PROVIDENCE ZONING BOARD OF REVIEW

SITTING AS THE BOARD OF APPEALS

Memorandum of Appellee,
The Zoning Enforcement Officer for the City of Providence,
in Support of the Issuance of a Notice of Violation for 549 Plainfield Street

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I. Introduction

The Zoning Enforcement Officer for the City of Providence (the "ZEO" or "the City") submits this memorandum urging the Zoning Board of Appeals (the "Board") to deny the appeal of Appellant Ziomara Hernandez/549 Plainfield LLC ("the Appellant") and uphold the August 24, 2026 Notice of Violation ("NOV") issued by the Department of Inspections and Standards for the property located at 549 Plainfield Street, AP 107, Lot 127 ("the Property"). The ZEO properly issued the NOV because the Property, which formerly was affiliated with Saint Anthony's Church (a "place of worship," as defined in Section 1204[1]), is now being used as "group quarters,"[2] which is not permitted in the R-3 zone pursuant to Section 1202 (Table 12-1) of the Providence Zoning Ordinance of 2014 as amended ("the Ordinance").

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[1] Section 1204 of the Ordinance defines "place of worship" as follows:

> "[a] facility where persons regularly for religious purposes and related to social events, *and may include group housing for persons under religious vows or orders*. Places of worship may also include ancillary day care facilities and/or classrooms for weekly religious instruction." (Emphasis added.)

[2] Section 1204 of the Ordinance defines "group quarters" as follows:

> "[a] structure with two or more rooming units occupied, designed, or intended to be occupied by individuals who may share common areas and facilities, but do not form a single housekeeping unit, and do not provide compensation under a single lease for occupancy. Group quarters provide sleeping accommodations, but no in-room cooking facilities. Group quarters do not include halfway houses or community residences. Group quarters may or may not provide medical treatment or social services to the occupants."

The Appellant makes two flawed arguments in support of her appeal: (1) that the residential use of the Property should be grandfathered as a lawful non-conforming use, and (2) that the Property qualifies under adaptive reuse and that its co-living arrangement is permitted by right in the R-3 district. The ZEO disputes each claim in turn below.

II. Facts and Background

The Property, located in an R-3 Residential Zoning District, is a 26,446 square foot lot on Plainfield Street. It is improved with a residential structure, which, since its construction in 1926 until 2022, was used as a nunnery for Saint Anthony's Church. *See* Permit History, attached hereto as ***Exhibit A***. It contains 18 rooming units with shared common areas but no in-room cooking facilities.[3]

The Appellant purchased the Property on June 24th, 2022 via quit-claim deed with a restrictive covenant that it "will not … permit … [the] use … of the … Property … as a facility, place of business or other place in which … a congregation, society, or other assemblage of persons meets for worship or other religious observances…" *See* Quit-claim Deed, attached hereto as ***Exhibit B***. At this point in time, the building was disassociated from the church and placed into private ownership. No building permits have been issued by the Department of Inspections and Standards for any improvements and/or changes made to the interior spaces of the residential structure since the Appellant's purchase in 2022. As evidenced by rental advertisements, attached hereto as ***Exhibit C***, as well as admitted to by the Appellant, *see* the Appellant's memo, p. 3., the Appellant currently rents out separate rooms to tenants who are not associated with any religious

[3] The Appellant's brief states there are "no operative stoves in the Building"—aka no cooking facilities *at all*. This is surely because the church building—next door—had a kitchen for the use of its religious order.

organization. It therefore meets the current definition of "group quarters" in Section 1204 of the Ordinance.[4]

III. Standard of Review

Since this appeal is from a NOV issued by the ZEO, the Board reviews this matter *de novo*. In short, the Board stands in the shoes of the ZEO and must review all the evidence in the record anew, making its own determinations regarding its credibility and weight. In doing so, however, the Board may give consideration to the "interpretation placed on [an] ordinance by the municipal official responsible for enforcing it[.]" *New England Expedition-Providence, LLC v. City of Providence*, 773 A.2d 259, 263 (R.I. 2001). Finally, in exercising its powers, the Board "may … reverse or affirm wholly or partly and may modify the order, requirement, decision, or determination appealed from and may make any orders, requirements, decisions, or determinations that ought to be made, and to that end has the powers of the officer from whom the appeal was taken." *See* R.I. Gen. Laws § 45-24-68.

IV. Argument

A. The Current Residential Use of the Property as Group Quarters Cannot be Grandfathered Because the Property is no Longer Associated with the Church

The Appellant's first argument is that the building's use as a residential "dwelling" existed at the time of its construction/permitting in 1924, and this use has neither changed nor been "abandoned" by a change in ownership. The City counters that the building previously was used as a *convent*, which is a distinct type of residential use, and, as the building is no longer a convent, the use has indeed changed and/or been abandoned.

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[4] *See supra* footnote 2.

In order to make sense of the use change, the Board must look at the evidence regarding this Property in context with the history and evolution of the Zoning Ordinance. In 1924, the City processed an application and permit to build *submitted by St. Anthony's Church Corp. of R.I. See* ***Exhibit A***, p. 1-2. Then, in 1936, the City issued a permit for an "*addition to present convent." **See Exhibit A***, p. 3. Finally, the City processed an application and permit for repairs in 2003 *for the convent*. *See* ***Exhibit A***, p. 5-6. All of these pieces of evidence show that Saint Anthony's Church built and used the building *as a convent*; it was not "just" a residential dwelling. The Appellant focuses narrowly on the generic use of the word "dwelling" present in one permit (permit #2807 from 1924) rather than on all the permits and evidence considered together as a whole.

Next, a close analysis of the 1923 Providence Zoning Ordinance (hereinafter "the 1923 Ordinance"), in effect at the time the convent was built, demonstrates that religious housing most likely would have been considered a distinctive category of residential use. First, the 1923 Ordinance listed "churches" as a distinct but undefined use category, different from that of "dwelling." *See* 1923 Ordinance attached hereto as ***Exhibit D***, p. 4; *see also Miriam Hosp. v. Zoning Bd. of Rev. of City of Providence*, 67 R.I. 295, 23 A.2d 191 (R.I. 1941). Second, the 1923 Ordinance defined "dwelling" narrowly as "a building arranged, intended, or designed to be occupied by not more than two families living independently of each other." ***Exhibit D****, p. 19*. The 1923 Ordinance defined an "apartment house," on the other hand, as "a building arranged, intended, or designed to be occupied by three or more families living independently of each other." *See id. p. 19*; *see also City of Providence v. Stephens*, 133 A. 614 (R.I. 1926).

At the time the convent was constructed, there were five zoning districts: "dwelling house," "apartment house," "business," "first industrial," and "second industrial." The dwelling house

district permitted dwellings but expressly excluded apartment houses. *See* ***Exhibit D****, p. 4*. The apartment house district, however, permitted apartment houses as well as boarding, rooming, or fraternity houses, dormitories, hotels, community center buildings, private clubs, philanthropic and eleemosynary institutions, as well as hospitals and sanitaria. *See id., p. 4*. While a convent does not fit neatly within the definition of either "dwelling" or "apartment house" (since it does not involve families living independently of one another), it more closely resembles an eleemosynary institution, where members of a religious order live together communally and serve the public. In fact, the location of the Property in 1923 was in a "business" district, which allowed apartment houses, churches, and said philanthropic institutions, not in a "dwelling" district. *See* 1923 Zoning Map attached hereto as ***Exhibit E***. Thus, despite the generic wording used in permit #2807, the building had a distinct use as a benevolent convent associated with Saint Anthony's Church.[5]

Furthermore, the treatment of religious housing as a distinct type of residential use is confirmed by later versions of the zoning ordinance as well as case law. For example, in a 1995 amendment to the 1994 Providence Zoning Ordinance, religious housing, defined as "residence for the clergy of a religious organization, also a convent (religious community of nuns) or monastery (religious community of monks)," is delineated as a separate use.[6] *See* 1994 Ordinance and Amendments attached hereto as ***Exhibit F***, p. 135. Also, under the zoning ordinance in effect prior to 2014, attached hereto as ***Exhibit G***, "Use Code 15.5 (Religious Housing and Convents)" was listed as a distinct use code, separate from Use Code 11 (One Family Detached Dwellings)

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[5] Furthermore, if a convent did not fit the definition of a "dwelling" pursuant to the 1923 Zoning Ordinance, a building permit cannot, then as now, change the zoning regulations. In other words, a prohibited use does not become legal simply because of the wording used in a building permit. It is worth mentioning that zoning ordinances were *brand new* to Rhode Island in the early 1920s (the first zoning enabling act was passed in 1921)—all the more reason to expect discrepancies.

[6] Notably, this separate definition did not exist in the 1920s (a time when zoning was much less sophisticated), hence the problem with super-imposing modern zoning standards on the building permit nomenclature of that era.

and Use Code 15.6 (Community Residences). *See* ***Exhibit G***, p. 22. Also, importantly, the Providence Superior Court confirmed a distinction between a convent and the standard residential use categories in *Lupo v. Viola*, No. C.A. 82-4099, 1986 WL 714346 (R.I. Super. June 24, 1986). That case addressed a three-story convent owned by St. Mary's Roman Catholic Church that had been vacant since 1978 and was located in an R-4 multiple residential zone. When the purchasers sought to convert the convent to professional offices, they were required to obtain a variance. The Court affirmed the variance, asserting that a convent's distinctive character placed it outside the standard residential use categories, requiring variance relief when conversion to another use was sought. *See id.* In other words, the convent has <u>never</u> been used as or considered to be "group quarters" or "co-living housing," as those terms are defined and utilized today.[7]

While the Appellant argues that she has not converted the use (or if considered non-conforming, has not "abandoned" the use) because she has not changed any of the building's interior arrangements, this fact is irrelevant. The sale of the property to a secular party is the conversion/abandonment. The ZEO acknowledges that usually a mere change in ownership does not destroy pre-existing, legal nonconforming uses of property. *See Harmel v. Tiverton Zoning Bd. of Review*, 603 A.2d 303 (R.I. 1992). The difference here, however, is the disassociation from the church. Religious housing is, and has long been considered, substantially different from group quarters and other residential uses in character, purpose, and the population it serves. Specifically, these differences include the unique, mission-driven character of religious residential communities, their permanence based on religious vows (the absence of transient occupancy), and

[7] In fact, the state's definition of "co-living housing" specifically states that "[t]his section shall not be read to allow the conversion of existing dwelling units into co-living housing unless authorized by a local zoning ordinance." R.I. Gen. Laws § 45-23-31(15) (eff. Jan. 1, 2026). In other words, even if the convent was listed as a "dwelling" on a 100-year-old building permit, that does not mean it can now be used a group quarters, if not authorized by Ordinance.

the distinct population served (members of religious orders rather than unrelated individuals seeking secular housing).

Thus, the ZEO correctly issued the NOV because the Property's use changed. A convent no longer, it became group quarters in 2022, and, under the current controlling Ordinance, group quarters is not permitted in the R-3 zone.

B. The Property Does Not Qualify for Adaptive Reuse as Co-living Housing in an R-3 Zone

The second argument the Appellant makes is that the building qualifies under R.I. Gen. Laws § 45-24-37(h) ("the Adaptive Reuse Law") and R.I. Gen. Laws § 45-24-37(h)(2)(i) ("the Co-living Housing Act") for by-right conversion to co-living housing in an R-3 zone. Not only does this claim undermine the Appellant's first argument that there has been no change in use, it is also acontextual and misguided. The Property could, indeed, qualify under the Adaptive Reuse Law; however, the interior of the building would have to be altered so that it provided residential "dwelling units"—aka independent living facilities for each unit—because, as stated earlier, co-living housing, or group quarters in the Ordinance, is not permitted in the R-3 zone. The ZEO further explains as follows.

First, R.I. Gen. Laws § 45-24-37(h) states: "[A]daptive reuse for the conversion of any commercial building, including offices, schools, *religious facilities*, medical buildings, and malls into *residential units* or mixed-use developments which include the development of at least fifty percent (50%) of the existing gross floor area into residential units, *shall be a permitted use and allowed by specific and objective provisions of a zoning ordinance*" (emphasis added).[8] The General Assembly thus far, however, has not defined "residential unit" in R.I. Gen. Laws § 45-24-

[8] *See* Ordinance § 1201 (Table 12-1: Use Matrix); *see also* Ordinance §§ 1202(K)(7) and 1202(L)(7).

31, the definitional section of the Zoning Enabling Act. The closely related term "dwelling unit" is defined in R.I. Gen. Laws § 45-24-31(25) as "a structure or portion of a structure providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, with a separate means of ingress and egress."[9] Since the two terms appear side by side within the same subsection of R.I. Gen. Laws § 45-24-37(h), this is a strong textual signal that the General Assembly intended them to mean different things—with residential unit having a broader, more encompassing meaning than dwelling unit. Described in another way, "residential unit" is an umbrella term and includes all types of residential uses, such as group quarters, nursing homes, rehab facilities, etc., that have a residential component but do not have separate kitchens per unit, as well as dwelling units that do have separate kitchens.

Next, it is important to focus on the second clause of R.I. Gen. Laws § 45-24-37(h): "shall be a permitted use and allowed by specific and objective provisions of a zoning ordinance." This key phrase requires that a City or town permit change in use projects considered to be adaptive reuse, *but can regulate them by specific and objective provisions of its zoning ordinance*. It does not mean that a City must permit *all types* of adaptive reuse projects in *all zones,* as the Appellant argues. This would defeat the Zoning Enabling Act's basic tenant, that of "empowering each city and town with the capability to establish and enforce standards and procedures for the proper management and protection of land, air, and water … and to employ contemporary concepts, methods, and criteria in regulating the type, intensity, and arrangement of land uses." R.I. Gen. Laws § 45-24-29(B)(3).

To further clarify, the Appellant's argument is a slippery slope: if the Board were to accept that the Appellant does not have to conform to the requirements of the R-3 zone in the current

[9] The Ordinance defines "dwelling unit" in the same words as the statute. *See* Ordinance § 201.

Ordinance because she is adaptively reusing the building, then, for example, an industrial building could be converted to group quarters (or any kind of residential use) in an industrial district where no residential uses are permitted at all. The City's criteria for regulating land use by zone would be eviscerated with every adaptive reuse project. While, indeed, Rhode Island needs more housing, this extreme mandate is clearly not what the General Assembly intended with the passage of R.I. Gen. Laws § 45-24-37(h), and the "ultimate goal [of the Court or in this case, the Board] is to give effect to the purpose of the act as intended by the Legislature." *Ryan v. City of Providence*, 11 A.3d 68, 70-71 (R.I. 2011).

Again, it is important for the Board to consider adaptive reuse *in context*. As the Rhode Island Supreme Court opined in *Generation Realty LLC v. Catanzaro*, 21 A.3d 253 (R.I. 2011), it is important to "consider the entire statute as a whole; individual sections must be considered in the context of the entire statutory scheme, not as if each section were independent of all other sections." *Id*. at 253. "It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme." *Davis v. Michigan Department of the Treasury*, 489 U.S. 803, 809 (1989). It is the Court's "task, whenever possible, to construe laws 'such that they will harmonize with each other and be consistent with their general objective scope." *Daponte v. Ocean State Job Lot, Inc.*, 21 A.3d 248, 251 (R.I. 2011). A reading of the Adaptive Reuse Law where reuse projects are encouraged but still must conform to the objective use criteria delineated by zone allows this harmony. *See* Ordinance § 1201 (Table 12:1: Use Matrix).

Finally, the Co-living Housing Act does not support the Appellant's radical interpretation of the Adaptive Reuse Law; rather, it actually bolsters the ZEO's argument that co-living housing (or group quarters per Ordinance § 1201 (Table 12-1: Use Matrix)) may be allowed in adaptive

reuse projects subject to a zoning district's use criteria. The Co-living Housing Act defines "co-living" as "a specific residential development with units that provide living and sleeping space that is independently rented and lockable for the exclusive use of an occupant but requires the occupant to share sanitary and/or food preparation facilities with other units in the occupancy."[10] R.I. Gen. Laws § 45-24-31(15). The Ordinance uses the term "group quarters" instead of "co-living," but they are essentially the same thing—residential units that provide separate living spaces for occupants but no in-room cooking facilities. *See* footnote 2. And while, indeed, the Co-living Housing Act expressly provides that "[c]o-living housing which meets the applicable requirements of the building and fire codes, *may* be allowed in adaptive reuse developments," the statute says "may" not "must"—as the Appellant admits in her brief.[11] *See* R.I. Gen. Laws § 45-24-37(h)(2)(i) (emphasis added); *see also* Appellant's Memo, p. 9. The City does allow group quarters in adaptive reuse projects so long as the project is in a zone that allows group quarters. *See* Ordinance § 1201 (Table 12-1: Use Matrix). Thus, the Ordinance, the Adaptive Reuse Law, and the Co-living Housing Act can and should be read to act in harmony with one another – supporting adaptive reuse projects (which may include alternative types of residential units such as group quarters) so long as these projects are in the appropriate zones.

Accordingly, the Appellant's second argument fails. While the building may qualify as an adaptive reuse project (assuming its use *has changed*), it still must conform to the use requirements in the R-3 zone, which, unfortunately for the Appellant, does not include group quarters. The ZEO

[10] As mentioned above, that definition further provides that "[t]his section shall not be read to allow the conversion of existing dwelling units into co-living housing unless authorized by a local zoning ordinance." R.I. Gen. Laws § 45-15-31(15) (eff. Jan. 1, 2026).

[11] While not exactly on point, the state's definition of "co-living housing" (see footnotes 7 and 10) reinforces that the state clearly intended to leave it up to municipalities whether and where to allow the use of co-living housing.

properly issued the NOV, and the only way to rectify the violation would be to either seek a use variance or convert the interior spaces of the building into dwelling units.

V. Conclusion

For the reasons explained in this memo, the City, by and through the ZEO, respectfully requests that this Board uphold the Notice of Violation and dismiss the Appellant's appeal.

The City of Providence

By and through its Zoning Enforcement Officer,
By her Attorney,

/s/ Sharon G. Garner
Sharon Gilmore Garner, Esq.
Senior Assistant City Solicitor
444 Westminster Street
Providence, RI 02903
sgarner@providenceri.gov

16 November 2026

EXHIBIT A

No. 2807

St. Anthony's Church Corp. of R.

APPLICATION FOR PERMIT TO BUILD

BRICK, STONE, &c.

Location, 549 Plainfield St.

Ward, 8

Permit Granted Aug. 30th *192* 4

APPLICATION FOR PERMIT TO BUILD.

BUILDING OF BRICK, STONE, &c.

Providence, Aug 3d 1908

To the Inspector of Buildings:

The undersigned hereby applies for permission to build, specified as follows:

1. ..... 2 ..... Building District. ..... 8 ..... Ward.
2. Street Location, 549 Plainfield St
3. Plat, 107 Lot. No. 12
4. Owner, St Anthony's Church Corp of R.I.
5. Architect, A.J. Murphy
6. Builder, A.J. Murphy & Son
7. Material, Brick
8. Number of buildings, 1
9. Number of stories each, 2 1/2
10. Entire height from sidewalk or ground, 30 ft
11. The building to be used for, Dwelling
12. State number of tenements, if for dwelling purposes, 1
13. Size of main building, 38 feet front, 80 feet deep.
14. Projections front, x Right side, x Left side, 8 x 26 Rear, x
15. Land, solid or filled, Solid
16. Footings rest on earth, rock, timber, concrete, or piles, earth
17. Thickness of foundation walls, 16" Material used Concrete
18. " " external " 12" - 12"
19. " " party "
20. Are there any hollow walls? no Thickness of same { Exterior / Interior
21. If girders are used to carry floor, state size, Beams & Girders as needed
22. Give distance between supports of girders,
23. State longest distance between bearing of floor-joists, or beams, 14 ft
24. Give size of floor-joist or beams, each floor, 2x8 - 2x8 - 2x8
25. Style of roof and material used, Pitch Slate
26. Outside covering of roof,
27. Any ventilator, elevator, or other inclosures above roof,
28. Material of cornice, wood
29. State what projections to be built over sidewalk,
30. No. of Elevators, for what use,
31. How heated (steam, water, or furnace), Steam
32. Any fire-place, if so, which stories? one 1st floor one 2nd

Name, St Anthony's Church Corp. R.I.

Address, 549 Plainfield St

by A.J. Murphy Archt.

DEPARTMENT OF BUILDING INSPECTION

DATE	August 30, 1924	PERMIT NO.	2807
LOCATION	549 Plainfield St.		
WARD	8	PLAT	LOT
OWNER	St. Anthony's Church Corp. of R.I.		
ARCHITECT	A.J. Murphy		
BUILDER	R.J. MacIntyre & Son		
MATERIAL	Brick		
NATURE OF WORK	New		
NO. OF BLDGS.	1		
NO. OF STORIES	2½		
TO BE USED FOR	Dwelling		
NO. OF FAMILIES	1		
FIRE DISTRICT			

INSPECTOR OF BUILDING'S DEPARTMENT

Date June 26/36 Permit No. 1304
Location 549 Plainfield St.
Ward 7 Plat 107 Lot ~~140~~ 127
Owner St. Anthony's Rectory, 549 Plainfield St.
Architect A. J. Murphy
Builder Owner
Material Stone
Nature of work Addition to present convent
Number of buildings 1
Number of stories 2
To be used for Convent
Number of families
Fire district 2

200- Remington Rand Inc., 11 112-4013

PLEASE PRINT OR TYPE

BUILDING PERMIT APPLICATION

000127

PLEASE PRINT - APPLICANT TO COMPLETE ALL ITEMS

MUNICIPALITY PROVIDENCE NUMERICAL CODE 28 PERMIT NO

APPLICATION DATE 11-14-03 CENSUS TRACT FEE RECEIVED $ 177 BY TP 11-19-03

1. STREET LOCATION 549 PLAINFIELD ST. 2. ZONING DISTRICT R2

3. PLAT/MAP 107 4. LOT/BLOCK 127 5. FILE/PARCEL 1304/36 6. AREA 26,094SF 7. FIRE DISTRICT NO. (OR T.)

8. USE OF STRUCTURE: PREVIOUS CONVENT PROPOSED SAME

9. OWNER ST ANTHONY RECTORY ADDRESS 549 PLAINFIELD ST TEL. NO 943-2300

10. CONTRACTOR (0 OR 1*) H & S HOME IMPROVEMENT (SAUATH SO) TEL. NO 837-6974

11. CONTRACTOR ADDRESS 160 CHAPIN AVE. PROV RI 12. RI CONTR. REG. # 2337 13. EXPIR. DATE 7-1-04

14. ARCH. OR ENG. ADDRESS TEL. NO

15. RHODE ISLAND REG. NO. 16. Stamped Prints (Circle one) Yes No 17. Certificate of Occupancy Required Yes No

18. DESCRIPTION OF WORK TO BE PERFORMED REMOVE & REPLACE EXTERIOR SOFFIT. WRAP WITH ALUMINUM RESIDE 7 EXTERIOR DORMERS WITH ALUMINUM

19. USE OF EACH FLOOR

BSMT. STORAGE & UTIL

1st CONVENT

2nd CONVENT

3rd

Other

PLEASE CHECK APPROPRIATE ITEMS AND ENTER REQUESTED DATA

A. TYPE OF IMPROVEMENT

1. ____ NEW STRUCTURE
2. ____ ADDITION TO STRUCTURE
3. ____ INSTALLATION
4. ✓ RECONSTRUCTION
5. ____ REPLACEMENT
6. ____ FOUNDATION ONLY

B. OWNERSHIP

PUBLIC
1. ____ STATE
2. ____ CITY OR TOWN
3. ____ OTHER, SPECIFY

PRIVATE
4. ____ TAXABLE
5. ✓ TAX EXEMPT

C. PRINCIPAL TYPE OF CONSTRUCTION
(CONSTRUCTION CLASS (Check one)

1. 1A ____ 5. 2C ____ 9. 5A ____
2. 1B ____ 6. 3A ✓ 10. 5B ____
3. 2A ____ 7. 3B ____
4. 2B ____ 8. 4 ____

D. PROPOSED USE RESIDENTIAL

1. ____ R-1 MOTEL, HOTEL
2. ____ R-2 MULTI-FAMILY
3. ____ R-3 One and Two Family Attached
4. ____ R-4 One and Two Family Detached
5. ____ GARAGE
6. ____ CARPORT
7. ____ MOBILE HOME
8. ____ SWIMMING POOL
9. ____ FENCES
10. ____ SIGNS
11. ____ FIREPLACE
12. ____ OTHER, SPECIFY

E. PROPOSED USE NON-RESIDENTIAL

1. ____ A-1-A THEATRES W/STAGE
2. ____ A-1-B THEATRES W/O STAGE
3. ____ A-2 NIGHT CLUBS
4. ✓ A-3 RESTAURANTS
5. ____ A-4 CHURCHES
6. ____ A-5 STADIUMS
7. ____ B BUSINESS
8. ____ E EDUCATIONAL
9. ____ F-1 FACTORY (MOD HAZ)
10. ____ F-2 FACTORY (LOW HAZ)
11. ____ H HIGH HAZARD
12. ____ I-1 INSTITUTIONAL GROUP HOME
13. ____ I-2 INSTITUTIONAL INCAPACITATED
14. ____ I-3 INSTITUTIONAL RESTRAINED
15. ____ M MERCANTILE
16. ____ S-1 STORAGE MODERATE
17. ____ S-2 STORAGE LOW
18. ____ SWIMMING POOL
19. ____ FENCES
20. ____ SIGNS
21. ____ OTHER

SPECIFY ____

F. RESIDENTIAL
(COMPLETE FOR NEW BUILDINGS AND RECONSTRUCTION)

SINGLE FAMILY
1. ____ TOTAL SINGLE FAMILY UNITS
2. ____ TOTAL NO. OF BEDROOMS
TOTAL NO. OF BATHROOMS 3. ____ Full 4. ____ Half

MULTI-FAMILY
5. ____ TOTAL NO. OF KITCHENS
TOTAL NO. OF BATHROOMS 6. ____ Full 7. ____ Half

TOTAL NO. OF APARTMENTS BY NO. OF BEDROOMS
8. Effic ____ 9. 1 ____ 10. 2 ____
11. 3 ____ 12. 4 ____ 13. 5 ____
14. ____ MORE, Please Specify ____
15. ____ TOTAL NUMBER OF BUILDINGS IN PROJECT

G. FOUNDATION SETS BACK FROM PROPERTY LINES

1. FRONT ____ ft., ____ in.
2. REAR ____ ft., ____ in.
3. LEFT SIDE ____ ft., ____ in.
4. RIGHT SIDE ____ ft., ____ in.

H. DIMENSIONS

1. No. of Stories 2 2. Basement ✓ Yes ____ No
3. Height of Construction Ft. ____ MAX WIDTH ____ MAX DEPTH ____
4. Total Floor Area Sq. Ft. w/o Basement ____

I. ESTIMATED COST MATERIAL AND LABOR

1. GENERAL $ 6800 .00
TO BE INSTALLED BUT NOT INCLUDED IN THE ABOVE COST
2. ELECTRICAL $ ____ .00
3. PLUMBING OR PIPING $ ____ .00
4. HEATING, AIR COND. $ ____ .00
5. OTHER, ELEVATOR, ETC. $ ____ .00
TOTAL COST $ 6800 .00

J. FLOOD HAZARD AREA 1. YES 2. NO

1. Elev. (MSL) of lowest floor incl basement ____
2. Elev. (MSL) of 100 year flood ____

K. TYPES OF SEWAGE DISPOSAL

✓ 1. ____ PUBLIC 2. ____ PRIVATE SYSTEM*
3. ISDS NO ____ DATE ____

O. FEES

1. MUNICIPAL BUILDING PERMIT FEE = $ 170 .00
2. CE & ADA FEE: + ____ x .001 $ 7 .00
(I) ITEM #1 + ITEM #5 x .001
TOTAL PERMIT FEE $ 177 .00

(1 & 2 FAMILY DWELLING LIMITED TO CE & ADA FEE OF $50.00)

L. NUMBER OF OFF-STREET PARKING SPACES

1. ENCLOSED ____
2. OUTDOORS ____

M. TYPE OF WATER SUPPLY

✓ 1. ____ PUBLIC
2. ____ PRIVATE
3. ____ INDIVIDUAL WELL

N. EQUIPMENT*

1. INCINERATOR ____
2. ELEVATOR ____ (Enter Number)

I hereby certify that I have the authority to make the foregoing application, that the application is correct, and that the owner of this building and the undersigned agree to conform to all applicable codes and ordinances of this jurisdiction.

TEL NO ____ APPLICANT'S SIGNATURE ____

FOR ____

* IN-STATE CONTRACTOR = 0
OUT-OF-STATE CONTRACTOR = 1

* STATE APPROVAL REQUIRED SEE BACK OF FORM FOR INFORMATION

25702 /02

OFFICE FILE (LOCATION)

EXAMINATION OF PLANS

Examined for Zoning

_____ 19____

By _____

Approved for fire safety

_____ 19____

By _____

Approved for electrical installation

_____ 19____

By _____

Approved for plumbing installation

_____ 19____

By _____

Approved for mechanical installation

_____ 19____

By _____

PERMIT GRANTED

December 8 2003

By _____
Building Official

Plan number _____

File number _____

PUBLIC WORKS DEPARTMENT

____ Water Available

____ Sewers Available

____ Public Street

____ Private Street

____ Street Grade Needed

____ Brook or Natural Drainage

Approved by:

_____ 19____
Planning Department

_____ 19____
Engineering Dept.

_____ 19____
Sewer Division

_____ 19____
Water Division

_____ 19____
Traffic Division

_____ 19____
Construction in Flood Hazard area

_____ 19____
Other

APPLICANT 1127

LOCATION 549 Plainfield Street

DATE 11/14/2003

NO. Ward 7

APPLICANT FOR PERMIT TO BUILDING, ALTER, MOVE OR DEMOLISH

EXHIBIT B

DOC: 2022324233
Bk: 13609 Pg: 29

Tax: $1,173.00
Date: 06/24/2022
RECORDER: KM
CITY OF PROVIDENCE
674341
RHODE ISLAND
REAL ESTATE
CONVEYANCE TAX

QUIT-CLAIM DEED

Saint Anthony's Church Corporation, Rhode Island, a Rhode Island non-profit corporation, with a mailing address of One Cathedral Square, Providence, Rhode Island 02903 ("Grantor"), for consideration paid of TWO HUNDRED FIFTY-FIVE THOUSAND DOLLARS ($255,000.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants to **549 Plainfield Street LLC**, a Rhode Island limited liability company ("Grantee"):

with QUIT-CLAIM COVENANTS

That certain lot or parcel of land with all the buildings and improvements thereon, if any, situated on in the City of Providence, State of Rhode Island, bounded and described as shown on **Exhibit A**, which is attached hereto and made a part hereof.

Grantor is a tax-exempt entity pursuant to Section 501(c)(3) of the Internal Revenue Code. Grantor covenants that it is a Rhode Island non-profit corporation, as evidenced by affidavit and is therefore exempt from the withholding provisions of R.I. Gen. Laws § 44-30-71.3.

Signature Page Follows.

WITNESS this 24th day of June, 2022, I have caused these presents to be executed

In the presence of:

Witness

Saint Anthony's Church Corporation, Rhode Island

By: Rev Gildardo Suarez
Name: Reverend Gildardo Suarez
Title: Director and Treasurer

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

On this 24th day of June, 2022, before me, the undersigned notary public, personally appeared Reverend Gildardo Suarez, in his capacity as Treasurer, a Director and duly authorized signatory of Saint Anthony's Church Corporation, Rhode Island, a Rhode Island non-profit corporation [__] personally known to the notary -OR- [X] proved to the notary through satisfactory evidence of identification which was ג'יפ צרפת, to be the person whose name is signed on the preceding or attached document and he acknowledged to the notary that the execution of the foregoing instrument was his free act and deed in his said capacity, as aforesaid and the free act and deed of Saint Anthony's Church Corporation, Rhode Island, a Rhode Island non-profit corporation.

Notary Public
Print Name: Michael L. Mineau
My Commission Expires: 10/6/22

Michael L. Mineau
NOTARY
PUBLIC
STATE OF RHODE ISLAND

4262832 2/1444-29

EXHIBIT A

That certain lot or parcel of land, with all the buildings and improvements thereon, situated on the northerly side of Plainfield Street in the City of Providence, County of Providence, State of Rhode Island, shown as "AP 107 Lot 127" on that plan entitled 'Plan of 549 Plainfield Street, Assessor's Plat 107 Lot 127, Providence, Rhode Island Prepared for St. Anthonys Church Corp. of RI, 549 Plainfield Street, Providence, RI 02909-4645; January 15, 2021; Scale: 1 inch equals 20 feet; by Insite Engineering Services, LLC; 501 Great Road, Unit 104; North Smithfield, RI 02986', bounded and described as follows:

Beginning at a point forming the intersection of the northerly side of said Plainfield Street and the easterly side of Merino Street, said point being the southwesterly corner of the parcel hereby described:

Thence: N 12°12'20" W running a distance of one hundred eighty and eighty one-hundredths (180.80') feet, the last line following the easterly side of said Merino Street;

Thence: N 79° 04'50" E running a distance of one hundred fifty and zero one-hundredths (150.00') feet;

Thence: S 11°21'08" E running a distance of one hundred seventy five and zero one-hundredths (175.00') feet to a point on the northerly side of said Plainfield Street, the last two lines bounding on land owned now or formerly by St. Anthonys Church Corp. of RI;

Thence: S 76°50'27" W running a distance of one hundred forty seven and thirty eight one-hundredths (147.38') feet to the point and place of beginning, the last line following the northerly side of said Plainfield Street.

Said parcel contains 26,446 square feet or 0.607 acres.

For Reference Purposes:
AP 107, Lot 127
549 Plainfield Street
Providence, RI

RECEIVED:
Providence
Received for Record
06/24/2022 02:56:34 PM
Document Num: 2022324233
John A Murphy
Recorder of Deeds

DOC: 2022324234
Bk: 13609 Pg: 32

DEED RESTRICTION AND AGREEMENT

This Deed Restriction is granted as of the 24th day of June, 2022, by **549 Plainfield Street LLC**, a Rhode Island limited liability company with an address of 549 Plainfield Street, Providence, Rhode Island, and its successors and assigns ("Grantor") in favor of **Saint Anthony's Church Corporation, Rhode Island**, a Rhode Island non-profit corporation, with a business office and notice mailing address of One Cathedral Square, Providence, Rhode Island 02903, and its successors and assigns (the "Grantee").

WHEREAS, Grantor is the owner of property and improvements located in the City of Providence, Rhode Island more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Burdened Property");

WHEREAS, the Grantor has agreed to grant to Grantee, its, transferees, successors and assigns, a deed restriction and covenant burdening the Burdened Property;

NOW THEREFORE, in consideration of Ten Dollars ($10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grantor will not use, nor allow the use by others of the name: "St. Anthony's", "Saint Anthony's" or any derivatives thereof, with any operations or activities on the Burdened Property.

