			
	88			331			
	89			343			
	92			349			
	93			352			
	120			353			
	180			365			
	184			42	D1-300	D1-100	
	185			364			
	186			38			
	189			32			
	191			37			
	201			33			
	202			34			
	370			44			

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	20				281		
	21				282		
	22				284		
	25				254		
	116				300		
	117				320		
	138				321		
	29				323		
	24						
	23			21	11	D-2	D1-150
	27				12		
	149				13		
	153				14		
	154				16		
	155				17		
	203				19		
	156				46		
	157				52		
	164				54		
	165				55		
	166				56		
	167				57		
	169				128		
	170				153		
	172				395		
	60						
	174			21	D-2	D1-75	
	173				26		
	176				29		
	63				32		
	177				33		
	178				34		
	179				37		
	158				158		
	163						
	162			23	595	R-3	P.S.
	161				51		
	160				228	R-3	R.G.
	148				230		
	147				235		
	142				250		
	311				261		
	143				262		
	140				265		
	139				281		
	260				302		
	280				343		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	540				416		
	545				417		
	547				418		
	609				422		
	623				423		
	712				424		
	880				425		
	882				426		
					430		
24	60	R-3	R.G.		431		
	639				432		
	22				447		
	120	D1-300	D1-150		474		
	123				477		
	153				480		
	158				481		
	339				485		
	342				486		
	343				487		
	344				488		
	382				489		
	607				490		
	613				491		
	615				492		
	616				494		
	617				495		
	618				497		
	622				499		
	623				502		
	625				503		
	626				504		
	631				630		
	682				633		
	261	D-2	D1-150	97	D1-300	D1-75	
	302				505		
	321				506		
	537				507		
	538				508		
	605				509		
	606				510		
	634				511		
	47	D1-300	D1-100		514		
	405				515		
	406				516		
	410				517		
	411				518		
	415				519		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	520				186		
	521				197		
	522				219		
	523				236		
	524				310		
	555				313		
	601				314		
					315		
25	116	D1-300	D1-150		316		
	196				318		
	277				319		
	293				320		
	305				322		
	405				323		
	428				325		
	429				327		
	430				328		
	433				329		
	434				330		
	435				331		
	436				332		
	437				339		
	438				340		
	439				341		
	440				342		
	442				343		
	092	D1-300	D1-100		344		
	142				345		
	145				346		
	147				347		
	148				348		
	150				349		
	152				350		
	154				351		
	155				353		
	156				354		
	164				363		
	166				364		
	167				372		
	168				373		
	169				377		
	170				391		
	171				422		
	173				423		
	174				431		
	179				432		
	185				443		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	444				245		
	445				247		
	446				299		
	447				300		
					311		
26	060	R-3	R.G.		312		
	067				327		
	106				328		
	114				330		
	118				340		
	121				352		
	124						
	128			28	008	R-3	R.P.
	129				009		
	132				020		
	133				021		
	139				022		
	142				023		
	143				035		
	144				036		
	145				037		
	150				038		
	152				039		
	153				040		
	154				041		
	162				042		
	166				130		
	167				195		
	169				196		
	170				247		
	171				248		
	173				249		
	174				250		
	176				251		
	177				253		
	178				255		
	188				256		
	189				259		
	193				260		
	196				261		
	197				266		
	224				267		
	226				268		
	238				270		
	239				272		
	242				273		
	244				503		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	517				611		
	538				612		
	609				613		
	615				614		
	657				617		
	659				622		
	662				623		
	664				624		
	777				625		
	779				626		
	857				631		
	860						
	864			32	1	R-3	R.P.
	952				2		
					3		
29	234	C-2	R.M.		5		
	272				6		
	514	C-2, R-4	R.M.		7		
	506	R-4	R.M.		34		
					80		
30	080	R-4	R.M.		107		
	646				110		
	647				111		
	648				112		
	649				148		
	037	R-3	R.G.		149		
	419				150		
	421				152		
	422				155		
	427				156		
	437				157		
	438				180		
	439				182		
	440				197		
	442				407		
	443				409		
	445				410		
	450				411		
	451				412		
	527				413		
	529				441		
	593				443		
	594				500		
	595						
	596			33	1	R-3	R.P.
	602				5		
	610				7		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	10				433		
	11				434		
	305				462		
	309				619		
	310				620		
	312				62	R-4	R.P.
	321				70		
	323				91		
	324				253		
	325				284		
	388				285		
	389				310		
	444				615		
	445				616		
	446						
	527			48	06	R-3	R.G.
	630				83		
	631				656		
	632				657		
	650				659		
	677				661		
	678				662		
35	01	R-3	R.P.		663		
	02				664		
	03				694		
	04				716		
	35				717		
	51				723		
	385				724		
	386				739		
	388				740		
	389				749		
	391				752		
	393				753		
	395				865		
	413				960		
	461				963		
	474				964		
	513				965		
	519				973		
	523				974		
	550				1096		
39	61	R-3	R.P.		1097		
	302				1099		
	303				1100		
					1110		
					1111		
					1112		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
51	PORT. 17000'	SETBACK FROM MASH. POND		407			
		M-1	O.S.	57	R-3		R.M.
52	370	C-4	M-1	THE ZONING DESIGNATION OF THE FOLLOWING LOTS REMAIN THE SAME; ALL OTHER LOTS LISTED ARE CHANGED FROM R-4 TO R.M.			
54	121	R-3	R.G.				
	682	O.S.	P.S.				
60	183	R-3	R.G.				
	193						
	195						
	196						
	198						
62	394	C-2	C-4				
	395						
	398			FRONTAGE ON ATWELLS AVE.			
	399						
	401						
	402						
	403						
	404						
	425						
	428						
	441						
	443						
	447						
	449						
	478						
	497						
	518						
	522						
	526						
	527						
	537						
	538						
	540						
	550						
	551						
	556						
	396	R-4	C-4	325			
	523			326			
	524			329			
	525			340			
	528			391			
	405	C-2	R.M.	393			
	406			397			
				435			

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	436				612		
	439				614		
	442				632		
	444				633		
	445				634		
	446						
	457			68	334	R-3	R.G.
	459				353		
	460				426		
	461				427		
	464				630		
	465				632		
	467				633		
	469				634		
	472				635		
	473				636		
	475				638		
	477				647		
	483				648		
	484				649		
	486				657		
	487				658		
	488				659		
	493				660		
	504				661		
	515				662		
	516				663		
	529				665		
	539				666		
	545				667		
	546				668		
	547				669		
	549				670		
	559				671		
	561				672		
	562				673		
	563				674		
	564				675		
					676		
63	ALL LOTS PRESENTLY ZONED R-4 ARE CHANGED TO R.M. NO OTHER CHANGES				677		
					682		
					683		
65	96	C-4	M-1		684		
	574				685		
	609				686		
	610				695		
	611				696		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	697				79		
	700				80		
	701				81		
	704				82		
	705				83		
	706				85		
	707				87		
	708				88		
	724				89		
	725				91		
	735				92		
	736				94		
	737				116		
	743				117		
	757				118		
	761				119		
	771				120	80' FRONTAGE ON VETO ST.	
	772				289		
	798				290		
					291		
69	1	R-3	R.G		294		
	2				295		
	64				316		
	381				318		
	383				624		
	455				650		
	227	P.S.	C-2		670		
	22	R-3	C-2				
	37			72	482	R-3	R.G.
	341				483		
	352				484		
					527		
70	367	R-3	R.G.		528		
	538				529		
	48	R-3	R-2				
	50			73	177	R-3	C-4
	66				307	FRONTAGE NORTH MAIN ST.	
	67						
	70			76	505	R-3	R.G.
	71				512		
	72						
	73			77	10	C-1	R-3
	74				11		
	75				12		
	76				13		
	77				14		
	78				122	C-1	R-2