2. It will not, unless and until the church structure on the subject property is demolished, without the prior written authorization of the Bishop of Providence use, permit others to use or lease or otherwise transfer the use of the Burdened Property or any portion thereof to any person who uses or will use the Burdened Property or any portion thereof as a facility, place of business or other place in which:

   a. a congregation, society or other assemblage of persons meets for worship or other religious observances or activities, promoted or defined as Catholic or Roman Catholic, but not possessing the express ecclesiastical approval of the Roman Catholic Church;

   b. any religious activity is conducted that is contrary to the essential and substantial matters of the Roman Catholic Faith as determined by the Roman Catholic Bishop of Providence;

   c. human abortion, sterilization, euthanasia or other acts which are contrary to the Ethical and Religious Directives for Catholic Health Care Services promulgated by the United States Conference of Catholic Bishops are performed, or promoted through public advocacy or for which counseling is given which promotes and/or encourages individuals to obtain such services;

d. pornographic or soft pornographic books, pictures, discs or other media or material or other media or materials directed to an adult rather than a general audience or clientele are created, displayed, sold, rented or available for viewing;

e. tattoos, body piercings and other such forms of physical embellishment are performed or sold;

f. a tavern, bar, night club, dance club or hall is operated, or in which is operated a restaurant in which alcoholic beverages are served;

g. a pinball, video game, or entertainment arcade, or a gambling or betting office, other than for the sale of lottery tickets is operated;

h. a billiards parlor or pool hall is operated;

i. live performances directed to an adult audience rather than the general public are operated or conducted,

j. massage parlors, unless operated by licensed therapists, are operated;

k. paranormal gatherings, spiritualism, séances or similar activities are conducted.

3. In the event of a failure by the Grantor or any subsequent grantor to comply with any of these restrictions, the Grantee may pursue any and all remedies available at law or in equity including, but not limited to, an action for immediate injunctive relief.

The Grantor intends, declares and covenants, on its behalf and on behalf of its heirs, transferees, successors and assigns of the Burdened Property, that this Deed Restriction and the covenants and restrictions set forth in this Deed Restriction (i) shall run with the Burdened Property, shall encumber the Burdened Property and shall be binding upon such heirs, transferees, successors and assigns, and (ii) are not merely a personal covenant of the Grantor. The Grantor hereby agrees that any and all requirements of the laws of the State of Rhode Island required to be satisfied in order for the provisions of this Deed Restriction to become effective and constitute deed restrictions and covenants running with the Burdened Property are deemed to be satisfied in full, and that any requirements of privity of estate are deemed satisfied or, in the alternative, that an equitable servitude has been created to insure that these restrictions and covenants run with the Burdened Property.

Each and every contract, deed or other instrument hereafter executed conveying the Burdened Property or any portion thereof shall expressly provide that such conveyance is subject to this Deed Restriction; provided, however, the restrictions and covenants contained herein shall survive and be effective regardless of whether such contract, deed or other instrument provides that such conveyance is subject to this Deed Restriction.

This Deed Restriction shall remain in effect for an initial period of thirty (30) years commencing on the date of recording hereof. Upon the expiration of the initial thirty (30) year

period, this Deed Restriction shall be automatically renewed every thirty (30) years for an additional thirty (30) year period unless and until the Grantee, its transferees, successors or assigns record a termination of restrictions in the Land Evidence Records of the City of Providence.

[Signature Page Follows]

Witness my hand and seal this 24th day of June, 2022.

Grantor:

549 Plainfield Street LLC

By: Ziomara N. Hernandez
Its: Sole Member

STATE OF RHODE ISLAND
COUNTY OF Providence

On this 24th day of June, 2022, before me, the undersigned notary public, personally appeared Ziomara N. Hernandez, in his capacity as Sole Member and duly authorized representative of 549 Plainfield Street LLC, a Rhode Island limited liability company, [__] personally known to the notary -OR- [.] proved to the notary through satisfactory evidence of identification which was RI drivers licensto be the person whose name is signed on the preceding or attached document, and he acknowledged to the notary that the execution of the foregoing instrument was his free act and deed in his said capacity, as aforesaid, and the free act and deed of 549 Plainfield Street LLC, a Rhode Island limited liability company.

Notary Public M. Beth Arruda
Print Name:
My Commission Expires: 8/1/25



EXHIBIT A TO DEED RESTRICTION
(Burdened Property)

(Legal Description)

That certain lot or parcel of land, with all the buildings and improvements thereon, situated on the northerly side of Plainfield Street in the City of Providence, County of Providence, State of Rhode Island, shown as "AP 107 Lot 127" on that plan entitled 'Plan of 549 Plainfield Street, Assessor's Plat 107 Lot 127, Providence, Rhode Island Prepared for St. Anthonys Church Corp. of RI, 549 Plainfield Street, Providence, RI 02909-4645; January 15, 2021; Scale: 1 inch equals 20 feet; by Insite Engineering Services, LLC; 501 Great Road, Unit 104; North Smithfield, RI 02986', bounded and described as follows:

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Thence: N 79° 04'50" E running a distance of one hundred fifty and zero one-hundredths (150.00') feet;

Thence: S 11°21'08" E running a distance of one hundred seventy five and zero one-hundredths (175.00') feet to a point on the northerly side of said Plainfield Street, the last two lines bounding on land owned now or formerly by St. Anthonys Church Corp. of RI;

Thence: S 76°50'27" W running a distance of one hundred forty seven and thirty eight one-hundredths (147.38') feet to the point and place of beginning, the last line following the northerly side of said Plainfield Street.

Said parcel contains 26,446 square feet or 0.607 acres.

Property Address (for reference only):
AP: 107, Lot 127
549 Plainfield Street
Providence, RI

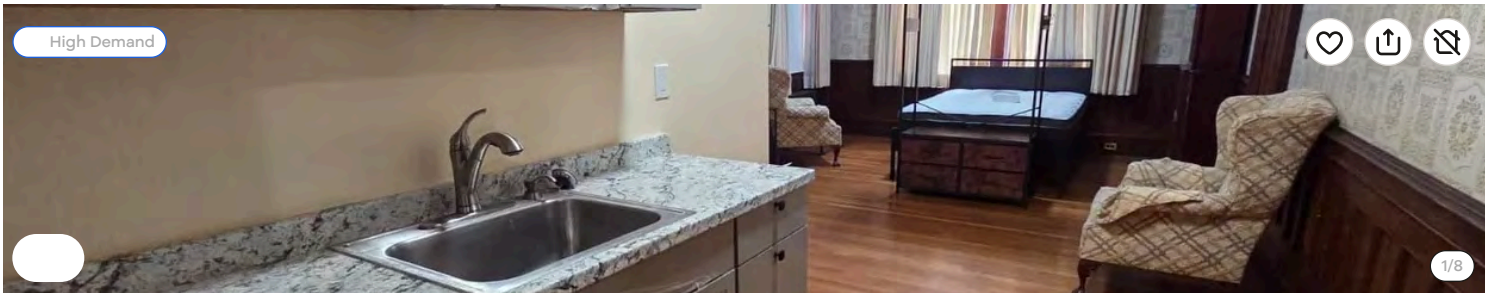
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06/24/2022 02:56:35 PM
Document Num: 2022324234
John A Murphy
Recorder of Deeds

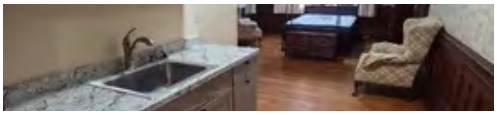
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EXHIBIT C

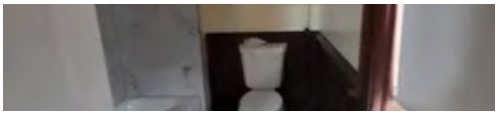
Back High Demand

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For rent

Get free mov How much home can you afford?

$1,175 /mo

See how much home you can afford. Get pre-approved

1 bed **1** bath **312** sqft

549 Plainfield Unit-Studio St Fl 1, Providence, RI 02909

View on Map

Add a commute

Spectrum Find the right internet plan for you

Utilities included | Private bathroom

Apartment
Property type

2 weeks ago
Last updated

Check availability
Availability

Top 10% of homes
Popular with renters in this area.

Contact property | Share this rental

What's special about this rental? | What's nearby? | Does this rental fit my budget? | Check my commute | Chec

122 views | **5** saves

Request a tour

Start by selecting a date, you can provide up to 3 dates.

Tuesday	Wednesday	Thursday	Friday	See more dates
Sep 8	**Sep 9**	**Sep 10**	**Sep 11**	

Contact property

High Demand

Cozy Furnished Studio - Private Bath - All Utilities Included - 549 Plainfield St, Providence RI 02909 (Ideal for a single occupant) $1,200/month | Optional secure parking $25/month This fully renovated 312 sq ft studio is move in ready and designed for easy, low maintenance living. The space is fully furnished and includes everything you need to settle in right away, no setup required. Highlights: Private full bathroom Sink area (no full kitchen) Fully furnished, including bed and essential furniture All utilities included (heat, electricity, water) Wifi included On site, camera monitored parking area available for $25/month Freshly and fully renovated Ideal for a single tenant seeking a quiet, self contained space Location: Located in the Elmhurst/Silver Lake area of Providence, close to public transit, shopping, and major routes into downtown Providence. This unit is best suited for one individual due to its compact footprint. Perfect for someone looking for a clean, secure, all inclusive living space without the upkeep of a full apartment. Available now. Serious inquiries only, please contact for a showing. To prequalify or apply, download the RentRedi app from Google Play or the App Store. You can also visit to apply, or go to prequalify. For applying through the RentRedi mobile app, please follow these steps: Step 1. Tap the "Apply" button. Step 2. Click the "+" icon. Step 3. Select whether you're prequalifying or applying. Step 4. Enter in your unit code: YQC-194. Step 5. Click "Enter Information" and answer the questions. Step 6. Click "Send" to submit to the landlord. This property is using RentRedi for rent payments. With RentRedi, you can easily submit rent payments, boost your credit by reporting rent payments, sign up for affordable renters insurance, and more from the app!

Read less

ENTER TO WIN $75,000 LAST CHANCE! US Military & Veterans $75,000 Home Giveaway. See Off. Rules

Learn how to avoid scams. Use caution if something sounds suspicious or too good to be true.

Report this listing

Features

Bedrooms

· Bedrooms: 1

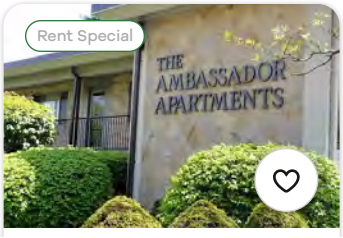
See more

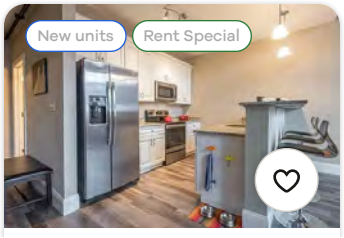
Find out more about this rental

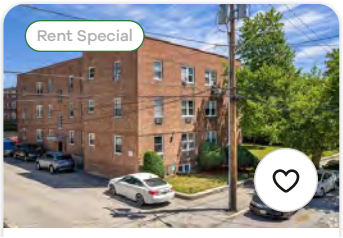
Contact property

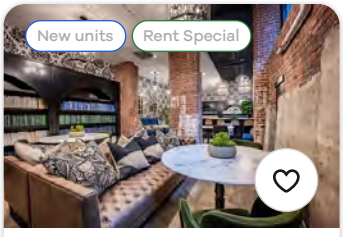
Nearby rent specials in Providence, RI to make renting more affordable

Specials could help you save on rent, administration fees, and utilities









High Demand

77 Pitman St
Providence, RI

12 Eagle St
Providence, RI

96 E Manning St
Providence, RI

255 Promenade St
Providence, RI

Local Home Services
Advertisement

Cable and Internet
Moving is complicated. Your Internet shouldn't be.
GET STARTED
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Moving
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GET A QUOTE
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PENSKE

Financial Services
LAST CHANCE! "US Military & Veterans $75,000 Home Giveaway. See Off. Rules
ENTER NOW
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ENTER TO WIN $75,000

Neighborhood

Environmental risk
Flood, Wildfire, Wind, Heat, Air

Schools

More about this property

Full name *

Email *

Phone

Desired move-in date *

Message
I am interested in 549 Plainfield Unit-Studio St Fl 1.

Send

By proceeding, you consent to receive calls and texts at the number you provided, including marketing by autodialer and prerecorded and artificial voice, and email, from realtor.com and others about your inquiry and other home-related matters (including buying and selling a

High Demand



Provided by:

RentRedi

Managed by:

Landlord

FAQs about 549 Plainfield Unit-Studio St Fl 1, Providence, RI 02909

What county is Providence, RI located?
Providence, RI is located in Providence County.

What is the zip code for Hartford in Providence, RI?
The zip code for Hartford in Providence, RI is 02909.

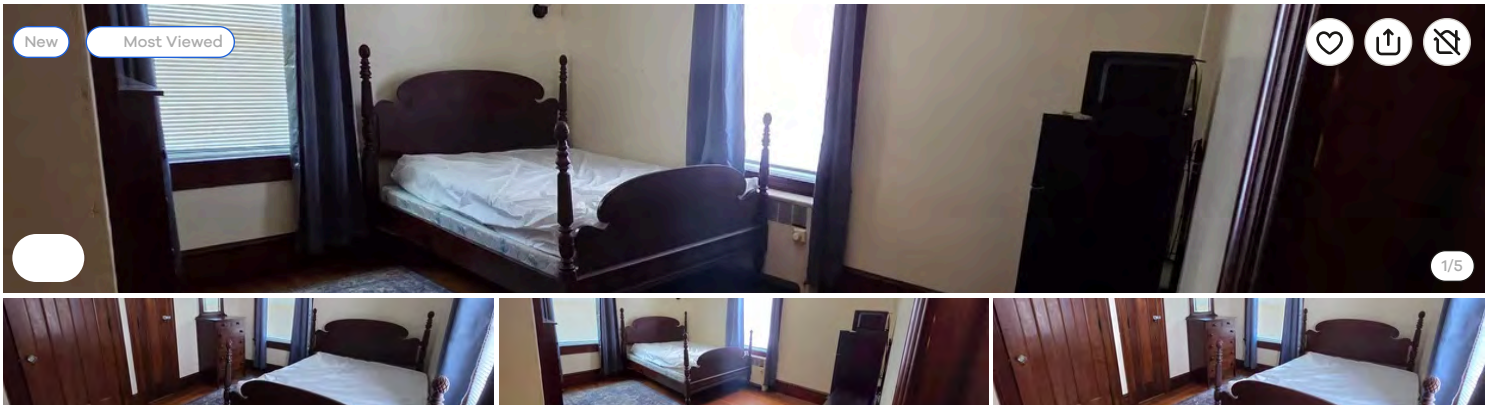
High Demand

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For rent

Get free mov How much home can you afford?

$850 /mo

See how much home you can afford. Get pre-approved

1 bed **168** sqft

549 Plainfield Unit St Fl 2, Providence, RI 02909

View on Map

Add a commute

Spectrum Home internet solved: Find your plan now

Utilities included

Apartment
Property type

2 weeks ago
Last updated

Check availability
Availability

Top 10% of homes
One of the most viewed listings in this area.

Contact property Share this rental

What's special about this rental? What's nearby? Does this rental fit my budget? Check my commute Chec

47 views | **1** saves

Request a tour

Start by selecting a date, you can provide up to 3 dates.

Tuesday	Wednesday	Thursday	Friday	See more dates
Sep 8	**Sep 9**	**Sep 10**	**Sep 11**	

Contact property

Most Viewed

Cozy Furnished Studio - Private Bath - All Utilities Included - 549 Plainfield St, Providence RI 02909 (Ideal for a single occupant) $850/month | Optional secure parking $25/month This fully renovated 312 sq ft studio is move in ready and designed for easy, low maintenance living. The space is fully furnished and includes everything you need to settle in right away, no setup required. Highlights: Shared bathroom Sink area (no full kitchen) Fully furnished, including bed and essential furniture All utilities included (heat, electricity, water) Wifi included On site, camera monitored parking area available for $25/month Freshly and fully renovated Ideal for a single tenant seeking a quiet, self contained space Location: Located in the Elmhurst/Silver Lake area of Providence, close to public transit, shopping, and major routes into downtown Providence. This unit is best suited for one individual due to its compact footprint. Perfect for someone looking for a clean, secure, all inclusive living space without the upkeep of a full apartment. Available now. Serious inquiries only, please contact for a showing. This property is using RentRedi for rent payments. With RentRedi, you can easily submit rent payments, boost your credit by reporting rent payments, sign up for affordable renters insurance, and more from the app!

Read less

ENTER TO WIN $75,000 LAST CHANCE! US Military & Veterans $75,000 Home Giveaway. See Off. Rules

Learn how to avoid scams. Use caution if something sounds suspicious or too good to be true.

Report this listing

Features

Bedrooms

· Bedrooms: 1

See more

Find out more about this rental

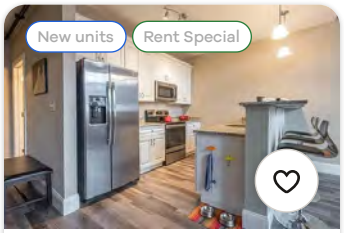
Contact property

Nearby rent specials in Providence, RI to make renting more affordable

Specials could help you save on rent, administration fees, and utilities



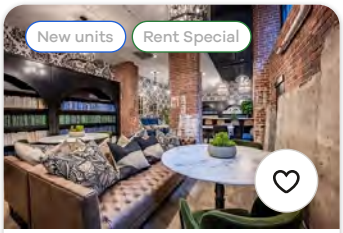
$1,950 - $1,975
2 - 3 bed **1 - 2** bath **650 - 1,2**
77 Pitman St
Providence, RI



$2,525 - $3,280
2 - 4 bed **2** bath **837 - 1,489**
12 Eagle St
Providence, RI



$1,765
1 - 2 bed **1** bath **650 - 800** s
96 E Manning St
Providence, RI



$2,145 - $3,835
Studio - 2 bed **1 - 2** bath **53**
255 Promenade St
Providence, RI

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Moving is complicated. Your Internet shouldn't be.

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Spectrum

Moving

Free Unlimited Miles on One-Way Rentals

GET A QUOTE

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PENSKE

Financial Services

LAST CHANCE! "US Military & Veterans $75,000 Home Giveaway. See Off. Rules

ENTER NOW

Presented By

ENTER TO WIN $75,000

Neighborhood

Environmental risk

Flood, Wildfire, Wind, Heat, Air

Schools

More about this property

Full name *

Email *

Phone

Desired move-in date *

Message

I am interested in 549 Plainfield Unit St Fl 2.

Send

By proceeding, you consent to receive calls and texts at the number you provided, including marketing by autodialer and prerecorded and artificial voice, and email, from realtor.com and others about your inquiry and other home-related matters (including buying and selling a home), but not as a condition of any purchase. More ...

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RentRedi

Managed by:

Landlord

FAQs about 549 Plainfield Unit St Fl 2, Providence, RI 02909

What county is Providence, RI located?
Providence, RI is located in Providence County.

What is the zip code for Hartford in Providence, RI?
The zip code for Hartford in Providence, RI is 02909.

Rentals > Rhode Island > Providence County > Providence > 02909 > 549 Plainfield Unit St Fl 2

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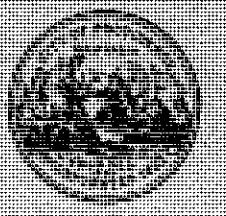
EXHIBIT D

50

ZONING ORDINANCE

OF THE

CITY OF PROVIDENCE



Chapter 870, approved June 4, 1925, as amended by

Chapter 948, approved November 18, 1926;
Chapter 983, approved April 11, 1927;
Chapter 1052, approved December 6, 1927;
Chapter 1111, approved April 4, 1927.

ISSUED MAY, 1928

CHAPTER 370.

(Approved June 6, 1923.)

As amended by Chapter 385, approved November 19, 1923; Chapter 461, approved April 11, 1925; Chapter 532, approved December 8, 1926, and Chapter 553, approved April 8, 1927, entitled "An Ordinance Zoning the City of Providence and Establishing Height, Area and Use Districts."

It is ordained by the City Council of the City of Providence as follows:

SECTION 1. **Districts and zoning map.** For the purpose of promoting health, safety, morals or the general welfare by regulating and restricting the height and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, the City of Providence is hereby divided into five classes of use districts, termed respectively, dwelling house districts, apartment house districts, business districts, first indus-

trial districts and second industrial districts; and into four classes of height districts, termed respectively, 50-foot height districts, 75-foot height districts, 100-foot height districts and 125-foot height districts; and into five classes of area districts. termed respectively, 4500 square foot area districts, 2000 square foot area districts, 1000 square foot area districts, 500 square foot area districts and unrestricted area districts; all as shown on the zoning map which accompanies this ordinance and is hereby declared to be a part hereof. The use, height and area districts designated on said zoning map are hereby established. The map designations and the map designation rules which accompany said map are hereby declared to be a part thereof. No building or premises shall be erected or used except in conformity with the regulations herein prescribed for the use, height and area districts in which such building or premises is located.

SEC. 2. **Dwelling house district.** *A. General.* In a dwelling house district no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used, for other than one or more of the following uses:

(1) Dwelling.

(2) Church. School. College. Public library. Public museum.

(3) Public park. Public playground. Public recreation building. School or College Stadium or Athletic Field. Water supply reservoir, well, tower or filter bed.

(4) Railway passenger station. Railway right of way, not including railway yards.

(5) Farming. Nursery. Greenhouse. Truck gardening.

B. Special permit. A use specified in paragraphs (2), (3) and (4) of section 3 may be located in a dwelling house district on special permit as provided by paragraph (1) of subdivision B of section 24.

SEC. 3. **Apartment house district.** In an apartment house district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a use permitted in a dwelling house district or for one or more of the following uses:

(1) Apartment house.

(2) Hotel.

(3) Community center building. Private club, excepting a club the chief activity of which is a service customarily carried on as a business.

(4) Philanthropic or eleemosynary institution other than a penal or correctional institution. Hospital or sanitarium other than for the insane or feeble minded.

SEC. 4. **Accessory uses in residence districts.** An accessory use customarily incident to a use permitted in a dwelling house district or an apartment house district shall be permitted in, respectively, a dwelling house or apartment house district. A billboard, signboard or advertising sign shall in no case be permitted

as an accessory use except that the placing of signs in connection with the sale, renting, construction or improvement of the property shall be permitted as an accessory use. Except on special permit as provided in paragraph (2) of subdivision B of section 24, a store, trade, or business shall not be permitted as an accessory use except that the office of a physician, dentist, surgeon or other professional person may be located in the dwelling or apartment used by such physician, dentist, surgeon or other professional person, as his private residence, and except that any person carrying on a customary home occupation, may do so in a dwellling or apartment used by him as his private residence. In a dwelling or apartment occupied as a private residence, one or more rooms may be rented or table board furnished. A restaurant, public dining room or other service customary to a hotel or apartment house may be located therein as an accessory use. A news stand or other service customary to a railway passenger station may be located therein as an accessory use. A private garage shall not be permitted as an accessory use except as provided in subdivision C of section 21. A stable shall not be permitted as an accessory use except on special permit as provided in paragraph (9) of subdivision B of section 24.

SEC. 5. **Business district.** *A. General.* In a business district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a use permitted in a dwelling house district or an apartment house district or for one or more of the following uses:

(1) Billboard or advertising sign. Gasoline, or other motor fuel, filling station.

(2) Bank. Office. Studio. Telephone exchange. Wholesale sales offices or sample room. Fire station. Ice delivery station.

(3) Store for retail trade. Shop for custom work. Shop for the making of articles to be sold at retail on the premises. Restaurant. Theatre. Moving picture house. Assembly hall. Any use not provided for as a permitted use in any other district, provided such use is not noxious or offensive by reasons of the emission of odor, dust, smoke, gas, noise or vibration.

(4) Motor vehicle sales room. Public garage. Electric sub-station.

(5) Storage of live poultry or poultry killing or dressing, for sale exclusively at retail on the premises.

B. Exceptions. Provided that, in any part of a business district that is 200 feet or more from a dwelling house district or an apartment house district, any building or premises may be erected or used for any use authorized in paragraphs (1), (2) and (3) of subdivision A of section 6; or for any use authorized in paragraph (4) of subdivision A of section 6, provided that not more than 3 H. P. is employed in the operation of any machine and that such use is not noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

C. Special permit. A use authorized in subdivision B of this section may be located within 200 feet of a

dwelling house or apartment house district on special permit as provided in paragraph (3) of subdivision B of section 24.

D. Accessory uses. An accessory use customarily incident to a use authorized by this section shall be permitted in a business district. A use specified in section 8 as a prohibited use shall not be permitted as an accessory use.

SEC. 6. **First industrial district.** *A. General.* In a first industrial district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a use permitted in a dwelling house district, an apartment house district or a business district or for one or more of the following uses:

(1) Garage repair shop.

(2) Storage in bulk of, or warehouse for, such material as building material, contractor's equipment, clothing, cotton, drugs, dry goods, feed, fertilizer, food, fuel, furniture, hardware, ice, machinery, metals, oil and petroleum in quantities less than tank car lots, paint and paint materials, pipe, rubber, shop supplies, tobacco, or wool. Street car barn.

(3) Wholesale business. Newspaper printing. Job printing.

(4) Manufacture or industrial operation of any kind, other than a use included in one of the following paragraphs of subdivision A of this section and

other than a use specified in section 7 as a second industrial use or in section 8 as a prohibited use.

(5) Carpet cleaning. Motor vehicle repair shop. Steam laundry.

(6) Cold storage plant. Creamery. Bottling works. Milk bottling or central distributing station.

(7) Grain elevator. Blacksmith, horse-shoeing or wagon shop. Stable or wagon shed for more than five horses or wagons. Veterinary hospital. Lumber yard.

(8) Street car repair shop. Freight terminal. Railroad yards.

(9) Scrap iron or junk storage, scrap paper or rag storage or baling, foundry, municipal garbage and refuse incinerating plant.

B. Special permit. A use authorized in section 7 as a second industrial use may be located in a first industrial district on special permit as provided in paragraph (4) of subdivision B of section 24.

C. Accessory uses. An accessory use customarily incident to a use authorized by this section shall be permitted in a first industrial district. A use specified in section 8 as a prohibited use shall not be permitted as an accessory use.

SEC. 7. **Second industrial district.** *A. General.* In a second industrial district no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for other than a use permitted in a dwelling house district, an

apartment house district, a business district or a first industrial district or for one or more of the following uses:

(1) Paper manufacture. Plaster manufacture.

(2) Ammonia, bleaching powder or other chemical plants emitting corrosive or toxic fumes carrying beyond the limits of the premises, other than uses specified in section 8 as prohibited uses. Asphalt manufacture or refiniug. Coal distillation, including manufacture or derivation of the by-products. Coke ovens. Creosote manufacture or treatment. Gas manufacture from coal or petroleum or the storage thereof. Carbon or lamp black manufacture. Petroleum storage in quantities greater than tank car lots. Tar distillation.

(3) Central station light or power plant.

(4) Boiler making. Locomotive manufacture. Railway car manufacture. Railroad round house or shop. Reducing or refining aluminum, copper, tin or zinc. Steel furnace, blooming or rolling mill. Power forge. Structural iron or pipe works.

(5) Soap manufacture.

B. Accessory uses. A use specified in section 8 as a prohibited use shall not be permitted as an accessory use in a second industrial district.

SEC. 8. **Prohibited uses.** Within the City of Providence, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for any of the following uses:

(1) Petroleum refining.

(2) Cement, lime, gypsum or plaster of Paris manufacture.

(3) Chlorine or hydrochloric, nitric, picric, or sulphuric acid manufacture. Smelting of copper, tin, zinc or iron ores.

(4) Manufacture of explosives, or storage of explosives in bulk.

(5) Abattoir, not including the killing of fowl. Distillation of bones. Fat rendering in manufacture of tallow or grease. Fertilizer manufacture. Glue manufacture. Hair manufacture. Offal or dead animal reduction or dumping. Stockyards.

SEC. 9. **Special permit uses.** *A. General.* Within the City of Providence, no building or premises shall be used, and no building shall be erected which is arranged, intended or designed to be used, for any of the following uses except on special permit as provided in paragraph (5) of subdivision B of section 24:

(1) Aviation field. Amusement park.

(2) Crematory. Cemetery.

(3) Pest house. Penal or correctional institution. Sanitarium for the insane or feeble-minded.

(4) Sewage disposal or treatment plant. Garbage disposal plant. Refuse dump.

B. Existing uses. Any use specified above existing in any use district at the time of the passage of this

ordinance shall be deemed an authorized use upon the plot devoted to such use at the time of the passage of this ordinance.

SEC. 10. **Nonconforming uses.** A nonconforming use existing at the time of the passage of this ordinance may be continued. Nothing in this ordinance shall prevent the reconstruction in accordance with the building regulations within one year of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy subsequent to the passage of this ordinance or prevent the restoration of a wall or structural member declared unsafe by the inspector of buildings. Except on special permit as provided in paragraph (6) of subdivision B of section 24, a nonconforming use shall not be extended; but the extension of a use to any portion of a building, which portion was arranged or designed for such nonconforming use at the time of the passage of this ordinance, shall not be deemed the extension of a nonconforming use. A building arranged, designed or devoted to a nonconforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding in aggregate cost during any 10-year period, 60 per cent. of the then fair value of the building unless the use of said building is changed to a conforming use. A nonconforming use shall not be changed unless changed to a higher use. A nonconforming use if changed to a conforming use may not thereafter be changed back to any nonconforming use. For the purpose of this ordinance a use shall be deemend to be changed if changed from a use

listed in one of the numbered paragraphs of Sections 2, 3, 5, 6, 7 and 8 hereof to a use not listed in such paragraph; and such change shall be deemed a change to a higher use if the new use is one that is listed in a preceding numbered paragraph.

SEC. 11. **Height Districts.** *A. 50-foot district.* In a 50-foot height district no building shall be erected to a height in excess of 50 feet.

B. 75-foot district. In a 75-foot height district no building shall be erected to a height in excess of 75 feet.

C. 100-foot district. In a 100-foot height district no building shall be erected to a height in excess of 100 feet.

D. 125-foot district. In a 125-foot height district no building shall be erected to a height in excess of 125 feet.

SEC. 12. **Height district exceptions.** *A. Spires, towers,* etc. The provisions of the preceding section shall not apply to restrict the height of a church spire, tower or belfry, or a flagpole, wireless tower, chimney, water tank, elevator bulkhead, or a stage tower or scenery loft.

B. Parapet. Nothing in this ordinance shall apply to prevent the erection above the height limit of a parapet wall or cornice, for ornament and without windows, extending above such height limit not more than 5 feet.

C. Set-backs. In a 50-foot height district or a 75-foot height district any portion of a building may be

erected to a height in excess of the respective height limits as provided in section 11, provided that, in a business or industrial district such portion of such building is set back from all lot and street lines and, in a dwelling house or an apartment house district, from all required yard lines, 1 foot for each 2 feet of such additional height.

D. Set-backs. In a 100-foot height district or a 125-foot height district any portion of a building may be erected to a height in excess of the respective height limits as provided in section 11, provided such portion of such building is set back from all street and lot lines 1 foot for each 3 feet of such additional height.

E. Special permit. On special permit as provided in paragraphs (12), (13), (14) and (15) of subdivision B of section 24, a building may exceed the height limits as provided in section 11.

SEC. 13. Area districts. *A. 4500 square foot district.* In a 4500 square foot area district no building shall be erected or altered to accommodate or make provision for more than one family for each 4500 square feet of the area of the lot if an interior lot or for each 3600 square feet if a corner lot; provided that a single family dwelling may be erected on any lot separately owned at the time of the passage of this ordinance or on any lot shown on any plat duly recorded at the time of the passage of this ordinance.

B. 2000 square foot district. In a 2000 square foot area district no building shall be erected or altered to

accommodate or make provision for more than one family for each 2000 square feet of the area of the lot if an interior lot or for each 1600 square feet if a corner lot; provided that a dwelling may be erected or altered for one family on any lot that was separately owned at the time of the passage of this ordinance or on any lot shown on any plat duly recorded at the time of the passage of this ordinance or for two families if such lot has an area of not less than 3000 square feet.

C. 1000 square foot district. In a 1000 square foot area district no building shall be erected or altered to accommodate or make provision for more than one family for each 1000 square feet of the area of the lot if an interior lot or for each 800 square feet if a corner lot; provided that a dwelling may be erected or altered for either one or two families on any lot that was separately owned at the time of the passage of this ordinance or on any lot shown on any plat duly recorded at the time of the passage of this ordinance.

D. 500 square foot district. In a 500 square foot area district no building shall be erected or altered to accommodate or make provision for more than one family for each 500 square feet of the area of the lot if an interior lot or for each 400 square feet if a corner lot.

E. Unrestricted area district. In an unrestricted area district no requirements as to the number of square feet of lot area per family are provided.

F. Corner lot. For the purpose of this section any area of a corner lot in excess of 8000 square feet shall be considered as an interior lot.

G. Number of families. For the purpose of this section the number of families which a building is designed to accommodate shall be determined by the number of separate housekeeping units in such building. A suite of rooms or apartment without a kitchen or facilities for cooking meals shall not be deemed a housekeeping unit for the purposes of this section.

SEC. 14. **Percentage of lot occupancy.** *A. Dwelling house districts.* In a dwelling house district no building used for residence shall occupy more than 50 per cent. of the area of an interior lot or more than 60 per cent. of the area of a corner lot. One story building or one story portions of buildings covering not to exceed in the aggregate 10 per cent. of the area of the lot and unenclosed porches shall not be included in determining the percentage of lot occupancy for the purposes of this paragraph.

B. Apartment house districts. In an apartment house district, except when within an unrestricted area district, no building used for residence purposes shall occupy more than 60 per cent. of the area of an interior lot or more than 75 per cent. of the area of a corner lot. In an apartment house district that is within an unrestricted area district no apartment house shall occupy more than 70 per cent. of the area of an interior lot or more than 85 per cent. of the area of a corner lot. One story buildings or one story portions of buildings covering not to exceed in the aggregate 10 per cent. of the area of the lot and unenclosed porches shall not be included in determining the percentage of lot occupancy for the purposes of this paragraph.

C. Business districts. In a business district no building used or intended to be used in any part as a residence for more than one family shall occupy above its ground story more than 70 per cent. of the area of an interior lot or more than 90 per cent. of the area of a corner lot. In a business district that is surrounded by residence districts no building on a lot adjoining a dwelling house district or an apartment house district shall occupy more than 80 per cent. of the area of the lot. In a business district that is not surrounded by residence districts no building on a lot adjoining a dwelling house district or an apartment house district shall occupy above its ground story more than 90 per cent. of the area of the lot.

D. Maximum area of corner lot. For the purposes of this section any area of a corner lot in excess of 8000 square feet shall be considered as an interior lot.

SEC. 15. **Side yards in residence districts.** In a dwelling house district or an apartment house district, except where within an unrestricted area district for every building erected, there shall be a side yard along each lot line other than a street line or a rear line. Each dwelling and each apartment house shall be deemed a separate building except that in an apartment house district any number of dwellings may be built as a continuous structure and be considered as a single building for the purpose of this section. At least 20 per cent. of the width of each interior lot shall be devoted to side yards, provided not more than 16 feet need be so devoted. The least dimension of a side

yard shall be not less than 3 feet, provided that in the case of any building more than two and one-half stories in height such least dimension shall be not less than one-sixth of the height of the building.

SEC. 16. **Rear yards in residence districts.** In a dwelling house district or an apartment house district every building erected shall have a rear yard. The least dimension of a rear yard shall be not less than 15 per cent. of the depth of the lot, except that in the case of any building more than two and one-half stories in height such least dimension shall not be less than one-half of the height of the building, but such least dimension need not be more than 20 feet in any case. Forty per cent. of the area of the rear yard may be occupied by a one story accessory building not over 15 feet in height.

SEC. 17. **Side and rear yard exceptions.** A. The area in a side or rear yard shall be open from the established grade or from the natural grade if higher than the established grade to the sky, unobstructed except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than 4 inches, except also that, where within 5 feet of the street wall, a cornice may project not over 3 feet into such yard, and provided that if the building is not over two and one-half stories in height, the cornice or eaves may project not more than 2 feet into such yard.

B. An open iron fire escape may project not more than 4 feet into a side or rear yard.

C. A building and any accessory building erected on the same lot shall, for the purpose of side and rear yard requirements, be considered as a single building.

D. Where a rear yard or side yard in a dwelling house or apartment house district abuts an alley, or permanent open way, the yard shall be deemed to extend to the center of such alley or way.

SEC. 18. **Front yards in residence districts.** Between a front yard line as herein established and the street line no building or portion of a building may be erected. In dwelling house districts and apartment house districts front yard lines are hereby established as follows:

A. General provisions. On any street frontage on either side of a street between two successive intersecting streets, but excluding the frontage along the side of a corner lot, a line which is back of the street line a distance equal to 20 per cent. of the average or normal depth of the lots having their front lines along such street frontage shall be the front yard line for such street frontage. Where in any portion of such street frontage there are lots of markedly less depth than the normal, the board of review in defining and applying this front yard line regulation may, when in its opinion the general purpose and intent of this section will be better served thereby, divide such street frontage into sections for the application of the above 20 per cent. front yard line reqiurement.

B. Existing Alignment. (1) On a street frontage on either side of a street between two successive inter-

secting streets, but excluding the frontage along the side line of a corner lot, where 20 per cent. or more of such frontage is improved with buildings, the alignment of the existing buildings along such frontage shall be the front yard line.

(2) On a street frontage on either side of a street between two successive intersecting streets, but excluding the frontage along the side line of a corner lot, where 60 per cent. or more of such frontage is improved with buildings that are built at the street line, the street line shall be the front yard line.

(3) Minor irregularities in the alignment of existing buildings may be disregarded by the board of review in defining and applying this front yard line regulation or said board may, when in its opinion the general purpose and intent of this section will be better served thereby, determine that the average distance the existing buildings are back from the street line, either for such entire frontage or for any part thereof, shall be the front yard line.

C. Corner lots. Along the side line of a corner lot, the distance of the front yard line back from the street line shall be 10 per cent. of the width of the lot, but such distance back from the street line need not be more than 10 feet.

SEC. 19. **Front yards in business districts.** Where a business district is entirely surrounded by residence districts and the greatest dimension of the area included in such business district does not exceed 600

feet the regulations above provided for front yards and front yard lines in residence districts shall apply to such business district.

SEC. 20. **Front yard exceptions.** *A. Porches.* A one story unenclosed extension or porch may extend beyond the front yard line herein established. Except in a 4500 square foot area district a two or a three story unenclosed porch may project not to exceed 6 feet beyond the front yard line herein established. Any such porch may be temporarily enclosed for a period of not exceeding six months during any one year.

B. Maximum requirement. In a dwelling house district the distance of the front yard line back from the street line need not exceed 25 feet, and in an apartment house district such distance need not exceed 15 feet.

C. Special permit. On special permit, as provided in paragraphs (16), (17) and (18) of subdivision B of Section 24, a building may extend beyond the front yard line prescribed in section 18.

SEC. 21. **Special provisions.** *A. Rear houses.* In a dwelling house district or apartment house district every dwelling or apartment house shall have access to a public street and, if located in the rear of other buildings with no immediate street frontage, an easement for access shall be provided over an unoccupied strip of land at least 16 feet in width.

B. Vision clearance on corner lots. On a corner lot, no fence, wall or structure more than 3½ feet in

height above the plane of the established grades of the streets shall be erected on any part of a front or side yard herein established that is included within the street lines of intersecting streets and a straight line connecting said street lines at points which are 20 feet distant from their point of intersection, measured along said street lines, and no planting or foliage shall be placed or maintained within such area that in the judgment of the Inspector of Buildings will materially obstruct the view of a driver of a vehicle approaching the street intersection.

C. Private garages. As accessory to a dwelling house in a dwelling house or an apartment house district, a private garage shall not provide storage for more than two motor vehicles except that storage for one motor vehicle for each 2000 square feet of the area of the lot shall be permitted. As accessory to an apartment house in an apartment house district, a private garage shall not provide storage for more than one motor vehicle for each family for which such apartment house is arranged or designed and for not more than a total of 10 motor vehicles in any case. A private garage, in a dwelling house or apartment house district, shall not be erected nearer a street line than 20 feet except as an integral part of the main building or in a terrace or retaining wall. If built in a terrace or retaining wall, such garage shall not project in front of the terrace or retaining wall and shall not extend above the top of the terrace or retaining wall more than 3 feet, and in no case above the level of the ground floor of a building on an adjacent lot.

D. Public garages. No public garage for more than two motor vehicles and no garage repair shop or motor vehicle repair shop shall be permitted in a business district which is entirely surrounded by residence districts except on approval by the Board of Review. Except on approval by the Board of Review, no public garage for more than two motor vehicles and no garage repair shop or motor vehicle repair shop shall have an entrance or exit for motor vehicles within 50 feet, measured by any public travelled way, of a dwelling house or apartment house district or within 200 feet, measured by any public travelled way, of the entrance or exit of a public or private school, playground, public library, church, hospital, orphanage or children's home existing at the time of the passage of this ordinance. Except in an industrial district, all entrances and exits of a public garage for more than ten motor vehicles shall have an unobstructed width of not less than 12 feet for a distance of not less than 5 feet from the street line. A public garage, a garage repair shop or a motor vehicle repair shop shall not have an opening in a wall or roof within 15 feet of adjacent property that is located in a residence district.

E. Residential development plan. The owner or owners of any tract or tracts of land having a total area of not less than 2 acres may submit to the board of review a plan for the development of such area for residential purposes and the board of review after public notice and hearing may authorize a modification of the application of the front, side and rear yard regulations, the lot area per family regulations and the per-

centage of lot occupancy regulations as herein established and such modification of the use regulations herein established as are incidental or essential to the carrying out of such residential development plan; provided that for such land area as a whole, excluding street area but including parks or other permanent open spaces, there shall not be less than the required area per family for the area district in which such land is located for each family which under such residential development plan may be housed on such tract or tracts. And provided further that under such development plan the appropriate use of property adjacent to the area included in such development plan is fully safeguarded and provided that such development plan is consistent with the public welfare.

SEC. 22. **Zoning map designations.** When definite distances in feet are not shown on the zoning map, the district boundaries on the zoning map are intended to be along existing street, alley or property lines or extensions of or from the same. Land or premises within a street, alley, park, cemetery, or other undesignated area on the zoning map shall be governed by the regulations of the use, height and area district adjoining such land or premises, and if adjoined by more than one class of use, height or area district, such portion of such land or premises shall be governed by the regulations of the use, height and area district nearest to such portion of land or premises.

SEC. 23. **Enforcement:** This ordinance shall be enforced by the inspector of buildings.

SEC. 24. **Board of review.** *A. Organization.* There shall be a Board of Review, consisting of five members, which shall have all the power and authority and be subject to all the duties as provided by section 9 of Chapter 2069 of the Public Laws, passed at the January session, A. D. 1921, as amended by Chapter 2315 of the Public Laws, passed at the January session, A. D. 1923.

Forthwith upon the passage of this ordinance, the mayor shall appoint subject to the approval of the city council in convention five members of said board, one to hold office until the first Monday in June, 1924, one to hold office until the first Monday in June, 1925, one to hold office until the first Monday in June, 1926, one to hold office until the first Monday in June, 1927, and one to hold office until the first Monday in June, 1928; and thereafter, beginning on the first Monday in June, 1924, the mayor shall appoint subject to the approval of the city council in convention one member of said board to hold office until the first Monday in June in the fifth year next following the time of such appointment. Each member of said board shall hold office until his successor is chosen and qualified. In case any vacancy should occur in said board from any cause, the mayor shall appoint subject to the approval of the city council in convention a member of said board to fill said vacancy for the remainder of the term. The members of said board may be removed by the mayor subject to the approval of the city council in convention for such cause as he shall deem sufficient and shall express in the order of removal. Immediately after any selection

of a member of said board, the mayor with the approval of the city council in convention shall designate a member of said board to be the chairman of said board. Said board shall appoint a secretary and such clerical assistants as the city council may by ordinance or resolution provide. The secretary and clerks shall hold office during the pleasure of said board.

B. Exceptions under specific rules. When in its judgment the public convenience and welfare will be substantially served or the appropriate use of neighboring property will not be substantially or permanently injured, the board of review may in a specific case, after public notice and hearing and subject to appropriate conditions and safeguards, determine and vary the application of the district regulations herein established in harmony with their general purposes and intent as follows:—

(1) Permit the location of a use specified in paragraphs (2), (3) and (4) of section 3 on any lot in a dwelling house district;

(2) Permit the location of a use authorized in a business district in any portion of an apartment house district that is located within an unrestricted area district as an accessory use in an apartment house or hotel, provided that not more than 20 per cent. of the frontage, nor more than 20 per cent. of the area of the lot shall be permitted to be devoted to such business use;

(3) Permit the location of any use specified in paragraphs (1), (2), (3) and (4) of subdivision A of

section 6 in a business district within 200 feet of a dwelling house district or apartment house district;

(4) Permit the location of a use authorized in a second industrial district on any lot in a first industrial district that is adjacent to a railway right of way or adjacent to a nonconforming use; provided no part of such use shall be permitted to be located within 200 feet of a dwelling house district or an apartment house district;

(5) Permit in any use district the location of a municipal building, college building, boat house, ice storage, or public utility building or use or of a use specified in section 9 as a special permit use with or without modifications in the yard and height regulations herein established.

(6) Permit the extension of a nonconforming use or building upon the lot occupied by such use or building at the time of the passage of this ordinance;

(7) Permit the extension of a building or use into a more restricted district immediately adjacent thereto but not more than 50 feet beyond the boundary line of the district in which such building or use is authorized;

(8) Grant in undeveloped sections of the city temporary and conditional permits for not more than two-year periods for structures and uses that do not conform to the regulations herein prescribed for the district in which they are to be located;

(9) Permit the location of a stable or a one-story public garage in a dwelling house or an apartment

house district, provided that when such permit is issued there shall be on file with the said board the consents, duly signed and acknowledged, of the owners of 60 per cent. of all the land within such area that the said board shall have determined to be specially affected by such garage;

(10) Permit in any district any use or building deemed by the said board to be in harmony with the character of the neighborhood and appropriate to the uses or buildings authorized in such district;

(11) Permit in a dwelling house district or an apartment house district such modification of the requirements of this ordinance as said board may deem necessary to secure an appropriate development of a lot where adjacent to such lot there are buildings that do not conform to the provisions and regulations of this ordinance;

(12) Permit the erection of a building or portion of a building covering not more than 25 per cent. of the area of the lot to a height in excess of the limits prescribed in section 11 hereof;

(13) Permit the extension of a building, existing at the time of the passage of this ordinance, by the construction of additional stories above the height limit herein established, if the original plans provided for such additional stories and such building was actually designed and constructed to carry such additional stories;

(14) Permit the erection of an addition to a build-

ing to the same height as such building where such addition is essential to the completion of an appropriate unit;

(15) Permit in a first or second industrial district the erection of a grain elevator, gas holder, or other industrial building to a height in excess of the limitations prescribed in section 11, provided that in the judgment of the said board such additional height is essential to the normal operation of such industry;

(16) Permit the construction of a building or a portion of a building beyond the front yard line of a lot adjoining a street frontage along which either no front yard line is herein provided, or the line provided is nearer to the street line than the front yard line of such lot; or on a lot adjoining an existing building which is nearer to the street line than the front yard line of such lot;

(17) Permit the construction of a building beyond the front yard line to an extent necessary to secure an appropriate improvement of a parcel of land where such parcel was separately owned at the time of the passage of this ordinance, and is of such restricted area that it can not be appropriately improved without building beyond such front yard line;

(18) Permit the construction of a building beyond the front yard line where the proposed building will not occupy more than 25 per cent. of the area of the lot;

(19) Permit the alteration of a building in a dwelling house district to accommodate not to exceed one

family for each 2500 square feet of the area of the lot; or

(20) Permit in a dwelling house or an apartment house district on the rear half of vacant lots, the location and erection of private automobile garages for not more than two cars.

SEC. 25. **Interpretation: purpose.** In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of health, safety, morals, comfort, convenience or the general welfare. The lot or yard areas required by this ordinance for a particular building shall not be diminished and shall not be included as a part of the required lot or yard areas of any other building. The lot or yard areas of buildings existing at the time of the passage of this ordinance shall not be diminished below the requirements herein provided for buildings hereafter erected and such required areas shall not be included as a part of the required areas of any building hereafter erected. This ordinance shall not repeal, abrogate, annul or in any way impair or interfere with 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, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or ordinances or by such rules or regulations the provisions of this ordinance shall control.

SEC. 26. **Completion of existing buildings.** Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been actually begun within 90 days of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within one year of the date of such permit, and which entire building shall be completed according to such plans as filed within two years from the date of the passage of this ordinance. If any area is hereafter transferred to another district by a change in the district boundaries by amendment, the provisions of this ordinance with regard to buildings or premises existing or building permits issued at the time of the passage of this ordinance shall apply to buildings or premises existing or building permits issued in such transferred area at the time of the passage of such amendment.

SEC. 27. **Penalty for violation.** Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved thereunder, upon conviction thereof shall be fined not more than one hundred dollars, and each day such violation shall be permitted to exist shall constitute a separate offence. The owner or owners of any bulding or any premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect,

builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall each be guilty of a separate offence and upon conviction thereof shall be fined as herein provided.

SEC. 28. **Definitions.** Certain words in this ordinance are defined for the purpose hereof as follows:

(1) Words used in the present tense include the future; the singular number includes the plural and the plural the singular; and the word "lot" includes the word "plot;" the word "building" includes any structure other than a fence or wall.

(2) The "street line" is the dividing line between the street and the lot.

(3) The "established grade" is the elevation of the street grade as fixed by the city.

(4) The "height of a building" is the vertical distance measured at the center line of its principal front from the established grade or from the average ground level of the portion of the lot adjoining and within 10 feet of the building, where it sets back from the street line 10 feet or more, to the level of the highest point of the roof beams in the case of flat roofs or roofs inclining not more than one inch to the foot, and to the mean height level of the top of the main plate and the highest ridge in the case of other roofs. Where there are structures wholly or partly above the roof, the height shall be measured to the level of the highest point of the building including such structures wholly or partly above the roof.

(5) A "rear yard" is an open unoccupied space on the same lot with a building between the rear line of the building and the rear line of the lot.

(6) A "front yard" is an open unoccupied space on the same lot with a building between the front line of the building and the front line of the lot.

(7) A "side yard" is an open unoccupied space on the same lot with a building situated between the building and the side line of the lot and extending through from the street or from the front yard to the rear yard or to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

(8) The "least dimension" of a yard is the least of the horizontal dimensions of such yard. If two opposite sides of a yard are not parallel, such least dimension shall be deemed to be the mean distance between them.

(9) A "lot" is a parcel of land occupied, or designed to be occupied, by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this ordinance and such open spaces as are arranged and designed to be used in connection with such building. A lot may be or may not be the land shown as a lot on a duly recorded plat.

(10) A "corner lot" is a lot at the junction of and fronting on two or more intersecting streets 20 feet or more in width.

(11) A "family" is any number of individuals liv-

ing together as a single housekeeping unit, and doing their cooking upon the premises.

(12) A "dwelling" is a building arranged, intended or designed to be occupied by not more than two families living independently of each other and doing their cooking upon the premises.

(13) An "apartment house" is a building arranged, intended or designed to be occupied by three or more families living independently of each other and doing their cooking upon the premises, or by three or more individuals or groups of individuals living independently but having a common heating system and a general dining room.

(14) A "nonconforming use" is one that does not comply with the regulations of the use district in which it is situated.

(15) "Public notice" of a hearing or proceeding means 10 days' notice of the time and place thereof printed in a newspaper of general circulation in the city of Providence.

(16) An "accessory use" or building is a subordinate use or building customarily incident to and located on the lot occupied by the main use or building.

(17) A "private garage" is an accessory building or portion of a building for the housing of motor vehicles of which not more than one is a commercial motor vehicle of not more than one and one-half tons capacity and all of which, excepting two non-commercial motor vehicles, are the property of the occupants

of the building to which such garage is accessory; and in which no occupation, business or service connected in any way with motor vehicles is carried on.

(18) A "public garage" is a building or portion of a building, other than a private garage, for the housing of commercial or non-commercial motor vehicles and in which no repair facilities are provided and no commercial repair work is carried on.

(19) A "garage repair shop" is a building, or portion of a building, in which repairs, other than major structural repairs, are made to motor vehicles, and where mechanical power employed in the operation of any machine or tool does not exceed 5 H. P., and where the total mechanical power provided or employed does not exceed 15 H. P.

(20) A "motor vehicle repair shop" is a building, or portion of a building in which machinery, operated by mechanical power, is installed which is designed for making major structural repairs to motor vehicles, or where the total mechanical power provided or employed in making repairs to motor vehicles exceeds 15 H. P.

SEC. 29. **Validity of ordinance.** If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

SEC. 30. **When effective.** This ordinance shall take effect and be operative from and after its passage.

APPENDIX

Chapter 57 of the General Laws of 1923, entitled "Of the authorizing of cities to enact zoning ordinances," as amended by Chapter 430 of the Public Laws passed at the January Session A. D. 1923, and by Chapter 643 of the Public Laws passed at the January Session A. D. 1925.

It is enacted by the General Assembly as follows:

Public Laws, Chapter 2315, April 24, 1923.

SECTION 1. For the purpose of promoting health, safety, morals or general welfare, the city council of any city and the representative council of the city of Newport shall have power in accordance with the provisions of this act within the limits of such city by ordinance to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

For any and all of said purposes said city council or representative council may divide the municipality into

districts of such number, shape and area as it may deem best suited to carry out the purposes of this act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings throughout each district but the regulations in one district may differ from those in other districts.

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

SEC. 2. No such ordinance shall be enacted, amended, or repealed until after a public hearing has been held upon the question of the enactment, amendment or repeal of such ordinance, before the city council or representative council of such city, as the case may be, or a committee or commission authorized by such city council or representative council to investigate and make recommendations concerning such proposed ordinance, who shall first give notice of such

public hearing specifying the time and place of such hearing by publication of such notice in a newspaper of general circulation within such city at least three times each week for three successive weeks prior to the date of such hearing, at which hearing opportunity shall be given all persons interested to be heard upon the matter of the proposed ordinance. The city council or the representative council of such city, as the case may be, shall have power, after a public hearing as herein provided, from time to time to amend or repeal any such ordinance and thereby change said regulations or districts: *Provided,* that, if there shall be filed in the office of the city clerk of such city on or before the day of such hearing or within three days thereafter a written protest against such proposed amendment or repeal signed and acknowledged by the owners of twenty per centum or more of the street frontage of the property proposed to be affected, or by the owners of twenty per centum or more of the street frontage directly opposite the property proposed to be affected, or by the owners of the property abutting on twenty per centum or more of the boundary line between the property proposed to be affected and the property immediately in the rear thereof when there is no street between said properties, no such amendment or repeal shall be passed except by a three-fifths vote of such city council or representative council and the approval of the mayor of such city, or if disapproved by such mayor, by a like vote as may be required by law to enact an ordinance in the case of disapproval by the mayor of such city. The word "owner" as used in this section shall not be

construed to include attaching creditors or lien holders other than mortgagees.

SEC. 3. The city council or the representative council of such city, as the case may be, shall have the power to provide a penalty for the violation of any ordinance enacted under the authority of this act by fine not exceeding one hundred dollars for each offence and to provide that each day of the existence of any such violation shall be deemed a separate offence, such fine to inure to such city, and may also cause suit to be brought in the supreme or superior court in the name of such city to restrain the violation of, or to compel compliance with, the provisions of any such ordinance.

SEC. 4. The supreme court and the superior court, within their respective jurisdictions, or any justice of either of said courts in vacation, shall, upon due proceedings in the name of such city instituted by its city solicitor, have power to issue any extraordinary writs or to proceed according to the course of equity or both:

To restrain the erection, alteration or use of any building, structure or other thing erected, altered or used in violation of the provisions of any ordinance enacted under the authority of this act, and to order its removal or abatement as a nuisance;

To compel compliance with the provisions of any ordinance enacted under the authority of this act;

To order the removal by the owner of any building, structure or other thing existing in violation of any ordinance enacted under the provisions of this act and

to authorize some official of such city in default of such removal by the owner to remove it at the expense of such owner.

When, under the provisions of any judgment, order or decree, in any such proceeding, any work is done or materials furnished by an official of such city or by the order of such official, at the expense of the owner, in removing a building, structure or other thing unlawfully existing, the value of such work or material may be recovered in an action of the case, brought in said superior court against such owner, and if any such work or materials shall have been done or furnished by or at the cost of such city, such official shall cause the same to be brought in the name of such city.

Upon the entry of any case or proceeding brought under the provisions of this act, the court shall at the request of either party advance the case, so that it may be heard and determined with as little delay as possible.

SEC. 5. No ordinance enacted under the authority of this act shall prevent or be construed to prevent the continuance of the use of any building or improvement for any purpose to which such building or improvement is lawfully devoted at the time of the enactment of such ordinance.

SEC. 6. Nothing in this act or any ordinance enacted under the authority of this act shall create or be construed to create any vested rights in any person, firm or corporation, or to be or ceate any incumbrance upon the title of any person, firm or corporation in any property affected by any such ordinance.

SEC. 7. The provisions of this act or of any ordinance enacted under the authority of this act shall not be deemed to abolish any existing remedies relating to nuisances, or to repeal any existing provisions of statutory law or ordinances relating to the erection, alteration or construction of buildings or other structures, or restricting the use thereof, or regulating businesses, trades or industries, or relating to nuisances: *Provided,* that the enactment, amendment or repeal of any ordinance under the authority of this act shall not be construed to be in any manner an exercise of any authority given by the provisions of Chapter 107 of the General Laws, entitled "Of nuisances," or of any act in amendment thereof or in addition thereto, *and provided further,* that after the passage of this act the exercise by the city council of any city or the representative council of the city of Newport of any authority given by the provisions of said Chapter 107 of the General Laws or of any act in amendment thereof or in addition thereto shall not create any vested rights in any person, firm or corporation or render said city liable in any manner to any person, firm or corporation.

SEC. 8. The city council of any city and the representative council of the city of Newport may provide for the selection and organization of a board of review, and in the regulations and restrictions adopted pursuant to the authority of this act may provide that said board of review may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance

Public Laws, Chapter 2315, April 24, 1923.

with general or specific rules therein contained, or where such exception is reasonably necessary for the convenience or welfare of the public.

The board of review shall consist of five members, each to hold office for the term of five years; provided, however, that the original selections shall be made for terms of one, two, three, four or five years respectively. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of such board shall be open to the public.

The board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the board and shall be a public record.

Appeals to the board of review may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of review a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from

whom the appeal is taken certifies to the board of review after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of review or by a court of competent jurisdiction on application therefor and upon notice to the officer from whom the appeal is taken and on due cause shown.

The board of review shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The board of review shall have the following powers:

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this act or of any ordinance adopted pursuant thereto.

b. To hear and decide special exceptions to the terms of the ordinance, upon which such board is authorized to pass under such ordinance.

c. To authorize upon appeal in specific cases such variance in the application of the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in un-

necessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above-mentioned powers the board may, in conformity with the provisions of this act, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal was taken.

The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative officer, and the concurring vote of four members of the board shall be required to decide in favor of the applicant on any matter within the discretion of the board upon which it is required to pass under any such ordinance or to effect any variation in the application of such ordinance.

Any person or persons, jointly or severally aggrieved by any decision of the board of review, or any officer, department, board or bureau of the municipality, may present to the Supreme Court, a petition, duly verified, setting forth that such decision is illegal in whole or in part and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of review to review such decision of the board of review

and shall prescribe therein the time within which a return thereto must be made, which shall be not less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, upon notice to the board and on due cause shown, grant a restraining order.

The board of review shall not be required to return the original papers acted upon by it, but shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a master to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm wholly or partly or may modify the decision brought up for review.

SEC. 9. The powers and duties prescribed by this chapter and all amendments thereto are hereby extended to the towns and cities within this state and the town council of any town (upon the approval of the financial town meeting of such town) may enact zoning ordinances in accordance with the provisions of

this chapter and all amendments thereto. Whenever in said chapter the words "the city council" or the representative council of the city of Newport shall appear, the words "town council" shall be added thereto, and the powers and duties under the provisions of said chapter and all amendments thereto granted to any city officer or official are hereby extended to any town officer or official having similar authority.

SEC. 10. In every case where a city or town enacts zoning ordinances, it is hereby made mandatory upon the city council of any city, the town council of any town, or the representative council of the city of Newport, to provide a board of review in the manner prescribed by section 8 of this chapter and section 8 is hereby amended in so far as it relates to the duties of said city councils, town councils and representative council of the city of Newport.

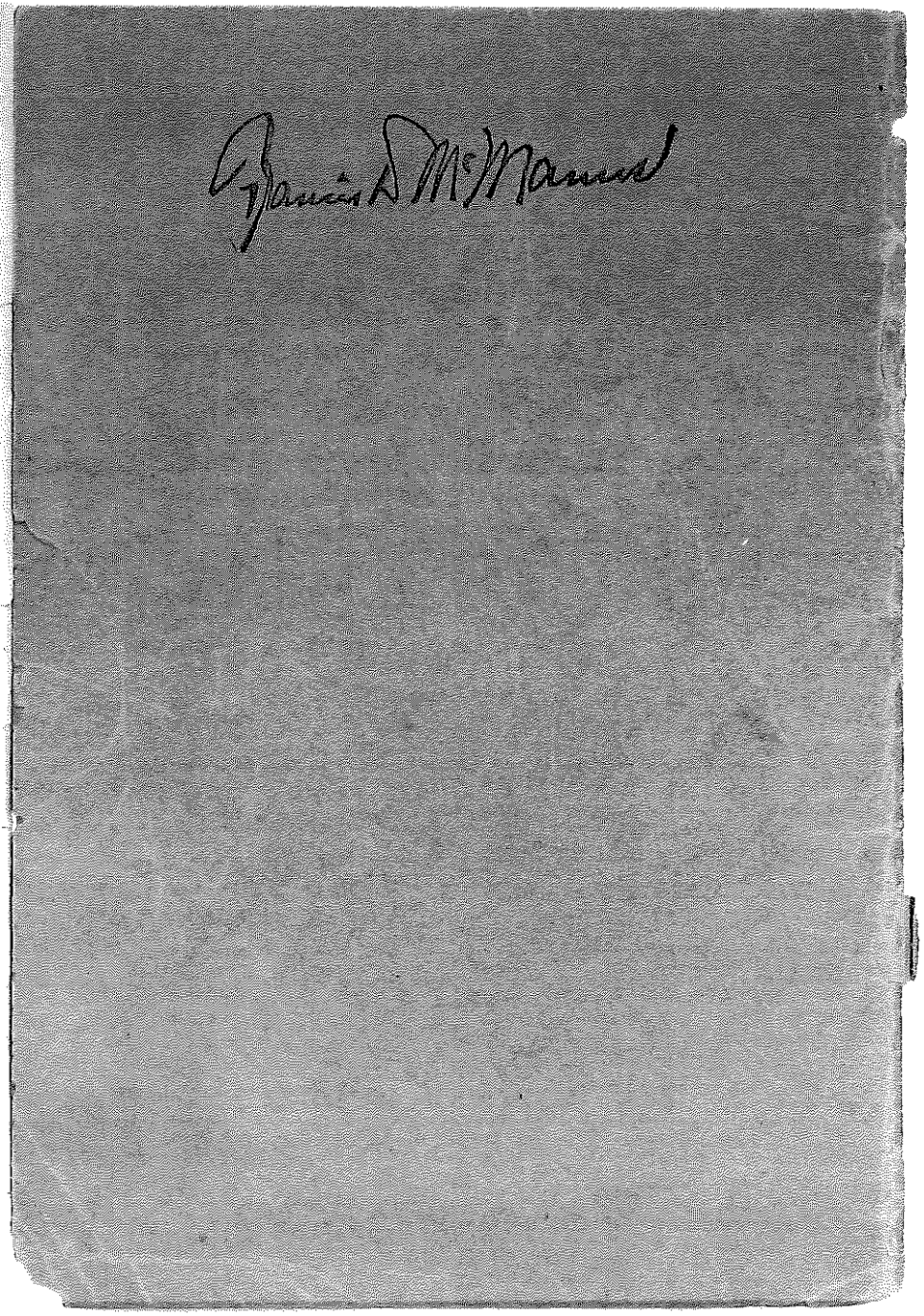


EXHIBIT E

TENTATIVE ZONING MAP
CITY OF PROVIDENCE, R. I.,

THE JOINT COMMITTEE ON ORDINANCES

ARTHUR A. THOMAS, CHAIRMAN.

J. HENRY MANNING. — ALBERT W. HOLMES.

HENRY W. ANDERSON — RUSH STURGES.

ROBERT WHITTEN, CONSULTANT.
CHARLES F. FISHER, ASSOCIATE.

1923

SCALE
0 600 1200 1800 2400

KEY

USE DISTRICTS

- DWELLING HOUSE DISTRICTS.
- APARTMENT " "
- BUSINESS DISTRICTS.
- FIRST INDUSTRIAL DISTRICTS.
- SECOND INDUSTRIAL "

Note: Dwellings are permitted in apartment house districts; dwellings and apartments are permitted in business districts; and dwellings, apartments and business are permitted in industrial districts. Zoning does not affect existing buildings or uses

AREA DISTRICTS

- (A) 4500 SQ FT. AREA DISTRICTS.
- (B) 2000 " " " "
- (C) 1000 " " " "
- (D) 500 " " " "
- (E) UNRESTRICTED " "

Note: The above refers to the number of square feet of lot area required for each family for which a building is arranged. It does not refer to the size of the building or to the floor area of the apartment. Exception is made in case of all small lots now existing.

HEIGHT DISTRICTS.

- (1) 50 FOOT HEIGHT DISTRICTS.
- (2) 75 " " "
- (3) 100 " " "
- (4) 125 " " "

Note: By setting back above the height limit provided, greater heights are permitted.

Note: Letters and figures in circles on map represent respective area and height districts, e.g. (A1) means 4500 square foot area district and 50 foot height district.

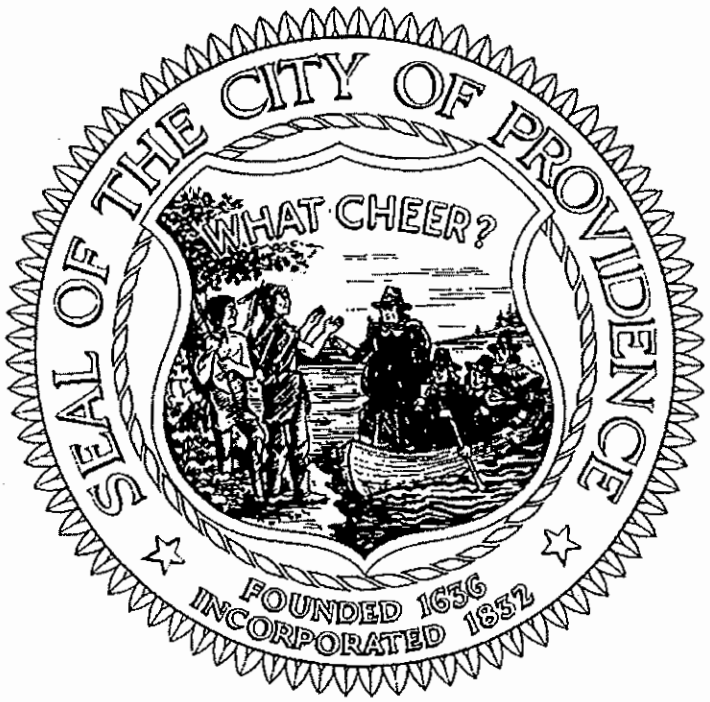
——— CITY BOUNDARY LINE
····· BOUNDARY LINES OF HEIGHT AND AREA DISTRICTS.
– – – – INDICATES USE DISTRICT BOUNDARY LINES WHERE NOT OTHERWISE CLEARLY DETERMINED.

1923 Zoning Map

EXHIBIT F

City of Providence

Zoning Ordinance



Chapter 1994-24 No. 365
Effective June 27, 1994

Contains amendments up to and including Ordinance 2002-12, approved April 11, 2002

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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 this 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 - MultiFamily Dwelling District - This zone is intended for high density residential areas comprised of structures containing single family, two family, 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 traveled 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. See Downcity District overlay zone for additional regulations. [Ord. 1995-8.]

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; and to support live-work spaces only in those existing underutilized industrial and/or commercial structures that are included in Article V, Section 501, "Industrial and Commercial Individual Structure District."

M-2 Heavy Industrial District - This zone is intended to provide 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 supersede 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 relates to the pedestrian; retail 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. This overlay zones boundary shall be the same as the D-1 District boundary as described in Section 101.3, generally encompassing the area bounded by Smith Street, North Main Street, South Water Street, Ship Street, Bassett Street, and Interstate 95. The D-1 zone north of Smith Street (bounded by Smith Street, Interstate 95, Orms Street, Charles Street and Mill Street) shall not be included in the DD Downcity District. [Ord. 1995-8.]

MSCOD Main Street Commercial Overlay District – This overlay zone is intended to be superimposed on existing C-1, C-2, C-4 and R-P districts and will require additional dimensional requirements and performance standards. The overlay zone will establish zero lot line setbacks from a property line that abuts a street, special frontage requirement, and other requirements as provided in Section 505. [Ord. 1999-47]

Commercial Corridor Overlay Districts (CCOD) – This overlay zone is superimposed on existing zoning districts on commercial corridor throughout Providence. The overlay zone requires additional dimensional requirements and performance standards as provided in Section 507. In some instances, the CCOD covers blocks that border the commercial area, in order to comprehensively protect the integrity of the block, and reduce the impacts of development on adjacent residential neighborhoods. [Ord. 2001-14]

WSOD West Side Overlay District – This overlay zone is intended to be superimposed on existing C-1, C-2, C-4, R-P and D-2, districts on Westminster Street between Route I-95 and Route 10. The overlay zone requires additional dimensional requirements and performance standards as provided in Section 506. In some instances, the WSOD covers blocks from Westminster Street to parallel streets such as Washington and Carpenter Streets, in order to comprehensively protect the integrity of the block, and reduce the impacts of development on adjacent residential neighborhoods. [Ord. 2000-28, 2002-12]

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 by 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, 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 Laws (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 or any dimensional variation which exists by virtue of a special use permit (including former 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 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 are 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 to 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 the 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 the 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 24, 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) All zones other than D zones: 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.

B) D Zones: 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. [Ord. 1995-8]

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 an "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 Sections 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	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	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	N	Y	N	N
14	Multifamily Dwelling	N	N	N	Y	Y	Y	Y	Y	Y[5]	Y	Y	Y	N	Y[6,7]	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	Y[6,7]	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	Y[7,8]	S	N	N	Y	S	N	N
14.3	Apartment Dormitory	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	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[1]	Y	N	S[1]	N	N	Y[1]	Y[1]	N	N	N
15.1	Lodging, 10 Rooming Units or less	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S[1]	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[1]	N	N	N	Y	N	N	N
15.3	Nursing Home and Congregate Care Facility	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S[1]	N	S	N	Y	N	N	N
15.4	Orphanage	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	S[1]	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[1]	N	Y	Y	Y	Y	N	N
15.6	Community Residence	Y[4]	Y[4]	Y[4]	Y[4]	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y[4]	Y[4]	Y[4]	Y[4]	N[4]	N[4]
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[1]	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
15.8	Group Quarters, With Medical Treatment	N	N	N	N	N	S	Y	Y	Y	Y	N	S[2]	N	S[1]	N	N	N	N	N	N	N
15.9	Group Quarters/Halfway House	N	N	N	N	N	N	N	N	N	N	N	N	N	N	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[1]	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[1]	N	N	N	N	N	N	N
16.4	Temporary Lodging with Supervision, more than 15 Residents	N	N	N	N	Y	S	S	Y	Y	Y	S[2]	Y	N	S[1]	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[1]	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 two hundred (200) feet of abutting residential zones. Not permitted over two hundred (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, eight (8) residents or less that are not a community residence, as defined herein, are not permitted.
5. See section 502.2 for additional restrictions.
6. Must have a minimum of 5,000 square feet gross floor area required for new construction.