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	123			81	53	R-3	R-2
	124				54		
	125				68		
78	207	R-3	R.G.		83		
	208				84		
	209				86		
	212				97		
	218				98		
	220				130		
	259				131		
	265				242		
	266				244		
	267				245		
	268				246		
	272				289		
	273				290		
	274				291		
	275				292		
	276				293		
	277				09	R-1	R.P.
	280				29		
	281				30		
	283				31		
	284				35		
	285				36		
	286				37		
	291				39		
	400				476		
	403			83	06	R-1	R.P.
	420				07		
	421				17		
79	272	R-3	R.G.		20		
	343				54		
	464				55		
	466				56		
	658				57		
	659				61		
	660				62		
	661				69		
	ALL OTHER LOTS CHANGED R-3 R-2				70		
					76		
					77		
80	38	R-4	R.M.		266		
	865				271		
	866						
				85	01	R-1	O.S.

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	201	R-1	R.P.		257		
	202				258		
	203				263		
	204				264		
	205				265		
					268		
96	01	R-2	P.S.		272		
	236	R-3	R.G.		273		
	223				315		
	227						
	230			99	485	R-3	O.S.
	231				138	R-3	R.G.
	232				190		
	233				212		
	234				457		
	282				461		
	12	R-4	R.M.		483		
	13				463	C-4	C-4
	54				466	C-4	C-4
	118				469		
	120				470		
	121				165	O.S.	O.S.
	122				16	C-2	C-2
	123				134		
	124				148		
	125				149		
	126				150		
	127				151		
	128				152		
	129				153		
	132				154		
	133				155		
	135				159		
	140				173		
	141				189		
	142				200		
	143				292		
	244				459		
	247				464		
	249				482		
	250				139	R-3	R-3
	251				140		
	252				145		
	253				175		
	254				179		
	255				180		
	256				182		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	184				448		
	191				449		
	192				450		
	194				451		
	195				452		
	197				453		
	198				455		
	201				473		
	202				474		
	237				479		
	238				ALL REMAINING LOTS ARE R-3 R-2		
	239						
	240			102	PORT.		
	241				261 R-3		C-1
	243				THE FOLLOWING LOTS REMAIN THE		
	245				SAME		
	247				242 M-1		M-1
	248				218 M-1		M-1
	249				171 C-4		C-4
	251				220		
	252				221		
	255				256		
	256				258		
	257				217 O.S.		O.S.
	258				216 P.S.		P.S.
	260				16 R-3		R-3
	261				24		
	262				25		
	267				26		
	268				28		
	269				29		
	270				30		
	271				31		
	273				32		
	274				33		
	275				34		
	276				35		
	277				36		
	439				37		
	440				38		
	441				40		
	442				41		
	443				42		
	444				87		
	445				106		
	446				116		
	447				119		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	140				176		
	141				177		
	142				179		
	143				180		
	144				181		
	170				233		
	197				ALL OTHER LOTS ARE CHANGED FROM		
	203				R-3 R-2		
	238						
	ALL OTHER LOTS ARE CHANGED FROM			122	347	R-1	C-1
	R-3 R-2				135	FRONTAGE ON SMITH ST.	
					563		
106	03	R-4	R.M.				
	60			123	ALL R-3 LOTS CHANGED TO R-2		
	101						
	102						
					CORRECTIONS TO ZONING MAPS		
				PLAT	LOTS	ORIGINAL	PROPOSED
107	58	R-4	R.M.	4		D1-100	D1-75
					213		
119	25	R-3	C-2		247		
	THE FOLLOWING LOTS REMAIN THE				248		
	SAME				252		
	01	R-1	R-1				
	08			8	211	R-4	R.M. R-3
	10				212		
	229				213		
	22	R-3	R-3		214		
	23				215		
	24				216		
	41				217		
	42				218		
	54				219		
	100				220		
	101				221		
	113				223		
	119				228		
	121				229		
	122				230		
	142				245		
	143				452		
	144				463		
	145						
	171			11	LOTS R-1		R.P. R-1
	172				3		
	173				5		
	174				6		
	175				12		