7. The owner(s) of a building seeking a conditional use for artist's studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable to the director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns, including any lessees of the artist's studio/dwellings.
8. Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity.

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[1]	S[1]	S[1]	S[1]	S[1]	Y	Y	Y	Y	Y	Y	Y	N	Y	S[1]	Y	Y	Y	S[1]	Y	N
21.1	Higher Educational Institution (Grades 13 and up) - Classroom, Office and Assembly Use[7]	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N[2]	Y[2]	Y[2]	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	Y	N	Y	N	N	N	Y	N	Y[2]	N	N	N	N	N
24.1	Health Care Institution - Maintenance Use	N	N	N	N	N	N	N	Y	N	Y	N	N	N	Y	N	Y[2]	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	Y	N	Y	N	N	N	Y	N	Y[2]	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

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[4]	Y[4]	Y[4]	Y[4]	Y[4]	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y[4]	N	N
26.1	Day Care Center, 7 to 12 people	S[4]	S[4]	S[4]	S[4]	S[4]	Y	Y	Y	Y	Y	Y	Y	N	S	N	Y	Y	Y	S[4]	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[5]	Y	N	Y	N	Y	Y[6]	Y[6]	Y[6]	S[4]	N
28	Cemetery	Y	Y	Y	Y	Y	Y	Y	Y	N	N	S[5]	S[5]	N	Y	Y	Y	N	N	N	Y	Y

FOOTNOTES:

1. Any institution, as defined in Use Code 21, at its own option, may apply for a Special Use Permit to the Zoning Board of Review, in accordance with Section 902.4 of this ordinance or it may apply to the city plan commission under Section 421 of this ordinance and be considered a major land development project. Procedures for the approval of major land development projects are contained in the development review regulations adopted by the city plan commission pursuant to R.I.G.L. Section 45-23-25 through 74.
2. Permitted only for institutions in an institutional zone in accordance with section 503.
3. See section 905.2 for Special Use Permit criteria for Waterfront Zones.
4. Provided that no more than fifty (50) percent 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.
5. Only for service organizations that are owned by a government agency.
6. When located on property owned by the institution.
7. See section 503.5(c).

3.0 CULTURAL, ENTERTAINMENT AND 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[1]	S[1]	S[1]	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[1]	Y	S	N	N	N	N	N	N
33	Outdoor Recreation Facility	N	N	N	N	N	S	S	Y	N	N	S[1]	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	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	N	S	Y	N	N	N	S[1]	N	Y	S	N	N	N	N	N	N
34	Indoor Sports Facility	N	N	N	N	N	N	S	S	Y	Y	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[2]	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 shall be located more than five hundred (500) feet from any residential (Use Codes 11 through 17), religious service (Use Code 23), educational institution (Use Codes 21 and 21.1), park, recreation or open space (Use Code 33 through 36), and Library (Use Code 31) uses. In addition, any new adult entertainment uses shall be located not less than two thousand (2,000) feet from an existing adult entertainment use. A variance from these requirements shall be considered a use variance.

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[2]	Y	Y	N	N	N	S	N	N
42	Personal Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y[2]	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[2]	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[2]	Y	Y	N	N	N	S	N	N
45	Repair Service[5]	N	N	N	N	N	N	N	Y[3]	N	S[3,4]	N	Y[3]	Y[2,3]	Y[3]	Y[3]	N	N	N	N	N	N
46	Professional Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y[2]	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[2]	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[2]	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[1]	Y[2]	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 two hundred (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[1]	N	Y	Y[2]	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[2]	Y	Y	N	N	N	N	N	N
52	Wholesale Trade and Outdoor Storage	N	N	N	N	N	N	N	S	N	Y	N	Y	Y[2]	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[2]	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[2]	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[2]	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	S	Y	Y[2]	Y	Y	N	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[2]	Y	Y	N	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[2]	Y	Y	N	N	Y	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
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[2]	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	S	Y	Y	Y	N	S	N	Y	N	N	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[2]	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[1]	Y	Y	N	N	N	N	N	Y[8]
61.1	Motor Vehicle Rental Office	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y[1]	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[1]	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[1]	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[1]	Y	Y	N	N	N	N	N	N
62	Freight Terminal	N	N	N	N	N	N	N	N	N	N	N	Y	Y[1]	Y	Y	N	N	N	N	N	N
63	Aircraft Transportation Including Maintenance	N	N	N	N	N	N	N	N	S[5]	S[5]	N	S[2]	S[2]	S	S	N	N	N	N	N	N
64	Parking, Principal Use	N	N	N	N	N	S	Y	Y	Y[5]	Y[5]	S[2]	Y	Y[1]	Y	Y	Y[5]	Y[5]	Y[5]	N	N	N
64.1	Parking Lot, Principal Use	N	N	S[4]	S[4]	S[4]	Y	Y	Y	Y[5]	Y[5]	Y	Y	Y[1]	Y	Y	Y[5]	Y[5]	Y[5]	S[4]	N	N
65	Communication and Utilities	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y[1]	Y	Y	Y	Y	Y	S	S	S
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
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[4]	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

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
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. The majority of communications and utility construction and equipment must be located below ground and have no negative impact on the use of the open space.
8. Limited solely to "bus passenger terminal," and to be operated by a public transit authority to serve as a hub or central facility for a statewide bus transportation system. The Transportation Center may include accessory uses, such as news-stand, cafe, convenience store, or ATM machines.

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

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
70.3	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[2]	N	N	N	N	N	N	N	N
71	Textile Mill Products and Apparel Manufacturing	N	N	N	N	N	N	N	N	N	N	N	S[3]	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	S[3]	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
73	Paper and Allied Products, Printing and Publishing	N	N	N	N	N	N	N	N	N	N	N	S[3]	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[3]	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

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
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
76	Rubber and Miscellaneous Plastic Products Manufacturing	N	N	N	N	N	N	N	N	N	N	N	S[3]	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[3]	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[2]	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[2]	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

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
79	Fabricated Metal	N	N	N	N	N	N	N	N	N	N	N	S[3]	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
80	Machinery/Machine Parts Manufacturing	N	N	N	N	N	N	N	N	N	N	N	S[3]	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	Y	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	S[3]	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	S[3]	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	S[3]	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[1]	Y	N	S[3]	N	Y	Y	N	N	N	N	N	N
85	Arts and Crafts Manufacturing	N	N	N	N	N	S[4]	Y[4]	Y[4]	Y[4]	Y[4]	S[4]	S[3]	N	Y[4]	Y[4]	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.

[Ord. 93-16, 94-24, 95-8, 96-31, 96-39, 99-30, 99-48, 01-24]

Section 304 – Dimensional Regulations – Residential Districts:

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

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 each, and one dwelling unit may be erected on each lot. If a lot contains more than 12,000

square feet and if after division into as many 6,000 square feet lots as possible, there remains a lot of 5,000 square feet or more, one dwelling unit may be erected on such remaining lot provided the same has a width of 50 feet.

4. A rear yard may be reduced to not less than twenty percent (20%) of the lot depth, provided the front yard is extended so that the combined total of the front and rear yards is not less than forty percent (40%) of the lot depth.
5. Minimum of one Side Yard may be reduced to 4 feet if lot width is 45 feet or less.
6. Lot coverage on a corner lot may be increased an additional 5% of the lot area.
7. In ground an 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[1] 6 stories	90 feet[1] 7 stories	35 feet[2] 2 stories
Minimum Lot Area	None[3]	None[3]	None	N/A
Minimum Lot Area Per Dwelling Unit	1,200 sq. ft.	1,200 sq. ft.	N/A	N/A
Minimum Lot Area Per Rooming Unit	400 sq. ft.	None	N/A	N/A
Minimum Front Yard	12' from face of curb[3,4]	0[3,4,5]	0 feet	12' from face of curb[4,5]
Minimum Side Yard	0 feet[3,7,9]	0 feet[3,7,9]	0 feet[7]	0 feet[6]
Minimum Rear Yard	0 feet[3,8,9]	0 feet[3,8,9]	0 feet[8]	0 feet[6]
Maximum Lot Coverage	None[3]	None[3]	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 Institution 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 a 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 for 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 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-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 a 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 of 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) from an interior lot line.

Section 306 – Dimensional Regulations – Downtown Districts:

	D-1 and I-3	D-2
Maximum Height	Varies with Subzone[1, 5]	90 ft/ 7 stories
Minimum Lot Area Per Dwelling Unit	250 sq. ft.	250 sq. ft.
Minimum Lot Area Per Rooming Unit	None[5]	None
Minimum Front Yard	0 ft.[2]	0 ft.[2,4]
Minimum Side Yard[3]	0 ft.	0 ft.
Minimum Rear Yard[3]	0 ft.	0 ft.

306.1 – Footnotes for Dimensional Regulations – Downtown Districts:

1. Maximum Height in the D-1 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 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.
5. Except if a Bonus has been granted in accordance with Section 502.7 [Ord. 1995-8]

Section 307 – Dimensional Regulations – Waterfront Districts:

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

307.1 – 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 a 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 a 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 it 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, brake and muffler repair or replacement, 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. [Ord. 1995-8.]

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 repair shops, 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.

Section 412 - Roof Structures:

412.1- Roof Structures Permitted Above Maximum Height:

A) The following roof structures are permitted above the maximum height as specified in this ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building: structures for the housing of elevators and elevator shafts; stairways; fire or parapet walls; skylights; towers; steeples; 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. [Ord. 1995-8]

412.2 - Structures Exempt From Height Restrictions: Smokestacks and flag poles, whether or not they are attached to the main structure, are permitted above the maximum height requirement for the zone in which they are located. [Ord. 1995-8]

412.3 - Roof Structure Setbacks and Screening: It is intended that permitted roof structures shall not be visible from street level, as provided below:

A) For all buildings three (3) stories or more in height, all roof structures shall be set back from the edge of the roof a minimum distance of one (1) foot for every two (2) feet by which the structures extend above the roof.

B) For all buildings less than three (3) stories in height and for any building where roof structures cannot meet the setback requirement of 412.3(A), there shall either be a parapet wall to screen the roof structure, or the roof structure shall be housed in solid building material which shall be architecturally integrated with the building and which shall be counted as one story. [Ord. 1995-8]

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 the 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

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	4/1'of building frontage	-	-	unrestricted
Freestanding[1]	144	75	0	0
Projecting	96	75	-	6
Roof	192	12 above roof	0	0
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 902, may grant the following 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%.

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[1]	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:

A) D-1 Zones: See Section 502.2C for sign regulations for D-1 Zones.

B) D-2 Zones: 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. Permitted sign types are indicated below. [Ord. 1995-8]

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

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

607.6 - 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:

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[1]	4	4	5	0
Projecting	2	10	-	1
Roof	Not Permitted			
Wall	4	-	-	1.25
Window	2	-	-	-

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

607.2 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[1]	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 or internally, except that internally illuminated signs are not permitted in HD overlay zones. [Ord. 1995-8] The maximum area of any individual sign shall be limited as follows:

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	1.5/1'of building frontage	-	-	6
Freestanding[1]	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.

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 other than R, OS, PS, RP, I-1 and I-2 Zones, the maximum permitted area for signs on a building shall be based on the building frontage as provided in Sections 607.3, 607.4 and 607.5. The following additional requirements shall apply:

A) Buildings with more than one tenant or owner - Each tenant's or owner'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.

B) Buildings on lots that front two or more streets - The total sign area shall be calculated by the building frontage of only one (1) street, said street to be selected by the owner or tenant. Once a sign has been approved by the Director, the owner or tenant may change the frontage calculation only upon written notice to the Director and agrees to remove any nonconforming signs that may exist at the time of the request.

C) Any drive-in business that has a booth for employees only with no public access - Street frontage shall be used to calculate the maximum sign area. For corner lots or lots that front on two or more streets, only one (1) street may be used to calculate sign area, said street to be selected by the owner or tenant. Once a sign has been approved by the Director, the owner or tenant may change the frontage calculation only upon written notice to the Director and agrees to remove any nonconforming signs that may exist at the time of the request. [Ord. 1995-8]

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.

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.

604.8 - Banner Sign: Banners (including pennants and flags) may be considered either as wall signs, projecting signs or roof signs, depending on their placement, and the relevant dimensional requirements in Section 607 will apply for each zone. Banners erected across a public right of way are not permitted except on a temporary basis as defined in Section 602.6. [Ord. 1995-8]

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

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 to exceed sixteen (16) square feet in area per side.

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

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

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

ARTICLE VI - SIGNS

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

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

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

602.1 - Governmental: Signs of every kind and nature erected by or on behalf of any federal, state or local governmental agency, including official traffic control or informational signs, hazard warning signs, legal notices, railroad crossing signs or other similar signs required by law. Signs erected on government facilities to advertise non-governmental tenants shall be subject to the provisions of Sections 603 through 609 inclusive. [Ord. 1995-8]

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, non-illuminated, 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:

eas shall be below the tree canopy to minimize dark spots. Light fixtures shall be restricted to 250-watt metal halide lamps. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners). Lights shall have a light cutoff at less than 90 degrees and a beam cutoff of less than 75 degrees. The total cutoff of light shall occur within the lot lines.

G) Stormwater Runoff Reduction – Driveway and parking lot surfaces are encouraged to be permeable, using such materials as brick, concrete pavers, "grass-crete" and other similar permeable materials, but not gravel. Vegetative buffers shall be planted to treat runoff as it percolates into the soil.

H) Curb Cuts – One lane curb cuts shall be 10 feet wide. Two lane curb cuts shall be 18 feet wide. No more than one 18-foot curb cut or two separate 10-foot curb cuts are allowed per lot. The distance between curb cuts shall be no less than 50 feet. The continuity of the sidewalk surface shall be maintained across a curb cut while the material of the driveway shall be interrupted.

507.7 Signage – Signage requirements of Article VI shall be required, except as provided below:

A) Wall Sign - Wall signs shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and details. Internally illuminated neon signs are permitted.

B) Free Standing Sign – A freestanding sign shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic).

C) Roof Signs – Roof signs are prohibited.

C) Upper Story Treatment – The upper floors of all new buildings shall have 15% to 40% transparency of wall surface. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. At least 50% shall be operable windows with a minimum vertical dimension of 4.5 feet and a minimum horizontal dimension of 2.5 feet. Windows in masonry buildings shall be recessed at least 4 inches from the plane of the façade. Continuous strip windows without major vertical dimensions are not permitted. First floor and upper story windows in existing buildings shall not be filled with opaque material such as brick, metal or sheet rock.

507.6 Parking and Loading – Parking and loading requirements of Article VII shall be required, except as provided below:

A) Principal Use Parking – Principal use parking lots (Use Code 64 Parking Principal Use and 64.1 Parking Lot Principal Use) are prohibited in the CCOD.

B) Space Requirements – Parking space requirements may be reduced by a minimum of 50% but cannot exceed a maximum of 80% of the spaces required by Section 703.2. The paved area of a lot shall not exceed the maximum parking required herein.

C) Landscaping – Along all parking lots and loading areas, a 4-foot wide landscaped edge shall be maintained where the property meets the street or sidewalk. This shall include a fence or low brick wall (less than 4½ feet high). Clearly delineated pedestrian paths into the parking lot shall be provided for lots of more than 20 spaces. Parking areas shall accommodate bicycle racks. Lots with more than 20 spaces shall be separated by landscaped islands 8 feet wide. Parking lots shall have a minimum of one tree for every 10 required spaces. Trees are required every 20 feet at rear lot lines if the rear of the property is used for parking and abuts a residential zone or use or the street. Trees shall be planted in protected pervious plots of at least 60 square feet. Fencing placement, heights and materials must comply with Section 506.3 D) 1, Fence or Brick Wall and landscaping placement and materials must comply with Section 506.3 D) 2., Landscaping.

D) Site Access – Parking lots are not permitted in front of buildings and shall be located to the rear of buildings, wherever possible. Parking may be allowed at the side of buildings but shall not exceed 44 feet (one 20-foot parking bay and one 24-foot access lane) in width along the street. Parking lots that are 64 feet in width along the front facade (two 20 foot bays of parking and one 24 foot central access lane) are allowed only if a building addition extends 20 feet to conceal the bay of parking along the side of the building. Landscaping is required as provided in Section 506.6 C).

E) Loading: Loading areas shall be to the side or rear of the building. If visible from the main street, the side loading area shall be screened from view, and shall conform with Section 506.6 C).

F) Lighting – Lighting poles shall be located within landscaped islands for safety and aesthetic reasons. Poles shall be staggered to maintain a uniform light distribution. Light fixture height shall be less than 14 feet to minimize dark spots. Lights in landscaped ar-

(K) Roof Materials – Building materials for sloping roofs including mansards shall be slate, wood or asphalt shingles or standing seam metal.

(L) Lighting: Small shielded fixtures shall be used and directed towards the building. Site lighting must be limited to the property. Light spill onto the street or adjacent properties is not permitted.

(M) Types of Building Lighting: Storefront lighting (exterior and interior) shall be incandescent or metal halide and shall remain illuminated until nine p.m. on weekdays and Saturday. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners).

(N) Trademark Buildings: Buildings housing trademark businesses of local, regional and national "chain" retailers must conform to these regulations.

(O) Utilities and Services: On site utilities, junction boxes, HVAC, antennae, satellite dish and utility boxes shall be located underground, on the roof of buildings, or above ground at the rear of the building. They shall not be easily visible or audible to pedestrians on the sidewalk. Utility boxes, mechanical equipment and dumpsters shall not be located in the public pedestrian space. They shall be located a minimum distance of 20' from the sidewalk and screened from view.

(P) Awnings: Awnings on the main street are encouraged. Awnings shall be designed to provide a convenient covered sidewalk area for pedestrians. Awnings may be utilized for signage and lighting and shall conform to Section 607 for the appropriate signage and Section 507.4 M) for lighting. Awnings shall not cover significant architectural features.

(Q) Canopies: Free standing canopies shall be scaled to passenger automobiles and not to buses or large trucks. Canopy heights shall not exceed 13 feet clear. Canopy lighting shall conform with Section 506.4 M) for lighting requirements. Signs are not permitted on canopies in the CCOD.

(R) Security Window Guards: Solid surface roll down window guards are not permitted.

507.5 Storefront Design

A) Existing Storefronts – Existing buildings which have been designed for retail use on the first floor shall maintain the storefront design. Renovations that exceed 25% of the facade must conform to new construction requirements as provided in Section 506.5 B).

B) New Storefronts – For any new construction, the first floor transparency shall be equal to at least 70% of the wall area between the height of 2 and 9 feet from the ground. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. Interior window treatments shall not block views into storefronts.

(A) Demolition- Any building that conforms to the use, dimensional and other requirements of this section shall not be demolished in whole or in part. Any building that does not meet one or more of the use or dimensional requirements of this section shall not be demolished except by special use permit by the Board, which shall make findings of fact that the building is unsafe, hazardous, and unfit for habitation or use and that construction on a new building that meets all the requirements of this section shall commence on the subject site within eighteen (18) months of the demolition of the original building.

(B) Building Height- Any one story building must have a first floor with not less than 10 feet from floor to ceiling.

(C) Building Walls- No more than 10 consecutive linear feet of blank wall is allowed along the main street. No building shall extend along the main street for more than 35 linear feet without an entrance.

(D) Transition Line- A building shall have a transition line along the front façade that creates a distinction between the first and upper floors.

(E) Roof Treatment- The building shall have a well-defined roofline that finishes as a parapet with a cornice Roof Treatment – The building shall have a well-defined roofline that finishes as a parapet with a cornice or overhang on the front façade along the main street or along the side façade if the building is on a corner or the side façade is visible from the main street or a side street.

(F) Main Entrances – Buildings shall have their main entrance from the main street. Corner buildings may have entries at the corner of the front and side street façades.

(G) Residential Porches – Covered entry porches are required for new residential buildings on the main street. Entry porches shall be preserved and maintained on existing residential buildings. Porch alterations must be repairs of existing design only and /or must be in keeping with the historic character of the original building.

(H) Building Materials and Finishes – The primary building materials of the front façade, side façades visible from the main street, or along a side street frontage at a street corner shall be brick, wood, pre-cast concrete or smooth stucco (conventional or synthetic). Limestone, sandstone, granite and terra cotta are also permitted. Finish treatments shall be paint, stain, unfinished brick or stone or painted stucco.

(I) Vinyl or Aluminum Siding – Vinyl or aluminum siding is not permitted for any first floor or street level exterior of any building. Upper story levels may have vinyl or aluminum siding only upon approval by the Board as a special use permit, pursuant to Section 902.4.

(J) Concrete Building Materials – The use of corrugated or cinderblock concrete walls is not permitted.

1. Fence or Brick Wall- a fence or brick wall (less than 4 feet high) shall run the entire frontage of said lot. If the side frontage on a corner lot is used for parking, a wall or fence is required. Low fences (4 feet or less) shall be of wrought iron, ornamental metal or painted wood pickets. Any tall fence (ranging from 4 feet to 6 feet) necessitated for security purposes, shall be visually transparent wrought iron, or ornamental metal and shall include trees that are taller than the fence planted every 20 feet. All chain link, barbed wire or razor wire fences are prohibited. Fences and walls shall be low or transparent to allow viewing of landscaping. Solid fences or walls over 4 feet are prohibited.

2. Landscaping- A landscaped edge that is at least 4 feet wide shall run the entire frontage of said lot. The landscaped edge shall include a low brick wall or fence as described in Section 506.3 D). 1. Front Lot Line Treatment, Fence or Brick Wall. The landscaped area shall be planted with ground cover, low shrubs or flowering plants. At least one shrub or vine shall be planted abutting the wall every 10 feet. Trees are required every 20 feet along front property lines where there is not a building. Trees are required every 20 feet along to side lot line on corner lots and rear lot lines if the rear of the property is used for parking and abuts a residential use or street. In addition, parking lots shall have one tree for every 10 spaces. New trees have a minimum caliper of 2 inches.

3. Corner Lots- Buildings on a corner lot must be set to the corner of the front and side lot lines, with no setback. Where there is no building at the street corner property line, fencing or low brick walls with trees and landscaping is required in conformance with Section 506.3 D). Clearly designated and continuous sidewalks shall be maintained around all corners. Parking is prohibited at the corner of each lot, within a square area measuring 20 feet on each side of said corner.

4. Drive in Establishments in the CCOD- New drive in establishments in the CCOD shall follow the requirements of the underlying zoning provisions for such use in accordance with Section 303, Use Cod 57.2 of this ordinance. In any underlying C-2 zone, where a drive in establishment is permitted by special use permit, the Board, in addition to the criteria set forth in Section 902.4, shall (a) impose a condition that a special use permit for a drive in establishment be limited only to the business enterprise applying for such permit and that said special use permit for a drive in establishment shall become null and void if and when said business enterprise ceases to operate or is changed to another business and (b) require that a stacking lane for the drive in establishment by wholly contained within the lot in question.

507.4 Building Treatment

(B) Any open space within any lot, whether occupied by a building or not, shall be subject to the requirements of this section.

(C) For any new construction, the requirements of this section shall apply to all parts of the building and lot.

(D) Any structural addition that adds more than 25% increase in gross floor area shall be designed to bring a building into conformance with the requirements of this section.

(E) Any storefront renovations, where more than 25% of the façade of the store is altered, replaced, rehabilitated or restored, shall comply with storefront design requirements of this section.

(F) Any lot improvement shall be required to conform to landscaping and fencing requirements of this section.

(G) Requirements for the ''main street'' are more demanding than requirements for a side street, unless stated otherwise herein.

(H) Where the CCOD is also includes the Historic District overlay zone, pursuant to Sec. 501, said Sec. 501 shall take precedence over this section.

507.2 Use- Any permitted use within the underlying zoning districts are permitted in the CCOD, with the following exceptions:

(A) Residential uses in any C zone that is overlaid by the CCOD are prohibited from the first floor of a building that faces the main street.

(B) Uses that require enclosed buildings that are not inhabited by people and have no windows are prohibited.

507.3 Dimensional Requirements-Dimensional requirements of Section 304 shall be required, except as provided below:

(A) Minimum Front Yard-Any new building in any C zone that is overlaid by the CCOD shall be built with zero setbacks from the front lot line along the main street. The first floor entrance may be recessed no more than 4 feet deep and 6 feet wide.

(B) Frontage-Any new building in any C zone that is overlaid by the CCOD must extend a minimum of 60% of the lot frontage.

(C) Residential Lot Lines- Residential buildings are permitted to be set back between 4 feet and 6 feet from the front lot line to accommodate a stoop, porch, or window design and provide a front yard space. The portion of the lot that extends from the front lot line to a parallel line 4 feet to 6 feet back from said front lot line shall, at the minimum, comply with Section 506.3 D) Front Lot Line Treatment.

(D) Front Lot Line Treatment- Wherever there is no building at the front property line, or if any part of the lot is used to accommodate parking, such area shall comply with the following:

have a light cutoff at less than ninety (90) degrees and a beam cutoff of less than seventy-five (75) degrees. The total cutoff of light shall occur within the lot lines.

(G) *Stormwater runoff reduction.* Driveway and parking lot surfaces are encouraged to be permeable, using such materials as brick, concrete pavers, "grass-crete" and other similar permeable materials, but not gravel. Vegetative buffers shall be planted to treat runoff as it percolates into the soil.

(H) *Curb cuts.* One lane curb cuts shall be ten (10) feet wide. Two-lane curb cuts shall be eighteen (18) feet wide. No more than one (1) eighteen-foot curb cut or two (2) separate ten-foot curb cuts are allowed per lot. The distance between curb cuts shall be no less than fifty (50) feet. The continuity of the sidewalk surface shall be maintained across a curb cut while the material of the driveway shall be interrupted.

506.7. Signage. Signage requirements of article VI shall be required, except as provided below:

(A) *Wall sign.* Wall signs shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and details. Internally illuminated neon signs are permitted.

(B) Free standing sign. A freestanding sign shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic).

(C) *Roof signs.* Roof signs are prohibited.

[Ord. 2000-28, 2002-12]

Section 507. Commercial Corridor Overlay District: The Commercial Corridor Overlay District (CCOD) is hereby created in recognition of the critical role that neighborhood commercial districts play in the viability of surrounding areas. Many commercial streets are currently defined by poorly maintained buildings, negligible traffic controls and pedestrian amenities, multiple vacant lots, deteriorated infrastructure, and a lack of neighborhood-oriented retail and service businesses. This overlay will ensure that existing and future development contributes to a continuous and active street that addresses the contextual, human-scale, mixed-use, pedestrian-friendly and automobile-accessible needs of the neighborhood and encourages neighborhood-oriented economic development. The CCOD would require dimensional and performance standards that exceed the minimum standards provided for in the underlying zones. The uses for the underlying M, C and R zones shall not be changed except as provided herein.

507.1 Applicability- The CCOD applies to all existing and proposed buildings within the overlay zone, which are guided by the following principles:

(A) The design of the exterior façade of all buildings, including all exterior physical improvements within the CCOD shall meet the requirements as provided in this section.

sheet rock.

506.6. Parking and Loading. Parking and loading requirements of Article VII shall be required, except as provided below:

(A) *Principal use parking.* Principal use parking lots (Use Code 64 Parking Principal Use and 64.1 Parking Lot Principal Use) are prohibited in the WSOD.

(B) *Space requirements.* Parking space requirements may be reduced by a minimum of fifty (50) percent but cannot exceed a maximum of eighty (80) percent of the spaces required by section 703.2. The paved area of a lot shall not exceed the maximum parking required herein.

(C) *Landscaping.* Along all parking lots and loading areas, a 4-foot wide landscaped edge shall be maintained where the property meets the street or sidewalk. This shall include a fence or low brick wall (less than four (4) feet high). Clearly delineated pedestrian paths into the parking lot shall be provided for lots of more than twenty (20) spaces. Parking areas shall accommodate bicycle racks. Lots with more than twenty (20) spaces shall be separated by landscaped islands eight (8) feet wide. Parking lots shall have a minimum of one (1) tree for every ten (10) required spaces. Trees are required every twenty (20) feet at rear lot lines if the rear of the property is used for parking and abuts a residential zone or use or the street. Trees shall be planted in protected pervious plots of at least sixty (60) square feet. Fencing placement, heights and materials must comply with section 506.3(D)1., fence or brick wall and landscaping placement and materials must comply with section 506.3(D)2., landscaping.

(D) *Site access.* Parking lots are not permitted in front of buildings and shall be located to the rear of buildings, wherever possible. Parking may be allowed at the side of buildings but shall not exceed forty-four (44) feet (one (1) twenty-foot parking bay and one (1) twenty-four-foot access lane) in width along the street. Parking lots that are sixty-four (64) feet in width along the front facade (two (2) twenty-foot bays of parking and one (1) twenty-four-foot central access lane) are allowed only if a building addition extends twenty (20) feet to conceal the bay of parking along the side of the building. Landscaping is required as provided in section 506.6(C).

(E) *Loading.* Loading areas shall be to the side or rear of the building. If visible from the main street, the side loading area shall be screened from view, and shall conform with section 506.6(C).

(F) *Lighting.* Lighting poles shall be located within landscaped islands for safety and aesthetic reasons. Poles shall be staggered to maintain a uniform light distribution. Light fixture height shall be less than fourteen (14) feet to minimize dark spots. Lights in landscaped areas shall be below the tree canopy to minimize dark spots. Light fixtures shall be restricted to two hundred fifty (250) watt metal halide lamps. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners). Lights shall

in locations visible from the main street sidewalks (or side streets at corners).

(N) *Trademark buildings.* Buildings housing trademark businesses of local, regional and national "chain" retailers must conform to these regulations.

(O) *Utilities and services.* On site utilities, junction boxes, HVAC, antennae, satellite dish and utility boxes shall be located underground, on the roof of buildings, or above ground at the rear of the building. They shall not be easily visible or audible to pedestrians on the sidewalk. Utility boxes, mechanical equipment and dumpsters shall not be located in the public pedestrian space. They shall be located a minimum distance of twenty (20) feet from the sidewalk and screened from view.

(P) *Awnings.* Awnings on the main street are encouraged. Awnings shall be designed to provide a convenient covered sidewalk area for pedestrians. Awnings may be utilized for signage and lighting and shall conform to section 607 for the appropriate signage and section 506.4(M) for lighting. Awnings shall not cover significant architectural features.

(Q) *Canopies.* Free standing canopies shall be scaled to passenger automobiles and not to buses or large trucks. Canopy heights shall not exceed thirteen (13) feet clear. Canopy lighting shall conform with section 506.4(M) for lighting requirements. Signs are not permitted on canopies in the WSOD.

(R) *Security window guards.* Solid surface roll down window guards are not permitted.

506.5. Storefront Design.

(A) *Existing storefronts.* Existing buildings which have been designed for retail use on the first floor shall maintain the storefront design. Renovations that exceed twenty-five (25) percent of the facade must conform to new construction requirements as provided in section 506.5(B).

(B) *New storefronts.* For any new construction, the first floor transparency shall be equal to at least seventy (70) percent of the wall area between the height of two (2) and nine (9) feet from the ground. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. Interior window treatments shall not block views into storefronts.

(C) *Upper story treatment.* The upper floors of all new buildings shall have fifteen (15) percent to forty (40) percent transparency of wall surface. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. At least fifty (50) percent shall be operable windows with a minimum vertical dimension of four and one-half (4.5) feet and a minimum horizontal dimension of two and one-half (2.5) feet. Windows in masonry buildings shall be recessed at least four (4) inches from the plane of the facade. Continuous strip windows without major vertical dimensions are not permitted. First floor and upper story windows in existing buildings shall not be filled with opaque material such as brick, metal or

quirements of this section shall commence on the subject site within eighteen (18) months of the demolition of the original building.

(B) *Building height.* Buildings shall be not less than two (2) stories in height, with the first floor having not less than ten (10) feet from floor to ceiling. A one-story building, with the first floor having not less than ten (10) feet from floor to ceiling, may be approved by the board as a special use permit.

(C) *Building walls.* No more than ten (10) consecutive linear feet of blank wall is allowed along the main street. No building shall extend along the main street for more than thirty-five (35) linear feet without an entrance.

(D) *Transition line.* A building shall have a transition line along the front facade that creates a distinction between the first and upper floors.

(E) *Roof treatment.* The building shall have a well-defined roofline that finishes as a parapet with a cornice or overhang on the front facade along the main street or along the side facade if the building is on a corner or the side facade is visible from the main street or a side street.

(F) *Main entrances.* Buildings shall have their main entrance from the main street. Corner buildings may have entries at the corner of the front and side street facades.

(G) *Residential porches.* Covered entry porches are required for new residential buildings on the main street. Entry porches shall be preserved and maintained on existing residential buildings. Porch alterations must be in keeping with the historic character of the original building.

(H) *Building materials and finishes.* The primary building materials of the front facade, side facades visible from the main street, or along a side street frontage at a street corner shall be brick, wood, pre-cast concrete or smooth stucco (conventional or synthetic). Limestone, sandstone, granite and terra cotta are also permitted. Finish treatments shall be paint, stain, unfinished brick or stone or painted stucco.

(I) *Vinyl or aluminum siding.* Vinyl or aluminum siding is not permitted.

(J) *Concrete building materials.* The use of corrugated or cinderblock concrete walls is not permitted.

(K) *Roof materials.* Building materials for sloping roofs including mansards shall be slate, wood or asphalt shingles or standing seam metal.

(L) *Lighting.* Small shielded fixtures shall be used and directed towards the building. Site lighting must be limited to the property. Light spill onto the street or adjacent properties is not permitted.

(M) *Types of building lighting.* Storefront lighting (exterior and interior) shall be incandescent or metal halide and shall remain illuminated until nine p.m. on weekdays and Saturday. High pressure and low-pressure sodium bulbs are not allowed

security purposes, shall be visually transparent wrought iron, or ornamental metal and shall include trees that are taller than the fence planted every twenty (20) feet. All chain link, barbed wire or razor wire fences are prohibited. Fences and walls shall be low or transparent to allow viewing of landscaping. Solid fences or walls over four (4) feet are prohibited.

2. *Landscaping.* A landscaped edge that is at least four (4) feet wide shall run the entire frontage of said lot. The landscaped edge shall include a low brick wall or fence as described in section 506.3(D)1, Front lot line treatment, fence or brick wall. The landscaped area shall be planted with ground cover, low shrubs or flowering plants. At least one shrub or vine shall be planted abutting the wall every ten (10) feet. Trees are required every twenty (20) feet along front property lines where there is not a building. Trees are required every twenty (20) feet along the side lot line on corner lots and rear lot lines if the rear of the property is used for parking and abuts a residential use or street. In addition, parking lots shall have one (1) tree for every ten (10) spaces. New trees shall have a minimum caliper of two (2) inches.

(E) *Corner lots.* Buildings on a corner lot must be set to the corner of the front and side lot lines, with no setback. Where there is no building at the street corner property line, fencing or low brick walls with trees and landscaping is required in conformance with section 506.3(D). Clearly designated and continuous sidewalks shall be maintained around all corners. Parking is prohibited at the corner of each lot, within a square area measuring fifty (50) feet on each side of said corner.