## CORRECTIONS TO ZONING MAPS

PLAT	LOTS	ORIGINAL	PROPOSED
4		D1-100	D1-75
	213		
	247		
	248		
	252		
8	211	R-4	<del>R.M.</del> R-3
	212		
	213		
	214		
	215		
	216		
	217		
	218		
	219		
	220		
	221		
	223		
	228		
	229		
	230		
	245		
	452		
	463		
11	LOTS	R-1	<del>R.P.</del> R-1
	3		
	5		
	6		
	12		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	13				116		
	117				117		
	127				120		
					127		
		R-1	R.P. R-3		128		
	10				129		
	15				130		
	19						
	34					D1-100	D1-75
	35				102		
	50	100' EASTERLY FROM HOPE ST.			105		
	62				107		
	67				108		
	93				115		
	119				118		
	120				119		
15		R-3	R.P C-2		110	D1-200	D1-300 D1-200
	94				125		
	463						
	464			28	165	R-3	C-2
				30	593	R-3	R.G. C-2
	209	R-3	R.P. R-3	35	35	R-3	R.P. R-3
	210				51		
	327				385		
	366				386		
		R-3	R.G.		388		
	185				389		
	186				391		
	188				393		
	282				395		
	287				413		
	312				461		
	314				474		
	335				513		
	338				523		
	339				550		
	360						
	363						
	365			39	62	R-4	R.P. R.M.
	369				70		
	468				91		
					253		
19		D1-100	D1-200 D1-100		284		
	49				285		
	50				310		

Plat	Lot	Existing	Proposed	Plat	Lot	Existing	Proposed
	615				160		
	616				161		
41	1	R-3	R.G.		162		
	3				163		
	5				164		
	6				165		
	12				166		
	17				167		
	41				168		
	42				169		
	214				170		
	275				171		
	277				172		
	278				173		
					174		
73	177	R-3	C-4		175		
	216				176		
	218				177		
	219				179		
	232				194		
	233				198		
					199		
	215	R-3	R.M.		200		
	331				234*		
	390				287*		
					288*		
	331 &				*NOTE 1: A THIRTY FT. NO BUILD		
	571	CHANGE TO C-4 WITH THE FOLLOWING			BUFFER SHALL BE MAINTAINED ALONG		
		NOTE "A": RESTRICTED TO PERMITTED			THE WESTERLY PROPERTY LINES		
		USES UNDER THE R.M. ZONE; MAY					
		APPLY FOR SPECIAL USE PERMIT AS					
		INDICATED "S" FOR THE R.M. ZONE;					
		USE CODES 24, 24.1, 24.3, 24.5, 26, 26.1, 43,					
		AND 46. ALL OTHER C-4 USES NOT					
		PERMITTED.					
82	75	R-3	R.G.				
	76						
	77						
	78						
	85						
	154						
	155						
	157						
	158						
	159						

Section 3: Chapter 564 of the ordinances of the city of Providence, entitled "The City of Providence Zoning Ordinance" approved October 24, 1991 is hereby amended by readopting the Providence Overlay Zoning District Maps, on Assessor's Plat numbers 1 through 129, and amending them as follows to bring them into conformance with *Providence 2000: The Comprehensive Plan*.

#### FLOATING ZONES

##### PLAT

7 ALL THE FOLLOWING LOTS ARE I-2

3

8

88

89

PLAT	FLOATING	ZONES	ALL THE FOLLOWING LOTS ARE I-2
90			551
91			547
92			577
93			580
94			592
357			602
			604
			619
10	ALL THE FOLLOWING LOTS ARE I-2		639
09			649
42			672
76			
244			11
246			DELETE MIXED USE FROM PLAT
247			ALL THE FOLLOWING LOTS ARE I-2
248			110
249			115
250			116
251			121
252			12
253			ALL LOTS EXCEPT THE FOLLOWING ARE
254			I-2
257			10
263			26
266			29
268			31
280			33
282			35
284			50
288			55
291			57
294			58
301			71
302			73
305			78
313			119
333			120
337			121
344			122
353			124
356			125
357			126
379			131
469			132
524			134
534			135
537			136
			138