(F) *Drive-in establishment in the WSOD.* In an underlying C-2 zone where a drive-in establishment is permitted by special use permit, the board may approve a drive-in window buildings with a footprint of greater than eight thousand (8,000) square feet, provided that such window shall be located at the rear of the building. Notwithstanding any other provision of this ordinance, any building with a footprint of less than eight thousand (8,000) square feet shall not be granted a drive-in window. In all other underlying zones, where driven in establishments are prohibited, any variance request shall be deemed to be a use variance, where the standard for approval shall be in accordance with section 902.3(B)(1). The ingress and egress to a permitted drive-in window shall be located greater than fifty (50) feet from the side lot lines. Clearly designated, safe and continuous pedestrian sidewalks shall be maintained across curb cuts.

506.4. Building Treatment.

(A) *Demolition.* Any building that conforms to the use, dimensional and other requirements of this section shall not be demolished in whole or in part. Any building that does not meet one or more of the use or dimensional requirements of this section shall not be demolished except by special use permit by the board, which shall make findings of fact that the building is unsafe, hazardous, and unfit for habitation or use and that construction on a new building that meets all the re-

requirements of this section.

(E) Any storefront renovations, where more than twenty-five (25) percent of the facade of the store is altered, replaced, rehabilitated or restored, shall comply with storefront design requirements of this section.

(F) Any lot improvement shall be required to conform with landscaping and fencing requirements of this section.

(G) Requirements for the "main street" are more demanding than those for a side street, unless stated otherwise herein.

(H) Where the WSOD is also includes the Historic District overlay zone, pursuant to section 501, said section 501 shall take precedence over this section.

506.2. Use. Any permitted use within the underlying zoning districts are permitted in the WSOD, with the following exceptions:

(A) Residential uses in any C zone that is overlaid by the WSOD are prohibited from the first floor of a building that faces the Main Street.

(B) Uses that require enclosed buildings that are not inhabited by people and have no windows are prohibited.

506.3. Dimensional Requirements. Dimensional requirements of section 304 shall be required, except as provided below:

(A) *Minimum front yard.* Any new building in any C zone that is overlaid by the WSOD shall be built with zero setback from the front lot line along the main street. The first floor entrance may be recessed no more than four (4) feet deep and six (6) feet wide.

(B) *Frontage.* Any new building in any C zone that is overlaid by the WSOD must extend a minimum of sixty (60) percent of the lot frontage.

(C) *Residential Lot Lines.* Residential buildings are permitted to be set back between four (4) feet and six (6) feet from the front lot line to accommodate a stoop, porch, or window design and provide a front yard space. The portion of the lot that extends from the front lot line to a parallel line four (4) feet to six (6) feet back from said front lot line shall, at the minimum, comply with section 506.3(D) Front lot line treatment.

(D) *Front lot line treatment.* Wherever there is no building at the front property line, or if any part of the lot is used to accommodate parking, such area shall comply with the following:

1. Fence or brick wall. A fence or brick wall (less than four (4) feet high) shall run the entire frontage of said lot. If the side frontage on a corner lot is used for parking, a wall or fence is required. Low fences (four (4) feet or less) shall be of wrought iron, ornamental metal or painted wood pickets. Any tall fence (ranging from four (4) feet to six (6) feet), necessitated for

direction, from the corner. Corner lot access can only be reached from the secondary street, with one means of egress on the main street.

505.6. Drive-Through. Notwithstanding any other provision of this chapter, drive-through facilities are prohibited within the MSCOD. Any relief from this section shall be considered a change in use that must meet the test for a use variance as provided in section 902.3. Nothing in this section shall prohibit walk-up windows provided that such windows shall be located on the front lot line facing a street, with no curb cut or allowance of any motorized vehicular access whatsoever.

505.7. Utilities and Services. On site utilities, junction boxes, HVAC, and utility boxes, shall be located underground, on the roof of buildings, or a minimum distance of twenty (20) feet of any front lot line. The latter shall be screened from view.

505.8. Principal Use Parking. Notwithstanding any other provision of this article, the principal use of surface parking shall not be permitted in the MSCOD.

[Ord. 1999-47]

Sec. 506. West Side Overlay District: The West Side Overlay District (WSOD) is hereby created in recognition of the critical role that this neighborhood commercial district plays in the viability of the surrounding neighborhood. Neighborhood commercial districts often are congested with traffic and unsightly parking along the main streets. The street is currently defined by poorly maintained buildings, negligible traffic controls and pedestrian amenities, multiple vacant lots, deteriorated infrastructure, and a lack of neighborhood-oriented retail and service businesses. This overlay will ensure that existing and future development contributes to a continuous and active street that addresses the contextual, human-scale, mixed-use, pedestrian friendly and automobile-accessible needs of the neighborhood and encourages neighborhood-oriented economic development. The intent of this section is to overlay the West Side Overlay District on certain areas that are currently zoned C-1, C-2, C-4, R-P or D-2. It would require dimensional and performance standards that exceed the minimum standards provided for in the underlying zones. The uses for the underlying C and R-P zones shall not be changed except as provided herein.

506.1. Applicability. The WSOD applies to all existing and proposed buildings within the overlay zone, which are guided by the following principles:

(A) The design of the exterior facade of all buildings, including all exterior physical improvements within the WSOD shall meet the requirements as provided in this section.

(B) Any open space within any lot, whether occupied by a building or not, shall be subject to the requirements of this section.

(C) For any new construction, the requirements of this section shall apply to all parts of the building and lot.

(D) Any structural addition that adds more than twenty-five (25) percent increase in gross floor area shall be designed to bring a building into conformance with the

adjacent neighborhoods where people are more likely to walk for commercial services and shopping. These neighborhood commercial districts often are congested with traffic and unsightly parking along the main streets. The intent of this section is to overlay the MSCOD on certain areas that are currently zoned C-1, C-2 C-4, and R-P It would require dimensional and performance standards that exceed the minimum standards provided for in the underlying zones. The MSCOD is located in areas that are pedestrian oriented, that encourage a lively mix of street frontages that include shopping and services for people to access primarily by walking and driving to rear parking lots. The uses for the underlying C and R-P zones shall not be changed except as provided herein.

505.1. Minimum Front Yard. Notwithstanding the requirements for C zones in section 305, all buildings in the MSCOD shall be built with zero (0) setback from the front line that faces a street. Buildings fronts shall limit blank walls, where there are no windows, to not more than ten (10) lineal feet. Window openings shall be no higher than four (4) feet above grade at the property line.

505.2. Front Lot Line Treatment. The portion of the lot that extends from the front lot line to a parallel line, not less than four (4) feet back from said front lot line, which does not have a building on the front lot line shall comply with the following:

(A) *Fence, wall or hedge.* A fence, wall or hedge (less than four (4) feet high) along the front lot line shall be required. Fences and walls shall be low or transparent to allow viewing of landscaping.

(B) *Landscaped edge.* If any part of the lot is used to accommodate parking, such area shall also have a landscaped edge that is at least four (4) feet wide and shall run the entire frontage of said lot. The landscaped edge shall include a low wall or fence.

(C) *Security fence.* Any tall fence (four (4) to six (6) feet), necessitated for security purposes, shall be visually transparent wrought iron, ornamental metal or black chain link and shall include trees that are taller than the fence. Aluminum chain link, barbed wire or razor wire are prohibited. Solid fences or walls over four (4) feet tall are prohibited.

(D) Curb openings at the street shall be one (1) lane width wide (twelve (12) feet) for single lanes and eighteen (18) feet wide for double lanes, wherever possible.

505.3. Parking. Parking requirements may be reduced to not less than fifty (50) percent of spaces required by section 703.2.

505.4. Parking Lots. Parking lots shall be located to the rear of buildings, wherever possible. The paved area of a lot shall not exceed the maximum parking required by section 505.3. Site lighting shall be limited to the property, with no light spill on to adjacent properties.

505.5. Corner Lots. The corner that fronts on two (2) streets shall be defined by a building, porch, low or transparent walls, hedges, trees and landscaping. Parking at the corners of a lot that faces two streets are prohibited within an area at least twenty (20) feet in each

b. All other uses – The owner/applicant may request a waiver from the CCC for signs in accordance with this section. In filing a request for a waiver, the owner/applicant shall submit an overall signage plan that details the size, location, material and lighting of all signs on the project. The CCC may grant waivers for signs as follows:

1) Planned Development – When a parcel, as defined in the Capital Center Regulations, which consists of five or more buildings that are not divided by a public road is developed in accordance with a plan, the CCC may grant a waiver to permit signs on one building or lot in the parcel to advertise a business located in another building or on another lot in the parcel. The approved signs may be wall mounted, freestanding or projecting. In calculating maximum total sign area, the maximum allowable area for each lot shall be calculated and added together to arrive at the maximum sign are for the parcel.
2) Maximum Sign Area – permit the maximum sign area of one or more signs to be increased to a size deemed acceptable to the CCC but the total area of all signs shall not exceed the maximum total area of all signs on a building.
3) Illumination – permit a variety of illumination techniques including internal illumination as long as the sign does not read as a plastic back lit sign. Flashing, changeable letter or message, changeable color or any sign that moves are not permitted; and,
4) Material – permit a variety of contemporary sign materials which shall not be limited by Section 502.2 C). [Ord. 1999-10]

3. Landscaping: The CCC may grant a waiver to the landscaping provisions of this Ordinance. In granting a request for a waiver, the CCC must find that the proposed landscaping meets or exceeds the intent of this regulation, and that the proposed landscaping is found to better address the needs of the development proposal.

4. Parking: The CCC may, if it has not adopted a parking plan, grant a waiver to permit parking required by this Ordinance to be supplied in public or private parking garages or lots in the district. The CCC may grant a waiver to permit a reduction of up to 25% of the required number of parking spaces per parcel.

5. Setbacks: The CCC may grant a waiver to permit 20% of the building frontage to be set back from the street line or left open to form a courtyard. A waiver may also be granted for construction on a lot with a curved frontage, so that the building follows the chord or the tangent rather than the curve of the lot line. A waiver may also be granted where nonconforming setbacks exist on adjacent buildings. [Ord. 1995-8]

Sec. 505 - Main Street Commercial Overlay District: The Main Street Commercial Overlay District (MSCOD) is hereby created in recognition that certain commercial districts exist to serve

4. Incentives: The CCC is authorized to grant development incentives in the form of density bonuses, height bonuses, or transfers of development rights, in accordance with the provisions of Section 502.7 of this Ordinance.

504.2 - Capital Center Special Development District - General Regulations:

A) Plan of Development: In accordance with Section 2-364 of the City Code of Ordinances, the CCC shall adopt a Plan of Development to regulate the type of development, use, height, setback, size, design, and parking in the District. The provisions of this Ordinance shall be minimum standards for the Plan of Development. The Plan of Development may contain a parking plan that establishes a minimum number of parking spaces for each parcel in the District and permits the required parking for any use to be supplied in public or private parking garages or lots on any parcel in the District.

B) Zoning Requirements: All development in the District must confirm to the provisions of this Ordinance.

C) Waivers: The CCC may, after holding a public hearing in accordance with the provisions of Section 903, grant waivers as follows:

1. Building Height: The CCC may grant a waiver to permit a building height increase of up to 30% of the permitted height specified by zoning.

2. Signs: To permit maximum flexibility in the location and type of signs requested, the CCC may grant a waiver as follows:

a. Retail Trade – When the principal use of property is retail trade and the project contains more than 100,000 sq. ft GFA with at least a minimum of five different retail uses, the owner may request a waiver to the sign regulations of this ordinance. In requesting the waiver, the owner shall submit to the CCC an overall signage plan that details the size, location, material and lighting of signs on the project and sets signage criteria for retail frontages that would allow the change of retail uses and their signs without additional review. The CCC may grant waivers as follows:

1) Maximum Total Area of All Signs – permit a maximum total area of all signs that shall not exceed 5 square feet of sign for every lineal foot of building frontage. In calculating building frontage, each side of the building may be counted.
2) Maximum Sign Area – permit the maximum sign area of one or more signs to be increased to a size deemed acceptable to the CCC:
3) Illumination – permit a variety of illumination techniques including internal illumination as long as the sign does not read as a plastic back lit sign. Flashing, changeable letter or message, changeable color or any sign that moves are not permitted: and,
4) Material – permit a variety of contemporary sign materials which shall not be limited by Section 502.2 C).

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: 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.

Section 504 - Capital Center Special Development District: The Capital Center Special Development District created in accordance with Section 2-361 through 365 of the City Code of Ordinances and state law is established to govern in a coordinated manner the development of the Capital Center District, including implementation of special land use controls, proper urban planning, developmental tools and implementation and administration of the Plan of Development which sets forth design and development criteria, regulations and enforcement procedures. Said Plan of Development is subject to those criteria, regulations and enforcement procedures as well as the provisions of this Ordinance.

504.1 - Capital Center Commission: The Capital Center Commission (CCC), created in accordance with Section 2-364 of the City Code of Ordinances, is established to carry out the purpose of the Capital Center Special Development District. In addition to the design review process established by the CCC pursuant to state statute, all development in the District shall be reviewed to determine its conformance to the provisions of this section.

A) Powers and Duties of the CCC: In addition to those powers granted to the CCC pursuant to Title 45, Chapter 24.4 of the Rhode Island General Laws, the CCC shall have the following additional powers and duties:

1. Regulate Development in the Capital Center Special Development District: The CCC shall be authorized to regulate all improvements on public and private land in the Capital Center Special Development District, including the construction, reconstruction, alteration, repair, demolition, removal, rehabilitation of the exterior of new and existing buildings and appurtenances pursuant to the authority granted under this Section 504 and in a manner not otherwise inconsistent with the provisions of this Ordinance.

2. Waivers: Where specifically noted by this Section, and in accordance with all requirements herein, the CCC may grant waivers that carry out the purpose of the Capital Center Special Development District, are in harmony with the general purposes and intent of these regulations, and are in accordance with the requirements of this Section. Waivers may be granted to those regulations governing building height, setback, signs, landscaping and parking. In granting a waiver, the CCC may impose such conditions deemed necessary to carry out the purpose of this Section.

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

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 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 Located Outside an I Zone:

A) Change of Use: The change of a nonconforming institutional use outside of an I Zone shall be governed by Section 201.8.

B) 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:

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, 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) 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 properties on the National Register of Historic Places or designated in a local historic district, and proposed exterior changes to these properties (other than ordinary maintenance as defined in Section 501.6 herein), if known. [Ord. 1995-8]

ment 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 & 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 & 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.

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 & 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 develop-

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%

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.

1. All requests for development incentives must be reviewed at a public hearing in accordance with Section 903 of the Ordinance.

2. The DRC may consider the physical changes required to the building or site if the incentive is granted, including interior alterations that affect the exterior appearance and character of the property, and may impose any conditions necessary to mitigate the visual impact of such changes, in accordance with the design regulations of this Section. [Ord. 1995-8]

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.

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

A) Institutional Master Plan - Additional Requirements: An Institutional Master Plan for an higher educational institution located in a D-1 District may identify in narrative form and with illustrations:

1. proposed major alterations to existing buildings on A Streets, describing how such proposals will address A Street and Retail Frontage regulations;

2. proposed new construction on A or B Streets, describing the height, massing, setbacks, siting, and exterior materials.

B) Institutional Master Plan Approval: An institutional master plan which addresses the Additional Requirements identified in (A) above shall be referred to the DRC for review once the plan is determined by the staff of the Commission to be complete in accordance with Section 503.4. The DRC shall review the plan to determine if the information provided is sufficient and adequate to meet the requirements of Sections 502.2 through 502.4, inclusive. The DRC shall have forty-five (45) days, from the date of the Commission's written confirmation that the Master Plan is complete, to review the Master Plan. Failure to act within this 45 days shall be equivalent to a recommendation for approval. After 45 days, the Master Plan and DRC recommendation shall be submitted to the Commission in accordance with Section 503.4 for review of conformance with the comprehensive plan. The Commission, in approving the Master Plan and the Additional Requirements, may take into consideration the DRC recommendations and may approve in whole or may approve portions of the plan. An approved copy of the Master Plan with Additional Requirements shall be submitted to the Director.

C) Application for Building Permit: The Director shall issue no building permit for a higher educational institution in the D-1 zone until the DRC has approved the plans in accordance with this Section. However, if an approved Master Plan addresses the Additional Requirements noted in (A) above and meets other applicable requirements of this Ordinance, the Director shall issue a building permit without further review by the DRC as follows:

1. Existing Buildings: A building permit shall be issued if the Director determines that the proposed alteration is in accordance with the approved Master Plan.

2. New Construction: A building permit shall be issued for foundations and structural steel if the Director determines that the items listed in (A)(2) above are in accordance with the approved Master Plan. However, no building permit shall be issued for the remainder of the building until the DRC has approved the plans in accordance with this Section. [Ord. 1995-8]

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

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: In order to preserve the urban fabric of the Downcity District, no building shall be demolished until the DRC has granted a waiver to demolish the building. [Ord. 1995-8]

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. The DRC shall review proposed new construction using standards herein for A Streets or B Streets, as applicable. [Ord. 1995-8]

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 - Higher Educational Institutions: When a higher educational institution is located in the D-1 Zone, the Institutional Master Plan, in addition to meeting the requirements of Section 503, shall identify A Street properties and Retail Frontages designated in the Downcity District.

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

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.

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

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 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.

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. Such signs shall only identify parking locations and rates, and shall not associate the parking use with an individual business name other than the name of the parking use operator. [Ord. 1995-8]

2. The maximum area of any individual sign shall be limited as follows:

Sign type	Area Sq. Ft.	Height Feet	Setback Feet	Projection Over Public ROW - Feet
Canopy	2'/1' of building frontage			
Freestanding[1]	48 sq. ft.	18 feet	-	unrestricted
Projecting	48 sq. ft.	30 feet	0	6 [Ord. 1995-8]
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.

The DRC may grant waivers from these requirements in a D-1 zone. [Ord.1995-8]

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. The intent of this Section is to regulate some general uses more strictly in the Downcity District than may otherwise by provided by Section 303. The DRC may grant waivers only for uses as indicated in Table 502.2; other uses are governed by Section 303, with special use permits and variances to be granted by the Board. 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. [Ord. 1995-8]

TABLE 502.2

USES	A STREETS FIRST FLOOR	A STREETS UPPER FLOORS	B STREETS FIRST FLOOR	B STREETS UPPER FLOORS
1.0 Residential	N[1]	Y	N[1]	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[2]	W[3]	Y[4 & 5]	Y
64b Parking Lot	N	N.A.	Y[4 & 6]	N.A.

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.

staff to make determinations for repairs (except for replacements in kind as noted above), alterations and minor additions; staff reviews may be conducted without public notice. 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. [Ord. 1995-8]

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: The 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 and Development Incentives: Whenever an application requests a waiver to the regulations of this Section, or a development incentive in accordance with the regualtions of this Section, a public hearing shall be held in conformance with Section 903 of this Ordinance. [Ord. 1995-8]

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: A person or persons jointly or severally aggrieved by a decision of the DRC 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 (4) 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 DRC on any plan or petition submitted to it or any revisions thereof. When hearing appeals from DRC decisions, the Board shall not substitute its own judgement for that of the DRC, but must consider the issue upon the findings and record of the DRC. The Board shall not reverse a DRC decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence on 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 DRC. The filing fee and the filing procedure for an appeal of the decision of the DRC shall be the same as that for an appeal of the decision of the Director. [Ord. 1995-8]

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 or development incentive. [Ord. 1995-8]

3. Public Hearing: The DRC shall hold a public hearing on any request for a waiver or a development incentive in accordance with Article IX of this ordinance. [Ord. 1995-8]

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. No permit shall be issued until the waiver or development incentive is properly recorded in said Land Evidence Records. Failure by the applicant to file the decision within thirty (30) days after its issuance shall cause said decision automatically to become null and void. [Ord. 1995-8]

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, or;

   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. Such review shall be held during a regular meeting of the DRC open to the public, for which at least seven (7) days advance written notice has been given by first class mail to the applicant, property owner, abutting property owners, and all others requesting notice of the DRC's meetings. The DRC may authorize

DRC may impose such conditions deemed necessary to carry out the purpose of this Section. [Ord. 1995-8]

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

4. Incentives: The DRC is authorized to grant development incentives in the form of density bonuses, height bonuses, or transfers of development rights, in accordance with the provisions of this Section. [Ord. 1995-8]

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: Three (3) members shall constitute a quorum for reviewing applications for Certificates of Design Approval. Five (5) members shall constitute a quorum for reviewing requests for waivers or for development incentives. [Ord. 1995-8]

sion is empowered to adopt and / or amend its standards and guidelines for the purposes of Section 501.14 in accordance with Section 501.3 of this ordinance.

Section 501.14.4 – Application for Certificate of Appropriateness: The HDC shall require the owner to submit information that is reasonably necessary, including but not limited to plans and site plans, drawings and elevations, photographs, or other information.

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.

   a. Capital Center Special Development District: 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 comply with the regulations herein pertaining to uses, height, signs, landscaping and parking. Properties in the Capital Center Special Development District shall be governed by the rules and regulations of the Capital Center Commission which it establishes from time to time pursuant to state law as well as the provisions of Section 504 of this Ordinance. Until such time as the Capital Center Special Development District ceases to exist, properties in that district shall otherwise be exempt from the review process of the DRC established under this Section 502. [Ord. 1995-8]

2. Waivers: Where specifically authorized by this Section, and in accordance with all requirements herein, the DRC may grant waivers 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. Waivers may be granted to those regulations governing parking garage uses, signs, parking lot landscaping, interior off-street loading, new construction, and demolition. In granting a waiver, the

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 judgement for that of the HDC, but must consider the issue upon the findings and record of the HDC. The Board shall not reverse an HDC decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record. The Board shall file a written decision explaining the basis of each decision for the record, and the Board shall send a copy of the decision to the applicant and to the HDC. The filing fee and the filing procedure for an appeal of the decision of the HDC shall be the same as that for an appeal of the decision of the Director.

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

501.14 –Industrial and Commercial Buildings District: The purpose of this section is to create individual overlay districts to allow HDC review over proposals to demolish or otherwise alter the exteriors of specific historically significant buildings in the City.

501.14.1 – Criteria: Structures selected for inclusion are deemed to meet one or more of the following: *Critical Part of City's Heritage*, its value as an example of the architectural, cultural, economic, historic, social, or other aspect of the heritage of the City of Providence; *Significant Historic Event*, its location as a site of significant historic event that may or may not have taken place within or involved the use of any existing improvements; *Significant Person*, its identification with a person or persons who significantly contributed to the architectural, cultural, economic, historic, social, or other aspect of the development of the City of Providence; *Important Architecture*, its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship; *Important Architect*, its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the City of Providence, State of Rhode Island, or the United States; *Distinctive Theme as a District*, its representation of an architectural, cultural, economic, historic, social, or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art, or other objects that may or may not be contiguous; and, *Unique Visual Feature*, its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community, or the City of Providence.

Section 501.14.2 - Demolition Application Procedure – The procedure for application for demolition of included structures shall be the same as stated in Sections 501.8 through 501.12 of this Ordinance.

Section 501.14.3 – HDC Review: – Nothing herein shall require HDC review of any included building that is intended to be rehabilitated, restored, or recycled for any permitted use in accordance with the Zoning Ordinance. However, the Historic District Commis-

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.

ness, 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.

gruous 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) "Public Meeting: The HDC shall hold a public meeting on an application for a Certificate of Appropriateness. Notice of such meeting shall be given to the applicant and 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 names and addresses of all abutting property owners from the most current records of the City Tax Assessor. An application for demolition within any Historic District shall also require notice of a public hearing given at least fourteen (14) calendar days in advance in a newspaper of general circulation in the City. In accordance with RIGL 45-24-66, the cost of such notice (newspaper advertisement and postage fee) shall be borne by the applicant. The applicant will be billed by the Department of Planning and Development for such costs."

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 Appropriate-

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 incon-

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 individual structures in the City of Providence. The purpose of historic districts is to safeguard the heritage of the city by preserving designated districts and individual structures of historic or architectural value which reflect elements of Providence's cultural, social, economic, political, and architectural history; to stabilize and improve property values in such districts or designated structures; to maintain and foster civic beauty; to strengthen the economy; and to promote the use of designated districts and structures for the education, pleasure and welfare of the citizens. Historic districts are shown as overlay zones in the City's Zoning District Maps, and 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 socio-cultural entity.

501.1 - Historic District Commission - Membership: The Historic District Commission, hereinafter known as the HDC, shall be appointed in accordance with Rhode Island General Laws, Chapter 45-24.1-3, as amended. [Ord. 1995-8]

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, archaeology, 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.

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

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

C) 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 provided 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). [Ord. 2000-45]

423.2 - 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.

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 residences 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, AE, AH, AO, A99, V and VE, X, and D as identified on the Flood Insurance Rate Maps (FIRM) Community Panel Numbers 445406 0001 through 445406 0007 inclusive, dated June 6, 2000 (as amended), prepared by the Federal Emergency Management Agency shall conform to the requirements in this Section. Said FIRM shall guide the Director in determining floor elevations and other flood protective and flood preventative requirements involved in the administration and enforcement of this ordinance and the Rhode Island Building Code.

423.1 - 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.

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 – Major Land Development Project – Approval by City Plan Commission: A Major 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 Major Land Development Project may include one or more residential and/or commercial structures with appurtenant recreation buildings, common areas, open space and roadways OR an educational institution (primary through secondary schools) as defined by Use Code 21. The purpose of a Major Land Development Project is to allow for the creation of multifamily, mixed use developments OR primary through secondary schools through careful site planning.

421.1 Establishment: A Major Land Development Project 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 Major Land Development Project may be initiated by submitting a major land development plan to the Commission in accordance with the Development Review Regulations adopted by the City Plan Commission pursuant to RIGL Section 45-23-25 through 74.

421.2 Primary through Secondary Schools – Master Plan Requirement: Any educational institution (primary through secondary schools) as defined by Use Code 21 that chooses to apply to the City Plan Commission under Section 421 of this Ordinance as a Major Land Development Project, shall prepare and submit a Master Plan in accordance with Section 503.2 D) 1. Through 11 of this Ordinance.
[Ord. 1996-31]

Section 422 - Residential Professional District - Purpose: The purpose of the residential professional district is to preserve and enhance the residential integrity of certain heavily traveled 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

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, 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-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

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:

A) The home occupation is conducted entirely within a dwelling;

B) The home occupation is operated by the resident occupant(s) of the dwelling;

C) The home occupation is situated in the same dwelling as the primary residence of the occupant(s);

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

E) There shall not be more than one assistant worker who is not a resident of the dwelling;

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

G) No more than 50% of the gross floor area of the dwelling unit or 800 square feet, which ever is less, shall be used for the home occupation, including waiting areas for clients, patients, pupils or customers; and,

H) Visits by clients, patients, pupils or customers shall be limited to no more than two (2) at any given time, and such visits shall be limited to hours between 8:00 a.m. and 9:00 p.m.

Professionals who meet the above requirements may include lawyer, physician, dentist, psychologist, physical and mental health therapist, accountant, real estate or stock market broker, travel agent, insurance agent, architect, landscape architect, planner, engineer, interior designer, musician, artist, teacher, tailor/dressmaker, telemarketer and computer specialist.

Occupations not specifically listed above may be considered by the Board provided that such home occupation shall comply with items (A) through (F) above, shall not use more than 25% of the gross floor area of the dwelling unit or 400 square feet, whichever is less, and shall have no clients or visitors in connection with the occupation.

Occupations that are specifically excluded are hairdressers, barbers, manicurists, tatooists, palm readers, tarot card readers, psychics and fortunetellers. [Ord. 1995-8]

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.

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

ARTICLE VII – PARKING AND LOADING

Section 700 - Intent: No land shall be used and no structure shall be erected or used unless off-street parking spaces as required in this Ordinance are provided with either accessory use of principal use parking facilities, as applicable. Any structure or use existing prior to the effective date of this ordinance or any amendment thereto, with parking space that does not meet the requirements of this Section shall be subject to the requirements of Section 205. While it is the intent of this Section to require minimum off-street parking facilities, excessive paving of land that provides significantly more than the minimum number of spaces is discouraged.

Section 701 - Accessory Parking: Accessory parking required by this ordinance shall be located on the same or contiguous lot as the principal structure or use the parking is intended to serve. Parking required for use codes 3.0 (Cultural, Entertainment and Recreation Services) through 8.0 (Manufacturing) as listed in the Use Regulations in Article III, 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.

1.0 Residential

USE CODE	USE	PARKING SPACES
11 through 14	Family Dwellings	1.5 per dwelling unit, except for Use Code 14, when the structure is developed for elderly or handicapped individuals: 1 parking space per dwelling unit. [Ord. 1995-8]
15.00	Group Quarters	1 per 3 guest rooms plus 1 per Lodging every 500 sq.ft. of non guest room floor area
15.1 & 15.2	Rooming House	1 per individual room or suite
15.30	Nursing Home	1 per every 2 beds
15.40	Orphanage	1 per 5 employees
15.5 thru 15.6	Religious Quarters/Group Quarters	1 per 5 employees & residents
16 thru 16.2	Temporary Lodging	1 per guest room or suite
16.3 thru 16.4	Temporary Lodging	1 per 5 employee with Supervision
16.50	Tourist Home	1 per guest room of suite
17.00	Other Residential	1 per dwelling unit

2.0 Institutional and Governmental Services

USE CODE	USE	PARKING SPACES
21 thru 22	Educational Services/ Special Schools	1 per 3 employees and staff (calculated according to the largest number in attendance for any work shift during an average day), plus 1 per 8 noncommuting students who are over the driving age, plus 1 per 2 commuting students for colleges and universities (calculated according to the largest number in attendance for any work shift during an average day), plus 1 per 4 students over the driving age, in high school and other secondary educational institution, plus 1 per 10 seats for all auditoriums, skating rinks, stadiums or other buildings with provision for exhibitions or athletic events. Parking spaces provided for other purposes which are available at the time of the exhibition or athletic event may be counted towards the parking required herein.

USE CODE	USE	PARKING SPACES
23	Religious Services	1 per 5 seats
24 through 24.4	Health Care Institutions	1 per 4 patient beds, plus 1 per each staff or visiting doctor (calculated according to the largest number in attendance at any hour during an average day), plus 1 per 3 employees, including nurses (calculated according to the largest number in attendance for any work shift during an average day), plus adequate number of spaces for hospital ambulances and similar vehicles. For outpatient medical care facilities, 1 per 500 sq. ft. GFA.
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

3.0 Cultural, Entertainment and Recreation Services

USE CODE	USE	PARKING SPACES
31	Library /Museum	1 per 500 sq. ft. GFA, excluding storage and stack areas
32 & 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 500 sq. ft. GFA within enclosed buildings.
	Tennis Court (public)	0

USE CODE	USE	PARKING SPACES
	Tennis Court (private)	1 per court plus 1 per 500 sq.ft. GFA of non court space within enclosed buildings.
	Country Club	1 per 5 persons that the country club is designed to accommodate when used to the maximum capacity, or 1 per 500 sq. ft. GFA within enclosed buildings, whichever is greater.
33.2	Marina	1 per 2 slips
34	Indoor Sports	1 per 5 persons that facilities are designed to accommodate when used to the maximum capacity or 1 per 500 sq. ft. GFA within enclosed buildings, whichever is greater.
35 & 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.

4.0 General Services

USE CODE	USE	PARKING SPACES
41 thru 48	Office for Finance, Insurance and Real Estate; Personal and Business Service; Professional Service; Contract Construction Service; Warehousing and Storage	1 per 500 sq.ft. GFA
	Trade or Professional School	1 per 5 seats or people accommodated, whichever is greater.

5.0 Trade

USE CODE	USE	PARKING SPACES
51,52,54,55, 56,57 and 59	Wholesale and Retail Trade (Except Eating and Drinking)	1 per 500 sq. ft. GFA

USE CODE	USE	PARKING SPACES
51.1, 53, 53.1, 53.2, and 53.3	General Warehouse and Bulk Storage	1 per 5 employees engaged in business
56.1, 57 and 57.1	Eating and Drinking	1 per 4 Seats or people accommodated, whichever is greater
57.20	Drive In Establishment	1 per 6 Seats

6.0 Transportation, Communication and Utilities

USE CODE	USE	PARKING SPACES
61 through 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 Transportation	1 per 5 employees plus 1 per 200 sq.ft. GFA within enclosed buildings.
64	Automobile Parking	N/A
65 & 66	Communications, Utilities, Power Plant and Waste Facility	1 per 5 employees
66.1	Landfill	0
68	Outdoor Advertising	N/A

7.0 - 8.0 Manufacturing

USE CODE	USE	PARKING SPACES
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 portion 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	8.5 ft.	7.5 ft.
Minimum length	18 ft.	15 ft.
Minimum Aisle Width:		
90 degree angle	22 feet	
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 guards where needed. In R Zones the requirements of Section 704 shall also be met.

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

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

A) W-2 Zones: Parking areas in the W-2 Zone shall provide one shade tree for every forty (40) feet of 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 totaling 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:

1. See Section 502 for landscaping requirements in D Zones.

2. D-2 Zones - Parking areas shall provide one shade tree for every forty (40) feet of frontage. A landscape strip of at least thrre (3) feet in width shall be provided between parking lots and any adjacent public street, walk or right of way. A landscape strip of at least thrre (3) feet wide shall also be provided between a parking lot and any contiguous prtoperty; the strip shall contain one shade tree for every 50 feet of interior lot line. A hedge of comnpact evergreens or other suitable plantings may be substituted for the planted strip. [Ord. 1995-8]

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 non-contiguous 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 non-contiguous 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 requirements. 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 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 902 of this ordinance, the following [Ord. 1995-8]:

707.1 - Modification of Requirements: Any requirements in this Article with the exception of Section 707.2 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. [Ord. 1995-8]

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 exists from such off-street loading berths.

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

2.0 Institutional and Governmental

USE CODE	USE	LOADING SPACES
21, 22, 24, & 25	Educational Services, Special Schools,and Health Services	1 loading space for 25,000 sq. ft. to 50,000 sq. ft. of GFA and 1 additional space for every 100,000 sq. ft. of floor area or fraction thereof in excess of 50,000 sq.ft.

3.0 through 8.0 Cultural, etc. - Manufacturing

USE CODE	USE	LOADING SPACES
31-89	Cultural, Entertainment & Recreation Services; General Services; Trade; Transportation, Communication & Utilities	1 loading space for 10,000 sq. ft. to 50,000 sq. ft. of GFA and 1 additional space for every 50,000 sq. ft. GFA or fraction thereof in excess of 50,000 sq. ft. [Ord. 1995-8]

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.

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

Section 801 - Duties of the Director: It shall be the duty of the Director to interpret and enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State and in the Charter and Ordinances of the City. The 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.

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 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 significantly 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: An application to the Board for an appeal, variance, 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 a 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 the 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 the 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 that 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 Use 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 the Level of Service once the project is operational. If the study determines that the proposed development will lower the Level of Service, the applicant must develop an improvement plan that will maintain or improve the Level of Service. The applicant will be required to make the proposed improvements and to pay for these improvements.

905.3 - Health Care and Higher Educational 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 Board 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

[Note: all definitions from 1000.18 to 1000.153 were renumbered in the course of amending this ordinance (Ordinance 1995-8, May 28, 1995). Language changes are annotated herein with the reference "Ord. 1995-8".]

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 - Abutter: 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 of 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 the showing of the covered male genitals in a discernibly 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 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 - Automotive Repair Shop: A building or portion of a building, in which major repairs (such as replacement of engines, replacement of transmissions, body work and glass work) are made to vehicles. [Ord. 1995-8]

1000.19 - Automotive Service Station: A building or portion of a building, in which minor 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. [Ord. 1995-8]

1000.20 - B Streets: Any lot in the Downcity District (DD) Overlay Zone not designated as an A Street lot on the Overlay Zoning Maps. [Ord. 1995-8]

1000.21 - Banner (also Flag, Pennant): A strip of soft natural or synthetic fabric placed on or attached to any building, structure or site by means of brackets, flagpoles, wires or the like. Banners, pennants and flags bearing lettering, emblems, figures, logos or graphics intended as advertisement, announcement, direction or communication shall be considered signs and regulated in accordance with Article VI, excepting only the flags of any local, state or national government. [Ord. 1995-8]

1000.22 - 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.

1000.23 - Bed and Breakfast: A house or portion thereof where temporary lodging, with or without meals, is provided. The operator shall live on the premises.

1000.24 - Billboard: A sign advertising products, goods, services, facilities, events or attractions not made, sold, used, served or available on the lot 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. [Ord. 1995-8]

1000.25 - 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.

1000.26 - Board: The Zoning Board of Review of the City of Providence.

1000.27 - 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.

1000.28 - 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.

1000.29 - 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.

1000.30 - 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.

1000.31 - Building, Detached: A building having no party wall in common with another building.

1000.32 - 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.

1000.33 - Building Frontage: The width of a building abutting or parallel to the street line.

1000.34 - Building Height: The vertical distance measured from grade to the top of the highest point of the roof structure. [Ord. 1995-8]

1000.35 - Building, Principal: The primary building on a lot or a building that houses a principal use.

1000.36 - Building, Semi-Detached: A building having one party wall common with an adjoining building.

1000.37 - 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.

1000.38 - 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.

1000.39 - City: The City of Providence.

1000.40 - 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.

1000.41 - Commission: The City Plan Commission of the City of Providence.

1000.42 - 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.

1000.43 - 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.

1000.44 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 and 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.

1000.45 - 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.]

1000.46 - 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.

1000.47 - 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.

1000.48 - Council: The City Council of the City of Providence.

1000.49 - Day Care - Day Care Center: Any other day care center which is not a family day care home.

1000.50 - 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.

1000.51 - Days: Calendar days.

1000.52 - Demolition: An act or process that destroys a structure or its appurtenances in part or in whole.

1000.53 - Density, Residential: The number of dwelling units per unit of land.

1000.54 - 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.

1000.55 - 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.

1000.56 - Director: The Director of the Department of Inspection and Standards of the City of Providence.

1000.57 - District: See "zoning use district."

1000.58 - 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.

1000.59 - 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.

1000.60 - 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.

1000.61 - Dwelling, Multi-Family: A building or portion thereof used for occupancy by four (4) or more families living independently of each other.

1000.62 - Dwelling, One-Family: A building used exclusively for one dwelling unit.

1000.63 - Dwelling, Row: A building having a party wall on each side in common with an adjoining building.

1000.64 - Dwelling, Three-Family: A building used exclusively for occupancy by three (3) families living independently of each other.

1000.65 - Dwelling, Two-Family: A building used exclusively for occupancy by two (2) families living independently of each other.

1000.66 - 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.

1000.67 - 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.

1000.68 - Facade: The vertical surface of a building abutting or parallel to a street line.

1000.69 - Family: A person or persons related by blood, marriage, or other legal means. See also "Household."

1000.70 - First Floor: The sidewalk level floor within a building.

1000.71 - 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.

1000.72 - 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.].

1000.73 - 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.

1000.74 - 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.

1000.75 - 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.

1000.76 - 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.

1000.77 - Group Quarter: A dwelling unit in which individuals requiring supervision are provided living, sleeping, cooking, eating and sanitation facilities. [Ord. 1995-8]

1000.78 - HDC: The Historic District Commission of the City of Providence.

1000.79 - 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.

1000.80 - 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.

1000.81 - Higher Educational Institution: Post secondary institution of 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.

1000.82 - Home Occupation: Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

1000.83 - 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.

1000.84 - 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.

1000.85 - 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.

1000.86 - Incentive Zoning: The process whereby additional development capacity is granted in exchange for the developer's provision of a public benefit or amenity as specified in this ordinance.

1000.87 - Infrastructure: Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

1000.88 - Job Shop: An establishment for the assembly of jewelry and related parts, excluding the manufacture, plating, painting or other processing of such parts.

1000.89 - 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.

1000.90 - 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.

1000.91 - 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.

1000.92 - Lodging: The provision of a rooming unit or units for compensation.

1000.93 – Live-Work Space: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. [Ord. 2001-24]

1000.94 - Loft, Commercial Artist: A dwelling unit established in an existing non-residential building 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 and 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 performances whether for live audiences, taped or filmed.

1000.95 - 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.

1000.96 - Lot Area: The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.

1000.97 - 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.

1000.98 - Lot Building Coverage: That portion of the lot that is or may be covered by buildings and accessory buildings.

1000.99 - 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.

1000.100 - Lot Frontage: That portion of a lot abutting a street. Noncontiguous frontage shall not be added to meet the minimum frontage requirements.

1000.101 - 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 and 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 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 lot line as defined above.

1000.102 - 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.

1000.103 - 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.

1000.104 - 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.

1000.105 - 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.

1000.106 - Mixed Use: A mixture of land uses within a single development, building, or tract.

1000.107 - 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.

1000.108 - 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.

1000.109 - 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.

1000.110 - 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.

1000.111 - Performance Standards: A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

1000.112 - Permitted Use: A use by right which is specifically authorized in a particular zoning district.

1000.113 - Religious Housing: Residence for the clergy of a religious organization; also a convent (religious community of nuns) or monastery (religious community of monks). [Ord. 1995-8]

1000.114 - Removal: A relocation of a structure on its site or to another site.

1000.115 - Recess Line: A horizontal line the full width of a Facade above which the plane of the Facade is setback a minimum distance from the plane below.

1000.116 - Repair: A change meant to remedy damage or deterioration of a structure or its appurtenances.

1000.117 - Residential Mixed Use: Any residential occupancy in combination with a permitted commercial use.

1000.118 - Retail Frontage: Building frontages designated retail on the Overlay Zoning Maps for the Downcity District which are subject to additional code provisions at sidewalk level.

1000.119 - 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 a continuous horizontal projection from the plane of the building facade below it.

1000.120 - Rooming Houses: A building where lodging is supplied.

1000.121 - 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.

1000.122 - Setback: A distance between the street line and a portion of a facade parallel to the street line.

1000.123 - 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.

1000.124 - 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.

1000.125 - Site Plan: The development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

1000.126 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.

1000.127 - 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.

1000.128 - 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.

1000.129 - Street Line: The line dividing a lot from any street, except a limited or controlled access highway to which the lot has no access.

1000.130 - Streetwall: A wall set on a Frontage Line, in the absence of a Facade.

1000.131 - 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.

1000.132 - 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).

1000.133 - Temporary Lodging: Lodging typically leased for less than one month increments, as in hotel and motel.

1000.134 - Tourist Home: An establishment in an owner occupied single family dwelling that supplies temporary lodging.

1000.135 - 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.

1000.136 Transition Line: A horizontal line the full width of a Facade expressed by a change of material or by a continuous Setback no less than 1 foot, or by a continuous projection no less than 1 foot and no more than 3 feet.

1000.137 - 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.

1000.138 - 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%.

1000.139 - Use, Actual: The activity or function that actually takes place or is intended to take place on a lot.

1000.140 - 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.

1000.141 - 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.

1000.142 - 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.

1000.143 - 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.

1000.144 - 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.

1000.145 - 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.

1000.146 - 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.

1000.147 - 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.

1000.148 - 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.

1000.149 - 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.

1000.150 - 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.

1000.151 - 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.

1000.152 - 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.

1000.153 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.

1000.154 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 on 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 a zoning ordinance or zoning map, the Commission shall:

1. Include a statement on the general consistency of the proposal with the Comprehensive Plan, including the goals and policies statement, the implementation program, and all other applicable elements of the Comprehensive Plan; and

2. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in Section 100 of this Ordinance.

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

Section 1102 - Adoption -- Notice and hearing requirements:

A) No Zoning Ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Council. The Council shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the City at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration, and, where applicable, to the parties specified in subsections (B), (C), (D), and (E) of this section, at least two (2) weeks prior to the hearing. The

newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

1. Specify the place of the hearing and the date and time of its commencement;

2. Indicate that adoption, amendment, or repeal of this Ordinance is under consideration;

3. Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize and describe the matter under consideration;

4. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and

5. State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

B) Where a proposed general amendment to this Ordinance includes changes in the existing zoning map, public notice shall be given as required by subsection (A) of this section.

C) Where a proposed amendment to this Ordinance includes a specific change in a zoning district map, but does not affect districts generally, public notice shall be given as required by subsection (A) of this section, with the additional requirements that:

1. Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city boundaries where appropriate; and

2. Written notice of the date, time, and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located in or within not less than two hundred feet (200') of the perimeter of the area proposed for change, whether within the City or within an adjacent city. The notice shall be sent by registered or certified mail to the last known address of the owners, as shown on the current real estate tax assessment records of the City.

D) Notice of a public hearing shall be sent by first class mail to the city council of any city to which one or more of the following pertain:

1. Which is located in or within not less than two hundred feet (200') of the boundary of the area proposed for change; or

2. 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 zoning change, regardless of municipal boundaries.

E) Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suit-

able for use as a public water source and that is within two thousand feet (2,000') of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water department or agency, special water district, or private water company has filed with the Director a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand feet (2,000') thereof.

F) No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless the defect is found to be intentional or misleading.

G) In granting a zoning ordinance amendment, the Council may limit the change to one of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions, and restrictions, including, without limitation:

1. requiring the petitioner to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use which are the subject of the zoning change;

2. those relating to the effectiveness or continued effectiveness of the zoning change; and/or

3. those relating to the use of the land; as it deems necessary.

The City Clerk and the Department of Planning and Development shall cause the limitations and conditions so imposed to be clearly noted on the zoning map and recorded in the land evidence records, provided, however, in the case of a conditional zone change, the limitations, restrictions, and conditions shall not be noted on the zoning map until the zone change has become effective. If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two (2) years or more after the zone change becomes effective, the Council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before the petition was filed. If any limitation, condition, or restriction in this Ordinance is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

Section 1103 - Filing Fees: A petition for an amendment to the zoning ordinance, including the zoning map, shall not be accepted by the City Clerk unless accompanied by a filing fee as set by the Council, which shall be deposited with the City Clerk, no part of which shall be returnable to the petitioner.

Section 1104 - Limitations Upon Successive Petitions: No petition for an amendment to the Zoning Ordinance including the Zoning Map, shall be accepted by the City Clerk if a petition praying for the same amendment has been denied or the petitioner granted leave to withdraw within the preceding twelve months, provided, that such a petition or application may be accepted at any time with the consent of the Committee on Ordinances if it shall include an affidavit which, in the opinion of said Committee on Ordinances sets forth facts indicating a substantial change of circumstances justifying a hearing on said petition.

Section 1105 - Maintenance of Zoning Ordinance and Zoning Map: The City Clerk shall be the custodian of this 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 or overlay zoning districts shall be depicted on the Official Zoning Map within thirty

(30) working days after their adoption by the Council. The changes to the Official Zoning Map shall be made by the Department of Planning and Development and shall be made available to the City Clerk's office and the Department of Inspection and Standards.

Section 1106 - 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 on 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 for 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 the 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
multifamily (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 household 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
Residence for clergy of a religious organization; also a religious community of nuns (convent) or monks (monastery) [Ord. 1995-8]

15.6 Community Residence
See Definitions

15.7 Group Quarters, With No Medical or Substance Abuse Treatment, More than 8 Residents (Transitional Living)
not a halfway house (not permittd in R zones) [Ord. 1995-8]

15.8 Group Quarters, With Medical or Substance Abuse Treatment, Maximum 15 Residents (Transitional Living)
not a halfway house [Ord. 1995-8]

15.9 Halfway House
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 [Ord. 1995-8]

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 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 7,500 lb. per hour

24.3 Health Care Institution - Parking Use
parking garage and parking lot

24.4 Drug or Alcohol Rehabilitation
non-residential facility not owned by or operated in conjunction with a hospital [Ord. 1995-8]

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 or similar uses

33.5 Outdoor Skating Rink, Owned by the City of Providence Board of Park Commissioners
Outdoor Skating Rink, Owned by the City of Providence Board of Park Commissioners (but may be privately operated);'with accessory structures for sale/rental of skating related equipment, changing and shower facilities, function room for skating events, and including restaurant for sale of food and beverages in support of skating events. Any restaurant shall be incidental to and subordinate to the permitted Outdoor Skating Rink and shall not be permitted in the absence of such skating rink. [Ord. 1997-76]

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 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 and gas retail, 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 [Ord. 1995-8]

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 maintenance; drugs, chemicals and allied products; electrical and electronic goods and hardware, plumbing, heating equipment, and supplies (retail also permitted); farm products; groceries and related items; machinery equipment and supplies; motor vehicles and automotive equipment; nonflammable medical or industrial gases.

53 Bulk Storage of Petroleum Products More than 10,000 Gallons

heating oil and diesel oil not including kerosene, gasoline and similar products

53.1 Retail Sales of Petroleum Products

methane, propane and kerosene not more than 1,000 gallons storage

53.2 Wholesale Storage of Petroleum Products of 10,000 Gallons or Less

propane, methane, kerosene, heating oil, diesel oil and gasoline

53.3 Bulk Storage of 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 Establishments, 2,500 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 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; dinner 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 of 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 baling 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 miscellaneous notions, jewelers'

findings and materials, jewelry, silverware and plated ware

84.1 Manual Assembly of Jewelry, job shops

Manual and machine assisted assembly of jewelry parts; including linking, cutting, looping, but NOT INCLUDING any casting, plating, spot-electric welding (on a Linkomatic type machine) of jewelry parts, open flame soldering or arc welding of such parts. Job shops also include carding, wrapping and packaging of jewelry parts for shipping purposes and may include storage for such parts used in assembly of parts but shall not include bulk storage on any material. [Ord. 1997-39]

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.

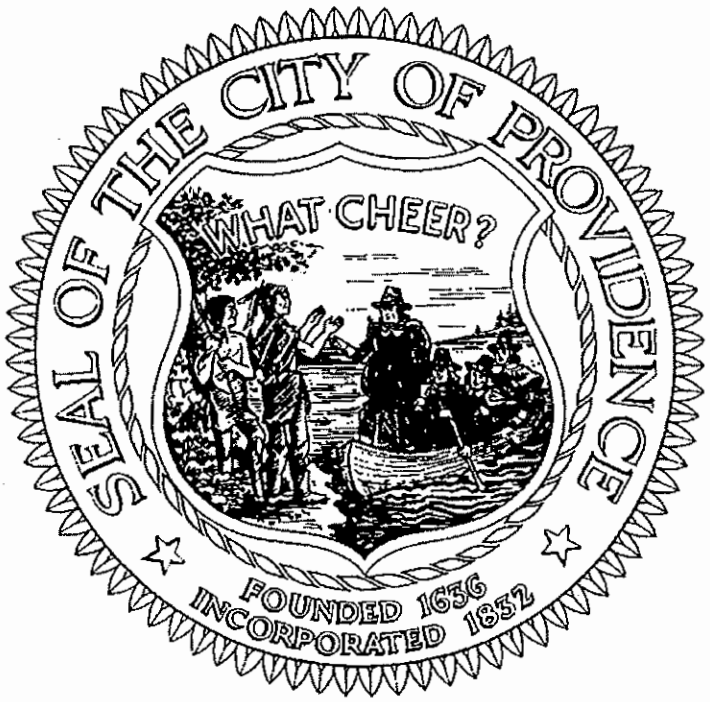
86 Nuclear Industries

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 an institutional use)

EXHIBIT G

City of Providence

Zoning Ordinance



Chapter 1994-24 No. 365
Effective June 27, 1994

Contains amendments up to and including Ordinance 2002-12, approved April 11, 2002

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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 this 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 - MultiFamily Dwelling District - This zone is intended for high density residential areas comprised of structures containing single family, two family, 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 traveled 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. See Downcity District overlay zone for additional regulations. [Ord. 1995-8.]

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; and to support live-work spaces only in those existing underutilized industrial and/or commercial structures that are included in Article V, Section 501, "Industrial and Commercial Individual Structure District."

M-2 Heavy Industrial District - This zone is intended to provide 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 supersede 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 relates to the pedestrian; retail 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. This overlay zones boundary shall be the same as the D-1 District boundary as described in Section 101.3, generally encompassing the area bounded by Smith Street, North Main Street, South Water Street, Ship Street, Bassett Street, and Interstate 95. The D-1 zone north of Smith Street (bounded by Smith Street, Interstate 95, Orms Street, Charles Street and Mill Street) shall not be included in the DD Downcity District. [Ord. 1995-8.]

MSCOD Main Street Commercial Overlay District – This overlay zone is intended to be superimposed on existing C-1, C-2, C-4 and R-P districts and will require additional dimensional requirements and performance standards. The overlay zone will establish zero lot line setbacks from a property line that abuts a street, special frontage requirement, and other requirements as provided in Section 505. [Ord. 1999-47]

Commercial Corridor Overlay Districts (CCOD) – This overlay zone is superimposed on existing zoning districts on commercial corridor throughout Providence. The overlay zone requires additional dimensional requirements and performance standards as provided in Section 507. In some instances, the CCOD covers blocks that border the commercial area, in order to comprehensively protect the integrity of the block, and reduce the impacts of development on adjacent residential neighborhoods. [Ord. 2001-14]

WSOD West Side Overlay District – This overlay zone is intended to be superimposed on existing C-1, C-2, C-4, R-P and D-2, districts on Westminster Street between Route I-95 and Route 10. The overlay zone requires additional dimensional requirements and performance standards as provided in Section 506. In some instances, the WSOD covers blocks from Westminster Street to parallel streets such as Washington and Carpenter Streets, in order to comprehensively protect the integrity of the block, and reduce the impacts of development on adjacent residential neighborhoods. [Ord. 2000-28, 2002-12]

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 by 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, 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 Laws (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 or any dimensional variation which exists by virtue of a special use permit (including former 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 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 are 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 to 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 the 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 the 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 24, 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) All zones other than D zones: 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.

B) D Zones: 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. [Ord. 1995-8]

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 an "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 Sections 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	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	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	N	Y	N	N
14	Multifamily Dwelling	N	N	N	Y	Y	Y	Y	Y	Y[5]	Y	Y	Y	N	Y[6,7]	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	Y[6,7]	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	Y[7,8]	S	N	N	Y	S	N	N
14.3	Apartment Dormitory	N	N	N	N	N	N	N	N	Y	Y	N	N	N	N	N	N	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[1]	Y	N	S[1]	N	N	Y[1]	Y[1]	N	N	N
15.1	Lodging, 10 Rooming Units or less	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S[1]	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[1]	N	N	N	Y	N	N	N
15.3	Nursing Home and Congregate Care Facility	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	S[1]	N	S	N	Y	N	N	N
15.4	Orphanage	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	S[1]	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[1]	N	Y	Y	Y	Y	N	N
15.6	Community Residence	Y[4]	Y[4]	Y[4]	Y[4]	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y[4]	Y[4]	Y[4]	Y[4]	N[4]	N[4]
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[1]	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
15.8	Group Quarters, With Medical Treatment	N	N	N	N	N	S	Y	Y	Y	Y	N	S[2]	N	S[1]	N	N	N	N	N	N	N
15.9	Group Quarters/Halfway House	N	N	N	N	N	N	N	N	N	N	N	N	N	N	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[1]	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[1]	N	N	N	N	N	N	N
16.4	Temporary Lodging with Supervision, more than 15 Residents	N	N	N	N	Y	S	S	Y	Y	Y	S[2]	Y	N	S[1]	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[1]	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 two hundred (200) feet of abutting residential zones. Not permitted over two hundred (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, eight (8) residents or less that are not a community residence, as defined herein, are not permitted.
5. See section 502.2 for additional restrictions.
6. Must have a minimum of 5,000 square feet gross floor area required for new construction.

7. The owner(s) of a building seeking a conditional use for artist's studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable to the director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the owner(s)' successors, heirs, and assigns, including any lessees of the artist's studio/dwellings.
8. Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity.

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[1]	S[1]	S[1]	S[1]	S[1]	Y	Y	Y	Y	Y	Y	Y	N	Y	S[1]	Y	Y	Y	S[1]	Y	N
21.1	Higher Educational Institution (Grades 13 and up) - Classroom, Office and Assembly Use[7]	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N[2]	Y[2]	Y[2]	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	Y	N	Y	N	N	N	Y	N	Y[2]	N	N	N	N	N
24.1	Health Care Institution - Maintenance Use	N	N	N	N	N	N	N	Y	N	Y	N	N	N	Y	N	Y[2]	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	Y	N	Y	N	N	N	Y	N	Y[2]	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

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[4]	Y[4]	Y[4]	Y[4]	Y[4]	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y[4]	N	N
26.1	Day Care Center, 7 to 12 people	S[4]	S[4]	S[4]	S[4]	S[4]	Y	Y	Y	Y	Y	Y	Y	N	S	N	Y	Y	Y	S[4]	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[5]	Y	N	Y	N	Y	Y[6]	Y[6]	Y[6]	S[4]	N
28	Cemetery	Y	Y	Y	Y	Y	Y	Y	Y	N	N	S[5]	S[5]	N	Y	Y	Y	N	N	N	Y	Y

FOOTNOTES:

1. Any institution, as defined in Use Code 21, at its own option, may apply for a Special Use Permit to the Zoning Board of Review, in accordance with Section 902.4 of this ordinance or it may apply to the city plan commission under Section 421 of this ordinance and be considered a major land development project. Procedures for the approval of major land development projects are contained in the development review regulations adopted by the city plan commission pursuant to R.I.G.L. Section 45-23-25 through 74.
2. Permitted only for institutions in an institutional zone in accordance with section 503.
3. See section 905.2 for Special Use Permit criteria for Waterfront Zones.
4. Provided that no more than fifty (50) percent 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.
5. Only for service organizations that are owned by a government agency.
6. When located on property owned by the institution.
7. See section 503.5(c).

3.0 CULTURAL, ENTERTAINMENT AND 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[1]	S[1]	S[1]	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[1]	Y	S	N	N	N	N	N	N
33	Outdoor Recreation Facility	N	N	N	N	N	S	S	Y	N	N	S[1]	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	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	N	S	Y	N	N	N	S[1]	N	Y	S	N	N	N	N	N	N
34	Indoor Sports Facility	N	N	N	N	N	N	S	S	Y	Y	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[2]	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 shall be located more than five hundred (500) feet from any residential (Use Codes 11 through 17), religious service (Use Code 23), educational institution (Use Codes 21 and 21.1), park, recreation or open space (Use Code 33 through 36), and Library (Use Code 31) uses. In addition, any new adult entertainment uses shall be located not less than two thousand (2,000) feet from an existing adult entertainment use. A variance from these requirements shall be considered a use variance.

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[2]	Y	Y	N	N	N	S	N	N
42	Personal Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y[2]	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[2]	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[2]	Y	Y	N	N	N	S	N	N
45	Repair Service[5]	N	N	N	N	N	N	N	Y[3]	N	S[3,4]	N	Y[3]	Y[2,3]	Y[3]	Y[3]	N	N	N	N	N	N
46	Professional Service	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y[2]	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[2]	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[2]	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[1]	Y[2]	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 two hundred (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[1]	N	Y	Y[2]	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[2]	Y	Y	N	N	N	N	N	N
52	Wholesale Trade and Outdoor Storage	N	N	N	N	N	N	N	S	N	Y	N	Y	Y[2]	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[2]	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[2]	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[2]	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	S	Y	Y[2]	Y	Y	N	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[2]	Y	Y	N	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[2]	Y	Y	N	N	Y	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
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[2]	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	S	Y	Y	Y	N	S	N	Y	N	N	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[2]	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[1]	Y	Y	N	N	N	N	N	Y[8]
61.1	Motor Vehicle Rental Office	N	N	N	N	N	N	N	Y	Y	Y	N	Y	Y[1]	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[1]	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[1]	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[1]	Y	Y	N	N	N	N	N	N
62	Freight Terminal	N	N	N	N	N	N	N	N	N	N	N	Y	Y[1]	Y	Y	N	N	N	N	N	N
63	Aircraft Transportation Including Maintenance	N	N	N	N	N	N	N	N	S[5]	S[5]	N	S[2]	S[2]	S	S	N	N	N	N	N	N
64	Parking, Principal Use	N	N	N	N	N	S	Y	Y	Y[5]	Y[5]	S[2]	Y	Y[1]	Y	Y	Y[5]	Y[5]	Y[5]	N	N	N
64.1	Parking Lot, Principal Use	N	N	S[4]	S[4]	S[4]	Y	Y	Y	Y[5]	Y[5]	Y	Y	Y[1]	Y	Y	Y[5]	Y[5]	Y[5]	S[4]	N	N
65	Communication and Utilities	S	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y[1]	Y	Y	Y	Y	Y	S	S	S
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
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[4]	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

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
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. The majority of communications and utility construction and equipment must be located below ground and have no negative impact on the use of the open space.
8. Limited solely to "bus passenger terminal," and to be operated by a public transit authority to serve as a hub or central facility for a statewide bus transportation system. The Transportation Center may include accessory uses, such as news-stand, cafe, convenience store, or ATM machines.

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

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
70.3	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[2]	N	N	N	N	N	N	N	N
71	Textile Mill Products and Apparel Manufacturing	N	N	N	N	N	N	N	N	N	N	N	S[3]	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	S[3]	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
73	Paper and Allied Products, Printing and Publishing	N	N	N	N	N	N	N	N	N	N	N	S[3]	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[3]	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

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
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
76	Rubber and Miscellaneous Plastic Products Manufacturing	N	N	N	N	N	N	N	N	N	N	N	S[3]	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[3]	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[2]	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[2]	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

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
79	Fabricated Metal	N	N	N	N	N	N	N	N	N	N	N	S[3]	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
80	Machinery/Machine Parts Manufacturing	N	N	N	N	N	N	N	N	N	N	N	S[3]	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	Y	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	S[3]	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	S[3]	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	S[3]	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[1]	Y	N	S[3]	N	Y	Y	N	N	N	N	N	N
85	Arts and Crafts Manufacturing	N	N	N	N	N	S[4]	Y[4]	Y[4]	Y[4]	Y[4]	S[4]	S[3]	N	Y[4]	Y[4]	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.

[Ord. 93-16, 94-24, 95-8, 96-31, 96-39, 99-30, 99-48, 01-24]

Section 304 – Dimensional Regulations – Residential Districts:

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

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 each, and one dwelling unit may be erected on each lot. If a lot contains more than 12,000

square feet and if after division into as many 6,000 square feet lots as possible, there remains a lot of 5,000 square feet or more, one dwelling unit may be erected on such remaining lot provided the same has a width of 50 feet.

4. A rear yard may be reduced to not less than twenty percent (20%) of the lot depth, provided the front yard is extended so that the combined total of the front and rear yards is not less than forty percent (40%) of the lot depth.
5. Minimum of one Side Yard may be reduced to 4 feet if lot width is 45 feet or less.
6. Lot coverage on a corner lot may be increased an additional 5% of the lot area.
7. In ground an 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[1] 6 stories	90 feet[1] 7 stories	35 feet[2] 2 stories
Minimum Lot Area	None[3]	None[3]	None	N/A
Minimum Lot Area Per Dwelling Unit	1,200 sq. ft.	1,200 sq. ft.	N/A	N/A
Minimum Lot Area Per Rooming Unit	400 sq. ft.	None	N/A	N/A
Minimum Front Yard	12' from face of curb[3,4]	0[3,4,5]	0 feet	12' from face of curb[4,5]
Minimum Side Yard	0 feet[3,7,9]	0 feet[3,7,9]	0 feet[7]	0 feet[6]
Minimum Rear Yard	0 feet[3,8,9]	0 feet[3,8,9]	0 feet[8]	0 feet[6]
Maximum Lot Coverage	None[3]	None[3]	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 Institution 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 a 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 for 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 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-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 a 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 of 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) from an interior lot line.

Section 306 – Dimensional Regulations – Downtown Districts:

	D-1 and I-3	D-2
Maximum Height	Varies with Subzone[1, 5]	90 ft/ 7 stories
Minimum Lot Area Per Dwelling Unit	250 sq. ft.	250 sq. ft.
Minimum Lot Area Per Rooming Unit	None[5]	None
Minimum Front Yard	0 ft.[2]	0 ft.[2,4]
Minimum Side Yard[3]	0 ft.	0 ft.
Minimum Rear Yard[3]	0 ft.	0 ft.

306.1 – Footnotes for Dimensional Regulations – Downtown Districts:

1. Maximum Height in the D-1 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 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.
5. Except if a Bonus has been granted in accordance with Section 502.7 [Ord. 1995-8]

Section 307 – Dimensional Regulations – Waterfront Districts:

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

307.1 – 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 a 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 a 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 it 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, brake and muffler repair or replacement, 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. [Ord. 1995-8.]

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 repair shops, 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.

Section 412 - Roof Structures:

412.1- Roof Structures Permitted Above Maximum Height:

A) The following roof structures are permitted above the maximum height as specified in this ordinance, provided that the total area of all such appurtenances is not more than one-third of the total roof area of the building: structures for the housing of elevators and elevator shafts; stairways; fire or parapet walls; skylights; towers; steeples; 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. [Ord. 1995-8]

412.2 - Structures Exempt From Height Restrictions: Smokestacks and flag poles, whether or not they are attached to the main structure, are permitted above the maximum height requirement for the zone in which they are located. [Ord. 1995-8]

412.3 - Roof Structure Setbacks and Screening: It is intended that permitted roof structures shall not be visible from street level, as provided below:

A) For all buildings three (3) stories or more in height, all roof structures shall be set back from the edge of the roof a minimum distance of one (1) foot for every two (2) feet by which the structures extend above the roof.

B) For all buildings less than three (3) stories in height and for any building where roof structures cannot meet the setback requirement of 412.3(A), there shall either be a parapet wall to screen the roof structure, or the roof structure shall be housed in solid building material which shall be architecturally integrated with the building and which shall be counted as one story. [Ord. 1995-8]

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 the 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

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	4/1'of building frontage	-	-	unrestricted
Freestanding[1]	144	75	0	0
Projecting	96	75	-	6
Roof	192	12 above roof	0	0
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 902, may grant the following 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%.

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[1]	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:

A) D-1 Zones: See Section 502.2C for sign regulations for D-1 Zones.

B) D-2 Zones: 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. Permitted sign types are indicated below. [Ord. 1995-8]

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

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

607.6 - 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:

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[1]	4	4	5	0
Projecting	2	10	-	1
Roof	Not Permitted			
Wall	4	-	-	1.25
Window	2	-	-	-

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

607.2 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[1]	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 or internally, except that internally illuminated signs are not permitted in HD overlay zones. [Ord. 1995-8] The maximum area of any individual sign shall be limited as follows:

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	1.5/1'of building frontage	-	-	6
Freestanding[1]	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.

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 other than R, OS, PS, RP, I-1 and I-2 Zones, the maximum permitted area for signs on a building shall be based on the building frontage as provided in Sections 607.3, 607.4 and 607.5. The following additional requirements shall apply:

A) Buildings with more than one tenant or owner - Each tenant's or owner'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.

B) Buildings on lots that front two or more streets - The total sign area shall be calculated by the building frontage of only one (1) street, said street to be selected by the owner or tenant. Once a sign has been approved by the Director, the owner or tenant may change the frontage calculation only upon written notice to the Director and agrees to remove any nonconforming signs that may exist at the time of the request.

C) Any drive-in business that has a booth for employees only with no public access - Street frontage shall be used to calculate the maximum sign area. For corner lots or lots that front on two or more streets, only one (1) street may be used to calculate sign area, said street to be selected by the owner or tenant. Once a sign has been approved by the Director, the owner or tenant may change the frontage calculation only upon written notice to the Director and agrees to remove any nonconforming signs that may exist at the time of the request. [Ord. 1995-8]

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.

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.

604.8 - Banner Sign: Banners (including pennants and flags) may be considered either as wall signs, projecting signs or roof signs, depending on their placement, and the relevant dimensional requirements in Section 607 will apply for each zone. Banners erected across a public right of way are not permitted except on a temporary basis as defined in Section 602.6. [Ord. 1995-8]

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

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 to exceed sixteen (16) square feet in area per side.

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

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

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

ARTICLE VI - SIGNS

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

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

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

602.1 - Governmental: Signs of every kind and nature erected by or on behalf of any federal, state or local governmental agency, including official traffic control or informational signs, hazard warning signs, legal notices, railroad crossing signs or other similar signs required by law. Signs erected on government facilities to advertise non-governmental tenants shall be subject to the provisions of Sections 603 through 609 inclusive. [Ord. 1995-8]

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, non-illuminated, 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:

eas shall be below the tree canopy to minimize dark spots. Light fixtures shall be restricted to 250-watt metal halide lamps. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners). Lights shall have a light cutoff at less than 90 degrees and a beam cutoff of less than 75 degrees. The total cutoff of light shall occur within the lot lines.

G) Stormwater Runoff Reduction – Driveway and parking lot surfaces are encouraged to be permeable, using such materials as brick, concrete pavers, "grass-crete" and other similar permeable materials, but not gravel. Vegetative buffers shall be planted to treat runoff as it percolates into the soil.

H) Curb Cuts – One lane curb cuts shall be 10 feet wide. Two lane curb cuts shall be 18 feet wide. No more than one 18-foot curb cut or two separate 10-foot curb cuts are allowed per lot. The distance between curb cuts shall be no less than 50 feet. The continuity of the sidewalk surface shall be maintained across a curb cut while the material of the driveway shall be interrupted.

507.7 Signage – Signage requirements of Article VI shall be required, except as provided below:

A) Wall Sign - Wall signs shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and details. Internally illuminated neon signs are permitted.

B) Free Standing Sign – A freestanding sign shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic).

C) Roof Signs – Roof signs are prohibited.

C) Upper Story Treatment – The upper floors of all new buildings shall have 15% to 40% transparency of wall surface. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. At least 50% shall be operable windows with a minimum vertical dimension of 4.5 feet and a minimum horizontal dimension of 2.5 feet. Windows in masonry buildings shall be recessed at least 4 inches from the plane of the façade. Continuous strip windows without major vertical dimensions are not permitted. First floor and upper story windows in existing buildings shall not be filled with opaque material such as brick, metal or sheet rock.

507.6 Parking and Loading – Parking and loading requirements of Article VII shall be required, except as provided below:

A) Principal Use Parking – Principal use parking lots (Use Code 64 Parking Principal Use and 64.1 Parking Lot Principal Use) are prohibited in the CCOD.

B) Space Requirements – Parking space requirements may be reduced by a minimum of 50% but cannot exceed a maximum of 80% of the spaces required by Section 703.2. The paved area of a lot shall not exceed the maximum parking required herein.

C) Landscaping – Along all parking lots and loading areas, a 4-foot wide landscaped edge shall be maintained where the property meets the street or sidewalk. This shall include a fence or low brick wall (less than 4½ feet high). Clearly delineated pedestrian paths into the parking lot shall be provided for lots of more than 20 spaces. Parking areas shall accommodate bicycle racks. Lots with more than 20 spaces shall be separated by landscaped islands 8 feet wide. Parking lots shall have a minimum of one tree for every 10 required spaces. Trees are required every 20 feet at rear lot lines if the rear of the property is used for parking and abuts a residential zone or use or the street. Trees shall be planted in protected pervious plots of at least 60 square feet. Fencing placement, heights and materials must comply with Section 506.3 D) 1, Fence or Brick Wall and landscaping placement and materials must comply with Section 506.3 D) 2., Landscaping.