## ALL LOTS EXCEPT THE FOLLOWING ARE

I-2  
139  
140  
141  
142  
143  
169  
170  
171  
173  
174  
175  
176  
177  
179  
180  
181  
183  
184  
186  
187  
190  
236  
237  
238  
246  
260  
277  
280  
303  
305  
328  
329  
330  
331  
332  
368  
369  
371  
376  
377  
386  
412  
413  
421  
423  
430

## ALL LOTS EXCEPT THE FOLLOWING ARE

I-2  
454  
459  
460  
461  
462  
464  
467  
468

## 13 DELETE MIXED USE FROM PLAT

ALL  
THE  
FOLLOWING  
ARE

I-2  
13  
16  
20  
22  
24  
40  
76  
81  
82  
83  
85  
88  
93  
100  
110  
122  
129  
130  
132  
133  
134  
135  
136  
137  
138  
139  
140  
142  
144  
145

- DELETE MIXED USE FROM PLAT  
ALL  
THE  
FOLLOWING  
ARE  
I-2  
147  
169  
208  
223  
242  
249  
250  
251  
252  
254  
259  
271  
272  
277
- 14 DELETE MIXED USE FROM PLAT
- 15 DELETE MIXED USE FROM PLAT
- 16 ALL THE FOLLOWING ARE I-2  
158  
163  
164  
175  
517  
519  
520  
532  
533  
538  
552  
568  
588  
597  
598  
633  
634  
642
- 19 DELETE DOWNTOWN HISTORIC  
DISTRICT FROM PLAT
- 20 DELETE DOWNTOWN HISTORIC  
DISTRICT FROM PLAT  
ALL THE FOLLOWING LOTS ARE I-3  
63  
139  
140  
142  
143  
147  
148  
158  
160  
161  
162  
163  
171  
173  
174  
176  
177  
178  
254  
260  
261  
263  
280  
281  
282  
284  
293  
300  
302  
305  
306  
311  
320  
321  
323  
329  
330  
331
- 24 DELETE DOWNTOWN HISTORIC  
DISTRICT FROM PLAT WITH EXCEPTION  
OF LOT 261

## ALL THE FOLLOWING LOTS ARE I-3

22  
47  
49  
97  
158  
302  
321  
339  
342  
343  
344  
417  
418  
422  
423  
424  
425  
426  
430  
431  
432  
447  
474  
477  
480  
481  
485  
486  
487  
488  
489  
490  
491  
494  
495  
497  
499  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511

## ALL THE FOLLOWING LOTS ARE I-3

514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
605  
607  
630  
633  
634

25 DELETE DOWNTOWN HISTORIC  
DISTRICT FROM PLAT

## ALL THE FOLLOWING LOTS ARE I-3

339  
340  
363  
432

28 DELETE MIXED USE FROM PLAT

32 DELETE MIXED USE FROM PLAT

33 DELETE MIXED USE FROM PLAT

39 DELETE MIXED USE FROM PLAT

56 ALL THE FOLLOWING LOTS ARE I-2

261  
274  
286  
298  
301  
302  
306  
320  
324  
325

83 DELETE MIXED USE FROM PLAT

85	DELETE MIXED USE FROM PLAT	16	27
			549
121	ALL THE FOLLOWING LOTS ARE I-2		614
	1		
	3	17	169
	4		260
	257		261
			262A
127	ALL THE FOLLOWING LOTS ARE I-2		262B
	5		602
	47		604
			605
	CORRECTIONS TO FLOATING ZONE MAPS	20	ADD TO THE I-3 FLOATING ZONE
			60
	PLAT ADD TO THE I-2 FLOATING ZONE		153
10	55		154
	68		155
	229		156
	273		157
	275		164
	276		165
	279		166
	295		167
	296		169
	298		170
	300		172
	347		179
	542		203
	575		
	631	24	411
	641		415
	654		416
	655		
		25	197
			219
12	55		331
	57		332
	58		341
	71		342
	120		343
	121		344
	122		345
	124		346
	125		347
	127		348
	143		349
	246		350
	412		
	413		