D) Site Access – Parking lots are not permitted in front of buildings and shall be located to the rear of buildings, wherever possible. Parking may be allowed at the side of buildings but shall not exceed 44 feet (one 20-foot parking bay and one 24-foot access lane) in width along the street. Parking lots that are 64 feet in width along the front facade (two 20 foot bays of parking and one 24 foot central access lane) are allowed only if a building addition extends 20 feet to conceal the bay of parking along the side of the building. Landscaping is required as provided in Section 506.6 C).

E) Loading: Loading areas shall be to the side or rear of the building. If visible from the main street, the side loading area shall be screened from view, and shall conform with Section 506.6 C).

F) Lighting – Lighting poles shall be located within landscaped islands for safety and aesthetic reasons. Poles shall be staggered to maintain a uniform light distribution. Light fixture height shall be less than 14 feet to minimize dark spots. Lights in landscaped ar-

(K) Roof Materials – Building materials for sloping roofs including mansards shall be slate, wood or asphalt shingles or standing seam metal.

(L) Lighting: Small shielded fixtures shall be used and directed towards the building. Site lighting must be limited to the property. Light spill onto the street or adjacent properties is not permitted.

(M) Types of Building Lighting: Storefront lighting (exterior and interior) shall be incandescent or metal halide and shall remain illuminated until nine p.m. on weekdays and Saturday. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners).

(N) Trademark Buildings: Buildings housing trademark businesses of local, regional and national "chain" retailers must conform to these regulations.

(O) Utilities and Services: On site utilities, junction boxes, HVAC, antennae, satellite dish and utility boxes shall be located underground, on the roof of buildings, or above ground at the rear of the building. They shall not be easily visible or audible to pedestrians on the sidewalk. Utility boxes, mechanical equipment and dumpsters shall not be located in the public pedestrian space. They shall be located a minimum distance of 20' from the sidewalk and screened from view.

(P) Awnings: Awnings on the main street are encouraged. Awnings shall be designed to provide a convenient covered sidewalk area for pedestrians. Awnings may be utilized for signage and lighting and shall conform to Section 607 for the appropriate signage and Section 507.4 M) for lighting. Awnings shall not cover significant architectural features.

(Q) Canopies: Free standing canopies shall be scaled to passenger automobiles and not to buses or large trucks. Canopy heights shall not exceed 13 feet clear. Canopy lighting shall conform with Section 506.4 M) for lighting requirements. Signs are not permitted on canopies in the CCOD.

(R) Security Window Guards: Solid surface roll down window guards are not permitted.

507.5 Storefront Design

A) Existing Storefronts – Existing buildings which have been designed for retail use on the first floor shall maintain the storefront design. Renovations that exceed 25% of the facade must conform to new construction requirements as provided in Section 506.5 B).

B) New Storefronts – For any new construction, the first floor transparency shall be equal to at least 70% of the wall area between the height of 2 and 9 feet from the ground. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. Interior window treatments shall not block views into storefronts.

(A) Demolition- Any building that conforms to the use, dimensional and other requirements of this section shall not be demolished in whole or in part. Any building that does not meet one or more of the use or dimensional requirements of this section shall not be demolished except by special use permit by the Board, which shall make findings of fact that the building is unsafe, hazardous, and unfit for habitation or use and that construction on a new building that meets all the requirements of this section shall commence on the subject site within eighteen (18) months of the demolition of the original building.

(B) Building Height- Any one story building must have a first floor with not less than 10 feet from floor to ceiling.

(C) Building Walls- No more than 10 consecutive linear feet of blank wall is allowed along the main street. No building shall extend along the main street for more than 35 linear feet without an entrance.

(D) Transition Line- A building shall have a transition line along the front façade that creates a distinction between the first and upper floors.

(E) Roof Treatment- The building shall have a well-defined roofline that finishes as a parapet with a cornice Roof Treatment – The building shall have a well-defined roofline that finishes as a parapet with a cornice or overhang on the front façade along the main street or along the side façade if the building is on a corner or the side façade is visible from the main street or a side street.

(F) Main Entrances – Buildings shall have their main entrance from the main street. Corner buildings may have entries at the corner of the front and side street façades.

(G) Residential Porches – Covered entry porches are required for new residential buildings on the main street. Entry porches shall be preserved and maintained on existing residential buildings. Porch alterations must be repairs of existing design only and /or must be in keeping with the historic character of the original building.

(H) Building Materials and Finishes – The primary building materials of the front façade, side façades visible from the main street, or along a side street frontage at a street corner shall be brick, wood, pre-cast concrete or smooth stucco (conventional or synthetic). Limestone, sandstone, granite and terra cotta are also permitted. Finish treatments shall be paint, stain, unfinished brick or stone or painted stucco.

(I) Vinyl or Aluminum Siding – Vinyl or aluminum siding is not permitted for any first floor or street level exterior of any building. Upper story levels may have vinyl or aluminum siding only upon approval by the Board as a special use permit, pursuant to Section 902.4.

(J) Concrete Building Materials – The use of corrugated or cinderblock concrete walls is not permitted.

1. Fence or Brick Wall- a fence or brick wall (less than 4 feet high) shall run the entire frontage of said lot. If the side frontage on a corner lot is used for parking, a wall or fence is required. Low fences (4 feet or less) shall be of wrought iron, ornamental metal or painted wood pickets. Any tall fence (ranging from 4 feet to 6 feet) necessitated for security purposes, shall be visually transparent wrought iron, or ornamental metal and shall include trees that are taller than the fence planted every 20 feet. All chain link, barbed wire or razor wire fences are prohibited. Fences and walls shall be low or transparent to allow viewing of landscaping. Solid fences or walls over 4 feet are prohibited.

2. Landscaping- A landscaped edge that is at least 4 feet wide shall run the entire frontage of said lot. The landscaped edge shall include a low brick wall or fence as described in Section 506.3 D). 1. Front Lot Line Treatment, Fence or Brick Wall. The landscaped area shall be planted with ground cover, low shrubs or flowering plants. At least one shrub or vine shall be planted abutting the wall every 10 feet. Trees are required every 20 feet along front property lines where there is not a building. Trees are required every 20 feet along to side lot line on corner lots and rear lot lines if the rear of the property is used for parking and abuts a residential use or street. In addition, parking lots shall have one tree for every 10 spaces. New trees have a minimum caliper of 2 inches.

3. Corner Lots- Buildings on a corner lot must be set to the corner of the front and side lot lines, with no setback. Where there is no building at the street corner property line, fencing or low brick walls with trees and landscaping is required in conformance with Section 506.3 D). Clearly designated and continuous sidewalks shall be maintained around all corners. Parking is prohibited at the corner of each lot, within a square area measuring 20 feet on each side of said corner.

4. Drive in Establishments in the CCOD- New drive in establishments in the CCOD shall follow the requirements of the underlying zoning provisions for such use in accordance with Section 303, Use Cod 57.2 of this ordinance. In any underlying C-2 zone, where a drive in establishment is permitted by special use permit, the Board, in addition to the criteria set forth in Section 902.4, shall (a) impose a condition that a special use permit for a drive in establishment be limited only to the business enterprise applying for such permit and that said special use permit for a drive in establishment shall become null and void if and when said business enterprise ceases to operate or is changed to another business and (b) require that a stacking lane for the drive in establishment by wholly contained within the lot in question.

507.4 Building Treatment

(B) Any open space within any lot, whether occupied by a building or not, shall be subject to the requirements of this section.

(C) For any new construction, the requirements of this section shall apply to all parts of the building and lot.

(D) Any structural addition that adds more than 25% increase in gross floor area shall be designed to bring a building into conformance with the requirements of this section.

(E) Any storefront renovations, where more than 25% of the façade of the store is altered, replaced, rehabilitated or restored, shall comply with storefront design requirements of this section.

(F) Any lot improvement shall be required to conform to landscaping and fencing requirements of this section.

(G) Requirements for the ''main street'' are more demanding than requirements for a side street, unless stated otherwise herein.

(H) Where the CCOD is also includes the Historic District overlay zone, pursuant to Sec. 501, said Sec. 501 shall take precedence over this section.

507.2 Use- Any permitted use within the underlying zoning districts are permitted in the CCOD, with the following exceptions:

(A) Residential uses in any C zone that is overlaid by the CCOD are prohibited from the first floor of a building that faces the main street.

(B) Uses that require enclosed buildings that are not inhabited by people and have no windows are prohibited.

507.3 Dimensional Requirements-Dimensional requirements of Section 304 shall be required, except as provided below:

(A) Minimum Front Yard-Any new building in any C zone that is overlaid by the CCOD shall be built with zero setbacks from the front lot line along the main street. The first floor entrance may be recessed no more than 4 feet deep and 6 feet wide.

(B) Frontage-Any new building in any C zone that is overlaid by the CCOD must extend a minimum of 60% of the lot frontage.

(C) Residential Lot Lines- Residential buildings are permitted to be set back between 4 feet and 6 feet from the front lot line to accommodate a stoop, porch, or window design and provide a front yard space. The portion of the lot that extends from the front lot line to a parallel line 4 feet to 6 feet back from said front lot line shall, at the minimum, comply with Section 506.3 D) Front Lot Line Treatment.

(D) Front Lot Line Treatment- Wherever there is no building at the front property line, or if any part of the lot is used to accommodate parking, such area shall comply with the following:

have a light cutoff at less than ninety (90) degrees and a beam cutoff of less than seventy-five (75) degrees. The total cutoff of light shall occur within the lot lines.

(G) *Stormwater runoff reduction.* Driveway and parking lot surfaces are encouraged to be permeable, using such materials as brick, concrete pavers, "grass-crete" and other similar permeable materials, but not gravel. Vegetative buffers shall be planted to treat runoff as it percolates into the soil.

(H) *Curb cuts.* One lane curb cuts shall be ten (10) feet wide. Two-lane curb cuts shall be eighteen (18) feet wide. No more than one (1) eighteen-foot curb cut or two (2) separate ten-foot curb cuts are allowed per lot. The distance between curb cuts shall be no less than fifty (50) feet. The continuity of the sidewalk surface shall be maintained across a curb cut while the material of the driveway shall be interrupted.

506.7. Signage. Signage requirements of article VI shall be required, except as provided below:

(A) *Wall sign.* Wall signs shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and details. Internally illuminated neon signs are permitted.

(B) Free standing sign. A freestanding sign shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic).

(C) *Roof signs.* Roof signs are prohibited.

[Ord. 2000-28, 2002-12]

Section 507. Commercial Corridor Overlay District: The Commercial Corridor Overlay District (CCOD) is hereby created in recognition of the critical role that neighborhood commercial districts play in the viability of surrounding areas. Many commercial streets are currently defined by poorly maintained buildings, negligible traffic controls and pedestrian amenities, multiple vacant lots, deteriorated infrastructure, and a lack of neighborhood-oriented retail and service businesses. This overlay will ensure that existing and future development contributes to a continuous and active street that addresses the contextual, human-scale, mixed-use, pedestrian-friendly and automobile-accessible needs of the neighborhood and encourages neighborhood-oriented economic development. The CCOD would require dimensional and performance standards that exceed the minimum standards provided for in the underlying zones. The uses for the underlying M, C and R zones shall not be changed except as provided herein.

507.1 Applicability- The CCOD applies to all existing and proposed buildings within the overlay zone, which are guided by the following principles:

(A) The design of the exterior façade of all buildings, including all exterior physical improvements within the CCOD shall meet the requirements as provided in this section.

sheet rock.

506.6. Parking and Loading. Parking and loading requirements of Article VII shall be required, except as provided below:

(A) *Principal use parking.* Principal use parking lots (Use Code 64 Parking Principal Use and 64.1 Parking Lot Principal Use) are prohibited in the WSOD.

(B) *Space requirements.* Parking space requirements may be reduced by a minimum of fifty (50) percent but cannot exceed a maximum of eighty (80) percent of the spaces required by section 703.2. The paved area of a lot shall not exceed the maximum parking required herein.

(C) *Landscaping.* Along all parking lots and loading areas, a 4-foot wide landscaped edge shall be maintained where the property meets the street or sidewalk. This shall include a fence or low brick wall (less than four (4) feet high). Clearly delineated pedestrian paths into the parking lot shall be provided for lots of more than twenty (20) spaces. Parking areas shall accommodate bicycle racks. Lots with more than twenty (20) spaces shall be separated by landscaped islands eight (8) feet wide. Parking lots shall have a minimum of one (1) tree for every ten (10) required spaces. Trees are required every twenty (20) feet at rear lot lines if the rear of the property is used for parking and abuts a residential zone or use or the street. Trees shall be planted in protected pervious plots of at least sixty (60) square feet. Fencing placement, heights and materials must comply with section 506.3(D)1., fence or brick wall and landscaping placement and materials must comply with section 506.3(D)2., landscaping.

(D) *Site access.* Parking lots are not permitted in front of buildings and shall be located to the rear of buildings, wherever possible. Parking may be allowed at the side of buildings but shall not exceed forty-four (44) feet (one (1) twenty-foot parking bay and one (1) twenty-four-foot access lane) in width along the street. Parking lots that are sixty-four (64) feet in width along the front facade (two (2) twenty-foot bays of parking and one (1) twenty-four-foot central access lane) are allowed only if a building addition extends twenty (20) feet to conceal the bay of parking along the side of the building. Landscaping is required as provided in section 506.6(C).

(E) *Loading.* Loading areas shall be to the side or rear of the building. If visible from the main street, the side loading area shall be screened from view, and shall conform with section 506.6(C).

(F) *Lighting.* Lighting poles shall be located within landscaped islands for safety and aesthetic reasons. Poles shall be staggered to maintain a uniform light distribution. Light fixture height shall be less than fourteen (14) feet to minimize dark spots. Lights in landscaped areas shall be below the tree canopy to minimize dark spots. Light fixtures shall be restricted to two hundred fifty (250) watt metal halide lamps. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners). Lights shall

in locations visible from the main street sidewalks (or side streets at corners).

(N) *Trademark buildings.* Buildings housing trademark businesses of local, regional and national "chain" retailers must conform to these regulations.

(O) *Utilities and services.* On site utilities, junction boxes, HVAC, antennae, satellite dish and utility boxes shall be located underground, on the roof of buildings, or above ground at the rear of the building. They shall not be easily visible or audible to pedestrians on the sidewalk. Utility boxes, mechanical equipment and dumpsters shall not be located in the public pedestrian space. They shall be located a minimum distance of twenty (20) feet from the sidewalk and screened from view.

(P) *Awnings.* Awnings on the main street are encouraged. Awnings shall be designed to provide a convenient covered sidewalk area for pedestrians. Awnings may be utilized for signage and lighting and shall conform to section 607 for the appropriate signage and section 506.4(M) for lighting. Awnings shall not cover significant architectural features.

(Q) *Canopies.* Free standing canopies shall be scaled to passenger automobiles and not to buses or large trucks. Canopy heights shall not exceed thirteen (13) feet clear. Canopy lighting shall conform with section 506.4(M) for lighting requirements. Signs are not permitted on canopies in the WSOD.

(R) *Security window guards.* Solid surface roll down window guards are not permitted.

506.5. Storefront Design.

(A) *Existing storefronts.* Existing buildings which have been designed for retail use on the first floor shall maintain the storefront design. Renovations that exceed twenty-five (25) percent of the facade must conform to new construction requirements as provided in section 506.5(B).

(B) *New storefronts.* For any new construction, the first floor transparency shall be equal to at least seventy (70) percent of the wall area between the height of two (2) and nine (9) feet from the ground. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. Interior window treatments shall not block views into storefronts.

(C) *Upper story treatment.* The upper floors of all new buildings shall have fifteen (15) percent to forty (40) percent transparency of wall surface. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. At least fifty (50) percent shall be operable windows with a minimum vertical dimension of four and one-half (4.5) feet and a minimum horizontal dimension of two and one-half (2.5) feet. Windows in masonry buildings shall be recessed at least four (4) inches from the plane of the facade. Continuous strip windows without major vertical dimensions are not permitted. First floor and upper story windows in existing buildings shall not be filled with opaque material such as brick, metal or

quirements of this section shall commence on the subject site within eighteen (18) months of the demolition of the original building.

(B) *Building height.* Buildings shall be not less than two (2) stories in height, with the first floor having not less than ten (10) feet from floor to ceiling. A one-story building, with the first floor having not less than ten (10) feet from floor to ceiling, may be approved by the board as a special use permit.

(C) *Building walls.* No more than ten (10) consecutive linear feet of blank wall is allowed along the main street. No building shall extend along the main street for more than thirty-five (35) linear feet without an entrance.

(D) *Transition line.* A building shall have a transition line along the front facade that creates a distinction between the first and upper floors.

(E) *Roof treatment.* The building shall have a well-defined roofline that finishes as a parapet with a cornice or overhang on the front facade along the main street or along the side facade if the building is on a corner or the side facade is visible from the main street or a side street.

(F) *Main entrances.* Buildings shall have their main entrance from the main street. Corner buildings may have entries at the corner of the front and side street facades.

(G) *Residential porches.* Covered entry porches are required for new residential buildings on the main street. Entry porches shall be preserved and maintained on existing residential buildings. Porch alterations must be in keeping with the historic character of the original building.

(H) *Building materials and finishes.* The primary building materials of the front facade, side facades visible from the main street, or along a side street frontage at a street corner shall be brick, wood, pre-cast concrete or smooth stucco (conventional or synthetic). Limestone, sandstone, granite and terra cotta are also permitted. Finish treatments shall be paint, stain, unfinished brick or stone or painted stucco.

(I) *Vinyl or aluminum siding.* Vinyl or aluminum siding is not permitted.

(J) *Concrete building materials.* The use of corrugated or cinderblock concrete walls is not permitted.

(K) *Roof materials.* Building materials for sloping roofs including mansards shall be slate, wood or asphalt shingles or standing seam metal.

(L) *Lighting.* Small shielded fixtures shall be used and directed towards the building. Site lighting must be limited to the property. Light spill onto the street or adjacent properties is not permitted.

(M) *Types of building lighting.* Storefront lighting (exterior and interior) shall be incandescent or metal halide and shall remain illuminated until nine p.m. on weekdays and Saturday. High pressure and low-pressure sodium bulbs are not allowed

security purposes, shall be visually transparent wrought iron, or ornamental metal and shall include trees that are taller than the fence planted every twenty (20) feet. All chain link, barbed wire or razor wire fences are prohibited. Fences and walls shall be low or transparent to allow viewing of landscaping. Solid fences or walls over four (4) feet are prohibited.

2. *Landscaping.* A landscaped edge that is at least four (4) feet wide shall run the entire frontage of said lot. The landscaped edge shall include a low brick wall or fence as described in section 506.3(D)1, Front lot line treatment, fence or brick wall. The landscaped area shall be planted with ground cover, low shrubs or flowering plants. At least one shrub or vine shall be planted abutting the wall every ten (10) feet. Trees are required every twenty (20) feet along front property lines where there is not a building. Trees are required every twenty (20) feet along the side lot line on corner lots and rear lot lines if the rear of the property is used for parking and abuts a residential use or street. In addition, parking lots shall have one (1) tree for every ten (10) spaces. New trees shall have a minimum caliper of two (2) inches.

(E) *Corner lots.* Buildings on a corner lot must be set to the corner of the front and side lot lines, with no setback. Where there is no building at the street corner property line, fencing or low brick walls with trees and landscaping is required in conformance with section 506.3(D). Clearly designated and continuous sidewalks shall be maintained around all corners. Parking is prohibited at the corner of each lot, within a square area measuring fifty (50) feet on each side of said corner.

(F) *Drive-in establishment in the WSOD.* In an underlying C-2 zone where a drive-in establishment is permitted by special use permit, the board may approve a drive-in window buildings with a footprint of greater than eight thousand (8,000) square feet, provided that such window shall be located at the rear of the building. Notwithstanding any other provision of this ordinance, any building with a footprint of less than eight thousand (8,000) square feet shall not be granted a drive-in window. In all other underlying zones, where driven in establishments are prohibited, any variance request shall be deemed to be a use variance, where the standard for approval shall be in accordance with section 902.3(B)(1). The ingress and egress to a permitted drive-in window shall be located greater than fifty (50) feet from the side lot lines. Clearly designated, safe and continuous pedestrian sidewalks shall be maintained across curb cuts.

506.4. Building Treatment.

(A) *Demolition.* Any building that conforms to the use, dimensional and other requirements of this section shall not be demolished in whole or in part. Any building that does not meet one or more of the use or dimensional requirements of this section shall not be demolished except by special use permit by the board, which shall make findings of fact that the building is unsafe, hazardous, and unfit for habitation or use and that construction on a new building that meets all the re-

requirements of this section.

(E) Any storefront renovations, where more than twenty-five (25) percent of the facade of the store is altered, replaced, rehabilitated or restored, shall comply with storefront design requirements of this section.

(F) Any lot improvement shall be required to conform with landscaping and fencing requirements of this section.

(G) Requirements for the "main street" are more demanding than those for a side street, unless stated otherwise herein.

(H) Where the WSOD is also includes the Historic District overlay zone, pursuant to section 501, said section 501 shall take precedence over this section.

506.2. Use. Any permitted use within the underlying zoning districts are permitted in the WSOD, with the following exceptions:

(A) Residential uses in any C zone that is overlaid by the WSOD are prohibited from the first floor of a building that faces the Main Street.

(B) Uses that require enclosed buildings that are not inhabited by people and have no windows are prohibited.

506.3. Dimensional Requirements. Dimensional requirements of section 304 shall be required, except as provided below:

(A) *Minimum front yard.* Any new building in any C zone that is overlaid by the WSOD shall be built with zero setback from the front lot line along the main street. The first floor entrance may be recessed no more than four (4) feet deep and six (6) feet wide.

(B) *Frontage.* Any new building in any C zone that is overlaid by the WSOD must extend a minimum of sixty (60) percent of the lot frontage.

(C) *Residential Lot Lines.* Residential buildings are permitted to be set back between four (4) feet and six (6) feet from the front lot line to accommodate a stoop, porch, or window design and provide a front yard space. The portion of the lot that extends from the front lot line to a parallel line four (4) feet to six (6) feet back from said front lot line shall, at the minimum, comply with section 506.3(D) Front lot line treatment.

(D) *Front lot line treatment.* Wherever there is no building at the front property line, or if any part of the lot is used to accommodate parking, such area shall comply with the following:

1. Fence or brick wall. A fence or brick wall (less than four (4) feet high) shall run the entire frontage of said lot. If the side frontage on a corner lot is used for parking, a wall or fence is required. Low fences (four (4) feet or less) shall be of wrought iron, ornamental metal or painted wood pickets. Any tall fence (ranging from four (4) feet to six (6) feet), necessitated for

direction, from the corner. Corner lot access can only be reached from the secondary street, with one means of egress on the main street.

505.6. Drive-Through. Notwithstanding any other provision of this chapter, drive-through facilities are prohibited within the MSCOD. Any relief from this section shall be considered a change in use that must meet the test for a use variance as provided in section 902.3. Nothing in this section shall prohibit walk-up windows provided that such windows shall be located on the front lot line facing a street, with no curb cut or allowance of any motorized vehicular access whatsoever.

505.7. Utilities and Services. On site utilities, junction boxes, HVAC, and utility boxes, shall be located underground, on the roof of buildings, or a minimum distance of twenty (20) feet of any front lot line. The latter shall be screened from view.

505.8. Principal Use Parking. Notwithstanding any other provision of this article, the principal use of surface parking shall not be permitted in the MSCOD.

[Ord. 1999-47]

Sec. 506. West Side Overlay District: The West Side Overlay District (WSOD) is hereby created in recognition of the critical role that this neighborhood commercial district plays in the viability of the surrounding neighborhood. Neighborhood commercial districts often are congested with traffic and unsightly parking along the main streets. The street is currently defined by poorly maintained buildings, negligible traffic controls and pedestrian amenities, multiple vacant lots, deteriorated infrastructure, and a lack of neighborhood-oriented retail and service businesses. This overlay will ensure that existing and future development contributes to a continuous and active street that addresses the contextual, human-scale, mixed-use, pedestrian friendly and automobile-accessible needs of the neighborhood and encourages neighborhood-oriented economic development. The intent of this section is to overlay the West Side Overlay District on certain areas that are currently zoned C-1, C-2, C-4, R-P or D-2. It would require dimensional and performance standards that exceed the minimum standards provided for in the underlying zones. The uses for the underlying C and R-P zones shall not be changed except as provided herein.

506.1. Applicability. The WSOD applies to all existing and proposed buildings within the overlay zone, which are guided by the following principles:

(A) The design of the exterior facade of all buildings, including all exterior physical improvements within the WSOD shall meet the requirements as provided in this section.

(B) Any open space within any lot, whether occupied by a building or not, shall be subject to the requirements of this section.

(C) For any new construction, the requirements of this section shall apply to all parts of the building and lot.

(D) Any structural addition that adds more than twenty-five (25) percent increase in gross floor area shall be designed to bring a building into conformance with the

adjacent neighborhoods where people are more likely to walk for commercial services and shopping. These neighborhood commercial districts often are congested with traffic and unsightly parking along the main streets. The intent of this section is to overlay the MSCOD on certain areas that are currently zoned C-1, C-2 C-4, and R-P It would require dimensional and performance standards that exceed the minimum standards provided for in the underlying zones. The MSCOD is located in areas that are pedestrian oriented, that encourage a lively mix of street frontages that include shopping and services for people to access primarily by walking and driving to rear parking lots. The uses for the underlying C and R-P zones shall not be changed except as provided herein.

505.1. Minimum Front Yard. Notwithstanding the requirements for C zones in section 305, all buildings in the MSCOD shall be built with zero (0) setback from the front line that faces a street. Buildings fronts shall limit blank walls, where there are no windows, to not more than ten (10) lineal feet. Window openings shall be no higher than four (4) feet above grade at the property line.

505.2. Front Lot Line Treatment. The portion of the lot that extends from the front lot line to a parallel line, not less than four (4) feet back from said front lot line, which does not have a building on the front lot line shall comply with the following:

(A) *Fence, wall or hedge.* A fence, wall or hedge (less than four (4) feet high) along the front lot line shall be required. Fences and walls shall be low or transparent to allow viewing of landscaping.

(B) *Landscaped edge.* If any part of the lot is used to accommodate parking, such area shall also have a landscaped edge that is at least four (4) feet wide and shall run the entire frontage of said lot. The landscaped edge shall include a low wall or fence.

(C) *Security fence.* Any tall fence (four (4) to six (6) feet), necessitated for security purposes, shall be visually transparent wrought iron, ornamental metal or black chain link and shall include trees that are taller than the fence. Aluminum chain link, barbed wire or razor wire are prohibited. Solid fences or walls over four (4) feet tall are prohibited.

(D) Curb openings at the street shall be one (1) lane width wide (twelve (12) feet) for single lanes and eighteen (18) feet wide for double lanes, wherever possible.

505.3. Parking. Parking requirements may be reduced to not less than fifty (50) percent of spaces required by section 703.2.

505.4. Parking Lots. Parking lots shall be located to the rear of buildings, wherever possible. The paved area of a lot shall not exceed the maximum parking required by section 505.3. Site lighting shall be limited to the property, with no light spill on to adjacent properties.

505.5. Corner Lots. The corner that fronts on two (2) streets shall be defined by a building, porch, low or transparent walls, hedges, trees and landscaping. Parking at the corners of a lot that faces two streets are prohibited within an area at least twenty (20) feet in each

b. All other uses – The owner/applicant may request a waiver from the CCC for signs in accordance with this section. In filing a request for a waiver, the owner/applicant shall submit an overall signage plan that details the size, location, material and lighting of all signs on the project. The CCC may grant waivers for signs as follows:

1) Planned Development – When a parcel, as defined in the Capital Center Regulations, which consists of five or more buildings that are not divided by a public road is developed in accordance with a plan, the CCC may grant a waiver to permit signs on one building or lot in the parcel to advertise a business located in another building or on another lot in the parcel. The approved signs may be wall mounted, freestanding or projecting. In calculating maximum total sign area, the maximum allowable area for each lot shall be calculated and added together to arrive at the maximum sign are for the parcel.
2) Maximum Sign Area – permit the maximum sign area of one or more signs to be increased to a size deemed acceptable to the CCC but the total area of all signs shall not exceed the maximum total area of all signs on a building.
3) Illumination – permit a variety of illumination techniques including internal illumination as long as the sign does not read as a plastic back lit sign. Flashing, changeable letter or message, changeable color or any sign that moves are not permitted; and,
4) Material – permit a variety of contemporary sign materials which shall not be limited by Section 502.2 C). [Ord. 1999-10]

3. Landscaping: The CCC may grant a waiver to the landscaping provisions of this Ordinance. In granting a request for a waiver, the CCC must find that the proposed landscaping meets or exceeds the intent of this regulation, and that the proposed landscaping is found to better address the needs of the development proposal.

4. Parking: The CCC may, if it has not adopted a parking plan, grant a waiver to permit parking required by this Ordinance to be supplied in public or private parking garages or lots in the district. The CCC may grant a waiver to permit a reduction of up to 25% of the required number of parking spaces per parcel.

5. Setbacks: The CCC may grant a waiver to permit 20% of the building frontage to be set back from the street line or left open to form a courtyard. A waiver may also be granted for construction on a lot with a curved frontage, so that the building follows the chord or the tangent rather than the curve of the lot line. A waiver may also be granted where nonconforming setbacks exist on adjacent buildings. [Ord. 1995-8]

Sec. 505 - Main Street Commercial Overlay District: The Main Street Commercial Overlay District (MSCOD) is hereby created in recognition that certain commercial districts exist to serve

4. Incentives: The CCC is authorized to grant development incentives in the form of density bonuses, height bonuses, or transfers of development rights, in accordance with the provisions of Section 502.7 of this Ordinance.

504.2 - Capital Center Special Development District - General Regulations:

A) Plan of Development: In accordance with Section 2-364 of the City Code of Ordinances, the CCC shall adopt a Plan of Development to regulate the type of development, use, height, setback, size, design, and parking in the District. The provisions of this Ordinance shall be minimum standards for the Plan of Development. The Plan of Development may contain a parking plan that establishes a minimum number of parking spaces for each parcel in the District and permits the required parking for any use to be supplied in public or private parking garages or lots on any parcel in the District.

B) Zoning Requirements: All development in the District must confirm to the provisions of this Ordinance.

C) Waivers: The CCC may, after holding a public hearing in accordance with the provisions of Section 903, grant waivers as follows:

1. Building Height: The CCC may grant a waiver to permit a building height increase of up to 30% of the permitted height specified by zoning.

2. Signs: To permit maximum flexibility in the location and type of signs requested, the CCC may grant a waiver as follows:

a. Retail Trade – When the principal use of property is retail trade and the project contains more than 100,000 sq. ft GFA with at least a minimum of five different retail uses, the owner may request a waiver to the sign regulations of this ordinance. In requesting the waiver, the owner shall submit to the CCC an overall signage plan that details the size, location, material and lighting of signs on the project and sets signage criteria for retail frontages that would allow the change of retail uses and their signs without additional review. The CCC may grant waivers as follows:

1) Maximum Total Area of All Signs – permit a maximum total area of all signs that shall not exceed 5 square feet of sign for every lineal foot of building frontage. In calculating building frontage, each side of the building may be counted.
2) Maximum Sign Area – permit the maximum sign area of one or more signs to be increased to a size deemed acceptable to the CCC:
3) Illumination – permit a variety of illumination techniques including internal illumination as long as the sign does not read as a plastic back lit sign. Flashing, changeable letter or message, changeable color or any sign that moves are not permitted: and,
4) Material – permit a variety of contemporary sign materials which shall not be limited by Section 502.2 C).

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: 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.

Section 504 - Capital Center Special Development District: The Capital Center Special Development District created in accordance with Section 2-361 through 365 of the City Code of Ordinances and state law is established to govern in a coordinated manner the development of the Capital Center District, including implementation of special land use controls, proper urban planning, developmental tools and implementation and administration of the Plan of Development which sets forth design and development criteria, regulations and enforcement procedures. Said Plan of Development is subject to those criteria, regulations and enforcement procedures as well as the provisions of this Ordinance.

504.1 - Capital Center Commission: The Capital Center Commission (CCC), created in accordance with Section 2-364 of the City Code of Ordinances, is established to carry out the purpose of the Capital Center Special Development District. In addition to the design review process established by the CCC pursuant to state statute, all development in the District shall be reviewed to determine its conformance to the provisions of this section.

A) Powers and Duties of the CCC: In addition to those powers granted to the CCC pursuant to Title 45, Chapter 24.4 of the Rhode Island General Laws, the CCC shall have the following additional powers and duties:

1. Regulate Development in the Capital Center Special Development District: The CCC shall be authorized to regulate all improvements on public and private land in the Capital Center Special Development District, including the construction, reconstruction, alteration, repair, demolition, removal, rehabilitation of the exterior of new and existing buildings and appurtenances pursuant to the authority granted under this Section 504 and in a manner not otherwise inconsistent with the provisions of this Ordinance.

2. Waivers: Where specifically noted by this Section, and in accordance with all requirements herein, the CCC may grant waivers that carry out the purpose of the Capital Center Special Development District, are in harmony with the general purposes and intent of these regulations, and are in accordance with the requirements of this Section. Waivers may be granted to those regulations governing building height, setback, signs, landscaping and parking. In granting a waiver, the CCC may impose such conditions deemed necessary to carry out the purpose of this Section.

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

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 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 Located Outside an I Zone:

A) Change of Use: The change of a nonconforming institutional use outside of an I Zone shall be governed by Section 201.8.

B) 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:

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, 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) 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 properties on the National Register of Historic Places or designated in a local historic district, and proposed exterior changes to these properties (other than ordinary maintenance as defined in Section 501.6 herein), if known. [Ord. 1995-8]

ment 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 & 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 & 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.

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 & 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 develop-

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%

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.

1. All requests for development incentives must be reviewed at a public hearing in accordance with Section 903 of the Ordinance.

2. The DRC may consider the physical changes required to the building or site if the incentive is granted, including interior alterations that affect the exterior appearance and character of the property, and may impose any conditions necessary to mitigate the visual impact of such changes, in accordance with the design regulations of this Section. [Ord. 1995-8]

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.

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

A) Institutional Master Plan - Additional Requirements: An Institutional Master Plan for an higher educational institution located in a D-1 District may identify in narrative form and with illustrations:

1. proposed major alterations to existing buildings on A Streets, describing how such proposals will address A Street and Retail Frontage regulations;

2. proposed new construction on A or B Streets, describing the height, massing, setbacks, siting, and exterior materials.

B) Institutional Master Plan Approval: An institutional master plan which addresses the Additional Requirements identified in (A) above shall be referred to the DRC for review once the plan is determined by the staff of the Commission to be complete in accordance with Section 503.4. The DRC shall review the plan to determine if the information provided is sufficient and adequate to meet the requirements of Sections 502.2 through 502.4, inclusive. The DRC shall have forty-five (45) days, from the date of the Commission's written confirmation that the Master Plan is complete, to review the Master Plan. Failure to act within this 45 days shall be equivalent to a recommendation for approval. After 45 days, the Master Plan and DRC recommendation shall be submitted to the Commission in accordance with Section 503.4 for review of conformance with the comprehensive plan. The Commission, in approving the Master Plan and the Additional Requirements, may take into consideration the DRC recommendations and may approve in whole or may approve portions of the plan. An approved copy of the Master Plan with Additional Requirements shall be submitted to the Director.

C) Application for Building Permit: The Director shall issue no building permit for a higher educational institution in the D-1 zone until the DRC has approved the plans in accordance with this Section. However, if an approved Master Plan addresses the Additional Requirements noted in (A) above and meets other applicable requirements of this Ordinance, the Director shall issue a building permit without further review by the DRC as follows:

1. Existing Buildings: A building permit shall be issued if the Director determines that the proposed alteration is in accordance with the approved Master Plan.