	351				REMOVE FROM THE I-1 FLOATING ZONE
	353				AND REMOVE NOTE A FROM THE
	354				FOLLOWING LOTS
	372				214
	373				222
	431				223
					227
					228
73	REMOVE FROM THE I-1 FLOATING ZONE				
	177				
	215				
	216	PLAT	A STREET	RETAIL	FRONTAGES
	218	4	LOTS	LOTS	
	219		140		
	232		143		
	233		144		
	331		145		
	573		146		
			147		
			148		
73	REMOVE FROM THE I-1 FLOATING ZONE		149		
	AND REMOVE NOTE A FROM THE		150		
	FOLLOWING LOTS		151		
	14		153		
	65		155		
	89		159		
	280		174		
	282		189		
	304		192		
			193		
91	REMOVE FROM THE I-1 FLOATING ZONE		195		
	AND REMOVE NOTE A FROM THE		196		
	FOLLOWING LOTS		213		
	181		231		
	182		244		
	183		245		
	185		247		
	186		248		
	187				
	188				
	189	PLAT	A STREET	RETAIL	FRONTAGES
	190	19	LOTS	LOTS	
	205		07		
	207		13		
	208		20		
	209		33		
	210		42		
	211		49		
	212		50		
	213		102	102	
			103	103	

June 16]

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[1994

PLAT	A STREET LOTS	RETAIL LOTS	FRONTAGES	PLAT	A STREET LOTS	RETAIL LOTS	FRONTAGES
	105	105			42		
	107				44		
	108				59	59	
	109	109			60		
	110				62	62	
	111				67	67	
	113				70	70	
	114	114			73	73	
	115				75		
	116				78	78	
	117				84	84	
	118	118			87		
	119				88		
	120	120			89	89	
	121				92	92	
	122				93	93	
	123				96	96	
	124				97	97	
	125				107		
	127				117		
	128				120	120	
	129				121	121	
	130				123	123	
					124	124	
					125	125	
					126	126	
					129	129	
					130	130	
					131	131	
					132	132	
					135	135	
					136	136	
					138		
					139	139	
					140	140	
					142		
					143		
					144	144	
					146	146	
					147	147	
					148		
					149	149	
					150	150	
					153	153	
					154	154	
					155	155	

  

PLAT	A STREET LOTS	RETAIL LOTS	FRONTAGES
20	08	08	
	12	12	
	14	14	
	15	15	
	16	16	
	18	18	
	20	20	
	21	21	
	22	22	
	25	25	
	23	23	
	24	24	
	27	27	
	29	29	
	32		
	33		
	34		
	37		
	38		
	39		

PLAT	A STREET LOTS	RETAIL LOTS	FRONTAGES	PLAT	A STREET LOTS	RETAIL LOTS	FRONTAGES
	156	156			306		
	157	157			311	311	
	158				320	320	
	159	159			321	321	
	160	160			323	323	
	161				329		
	162	162			330		
	163	163			331		
	164	164			361	361	
	165	165			364		
	166	166			366	366	
	167	167			369		
	169	169					
	170	170					
	173	173					
	174						
	176	176					
	177	177					
	178	178					
	179						
	180	180					
	188	188					
	189	189					
	191	191					
	192	192					
	193	193					
	194	194					
	195						
	196						
	197						
	198						
	201	201					
	202	202					
	254	254					
	260	260					
	261	261					
	263	263					
	264						
	280	280					
	281	281					
	282	282					
	284	284					
	292	292					
	293						
	300	300					
	305						

  

PLAT	A STREET LOTS	RETAIL LOTS	FRONTAGES
24	97		
	405	405	
	406	406	
	410	410	
	411	411	
	415	415	
	416	416	
	417	417	
	418	418	
	422	422	
	423	423	
	424	424	
	425	425	
	430	430	
	431	431	
	432	432	
	474	474	
	480	480	
	481	481	
	486	486	
	487	487	
	488	488	
	489	489	
	490	490	
	491		
	492		
	494		
	495		
	502		
	504		
	514		

[illegible]