2. New Construction: A building permit shall be issued for foundations and structural steel if the Director determines that the items listed in (A)(2) above are in accordance with the approved Master Plan. However, no building permit shall be issued for the remainder of the building until the DRC has approved the plans in accordance with this Section. [Ord. 1995-8]

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

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: In order to preserve the urban fabric of the Downcity District, no building shall be demolished until the DRC has granted a waiver to demolish the building. [Ord. 1995-8]

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. The DRC shall review proposed new construction using standards herein for A Streets or B Streets, as applicable. [Ord. 1995-8]

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 - Higher Educational Institutions: When a higher educational institution is located in the D-1 Zone, the Institutional Master Plan, in addition to meeting the requirements of Section 503, shall identify A Street properties and Retail Frontages designated in the Downcity District.

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

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.

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

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 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.

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. Such signs shall only identify parking locations and rates, and shall not associate the parking use with an individual business name other than the name of the parking use operator. [Ord. 1995-8]

2. The maximum area of any individual sign shall be limited as follows:

Sign type	Area Sq. Ft.	Height Feet	Setback Feet	Projection Over Public ROW - Feet
Canopy	2'/1' of building frontage			
Freestanding[1]	48 sq. ft.	18 feet	-	unrestricted
Projecting	48 sq. ft.	30 feet	0	6 [Ord. 1995-8]
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.

The DRC may grant waivers from these requirements in a D-1 zone. [Ord.1995-8]

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. The intent of this Section is to regulate some general uses more strictly in the Downcity District than may otherwise by provided by Section 303. The DRC may grant waivers only for uses as indicated in Table 502.2; other uses are governed by Section 303, with special use permits and variances to be granted by the Board. 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. [Ord. 1995-8]

TABLE 502.2

USES	A STREETS FIRST FLOOR	A STREETS UPPER FLOORS	B STREETS FIRST FLOOR	B STREETS UPPER FLOORS
1.0 Residential	N[1]	Y	N[1]	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[2]	W[3]	Y[4 & 5]	Y
64b Parking Lot	N	N.A.	Y[4 & 6]	N.A.

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.

staff to make determinations for repairs (except for replacements in kind as noted above), alterations and minor additions; staff reviews may be conducted without public notice. 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. [Ord. 1995-8]

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: The 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 and Development Incentives: Whenever an application requests a waiver to the regulations of this Section, or a development incentive in accordance with the regualtions of this Section, a public hearing shall be held in conformance with Section 903 of this Ordinance. [Ord. 1995-8]

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: A person or persons jointly or severally aggrieved by a decision of the DRC 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 (4) 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 DRC on any plan or petition submitted to it or any revisions thereof. When hearing appeals from DRC decisions, the Board shall not substitute its own judgement for that of the DRC, but must consider the issue upon the findings and record of the DRC. The Board shall not reverse a DRC decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence on 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 DRC. The filing fee and the filing procedure for an appeal of the decision of the DRC shall be the same as that for an appeal of the decision of the Director. [Ord. 1995-8]

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 or development incentive. [Ord. 1995-8]

3. Public Hearing: The DRC shall hold a public hearing on any request for a waiver or a development incentive in accordance with Article IX of this ordinance. [Ord. 1995-8]

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. No permit shall be issued until the waiver or development incentive is properly recorded in said Land Evidence Records. Failure by the applicant to file the decision within thirty (30) days after its issuance shall cause said decision automatically to become null and void. [Ord. 1995-8]

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, or;

   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. Such review shall be held during a regular meeting of the DRC open to the public, for which at least seven (7) days advance written notice has been given by first class mail to the applicant, property owner, abutting property owners, and all others requesting notice of the DRC's meetings. The DRC may authorize

DRC may impose such conditions deemed necessary to carry out the purpose of this Section. [Ord. 1995-8]

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

4. Incentives: The DRC is authorized to grant development incentives in the form of density bonuses, height bonuses, or transfers of development rights, in accordance with the provisions of this Section. [Ord. 1995-8]

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: Three (3) members shall constitute a quorum for reviewing applications for Certificates of Design Approval. Five (5) members shall constitute a quorum for reviewing requests for waivers or for development incentives. [Ord. 1995-8]

sion is empowered to adopt and / or amend its standards and guidelines for the purposes of Section 501.14 in accordance with Section 501.3 of this ordinance.

Section 501.14.4 – Application for Certificate of Appropriateness: The HDC shall require the owner to submit information that is reasonably necessary, including but not limited to plans and site plans, drawings and elevations, photographs, or other information.

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.

   a. Capital Center Special Development District: 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 comply with the regulations herein pertaining to uses, height, signs, landscaping and parking. Properties in the Capital Center Special Development District shall be governed by the rules and regulations of the Capital Center Commission which it establishes from time to time pursuant to state law as well as the provisions of Section 504 of this Ordinance. Until such time as the Capital Center Special Development District ceases to exist, properties in that district shall otherwise be exempt from the review process of the DRC established under this Section 502. [Ord. 1995-8]

2. Waivers: Where specifically authorized by this Section, and in accordance with all requirements herein, the DRC may grant waivers 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. Waivers may be granted to those regulations governing parking garage uses, signs, parking lot landscaping, interior off-street loading, new construction, and demolition. In granting a waiver, the

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 judgement for that of the HDC, but must consider the issue upon the findings and record of the HDC. The Board shall not reverse an HDC decision except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence in the record. The Board shall file a written decision explaining the basis of each decision for the record, and the Board shall send a copy of the decision to the applicant and to the HDC. The filing fee and the filing procedure for an appeal of the decision of the HDC shall be the same as that for an appeal of the decision of the Director.

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

501.14 –Industrial and Commercial Buildings District: The purpose of this section is to create individual overlay districts to allow HDC review over proposals to demolish or otherwise alter the exteriors of specific historically significant buildings in the City.

501.14.1 – Criteria: Structures selected for inclusion are deemed to meet one or more of the following: *Critical Part of City's Heritage*, its value as an example of the architectural, cultural, economic, historic, social, or other aspect of the heritage of the City of Providence; *Significant Historic Event*, its location as a site of significant historic event that may or may not have taken place within or involved the use of any existing improvements; *Significant Person*, its identification with a person or persons who significantly contributed to the architectural, cultural, economic, historic, social, or other aspect of the development of the City of Providence; *Important Architecture*, its exemplification of an architectural type or style distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship; *Important Architect*, its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the City of Providence, State of Rhode Island, or the United States; *Distinctive Theme as a District*, its representation of an architectural, cultural, economic, historic, social, or other theme expressed through distinctive areas, districts, places, buildings, structures, works of art, or other objects that may or may not be contiguous; and, *Unique Visual Feature*, its unique location or distinctive physical appearance or presence representing an established and familiar visual feature of a neighborhood, community, or the City of Providence.

Section 501.14.2 - Demolition Application Procedure – The procedure for application for demolition of included structures shall be the same as stated in Sections 501.8 through 501.12 of this Ordinance.

Section 501.14.3 – HDC Review: – Nothing herein shall require HDC review of any included building that is intended to be rehabilitated, restored, or recycled for any permitted use in accordance with the Zoning Ordinance. However, the Historic District Commis-

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.

ness, 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.

gruous 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) "Public Meeting: The HDC shall hold a public meeting on an application for a Certificate of Appropriateness. Notice of such meeting shall be given to the applicant and 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 names and addresses of all abutting property owners from the most current records of the City Tax Assessor. An application for demolition within any Historic District shall also require notice of a public hearing given at least fourteen (14) calendar days in advance in a newspaper of general circulation in the City. In accordance with RIGL 45-24-66, the cost of such notice (newspaper advertisement and postage fee) shall be borne by the applicant. The applicant will be billed by the Department of Planning and Development for such costs."

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 Appropriate-

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 incon-

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 individual structures in the City of Providence. The purpose of historic districts is to safeguard the heritage of the city by preserving designated districts and individual structures of historic or architectural value which reflect elements of Providence's cultural, social, economic, political, and architectural history; to stabilize and improve property values in such districts or designated structures; to maintain and foster civic beauty; to strengthen the economy; and to promote the use of designated districts and structures for the education, pleasure and welfare of the citizens. Historic districts are shown as overlay zones in the City's Zoning District Maps, and 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 socio-cultural entity.

501.1 - Historic District Commission - Membership: The Historic District Commission, hereinafter known as the HDC, shall be appointed in accordance with Rhode Island General Laws, Chapter 45-24.1-3, as amended. [Ord. 1995-8]

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, archaeology, 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.

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

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

C) 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 provided 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). [Ord. 2000-45]

423.2 - 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.

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 residences 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, AE, AH, AO, A99, V and VE, X, and D as identified on the Flood Insurance Rate Maps (FIRM) Community Panel Numbers 445406 0001 through 445406 0007 inclusive, dated June 6, 2000 (as amended), prepared by the Federal Emergency Management Agency shall conform to the requirements in this Section. Said FIRM shall guide the Director in determining floor elevations and other flood protective and flood preventative requirements involved in the administration and enforcement of this ordinance and the Rhode Island Building Code.

423.1 - 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.

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 – Major Land Development Project – Approval by City Plan Commission: A Major 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 Major Land Development Project may include one or more residential and/or commercial structures with appurtenant recreation buildings, common areas, open space and roadways OR an educational institution (primary through secondary schools) as defined by Use Code 21. The purpose of a Major Land Development Project is to allow for the creation of multifamily, mixed use developments OR primary through secondary schools through careful site planning.

421.1 Establishment: A Major Land Development Project 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 Major Land Development Project may be initiated by submitting a major land development plan to the Commission in accordance with the Development Review Regulations adopted by the City Plan Commission pursuant to RIGL Section 45-23-25 through 74.

421.2 Primary through Secondary Schools – Master Plan Requirement: Any educational institution (primary through secondary schools) as defined by Use Code 21 that chooses to apply to the City Plan Commission under Section 421 of this Ordinance as a Major Land Development Project, shall prepare and submit a Master Plan in accordance with Section 503.2 D) 1. Through 11 of this Ordinance.
[Ord. 1996-31]

Section 422 - Residential Professional District - Purpose: The purpose of the residential professional district is to preserve and enhance the residential integrity of certain heavily traveled 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

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, 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-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

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:

A) The home occupation is conducted entirely within a dwelling;

B) The home occupation is operated by the resident occupant(s) of the dwelling;

C) The home occupation is situated in the same dwelling as the primary residence of the occupant(s);

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

E) There shall not be more than one assistant worker who is not a resident of the dwelling;

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

G) No more than 50% of the gross floor area of the dwelling unit or 800 square feet, which ever is less, shall be used for the home occupation, including waiting areas for clients, patients, pupils or customers; and,

H) Visits by clients, patients, pupils or customers shall be limited to no more than two (2) at any given time, and such visits shall be limited to hours between 8:00 a.m. and 9:00 p.m.

Professionals who meet the above requirements may include lawyer, physician, dentist, psychologist, physical and mental health therapist, accountant, real estate or stock market broker, travel agent, insurance agent, architect, landscape architect, planner, engineer, interior designer, musician, artist, teacher, tailor/dressmaker, telemarketer and computer specialist.

Occupations not specifically listed above may be considered by the Board provided that such home occupation shall comply with items (A) through (F) above, shall not use more than 25% of the gross floor area of the dwelling unit or 400 square feet, whichever is less, and shall have no clients or visitors in connection with the occupation.

Occupations that are specifically excluded are hairdressers, barbers, manicurists, tatooists, palm readers, tarot card readers, psychics and fortunetellers. [Ord. 1995-8]

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.

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

ARTICLE VII – PARKING AND LOADING

Section 700 - Intent: No land shall be used and no structure shall be erected or used unless off-street parking spaces as required in this Ordinance are provided with either accessory use of principal use parking facilities, as applicable. Any structure or use existing prior to the effective date of this ordinance or any amendment thereto, with parking space that does not meet the requirements of this Section shall be subject to the requirements of Section 205. While it is the intent of this Section to require minimum off-street parking facilities, excessive paving of land that provides significantly more than the minimum number of spaces is discouraged.

Section 701 - Accessory Parking: Accessory parking required by this ordinance shall be located on the same or contiguous lot as the principal structure or use the parking is intended to serve. Parking required for use codes 3.0 (Cultural, Entertainment and Recreation Services) through 8.0 (Manufacturing) as listed in the Use Regulations in Article III, 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.

1.0 Residential

USE CODE	USE	PARKING SPACES
11 through 14	Family Dwellings	1.5 per dwelling unit, except for Use Code 14, when the structure is developed for elderly or handicapped individuals: 1 parking space per dwelling unit. [Ord. 1995-8]
15.00	Group Quarters	1 per 3 guest rooms plus 1 per Lodging every 500 sq.ft. of non guest room floor area
15.1 & 15.2	Rooming House	1 per individual room or suite
15.30	Nursing Home	1 per every 2 beds
15.40	Orphanage	1 per 5 employees
15.5 thru 15.6	Religious Quarters/Group Quarters	1 per 5 employees & residents
16 thru 16.2	Temporary Lodging	1 per guest room or suite
16.3 thru 16.4	Temporary Lodging	1 per 5 employee with Supervision
16.50	Tourist Home	1 per guest room of suite
17.00	Other Residential	1 per dwelling unit

2.0 Institutional and Governmental Services

USE CODE	USE	PARKING SPACES
21 thru 22	Educational Services/ Special Schools	1 per 3 employees and staff (calculated according to the largest number in attendance for any work shift during an average day), plus 1 per 8 noncommuting students who are over the driving age, plus 1 per 2 commuting students for colleges and universities (calculated according to the largest number in attendance for any work shift during an average day), plus 1 per 4 students over the driving age, in high school and other secondary educational institution, plus 1 per 10 seats for all auditoriums, skating rinks, stadiums or other buildings with provision for exhibitions or athletic events. Parking spaces provided for other purposes which are available at the time of the exhibition or athletic event may be counted towards the parking required herein.

USE CODE	USE	PARKING SPACES
23	Religious Services	1 per 5 seats
24 through 24.4	Health Care Institutions	1 per 4 patient beds, plus 1 per each staff or visiting doctor (calculated according to the largest number in attendance at any hour during an average day), plus 1 per 3 employees, including nurses (calculated according to the largest number in attendance for any work shift during an average day), plus adequate number of spaces for hospital ambulances and similar vehicles. For outpatient medical care facilities, 1 per 500 sq. ft. GFA.
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

3.0 Cultural, Entertainment and Recreation Services

USE CODE	USE	PARKING SPACES
31	Library /Museum	1 per 500 sq. ft. GFA, excluding storage and stack areas
32 & 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 500 sq. ft. GFA within enclosed buildings.
	Tennis Court (public)	0

USE CODE	USE	PARKING SPACES
	Tennis Court (private)	1 per court plus 1 per 500 sq.ft. GFA of non court space within enclosed buildings.
	Country Club	1 per 5 persons that the country club is designed to accommodate when used to the maximum capacity, or 1 per 500 sq. ft. GFA within enclosed buildings, whichever is greater.
33.2	Marina	1 per 2 slips
34	Indoor Sports	1 per 5 persons that facilities are designed to accommodate when used to the maximum capacity or 1 per 500 sq. ft. GFA within enclosed buildings, whichever is greater.
35 & 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.

4.0 General Services

USE CODE	USE	PARKING SPACES
41 thru 48	Office for Finance, Insurance and Real Estate; Personal and Business Service; Professional Service; Contract Construction Service; Warehousing and Storage	1 per 500 sq.ft. GFA
	Trade or Professional School	1 per 5 seats or people accommodated, whichever is greater.

5.0 Trade

USE CODE	USE	PARKING SPACES
51,52,54,55, 56,57 and 59	Wholesale and Retail Trade (Except Eating and Drinking)	1 per 500 sq. ft. GFA

USE CODE	USE	PARKING SPACES
51.1, 53, 53.1, 53.2, and 53.3	General Warehouse and Bulk Storage	1 per 5 employees engaged in business
56.1, 57 and 57.1	Eating and Drinking	1 per 4 Seats or people accommodated, whichever is greater
57.20	Drive In Establishment	1 per 6 Seats

6.0 Transportation, Communication and Utilities

USE CODE	USE	PARKING SPACES
61 through 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 Transportation	1 per 5 employees plus 1 per 200 sq.ft. GFA within enclosed buildings.
64	Automobile Parking	N/A
65 & 66	Communications, Utilities, Power Plant and Waste Facility	1 per 5 employees
66.1	Landfill	0
68	Outdoor Advertising	N/A

7.0 - 8.0 Manufacturing

USE CODE	USE	PARKING SPACES
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 portion 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	8.5 ft.	7.5 ft.
Minimum length	18 ft.	15 ft.
Minimum Aisle Width:		
90 degree angle	22 feet	
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 guards where needed. In R Zones the requirements of Section 704 shall also be met.

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

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

A) W-2 Zones: Parking areas in the W-2 Zone shall provide one shade tree for every forty (40) feet of 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 totaling 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:

1. See Section 502 for landscaping requirements in D Zones.

2. D-2 Zones - Parking areas shall provide one shade tree for every forty (40) feet of frontage. A landscape strip of at least thrre (3) feet in width shall be provided between parking lots and any adjacent public street, walk or right of way. A landscape strip of at least thrre (3) feet wide shall also be provided between a parking lot and any contiguous prtoperty; the strip shall contain one shade tree for every 50 feet of interior lot line. A hedge of comnpact evergreens or other suitable plantings may be substituted for the planted strip. [Ord. 1995-8]

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 non-contiguous 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 non-contiguous 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 requirements. 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 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 902 of this ordinance, the following [Ord. 1995-8]:

707.1 - Modification of Requirements: Any requirements in this Article with the exception of Section 707.2 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. [Ord. 1995-8]

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 exists from such off-street loading berths.

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

2.0 Institutional and Governmental

USE CODE	USE	LOADING SPACES
21, 22, 24, & 25	Educational Services, Special Schools,and Health Services	1 loading space for 25,000 sq. ft. to 50,000 sq. ft. of GFA and 1 additional space for every 100,000 sq. ft. of floor area or fraction thereof in excess of 50,000 sq.ft.

3.0 through 8.0 Cultural, etc. - Manufacturing

USE CODE	USE	LOADING SPACES
31-89	Cultural, Entertainment & Recreation Services; General Services; Trade; Transportation, Communication & Utilities	1 loading space for 10,000 sq. ft. to 50,000 sq. ft. of GFA and 1 additional space for every 50,000 sq. ft. GFA or fraction thereof in excess of 50,000 sq. ft. [Ord. 1995-8]

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.

ARTICLE VIII - ADMINISTRATION AND ENFORCEMENT

Section 801 - Duties of the Director: It shall be the duty of the Director to interpret and enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State and in the Charter and Ordinances of the City. The 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.

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 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 significantly 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: An application to the Board for an appeal, variance, 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 a 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 the 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 the 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 that 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 Use 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 the Level of Service once the project is operational. If the study determines that the proposed development will lower the Level of Service, the applicant must develop an improvement plan that will maintain or improve the Level of Service. The applicant will be required to make the proposed improvements and to pay for these improvements.

905.3 - Health Care and Higher Educational 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 Board 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

[Note: all definitions from 1000.18 to 1000.153 were renumbered in the course of amending this ordinance (Ordinance 1995-8, May 28, 1995). Language changes are annotated herein with the reference "Ord. 1995-8".]

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 - Abutter: 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 of 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 the showing of the covered male genitals in a discernibly 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 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 - Automotive Repair Shop: A building or portion of a building, in which major repairs (such as replacement of engines, replacement of transmissions, body work and glass work) are made to vehicles. [Ord. 1995-8]

1000.19 - Automotive Service Station: A building or portion of a building, in which minor 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. [Ord. 1995-8]

1000.20 - B Streets: Any lot in the Downcity District (DD) Overlay Zone not designated as an A Street lot on the Overlay Zoning Maps. [Ord. 1995-8]

1000.21 - Banner (also Flag, Pennant): A strip of soft natural or synthetic fabric placed on or attached to any building, structure or site by means of brackets, flagpoles, wires or the like. Banners, pennants and flags bearing lettering, emblems, figures, logos or graphics intended as advertisement, announcement, direction or communication shall be considered signs and regulated in accordance with Article VI, excepting only the flags of any local, state or national government. [Ord. 1995-8]

1000.22 - 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.

1000.23 - Bed and Breakfast: A house or portion thereof where temporary lodging, with or without meals, is provided. The operator shall live on the premises.

1000.24 - Billboard: A sign advertising products, goods, services, facilities, events or attractions not made, sold, used, served or available on the lot 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. [Ord. 1995-8]

1000.25 - 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.

1000.26 - Board: The Zoning Board of Review of the City of Providence.

1000.27 - 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.

1000.28 - 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.

1000.29 - 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.

1000.30 - 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.

1000.31 - Building, Detached: A building having no party wall in common with another building.

1000.32 - 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.

1000.33 - Building Frontage: The width of a building abutting or parallel to the street line.

1000.34 - Building Height: The vertical distance measured from grade to the top of the highest point of the roof structure. [Ord. 1995-8]

1000.35 - Building, Principal: The primary building on a lot or a building that houses a principal use.

1000.36 - Building, Semi-Detached: A building having one party wall common with an adjoining building.

1000.37 - 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.

1000.38 - 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.

1000.39 - City: The City of Providence.

1000.40 - 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.

1000.41 - Commission: The City Plan Commission of the City of Providence.

1000.42 - 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.

1000.43 - 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.

1000.44 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 and 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.

1000.45 - 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.]

1000.46 - 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.

1000.47 - 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.

1000.48 - Council: The City Council of the City of Providence.

1000.49 - Day Care - Day Care Center: Any other day care center which is not a family day care home.

1000.50 - 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.

1000.51 - Days: Calendar days.

1000.52 - Demolition: An act or process that destroys a structure or its appurtenances in part or in whole.

1000.53 - Density, Residential: The number of dwelling units per unit of land.

1000.54 - 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.

1000.55 - 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.

1000.56 - Director: The Director of the Department of Inspection and Standards of the City of Providence.

1000.57 - District: See "zoning use district."

1000.58 - 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.

1000.59 - 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.

1000.60 - 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.

1000.61 - Dwelling, Multi-Family: A building or portion thereof used for occupancy by four (4) or more families living independently of each other.

1000.62 - Dwelling, One-Family: A building used exclusively for one dwelling unit.

1000.63 - Dwelling, Row: A building having a party wall on each side in common with an adjoining building.

1000.64 - Dwelling, Three-Family: A building used exclusively for occupancy by three (3) families living independently of each other.

1000.65 - Dwelling, Two-Family: A building used exclusively for occupancy by two (2) families living independently of each other.

1000.66 - 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.

1000.67 - 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.

1000.68 - Facade: The vertical surface of a building abutting or parallel to a street line.

1000.69 - Family: A person or persons related by blood, marriage, or other legal means. See also "Household."

1000.70 - First Floor: The sidewalk level floor within a building.

1000.71 - 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.

1000.72 - 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.].

1000.73 - 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.

1000.74 - 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.

1000.75 - 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.

1000.76 - 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.

1000.77 - Group Quarter: A dwelling unit in which individuals requiring supervision are provided living, sleeping, cooking, eating and sanitation facilities. [Ord. 1995-8]

1000.78 - HDC: The Historic District Commission of the City of Providence.

1000.79 - 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.

1000.80 - 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.

1000.81 - Higher Educational Institution: Post secondary institution of 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.

1000.82 - Home Occupation: Any activity customarily carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit.

1000.83 - 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.

1000.84 - 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.

1000.85 - 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.

1000.86 - Incentive Zoning: The process whereby additional development capacity is granted in exchange for the developer's provision of a public benefit or amenity as specified in this ordinance.

1000.87 - Infrastructure: Facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

1000.88 - Job Shop: An establishment for the assembly of jewelry and related parts, excluding the manufacture, plating, painting or other processing of such parts.

1000.89 - 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.

1000.90 - 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.

1000.91 - 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.

1000.92 - Lodging: The provision of a rooming unit or units for compensation.

1000.93 – Live-Work Space: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. [Ord. 2001-24]

1000.94 - Loft, Commercial Artist: A dwelling unit established in an existing non-residential building 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 and 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 performances whether for live audiences, taped or filmed.

1000.95 - 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.

1000.96 - Lot Area: The total area within the boundaries of a lot, excluding any street right-of-way, usually reported in acres or square feet.

1000.97 - 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.

1000.98 - Lot Building Coverage: That portion of the lot that is or may be covered by buildings and accessory buildings.

1000.99 - 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.

1000.100 - Lot Frontage: That portion of a lot abutting a street. Noncontiguous frontage shall not be added to meet the minimum frontage requirements.

1000.101 - 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 and 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 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 lot line as defined above.

1000.102 - 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.

1000.103 - 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.

1000.104 - 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.

1000.105 - 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.

1000.106 - Mixed Use: A mixture of land uses within a single development, building, or tract.

1000.107 - 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.

1000.108 - 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.

1000.109 - 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.

1000.110 - 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.

1000.111 - Performance Standards: A set of criteria or limits relating to elements which a particular use or process either must meet or may not exceed.

1000.112 - Permitted Use: A use by right which is specifically authorized in a particular zoning district.

1000.113 - Religious Housing: Residence for the clergy of a religious organization; also a convent (religious community of nuns) or monastery (religious community of monks). [Ord. 1995-8]

1000.114 - Removal: A relocation of a structure on its site or to another site.

1000.115 - Recess Line: A horizontal line the full width of a Facade above which the plane of the Facade is setback a minimum distance from the plane below.

1000.116 - Repair: A change meant to remedy damage or deterioration of a structure or its appurtenances.

1000.117 - Residential Mixed Use: Any residential occupancy in combination with a permitted commercial use.

1000.118 - Retail Frontage: Building frontages designated retail on the Overlay Zoning Maps for the Downcity District which are subject to additional code provisions at sidewalk level.

1000.119 - 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 a continuous horizontal projection from the plane of the building facade below it.

1000.120 - Rooming Houses: A building where lodging is supplied.

1000.121 - 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.

1000.122 - Setback: A distance between the street line and a portion of a facade parallel to the street line.

1000.123 - 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.

1000.124 - 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.

1000.125 - Site Plan: The development plan for one or more lots on which is shown the existing and/or the proposed conditions of the lot.

1000.126 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.

1000.127 - 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.

1000.128 - 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.

1000.129 - Street Line: The line dividing a lot from any street, except a limited or controlled access highway to which the lot has no access.

1000.130 - Streetwall: A wall set on a Frontage Line, in the absence of a Facade.

1000.131 - 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.

1000.132 - 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).

1000.133 - Temporary Lodging: Lodging typically leased for less than one month increments, as in hotel and motel.

1000.134 - Tourist Home: An establishment in an owner occupied single family dwelling that supplies temporary lodging.

1000.135 - 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.

1000.136 Transition Line: A horizontal line the full width of a Facade expressed by a change of material or by a continuous Setback no less than 1 foot, or by a continuous projection no less than 1 foot and no more than 3 feet.

1000.137 - 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.

1000.138 - 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%.

1000.139 - Use, Actual: The activity or function that actually takes place or is intended to take place on a lot.

1000.140 - 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.

1000.141 - 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.

1000.142 - 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.

1000.143 - 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.

1000.144 - 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.

1000.145 - 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.

1000.146 - 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.

1000.147 - 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.

1000.148 - 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.

1000.149 - 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.

1000.150 - 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.

1000.151 - 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.

1000.152 - 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.

1000.153 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.

1000.154 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 on 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 a zoning ordinance or zoning map, the Commission shall:

1. Include a statement on the general consistency of the proposal with the Comprehensive Plan, including the goals and policies statement, the implementation program, and all other applicable elements of the Comprehensive Plan; and

2. Include a demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in Section 100 of this Ordinance.

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

Section 1102 - Adoption -- Notice and hearing requirements:

A) No Zoning Ordinance shall be adopted, repealed, or amended until after a public hearing has been held upon the question before the Council. The Council shall first give notice of the public hearing by publication of notice in a newspaper of general circulation within the City at least once each week for three (3) successive weeks prior to the date of the hearing, which may include the week in which the hearing is to be held, at which hearing opportunity shall be given to all persons interested to be heard upon the matter of the proposed ordinance. Written notice, which may be a copy of the newspaper notice, shall be mailed to the Associate Director of the Division of Planning of the Rhode Island Department of Administration, and, where applicable, to the parties specified in subsections (B), (C), (D), and (E) of this section, at least two (2) weeks prior to the hearing. The

newspaper notice shall be published as a display advertisement, using a type size at least as large as the normal type size used by the newspaper in its news articles, and shall:

1. Specify the place of the hearing and the date and time of its commencement;

2. Indicate that adoption, amendment, or repeal of this Ordinance is under consideration;

3. Contain a statement of the proposed amendments to the ordinance that may be printed once in its entirety, or summarize and describe the matter under consideration;

4. Advise those interested where and when a copy of the matter under consideration may be obtained or examined and copied; and

5. State that the proposals shown thereon may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

B) Where a proposed general amendment to this Ordinance includes changes in the existing zoning map, public notice shall be given as required by subsection (A) of this section.

C) Where a proposed amendment to this Ordinance includes a specific change in a zoning district map, but does not affect districts generally, public notice shall be given as required by subsection (A) of this section, with the additional requirements that:

1. Notice shall include a map showing the existing and proposed boundaries, zoning district boundaries, and existing streets and roads and their names, and city boundaries where appropriate; and

2. Written notice of the date, time, and place of the public hearing and the nature and purpose thereof shall be sent to all owners of real property whose property is located in or within not less than two hundred feet (200') of the perimeter of the area proposed for change, whether within the City or within an adjacent city. The notice shall be sent by registered or certified mail to the last known address of the owners, as shown on the current real estate tax assessment records of the City.

D) Notice of a public hearing shall be sent by first class mail to the city council of any city to which one or more of the following pertain:

1. Which is located in or within not less than two hundred feet (200') of the boundary of the area proposed for change; or

2. 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 zoning change, regardless of municipal boundaries.

E) Notice of a public hearing shall be sent to the governing body of any state or municipal water department or agency, special water district, or private water company that has riparian rights to a surface water resource and/or surface watershed that is used or is suit-

able for use as a public water source and that is within two thousand feet (2,000') of any real property which is the subject of a proposed zoning change, provided, however, that the governing body of any state or municipal water department or agency, special water district, or private water company has filed with the Director a map survey, which shall be kept as a public record, showing areas of surface water resources and/or watersheds and parcels of land within two thousand feet (2,000') thereof.

F) No defect in the form of any notice under this section shall render any ordinance or amendment invalid, unless the defect is found to be intentional or misleading.

G) In granting a zoning ordinance amendment, the Council may limit the change to one of the permitted uses in the zone to which the subject land is rezoned, and impose such limitations, conditions, and restrictions, including, without limitation:

1. requiring the petitioner to obtain a permit or approval from any and all state or local governmental agencies or instrumentalities having jurisdiction over the land and use which are the subject of the zoning change;

2. those relating to the effectiveness or continued effectiveness of the zoning change; and/or

3. those relating to the use of the land; as it deems necessary.

The City Clerk and the Department of Planning and Development shall cause the limitations and conditions so imposed to be clearly noted on the zoning map and recorded in the land evidence records, provided, however, in the case of a conditional zone change, the limitations, restrictions, and conditions shall not be noted on the zoning map until the zone change has become effective. If the permitted use for which the land has been rezoned is abandoned or if the land is not used for the requested purpose for a period of two (2) years or more after the zone change becomes effective, the Council may, after a public hearing as hereinbefore set forth, change the land to its original zoning use before the petition was filed. If any limitation, condition, or restriction in this Ordinance is held to be invalid by a court in any action, that holding shall not cause the remainder of the ordinance to be invalid.

Section 1103 - Filing Fees: A petition for an amendment to the zoning ordinance, including the zoning map, shall not be accepted by the City Clerk unless accompanied by a filing fee as set by the Council, which shall be deposited with the City Clerk, no part of which shall be returnable to the petitioner.

Section 1104 - Limitations Upon Successive Petitions: No petition for an amendment to the Zoning Ordinance including the Zoning Map, shall be accepted by the City Clerk if a petition praying for the same amendment has been denied or the petitioner granted leave to withdraw within the preceding twelve months, provided, that such a petition or application may be accepted at any time with the consent of the Committee on Ordinances if it shall include an affidavit which, in the opinion of said Committee on Ordinances sets forth facts indicating a substantial change of circumstances justifying a hearing on said petition.

Section 1105 - Maintenance of Zoning Ordinance and Zoning Map: The City Clerk shall be the custodian of this 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 or overlay zoning districts shall be depicted on the Official Zoning Map within thirty

(30) working days after their adoption by the Council. The changes to the Official Zoning Map shall be made by the Department of Planning and Development and shall be made available to the City Clerk's office and the Department of Inspection and Standards.

Section 1106 - 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 on 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 for 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 the 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
multifamily (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 household 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
Residence for clergy of a religious organization; also a religious community of nuns (convent) or monks (monastery) [Ord. 1995-8]

15.6 Community Residence
See Definitions

15.7 Group Quarters, With No Medical or Substance Abuse Treatment, More than 8 Residents (Transitional Living)
not a halfway house (not permittd in R zones) [Ord. 1995-8]

15.8 Group Quarters, With Medical or Substance Abuse Treatment, Maximum 15 Residents (Transitional Living)
not a halfway house [Ord. 1995-8]

15.9 Halfway House
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 [Ord. 1995-8]

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 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 7,500 lb. per hour

24.3 Health Care Institution - Parking Use
parking garage and parking lot

24.4 Drug or Alcohol Rehabilitation
non-residential facility not owned by or operated in conjunction with a hospital [Ord. 1995-8]

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 or similar uses

33.5 Outdoor Skating Rink, Owned by the City of Providence Board of Park Commissioners
Outdoor Skating Rink, Owned by the City of Providence Board of Park Commissioners (but may be privately operated);'with accessory structures for sale/rental of skating related equipment, changing and shower facilities, function room for skating events, and including restaurant for sale of food and beverages in support of skating events. Any restaurant shall be incidental to and subordinate to the permitted Outdoor Skating Rink and shall not be permitted in the absence of such skating rink. [Ord. 1997-76]

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 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 and gas retail, 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 [Ord. 1995-8]

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 maintenance; drugs, chemicals and allied products; electrical and electronic goods and hardware, plumbing, heating equipment, and supplies (retail also permitted); farm products; groceries and related items; machinery equipment and supplies; motor vehicles and automotive equipment; nonflammable medical or industrial gases.

53 Bulk Storage of Petroleum Products More than 10,000 Gallons

heating oil and diesel oil not including kerosene, gasoline and similar products

53.1 Retail Sales of Petroleum Products

methane, propane and kerosene not more than 1,000 gallons storage

53.2 Wholesale Storage of Petroleum Products of 10,000 Gallons or Less

propane, methane, kerosene, heating oil, diesel oil and gasoline

53.3 Bulk Storage of 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 Establishments, 2,500 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 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; dinner 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 of 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 baling 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 miscellaneous notions, jewelers'

findings and materials, jewelry, silverware and plated ware

84.1 Manual Assembly of Jewelry, job shops

Manual and machine assisted assembly of jewelry parts; including linking, cutting, looping, but NOT INCLUDING any casting, plating, spot-electric welding (on a Linkomatic type machine) of jewelry parts, open flame soldering or arc welding of such parts. Job shops also include carding, wrapping and packaging of jewelry parts for shipping purposes and may include storage for such parts used in assembly of parts but shall not include bulk storage on any material. [Ord. 1997-39]

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 an institutional use)