**The motion for Passage, the Second Time,  
is Sustained.**

## **PRESENTATION OF ORDINANCES**

**COUNCIL PRESIDENT PETROSINELLI  
(By Request):**

**An Ordinance to adopt the Providence Place  
Tax Increment Project Plan.**

**Jointly Referred to Committee on Finance  
and the Committee on Urban Redevelop-  
ment, Renewal and Planning, on motion of  
COUNCILMAN GLAVIN, seconded by  
COUNCILMAN IGLIOZZI.**

**The motion to Refer, is Sustained.**

**An Ordinance establishing a Tax Stabilization  
Plan for the Providence Place Shopping Mall.**

**An Ordinance Authorizing the Issuance of Tax  
Increment and Special Obligation Bonds and/or**

**Bond Anticipation Notes to Finance Providence  
Place.**

**Severally Referred to Committee on Finance,  
on motion of COUNCILMAN GLAVIN, second-  
ed by COUNCILMAN IGLIOZZI.**

**The motion to Refer, is Sustained.**

**COUNCILMAN ROLLINS:**

**An Ordinance Establishing a Tax Stabilization  
Plan for OAR Tool and Die, Inc.**

**Referred to Committee on Finance, on  
motion of COUNCILMAN GLAVIN, second-  
ed by COUNCILMAN IGLIOZZI.**

**The motion to Refer, is Sustained.**

## **PRESENTATION OF RESOLUTIONS**

**COUNCIL PRESIDENT PETROSINELLI,  
COUNCILMAN CLARKIN, COUNCILMAN**

**DeLUCA, COUNCILMAN DILLON, COUN-  
CILWOMAN DiRUZZO, COUNCILWOMAN**

**FARGNOLI, COUNCILMAN FENTON, COUNCILMAN GLAVIN, COUNCILMAN IGLIOZZI, COUNCILMAN LOMBARDI, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILMAN ROLLINS, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:**

Resolution Extending the sincere best wishes of the Members of the City Council to Maryellen Murphy for a complete and speedy recovery from her recent accident.

*Resolved,* That the Members of the City Council hereby extend their sincere best wishes to Maryellen Murphy for a complete and speedy recovery from her recent accident.

**COUNCILMAN CLARKIN, COUNCIL PRESIDENT PETROSINELLI, COUNCILMAN DeLUCA, COUNCILMAN DILLON, COUNCILWOMAN DiRUZZO, COUNCILWOMAN FARGNOLI, COUNCILMAN FENTON, COUNCILMAN GLAVIN, COUNCILMAN IGLIOZZI, COUNCILMAN LOMBARDI, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILMAN ROLLINS, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:**

Resolution Congratulating Horace and Naomi Craig, upon being the recipients of the prestigious Joseph G. LeCount Award for distinguished service at the Providence Branch of the National Association for the Advancement of Colored People (N.A.A.C.P.).

*Resolved,* That the Members of the City Council hereby extend their sincere congratulations Horace and Naomi Craig, upon being the recipients of the prestigious Joseph G. LeCount Award for distinguished service at the Providence Branch of the National Association for the Advancement of Colored People (N.A.A.C.P.).

Resolution Congratulating Robert L. "Bob" Bailey, IV, upon being the recipient of the Williamson/Kizirian Human Relations Commission Award.

*Resolved,* That the Members of the City Council hereby extend their sincere congratulations to Robert L. "Bob" Bailey, IV, upon being the recipient of the Williamson/Kizirian Human Relations Commission Award.

#### **COUNCILWOMAN DiRUZZO (By Request):**

Resolution Requesting the Director of Public Works to have the sewer storm drains repaired in the front of 14-16 Wallace Street.

*Resolved,* That the Director of Public Works is requested to have the sewer storm drains repaired in the front of 14-16 Wallace Street.

Resolution Requesting the Nynex Company to replace Pole No. 27 located on Sterling Avenue which has rotted, with a new telephone pole.

*Resolved,* That the Nynex Company is requested to replace Pole No. 27 located on Sterling Avenue which has rotted, with a new telephone pole.

#### **COUNCILWOMAN DiRUZZO:**

Resolution Requesting the Director of Public Works to have repaired a sewer which has caved in at the corner of Priscilla Avenue and Clarence Street.

*Resolved,* That the Director of Public Works is requested to have repaired a sewer which has